

APPENDIX A

I prepared the following analysis of states based upon my review of referenced materials including applications from the Article V Library beginning in 2011 evidenced by Article V Library No. 398 through 437. The foregoing numbers apply only to Article V Library's run titled "Applications" from the first application to the most recent (August 15, 2018). Numbers from other sorting applications do not carry forward the numbers just described. I also assume that those reading this Appendix will have read my opinion on Article V and understand why and what decisions I have made in the process of making this review.

~John Cogswell

ALABAMA

In 2011, Paulsen determined Alabama "on" based on a 1967 application, motivated by improper grant programs that will significantly inhibit a state's "freedom of movement", "for the purpose of proposing [a particular] amendment..." to provide for revenue sharing but with no language of limitation (i.e., precluding other proposed amendments). Nothing has been filed since 2011 repealing the 1967 application. Since 2011, Alabama has filed three applications, one in 2011, one in 2015 and one in 2018. The 2011 and 2018 applications are limited and, as such, are not valid applications. Alabama's 2015 application was almost a verbatim application of the Convention of States proposed application. One of the accompanying resolutions is a statement of understanding that the [Alabama] Legislature "will, by law or rule, create rules for its appointment of delegates to any Convention of States, including rules that govern the duty of commissioners or delegates to strictly adhere to the limited subject of the convention contained in the State's application; ..." This statement acknowledges the power of an Article V convention to proceed as a general convention, subject only to the power of the states to collectively prevent that by adopting rules achieving the desired objective. Based on the fact that it is not a qualification in the application resolution and based upon the breadth of Alabama's intent as set forth in its whereas clauses, viewed not only by the express clauses used by Alabama, but by clauses in applications of other states which have expressed their views as reasons for adopting the Convention of States' proposed application, my view, as further amplified in my accompanying opinion, is that the 2015 application of Alabama is an application limited to everything and as such is also a valid application. Thus, based upon both the 1967 application and the 2015 application, Alabama is still "on".

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
436	H J Res 23		2018	Limited to term limits: authorized aggregation with similar applications of other states.
418	161 Cong Rec 58601-2	12/14/15	2015	Limited to Convention of States amendment with its three subjects: "limited to proposing amendments that

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
				impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials.”
401	158 Cong Rec H5147-49	2/19/15	2011	Limited to balanced budget amendment. The application is automatically rescinded if used for any other purpose.

ALASKA

In 2011, Paulsen determined Alaska “off” based on a 1982 application limited to a balanced budget amendment. Since 2011, Alaska has filed two applications, one in 2016 to countermand Supreme Court decisions and one in 2014 using the Convention of States’ proposed application. The 2016 application is limited and, as such, is not a valid application. However, Alaska’s 2014 application is, for the same reasons applicable to Alabama’s Convention of States’ application, an application limited to everything and is therefore a valid application. Alaska is therefore “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
423	H J Res 14	8/28/17	2016	Limited to countermand Supreme Court decisions amendment
404	160 Cong Rec 56094-5	2/19/15	2014	Limited to Convention of States amendment. No aggregation or other verbiage is set forth.

ARIZONA

In 2011, Paulsen determined Arizona “off” based on a blanket rescission resolution as of 2003. Since 2011, Arizona has filed two applications, one in 2017 limited to a balanced budget amendment and one in 2017 adopting a Convention of States’ proposed application. The first 2017 application is limited and is not valid. However, Arizona’s 2017 Convention of States’ application requires further scrutiny. Arizona has adopted the whereas clauses in the Convention of States’ proposed application. However it has added other language which reflects an intent for limitation. For example, the application states that it is continuing “until at least two-thirds of the legislatures of the several states have made application on the same subjects”. It also states that the application “is revoked, withdrawn, nullified and superseded, retroactive to the date of enactment, if the application is used for the purpose of calling a convention or is used in support

of conducting a convention to amend the Constitution of the United States for any purpose other than to impose fiscal restraints on the federal government, to limit the power and jurisdiction of the federal government and to limit the terms of office for federal officials and members of Congress”. The resolution also states that Arizona “may provide further instructions to its delegates and may recall its delegates at any time for a breach of duty or a violation of the instructions provided... [also] instructed not to support term limits for members of Congress that would limit their number of years in any given office to fewer than twelve years.” On one hand, Arizona realizes any convention called pursuant to the Convention of States’ resolution may choose to expand the purposes for which it was called. Otherwise, instructions would not be necessary. Its revocation and nullification language applies only if its application is used for the purpose of calling a convention or is used in support of conducting a convention for any purpose other than the three purposes included in the Convention of States’ proposed application. In my opinion, there is not enough language in this application to make it limited and, as such, the application falls into the category of an application limited to everything. Arizona is “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
435	H. Conc. Res 2013	10/13/17	2017	Limited to balanced budget amendment with aggregation in applications from 28 named states
433	H. Conc. Res 20103	10/13/17	2017	Limited to Convention of States proposed application. Other verbiage included as set forth above.

