



PO BOX 8453, COLUMBIA, SC, 29202, (803) 606-0431, WWW.LWVSC.ORG

22 Jan 2025

LWVSC Testimony H.3558: Commissioners to Article V Convention

This bill is an attempt to provide the constraints on delegates to an Article V Convention that Article V itself very conspicuously does not provide. The existence of this bill is an acknowledgement that lack of constraints on the scope and rules of such a convention is a significant issue in using the Article V Convention method of amending the U.S. Constitution.

Many independent authorities have concluded that the convention process is shrouded in legal and political uncertainties.^{1 2 3 4 5} These uncertainties were discussed in considerable detail several years ago in a presentation before an earlier House Ad Hoc Committee by Derek Black, Ernest F. Hollings Chair in Constitutional Law at the Joseph F. Rice School of Law, University of South Carolina. I will not reiterate the arguments here. You have all heard and read them.

I simply note that the League of Women Voters of South Carolina opposes this bill and asks that you not forward it with a favorable recommendation.

Contact: Lynn Shuler Teague, Vice President for Issues and Action, LWVSC
803 556-9802 TeagueLynn@gmail.com

¹ “The Article V Convention for Proposing Constitutional Amendments: Historical Perspective for Congress,” Congressional Research Service. Updated October 22, 2012. <https://crsreports.congress.gov/product/pdf/R/R42592>. Accessed 20 Mar 2021.

² Thomas H. Neale, “The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress.” Congressional Research Service, March 29, 2016. <https://sgp.fas.org/crs/misc/R42589.pdf>.

³ Thomas H. Neale, “The Article V Convention to Propose Constitutional Amendments: Current Developments.” Congressional Research Service. November 15, 2017. <https://fas.org/sgp/crs/misc/R44435.pdf>

⁴ American Bar Association, Special Constitutional Convention Study Subcommittee, Amendment of the Constitution by the Convention Method under Article V (Chicago (?): American Bar Association, 1974)

⁵ Michael Leachman & David A. Super, “States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment and Other Issues,” Center for Budget and Policy Priorities, July 6, 2014, <http://www.cbpp.org/sites/default/files/atoms/files/7-16-14sfp.pdf>.