

Senate Concurrent Resolution No. 1617

By Committee on Federal and State Affairs

I-15

1 A PROPOSITION to amend section 13 of article 2 of the constitution of
2 the state of Kansas; requiring a simple majority for passage of a
3 resolution to ratify any amendment to the constitution of the United
4 States or to make any application for congress to call a convention for
5 proposing amendments to the constitution of the United States.
6

7 WHEREAS, the federal district court of Kansas has held that the
8 provision of the Constitution of the State of Kansas requiring that $\frac{2}{3}$ of
9 the members of each legislative house approve a resolution to ratify any
10 amendment to the Constitution of the United States or to make
11 application for Congress to call a convention of the states is
12 unconstitutional because such provision violates Article V of the
13 Constitution of the United States.

14 Now, therefore:

15 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
16 *members elected (or appointed) and qualified to the Senate and two-*
17 *thirds of the members elected (or appointed) and qualified to the*
18 *House of Representatives concurring therein:*

19 Section 1. The following proposition to amend the constitution of
20 the state of Kansas shall be submitted to the qualified electors of the state
21 for their approval or rejection: Section 13 of article 2 of the constitution
22 of the state of Kansas is hereby amended to read as follows:

23 "**§ 13. Majority for passage of bills.** A majority of the
24 members then elected (or appointed) and qualified of each house,
25 voting in the affirmative, shall be necessary to pass any bill. ~~Two-~~
26 ~~thirds (2/3) of the members then elected (or appointed) and~~
27 ~~qualified in each house, voting in the affirmative, shall be~~
28 ~~necessary, to ratify any amendment to the Constitution of the~~
29 ~~United States or to make any application for congress to call a~~
30 ~~convention for proposing amendments to the Constitution of the~~
31 ~~United States."~~

3228 Sec. 2. The following statement shall be printed on the ballot with
3329 the amendment as a whole:

34 "*Explanatory statement.* This amendment would remove the
requirement of a two-thirds majority require only a
3530 simple majority vote of each house of the state legislature to
3631 pass a resolution to ratify any amendment to the Constitution

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1 of the United States or to make any application for congress
 2 to call a convention for proposing amendments to the
 3 Constitution of the United States. ~~This change would conform the state~~
~~constitution to a ruling by a federal court that held that state~~
~~constitutions cannot change the process for amending the U.S.~~
~~Constitution.~~

34
 4 "A vote for this proposition would ~~require only a simple~~
 5 ~~majority vote of each house of the state legislature place Kansas on an~~
~~equal basis with other states concerning the voting requirements~~
~~regarding to pass a~~
 65 ~~resolution to ratify any~~ amendments to the Constitution of the
 7 United States, ~~or to make any application for congress to call~~
 8 ~~a convention for proposing amendments to the Constitution~~
 96 ~~of the United States.~~

107 "A vote against this proposition would make no change to the
 118 current requirement of a 2/3 majority vote of each house of
 129 the state legislature to pass a resolution to ratify an
 1310 amendment to the Constitution of the United States or to
 1411 make application to Congress to call a convention of the
 1512 states to propose amendments to the Constitution of the
 1613 United States."

1714 Sec. 3. This resolution, if approved by two-thirds of the members
 1815 elected (or appointed) and qualified to the Senate and two-thirds of the
 1916 members elected (or appointed) and qualified to the House of
 2017 Representatives, shall be entered on the journals, together with the yeas
 2118 and nays. The secretary of state shall cause this resolution to be published
 2219 as provided by law and shall cause the proposed amendment to be
 2320 submitted to the electors of the state at the general election in November
 2421 in the year 2026, unless a special election is called at a sooner date by
 2522 concurrent resolution of the legislature, in which case the proposed
 2623 amendment shall be submitted to the electors of the state at the special
 2724 election.

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