ARKANSAS

In 2011, Paulsen determined Arkansas “on” based on a 1975 application, motivated by the “rapidly increasing federal debt”, “for the purpose of amending...[to provide for debt limitations]”but without language precluding other amendments. Since 2011, Arkansas has not filed any applications nor repealed any earlier applications. Thus, Arkansas is still “on”.

CALIFORNIA

In 2011, Paulsen determined California “on” based on a 1952 application “for the purpose of...” repealing motor vehicle taxes and others but without language precluding other amendments. Since 2011, California has filed a 2014 application which is limited to overturning *Citizens United* and, as such, is not a valid application. Nothing has been filed since 2011 repealing earlier applications. Thus, California is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
408	160 Cong Rec S 5507	2/19/15	2014	Limited to overturning <i>Citizens United</i>

COLORADO

In 2011, Paulsen determined Colorado “on” based on a 1967 application motivated by the apportionment issue other than solely on the basis of population “for the purpose of submitting a constitutional amendment” but without language precluding other amendments. Since 2011, Colorado has not filed any application. Nothing has been filed since 2011 repealing earlier applications. Thus, Colorado is still “on”.

CONNECTICUT

In 2011, Paulsen determined Connecticut “on” based on a 1958 application, motivated to prevent one state from taxing the income of residents of another state, “for the purposes of proposing an amendment...” but without language precluding other amendments. Since 2011, Connecticut has not filed any applications. Nothing has been filed since 2011 repealing the earlier application. Thus, Connecticut is still “on”.

DELAWARE

In 2011, Paulsen determined Delaware “on” based on a 1978 application concerning right to life. Since 2011, Delaware has not filed any applications. In 2016, Delaware rescinded specified earlier applications including the 1978 application. Thus, Delaware is now “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
----	-----	8/1/16	2016	Revokes prior applications

FLORIDA

In 2011, Paulsen determined Florida “on” based on a 1969 application “for the purpose of proposing...” a revenue-sharing amendment without precluding other amendments. Paulsen’s opinion is based on the fact that a 1976 Memorial repealing balanced budget applications did not apply to applications with a different subject matter. Since 2011, Florida has filed four applications – a 2017 application limited to term limits, a 2014 Convention of States’ proposed application, a 2014 application limited to a balanced budget and a 2014 application limited to single subject bills in Congress. Each of the 2017 (term limits), 2014 (balanced budget) and 2014 (single subject) applications is limited and, as such, is not a valid application. However, Florida’s 2014 Convention of States’ application requires further scrutiny. Florida has adopted the whereas clauses in the Convention of States’ proposed application. However, it has added other language which reflects an intent for limitation. For example, the application states that it is continuing “until at least two-thirds of the legislatures of the several states have made application on one or more of the three proposed amendment categories...” It also states that the application “is revoked and withdrawn, nullified and superseded...if it is used for the purpose of calling a convention or is used in support of conducting a convention to amend the Constitution of the United States for any purpose other than imposing fiscal restraints on the Federal Government, limiting the power and jurisdiction of the Federal Government or limiting the terms of office for federal officials and members of Congress”. In my opinion, there is not

enough language in this application to make it limited and, as such, it follows in the category of an application limited to everything. Nothing has been filed since 2011 repealing the 1969 application relied on by Paulsen. Thus, Florida is still “on” based on both the 1969 application and the 2014 Convention of States’ application.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
422	163 Cong Rec S 112	11/30/16	2017	HM 417 - Limited to term limits
416	160 Cong Rec S 4322		2014	HM 261 - Limited to Convention of States’ three points: Each of these points may be counted toward applications “made by state legislatures for the calling of an Article V convention”
415	160 Cong Rec S 4333	2/19/15	2014	SM 658 - Limited to balanced budget amendment
413	160 Cong Rec S 4333	2/19/15	2014	HM 261 - Limited to single subject bills for Congress

GEORGIA

In 2011, Paulsen determined Georgia “off” based on a 2004 rescission of a 1965 application that previously made Georgia “on”. Since 2011, Georgia has filed two applications - one in 2014 for proposing an amendment with a recommendation that the convention be limited to a balanced budget amendment and the other a 2014 Convention of States’ proposed application. The 2014 balanced budget proposed application is not limited and is a valid application. The 2014 Convention of States’ application, having whereas clauses identical to those in the Convention of States’ proposed application, is limited to everything and is therefore valid. Georgia is now “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
406	160 Cong Rec S 3667	2/19/15	2014	“for proposing an amendment...and recommends that the convention be limited to...Balance the Budget”
414	160 Cong Rec S 4332	2/19/15	2014	Limited as provided by the Convention of States’ application but can be aggregated with applications having single subjects such as a balanced budget application applicable to any of the 3 subjects provided for by the Convention of States’ application.

HAWAII

In 2011, Paulsen determined Hawaii “off” because it has never submitted an application. This continues to be true at this time. Thus, Hawaii is still “off”.

IDAHO

In 2011, Paulsen determined Idaho “off” based on its 2000 action rescinding all earlier applications. Since 2011, Idaho has not filed any applications. Thus, Idaho is still “off”.

