



May 24, 2016

Dear ALEC Congressional Alumni:

On behalf of the Jeffersonian Project, the 501(c)(4) affiliate of the American Legislative Council (ALEC), we applaud the introduction of the **Article V Records Transparency Act of 2016**. Article V of the U.S. Constitution establishes a procedure for states to propose constitutional amendments in much the same way that Congress does. Our Founding Fathers included this mechanism to maintain the originally-intended balance of power between the federal and state governments. ALEC has long championed the Article V process – publishing a [Handbook](#) on the topic and adopting model policy supporting several Article V initiatives.

For years, many states have adopted resolutions applying to Congress for an amendments convention pursuant to Article V to advance a variety of proposed amendments that span the political spectrum. One of the initiatives for which ALEC has model policy needs the submission of just six more state applications before reaching the 34-state (2/3) threshold that compels Congress to convene a convention of the states. The high level of activity on Article V applications combined with the gravity of convening a convention for proposing amendments to the U.S. Constitution demands that applications be carefully archived and meticulously counted and aggregated.

The reality of how Article V applications are actually processed is quite the opposite. There is no official count of how many applications exist certified by any federal government entity. The National Archives and Records Administration (NARA), the entity that would be expected to compile the applications, has no authority to archive the applications because they are considered Congressional records. The receipt of applications from 34 states for the calling of a convention of states is the sole trigger for Congress to call a convention for proposing amendments. Therefore, the process cannot be initiated without accurate and transparent recordkeeping.

The **Article V Records Transparency Act of 2016** would require the Archivist of the United States to separate all the applications and rescissions from all other Congressional records housed at the Archives and transmit them to Congress. Additionally, the Archivist would be obligated to organize copies of applications and rescissions and submit a report to Congress detailing the extent of suspected missing applications or rescissions not found in the compilations. It would be incumbent on Congress to post the applications and rescissions on a publicly accessible website to ensure maximum transparency for the process.

America's constitutional Framers intended for Article V to give the states the ability to propose



amendments to the U.S. Constitution without having to obtain consent from any federal entity, including Congress. Congress's only role in the process is to call an amendments convention upon receipt of applications from 34 states. Without a proper application archiving system in place, the states could be prevented from exercising this right. The **Article V Records Transparency Act of 2016** helps to protect the role of the states and the intent of our Founding Fathers.

Very respectfully,

Senator Leah Vukmir (WI)
National Chair, ALEC

Speaker Linda Upmeyer (IA)
National Chair
ALEC Center to Restore the Balance of Government