ILLINOIS

In 2011, Paulsen determined Illinois “on” based on one of two 1967 applications and one unrepealed 1965 application concerning legislative apportionment. Since 2011, Illinois adopted a 2016 application “for the calling of a convention for proposing amendments”. This application is also a valid application and also supports calling a convention. Thus, Illinois is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
409	162 Cong Rec S 71	1/29/15	2016	The whereas clauses include one that “Illinois sees the need for a convention to propose amendments in order to address concerns such as... <i>Citizens United</i> ” with a resolution “for the calling of a convention for proposing amendments...”

INDIANA

In 2011, Paulsen determined Indiana “on” based on 1974 and 1976 applications. The 1976 application was “for the purpose of proposing...” a balanced budget amendment. The 1974 application was “for the purpose of” proposing a right to life amendment. None of these applications have language precluding other amendments. Since 2011, Indiana has filed a 2016 Convention of States’ proposed application. The 2016 application has no whereas clauses or follow-up clauses and is limited to the proposed resolution in the Convention of States’ proposed application. For the reasons previously stated and in reliance on the common understanding of purposes related to Convention of States’ application, this application is limited to everything and is therefore valid. Nothing has been filed since 2011 repealing the 1974 or 1976 applications. Thus, Indiana is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
426	162 Cong Rec S 6663		2016	Limited to Convention of States: simple resolution with no whereases, no aggregation language and no follow-up language

IOWA

In 2011, Paulsen determined Iowa “on” based on a dubious 1969 application for proposing a legislative apportionment and a clearly valid 1909 application, motivated by direct election of senators, “for proposing amendments to the Constitution” without any limitations. Since 2011, Iowa has not filed any applications. Nothing has been filed since 2011 repealing earlier applications. Thus, Iowa is still “on”.

KANSAS

In 2011, Paulsen determined Kansas “on” based on a 1951 application, motivated by need for tax reform, “for the purpose of limiting the federal taxing power” without any language precluding other amendments. In 1978, Kansas adopted an application for a balanced budget amendment but did not submit it to Congress until 2016. This application is limited and, as such, is not a valid application. Nothing has been filed since 2011 repealing the 1951 application. Thus, Kansas is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
None	None	1/6/16	1978	Limited to balanced budget amendment.

KENTUCKY

In 2011, Paulsen determined Kentucky “on” based on a 1975 application, motivated by compulsory school reassignment (busing), “for the proposing of the following amendments...” without language precluding other amendments. Since 2011, Kentucky has filed no applications. Nothing has been filed since 2011 repealing earlier applications. Thus, Kentucky is still “on”.

LOUISIANA

In 2011, Paulsen determined Louisiana “off” based on a 1992 rescission resolution. Since 2011, Louisiana has filed three applications – one in 2016 using a Convention of States’ proposed application, one in 2014 limited to a balanced budget and one in 2012 limited to debt increase approval by a majority of states. The 2012 and 2014 applications are limited and, as such, are not valid. However, Louisiana’s 2016 Convention of States’ proposed application is limited to everything and is therefore a valid application. This application contains different whereas clauses to the effect that Bill of Rights in the U.S. Constitution were “intended to include and specifically provide constraints upon the powers of the federal government and to further provide for the sovereign powers of the states”, “a continuing crisis has been created by the rising growth of unchecked power in all branches of the federal government”, “unchecked power, and the national debt created by its exercise, adversely affects every state and every

citizen of our nation now and into the foreseeable future”, and “such continuing crisis can be resolved only through amendment to the United States Constitution, in order to clarify the powers, duties and limitations of the federal government and to clearly delineate the sovereign powers of the states that cannot be abridged by the unrestrained exercise of federal powers”. These whereas clauses add to the breadth of understanding related to the proposed application of the Convention of States and reinforce my opinion that the 2016 application is limited to everything. Thus, Louisiana is “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
424	S. Cong Res 52		2016	Limited to Convention of States: proposed application with nonstandard whereas clauses
405	160 Cong Rec S 5563		2014	Limited to balanced budget amendment
399	158 Cong Rec S 2241	8/13/15	2012	Limited to amendment that majority of states need to approve debt increases

MAINE

In 2011, Paulsen determined Maine “on” because of a 1911 application, motivated by direct election of senators, “for the purpose of proposing an amendment concerning direct election of senators...” without language precluding other amendments. Since 2011, Maine has filed no applications, nor repealed any prior applications. Thus, Maine is still “on”.

MARYLAND

In 2011, Paulsen determined Maryland “on” based on a 1965 application concerning state legislative apportionment. Since 2011, Maryland adopted a 2017 resolution rescinding all prior applications. Thus, Maryland is “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
		9/7/17		2017 rescission of all prior applications

MASSACHUSETTS

In 2011, Paulsen determined Massachusetts “on” based on a 1977 application, motivated by right to life, “for the purpose of proposing the following...amendment...” without language

precluding other amendments. Since 2011, Massachusetts has filed no applications. Nothing has been filed since 2011 repealing any prior applications. Thus, Massachusetts is still “on”.

MICHIGAN

In 2011, Paulsen determined Michigan “on” based on a 1943 application concerning presidential terms but not limited to that subject and a 1941 application “for the purpose of proposing” an amendment limiting the federal taxing power without language precluding other amendments.

Since 2011, Michigan has filed a 2014 application limited to a balanced budget amendment. This application is limited and, as such, is not a valid application. Nothing has been filed since 2011 repealing the 1943 or 1941 applications. Thus, Michigan is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
412	161 Cong Rec H 7887	2/19/15	2014	Limited to balanced budget amendment

MINNESOTA

In 2011, Paulsen determined Minnesota “on” based on a 1901 application, motivated by the direct election of senators but not limited to that subject, “to propose an amendment” and without language precluding other amendments. Since 2011, Minnesota has filed no applications. Nothing has been filed since 2011 repealing earlier applications. Thus, Minnesota is still “on”.

MISSISSIPPI

In 2011, Paulsen determined Mississippi “on” based on a 1979 application, motivated by the national debt, “for the proposing of” a balanced budget amendment subject to a condition subsequent (if Congress proposes an identical amendment before January 1, 1976) which has not occurred and can never occur and a 1975 application “for the purpose of” a balanced budget amendment. Neither application has language precluding other amendments. Since 2011, Mississippi has filed no applications. Nothing has been filed since 2011 repealing earlier applications. Thus, Mississippi is still “on”.

MISSOURI

In 2011, Paulsen determined Missouri “on” based on a 1975 application, motivated by right to life, “for the purpose of proposing the following...amendment” without language precluding other amendments. Since 2011, Missouri has filed a Convention of States’ proposed application but expanded with numerous procedural understandings. These understandings qualify the convention and not the application and are therefore irrelevant to the validity of the

application. This application used the standard whereas clauses in the standard form of the Convention of States' proposed application and is therefore limited to everything and is a valid application until May 12, 2022 when it expires. Nothing has been filed since 2011 repealing the 1975 application. Thus, Missouri is still "on".

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
431	S Conc Res 4	6/29/17	2017	Limited to Convention of States' proposed application with numerous follow-up "understandings". The application expires on 5/12/22.

MONTANA

In 2011, Paulsen determined Montana "off" based on a 2007 rescission action. Since 2011, Montana has filed no applications. Thus, Montana is still "off".

NEBRASKA

In 2011, Paulsen determined Nebraska "on" based on a 1965 application, motivated by apportionment, "for the purpose of proposing the following...amendment" concerning state legislative apportionment without language precluding other amendments. Since 2011, Nebraska has filed no applications. Nothing has been filed since 2011 repealing earlier applications. Thus, Nebraska is still "on".

NEVADA

In 2011, Paulsen determined Nevada "on" based on a 1979 application "for the purpose of" proposing a balanced budget amendment and a 1975 application "for the purpose of" proposing an amendment proposing an amendment prohibiting the coercive use of federal funds. Since 2011, Nevada has filed no applications. However, in 2017, Nevada rescinded all prior applications. Thus, Nevada is now "off".

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
		6/12/17		In 2017, Nevada rescinded and revoked all prior applications and urged other states to rescind prior applications

NEW HAMPSHIRE

In 2011, Paulsen determined New Hampshire “off” based on a 2010 rescission of prior applications. Since 2011, New Hampshire has filed one application limited to a balanced budget amendment. Since this application is limited, it is not a valid application. Thus, New Hampshire is still “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
403	162 Cong Rec S 5153	8/1/16	2017	Limited to balanced budget amendment.

NEW JERSEY

In 2011, Paulsen determined New Jersey “on” based on a 1973 application, motivated by school prayers, “for the purpose of proposing an amendment...” without language precluding other amendments. Since 2011, New Jersey has filed a 2015 application limited to dealing with *Citizens United*. Since that application is limited, it is not a valid application. Nothing has been filed since 2011 repealing earlier applications. Thus, New Jersey is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
420	161 Cong Rec H 9205	12/4/15	2015	Limited to dealing with <i>Citizens United</i>

NEW MEXICO

In 2011, Paulsen determined New Mexico “on” based on a 1966 application “for the purpose of” proposing an amendment concerning state legislative apportionment. Since 2011, Mexico has filed no applications, but did file a 2017 House Joint Resolution 10 rescinding three prior applications referred to by Paulsen in his 1993 publication. His 2011 publication reported no new applications or rescissions. Thus, New Mexico, based on the 2017 rescission action, is now “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
		8/22/17		Rescinded three prior applications.

NEW YORK

In 2011, Paulsen determined New York “on” based on a 1906 application, motivated by polygamy, “for the calling of a convention to propose an amendment...” without language precluding other amendments. Since 2011, New York has filed no applications nor actions repealing prior applications. Thus, New York is still “on”.

NORTH CAROLINA

In 2011, Paulsen determined North Carolina “on” based on a 1910 application, motivated by the direct election of senators, “for the purpose of proposing amendments to the Constitution of the United States” without language precluding other amendments. Since 2011, North Carolina has filed no applications. Nothing has been filed since 2011 repealing earlier applications. Thus, North Carolina is still “on”.

NORTH DAKOTA

In 2011, Paulsen determined North Dakota “off” based on 2001 rescission of earlier applications. Based on the following, North Dakota is now “on”.

Since 2011, North Dakota has filed four applications – a 2017 application using a Convention of States’ proposed application, a 2015 application limited to a balanced budget amendment, a 2012 application limited to debt increase being approved by a majority of the states and a 2011 application to propose an amendment to Article V. Each of these applications except the 2012 application is limited and, as such, is not a valid application.

The 2012 application that requires any increase in the national debt to be approved by a majority of the legislatures is “for the purpose of proposing” the stated amendment and is valid. The next resolution is that the “contemplated” convention “must be focused entirely upon and exclusively limited to the subject matter....” The application permits aggregation with an application for an “equivalently limited amendments convention”. I find that this application is not limited because the resolution conditions the convention and not its application. Nowhere does it say the application is not valid if the convention disregards its contemplation. Moreover, I have consistently held that limitations imposed on the convention are irrelevant and the limitations to be effective must relate to the application (e.g., “for the sole and exclusive purpose of proposing...” as opposed to “for the purpose of proposing...” without words of limitation).

You may inquire as to why North Dakota’s Convention of States’ application is not valid. The reason is that in its fifth follow-up clause it specifies that its application “must be limited to consideration of the topic specified herein and no other.” This statement alone would not make the application invalid. However, the following verbiage, “this application is made with the express understanding that an amendment that in any way seeks to amend, modify, or repeal any provision of the Bill of Rights is not authorized for consideration *at any stage*. This application is void ab initio if ever used *at any stage* to consider any change to any provision of the Bill of Rights.” As previously noted in my opinion and elsewhere in this appendix, the Tenth Amendment has arisen in whereas clauses preceding a Convention of States’ proposed resolution. See Florida’s Application No. 416 where the Tenth Amendment has arisen in a

whereas clause in the Convention of States’ application. This whereas clause, referring to the Tenth Amendment and having occurred means that the powers belonging to the states under the Tenth Amendment may be clarified in convention, in which case this application would not be valid “at any stage”. However, North Dakota is now “on” by reason of its 2012 application.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
434	H Cong Res 3006	4/25/17	2017	Limited to Convention of States proposed application with a standard whereas clause and numerous follow up clauses.
421	161 Cong Rec S 2399-400		2015	Limited to balanced budget amendment
402	158 Cong Rec H 3805	8/13/15	2011	Limited to changing Article V but contradicts stated purpose to improve rules of fiscal discipline, legislative transparency and preventing unfunded mandates.
400	158 Cong Rec S 1459	4/29/15	2012	Limited to debt incurred with approval from majority of state legislatures.

OHIO

In 2011, Paulsen determined Ohio “on” based on a 1965 application, motivated by sharing tax revenue, “to propose the following...amendment” concerning revenue sharing without language precluding other amendments. Since 2011, Ohio has filed one application limited to the traditional balanced budget amendment but with aggregation language permitting the use of the application with the applications of any state that has also filed an application for the purpose of adopting a balanced budget amendment including 19 named states. Nothing has been filed since 2011 repealing earlier applications. Thus, Ohio is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
410	160 Cong Rec S 1174	2/19/15	2014	Limited to balanced budget amendment with aggregation “to be considered as covering the balanced budget amendment language of the presently outstanding balance the budget applications from other states, including previously adopted applications” from 19 named states.

OKLAHOMA

In 2011, Paulsen determined Oklahoma “off” based on 2009 rescission action. Since 2011, Oklahoma has filed a 2016 application, containing “two separate applications” – one limited to a balanced budget amendment and the other one using the Convention of States’ proposed application. The application dealing with the balanced budget amendment (“for the calling of a convention of the states limited to proposing...” a balanced budget amendment) is limited and not valid. The second application using the Convention of States’ proposed application with its whereas clauses is limited to everything and is therefore valid. Thus, Oklahoma is now “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
429	Cong Rec S 6354-55		2016	<p>First application is limited to the balanced budget amendment but to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states including previously adopted applications from named states.</p> <p>Second application uses Convention of States’ proposed application with standard whereas clauses. It can be aggregated with Georgia, Florida, Alaska, Tennessee and Indiana and any future applications “limited to the purposes stated herein”.</p> <p>Application expires 12/31/23 unless a convention is sooner called.</p>

OREGON

In 2011, Paulsen determined Oregon “on” based on a 1939 application, motivated by the Townsend National Recovery Plan, “for proposing an amendment” to establish the philosophy and principles of the Townsend National Recovery Plan as part of the Constitution without language precluding other amendments. This application was not rescinded in 1999 when Oregon rescinded other applications. Since 2011, Oregon has filed no applications. Nothing has been filed since 2011 repealing the 1939 application. Thus, Oregon is still “on”.

PENNSYLVANIA

In 2011, Paulsen determined Pennsylvania “on” based on a 1943 application, motivated by federal grants, “for proposing the following amendment” related to federal grants without language precluding other amendments. Since 2011, Pennsylvania has filed no applications. Nothing has been filed since 2011 repealing the 1943 application. Thus, Pennsylvania is still “on”.

RHODE ISLAND

In 2011, Paulsen determined Rhode Island “off” based on its 1949 repeal of a valid 1940 application related to the taxing power. Since 2011, Rhode Island has filed one application petitioning for a convention under Article V “for the purpose of proposing amendments to the Constitution of the United States”. The resolution expressed a need for a convention to propose amendments to address concerns such as arise from Citizens United. This application could be a valid application but is invalid because it was not approved by the Rhode Island Senate. Thus, Rhode Island is still “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
427	162 Cong Rec S 5276	8/1/16	2016	Petitioning for a convention for the purpose of proposing amendments.

SOUTH CAROLINA

In 2011, Paulsen determined South Carolina “off” based on 2004 rescission action. Since 2011, South Carolina has filed no applications. Thus, South Carolina is still “off”.

SOUTH DAKOTA

In 2011, Paulsen determined South Dakota “off” based on 2010 rescission action. This rescission action repealed a 1976 application (Joint Resolution 775) and disavowed “any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act (July 16, 2004)”. I accept a disavowed as equivalent to a repeal. Since 2011, South Dakota has filed one application in 2015 limited to proposing a balanced budget amendment. This application is limited and, as such, is not a valid application. Thus, South Dakota is still “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
417	162 Cong Rec S 6550	2016		Limited to balanced budget amendment: aggregation with applications from other states including 24 named states.

TENNESSEE

In 2011, Paulsen determined Tennessee “off” based on 2010 rescission action. Since 2011, Tennessee has filed two applications – one in 2016 using the Convention of States’ proposed application and one in 2014 limited to the balanced budget amendment with aggregation with applications from other states “for similar relief....” The 2016 application, using standard whereas clauses and resolution in the proposed application of the Convention of States, is limited to everything and is valid. The 2014 application is limited and, as such, is not valid. Thus, Tennessee is now “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
425	S J Res 67	10/18/17	2016	Convention of States’ proposed application
407	H Jour Res 548	12/3/15	2014	Limited to the balanced budget amendment with aggregation with other named states but not on any other subject but also with aggregation with applications “for similar relief pursuant to Article V”.

TEXAS

In 2011, Paulsen determined Texas “on” based on a 1967 application relating to revenue sharing. However, in 2017, Texas rescinded all prior applications except a 1977 application (treated by Paulsen as a 1979 application). Paulsen found the 1979 application invalid. Since 2011, Texas has filed one application in 2017 using the Convention of States’ proposed application. This application uses standard whereas and resolution clauses of the proposed application, is limited to everything as previously shown, and is valid. Thus, Texas is now “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
430	S.J. Res 2	7/11/17	2017	Convention of States application with aggregation with other state applications having the limited purpose of proposing the same thing.
	Memorial	10/31/17		Rescinds all prior applications except 1977 application which is presumably the 1979 application found by Paulsen to be invalid.

UTAH

In 2011, Paulsen determined Utah “off” based on a 2001 rescission action. Since 2011, Utah has filed one 2015 application limited to a balanced budget amendment. This application is limited and, as such, is not a valid application. Thus, Utah is still “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
419	161 Cong Rec H 5237	7/17/15	2015	Limited to balanced budget amendment with aggregation applications from other states “covering the same subject” including 25 named states.

VERMONT

In 1993, Paulsen determined Vermont “on” based on a valid 1912 application, motivated by polygamy, “to propose an amendment” prohibiting polygamy without language precluding other amendments. Paulsen did not comment on Vermont in his 2011 study. The Article V Library shows that, during the period between 1993 and 2011, Vermont filed no applications. Since 2011, Vermont has filed a 2014 application limited to *Citizens United* and related alleged corruption. This application is limited and, as such, is not a valid application. Nothing has been filed since 2011 repealing the earlier applications. Thus, Vermont is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
411	160 Cong Rec S 4331		2014	Limited to repealing <i>Citizens United</i>

VIRGINIA

In 2011, Paulsen determined Virginia “off” based on 2004 revocation action of earlier valid applications. Since 2011, Virginia has filed no applications. Thus, Virginia is still “off”.

WASHINGTON

In 2011, Paulsen determined Washington “on” based on a valid 1963 application, motivated by state legislative apportionment, “for the purpose of proposing the following...amendment” without language precluding other amendments. Since 2011, Washington has filed no applications. Nothing has been filed since 2011 repealing earlier applications. Thus, Washington is still “on”.

WEST VIRGINIA

In 2011, Paulsen determined West Virginia “on” based on a valid 1907 application, motivated by polygamy, “to propose an amendment...” prohibiting polygamy without language precluding other amendments. Since 2011, West Virginia has filed one 2016 application limited to the balanced budget amendment. This application is limited and, as such, is not a valid application though a case could be made that it can be aggregated with a Convention of States’ proposed application since it permits aggregation with “equivalently limited amendments convention...” Nothing has been filed since 2011 repealing earlier applications. Thus, West Virginia is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
428	162 Cong Rec S 5277	9/9/16	2016	Limited to balanced budget amendment with aggregation to “equivalently limited amendments convention”. Whereas clause says application “is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states including but not limited to [27 named states]...but shall not be aggregated with any applications on any other subject...”

WISCONSIN

In 2011, Paulsen determined Wisconsin “on” based on a 1963 application, motivated by electoral voting, “to propose an amendment...” without language precluding other amendments. Since 2011, Wisconsin has filed one application limited to a balanced budget amendment. This application is limited and, as such, is not a valid application. This application is not in the Article V Library. Nothing has been filed since 2011 repealing earlier applications. Thus, Wisconsin is still “on”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
	2017 Wisconsin Joint Res 21	1/11/17	2017	Limited to proposing amendment for the limited purpose of requiring a balanced budget, aggregation with applications “covering the same subject” including 27 named states.

WYOMING

In 2011, Paulsen determined Wyoming “off” based on a 2009 resolution repealing prior applications. Since 2011, Wyoming has filed a 2017 application limited to a balanced budget amendment. This application is limited and, as such, is not a valid application. Thus, Wyoming is still “off”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
432	H. ENR. J. Res. 2	4/11/17	2017	Limited to balanced budget amendment with aggregation to applications of 28 named states.

APPENDIX B

I prepared the following analysis of states based upon my review of referenced materials including applications from the Article V Library. The numbers assigned below to a particular application apply only to Article V Library's run titled "Applications" from the first application to the most recent (August 15, 2018). Numbers from other sorting applications do not carry forward the numbers just described. I also assume that those reading this Appendix will have read my opinion on Article V and understand why and what decisions I have made in the process of making this review.

~John Cogswell

ALABAMA

Alabama is "on" by its unrepealed 2011 application "for the specific and exclusive purpose of proposing" a balanced budget amendment (appropriations shall not exceed federal revenues). The application is found as No. 401 in the Article V Library. Another resolution is that the application "is rescinded in the event that a convention to propose amendments...includes purposes other than providing for a balanced budget". This resolution relates to the convention and is not relevant to the application which will already have been counted to receive the convention call.

ALASKA

Alaska is "on" by its unrepealed 1982 application (appropriations shall not exceed *estimated* federal revenues) proposing a balanced budget amendment. The application is found as No. 385 in the Article V Library. There is another resolution "that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution". This resolution is related to the convention and is not relevant to the application. The application will have already been counted not knowing what will occur at the convention.

ARIZONA

Arizona is "on" by its unrepealed 2017 application "only for the purpose of" proposing a balanced budget amendment (appropriation may not exceed *estimated* federal revenue). The application is found as No. 435 in the Article V Library. The application is "to be considered as covering the same subject as the currently outstanding balance the budget applications [of 28 named states] and shall be aggregated with those applications for the purpose of attaining two-thirds of the states necessary to require the calling of a convention, but may not be aggregated with any applications *on any other subjects*".

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
----------------------------------	-----------------	--------------------------	--------------	----------------

435	H. Conc. Res 2013	10/13/17	2017	Limited to balanced budget amendment with aggregation in applications from 28 named states
-----	----------------------	----------	------	--

ARKANSAS

Arkansas is “on” by its unrepealed 1979 application “for the specific and exclusive purpose” of proposing a balanced budget amendment (appropriations may not exceed *estimated* revenues). The application is found as No. 353 in the Article V Library. There is no aggregation language.

CALIFORNIA

California is “off” because it has no applications related to a balanced budget.

COLORADO

Colorado is “on” by its unrepealed 1978 application “for the specific and exclusive purpose of proposing an amendment...prohibiting deficit spending except under conditions specified in such amendment” found as No. 340 in the Article V Library. Another resolution says “this application and request [shall] be deemed null and void...in the event that such convention not be limited to such specific and exclusive purpose”. Yet, the application will have already been counted not knowing what will occur at the convention and such resolution is not relevant to the meaning of the application.

CONNECTICUT

Connecticut is “off” because it has no applications related to a balanced budget.

DELAWARE

Delaware is “off” by reason of its 2016 rescission of all prior applications without making any subsequent applications.

FLORIDA

Florida is “on” by its unrepealed 2014 application “limited” to proposing an amendment (“appropriation...may not exceed the total of all *estimated* federal revenues...*together with any related and appropriate fiscal restraints*”). The application is found as No. 415 in the Article V Library. The application is “to be considered as covering the same subject as the presently

outstanding balanced budget applications from [of 20 named states] and is to be aggregated with the applications from those states for the purpose of attaining two-thirds number of the states necessary to require the calling of a convention, but may not be aggregated with any applications *on any other subject*".

GEORGIA

Georgia is "on" by its unrepealed 2014 application "for proposing an amendment to the Constitution of the United States and recommends that the convention be limited to consideration and proposal of an amendment..." that appropriations may not exceed *estimated* federal revenues. The application is found as No. 406 in the Article V Library. The application is "to be considered as covering the same subject as the presently balanced budget applications from other states [including 18 named states] and this application should be aggregated with same [other states] for the purpose of reaching two-thirds of states necessary to require the calling of a convention, but may not be aggregated with any applications *on any other subject*".

HAWAII

Hawaii is "off" and has never filed any applications.

IDAHO

Idaho is "off" by reason of rescission action in 2000.

ILLINOIS

Illinois is "on" by its unrepealed 2016 application found as No. 409 in the Article V Library. The application is mostly concerned about *Citizens United*. It made an application "for proposing amendments" and is clearly a plenary application unless other resolutions are inconsistent. A second resolution states that "This application shall be deemed an application for a convention to address each and any of the subjects listed in this resolution". The subjects mentioned in the whereas clauses include the right of the people to make and alter their constitutions of government, that Congress should be dependent on the people alone, that dependency has evolved from dependency on the people alone to dependency on those who spend excessively in elections, and that the convention is needed "in order to address concerns *such as* those raised by the decision of...*Citizens United*". Another resolution provides for aggregation with applications of any other state legislatures "limited to one or more of the subjects listed in this resolution". I believe this application is plenary and can be aggregated by its express terms with applications of those states related to a balanced budget amendment.

As a backup, Illinois has its 1952 application found as No. 123 in the Article V Library. This application is made "for the purpose of proposing the following article as an amendment to the Constitution of the United States:" The article requires repeal of the Sixteenth

Amendment and the restriction of taxes to 25%, contains no language limiting the application and contains no aggregation language. This application is not limited and clearly overlaps in subject matter the numerous applications for a balanced budget amendment.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
409	162 Cong Rec S 71	1/29/15	2016	The whereas clauses include one that “Illinois sees the need for a convention to propose amendments in order to address concerns such as... <i>Citizens United</i> ” with a resolution “for the calling of a convention for proposing amendments...”
123	98 Cong Rec 742-43		1952	Federal taxing power and repeal of Sixteenth Amendment.

INDIANA

Indiana is “on” by its unrepealed 1979 application “for the specific and exclusive purpose of proposing an amendment (appropriations may not exceed *estimated* federal revenues). The application is found as No. 359 in the Article V Library. There is no aggregation language.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
426	162 Cong Rec S 6663		2016	Limited to Convention of States: simple resolution with no whereases, no aggregation language and no follow-up language.

IOWA

Iowa is “on” by its unrepealed 1979 application “for the specific and exclusive purpose of proposing” “an amendment to require a balanced federal budget *and make certain exceptions with respect thereto*” found as No. 369 in the Article V Library. Another resolution is that the application continues “until at least two-thirds of the states have made *similar applications...*” Another resolution is that the “application and petition shall be null and void...in the event that such convention not be limited to such specific and exclusive purpose”. The latter resolution relates to the convention and is not relevant to the application which will already have been counted to receive the convention call.

KANSAS

Kansas is “on” by its unrepealed 1979 application “for the sole and exclusive purpose” of proposing an amendment (appropriations may not exceed *estimated* revenues). This application is found as No. 376 in the Article V Library. There is no aggregation language.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
376		1/6/16	1979	Limited to balanced budget amendment.

KENTUCKY

Kentucky is “off” because it has no applications related to a balanced budget.

LOUISIANA

Louisiana is “on” by its unrepealed 2014 application “for the specific and exclusive purpose of proposing” an amendment that federal outlays may not exceed federal revenues “*together with any related an appropriate fiscal restraints*” found as No. 405 in the Article V Library. Another resolution is that the application “be considered as covering the same subject matter as the presently adopted application from [22 named states] and that this application shall be aggregated with such applications...but shall not be aggregated with applications on any other subject”. The last resolution continues the application until two-thirds of the states “have made application for a *similar convention...*”

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
424	S. Cong Res 52		2016	Limited to Convention of States: proposed application with nonstandard whereas clauses
405	160 Cong Rec S 5563		2014	Limited to balanced budget amendment

MAINE

Maine is “on”. Maine’s 1951 application is “for the proposing of the following amendment...” The amendment contains 10 substantive sections limiting Congress’ power of taxation. Thus, Section 1 (“The power to levy taxes...is hereby limited [with limitations in succeeding sections]”). The resolution states that the application is “for the proposing” of the

particular amendment. This by itself does not limit the application. Other resolutions state Maine's understandings of Article V, those being largely incorrect. These understandings do not directly affect the operative language. The subject of this application overlaps applications for a balanced budget amendment and can be counted toward the two-thirds of states seeking a balanced budget amendment.

Another resolution states "...the legislature of the State of Maine interprets article V to mean that if two-thirds of the States make application for a convention to propose an identical amendment to the constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have the power to vary the text thereof nor would it have the power to propose other amendments on the same or different propositions". The hypothetical observation is irrelevant since no state has proposed "an identical amendment". Moreover, the application seeks to control the convention which it cannot do under Article V. Maine's understanding is inconsistent with its resolution that its applications will continue until other states file "similar applications". A similar application is clearly not the same as Maine's application. Any conflict in these separate intents is resolved in favor of a policy that the states are entitled to a convention.

Another resolution states "by its exercise of power under Article V, [Maine] does not authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment...nor does It authorize any representative... who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof". Here, Maine is setting forth its understanding of Congress' power under Article V. As shown in my opinion, Congress does not have the power to group except for similarity by determination according to the reasonable person standard following minor observations. Maine hedges its opinion by stating, if a convention is called, its representative to the convention is directed not to agree to any amendment other than the one set forth. Therefore, Maine is "on". The 1951 application is found as No. 142 in the Article V Library.

MARYLAND

Maryland is "off" by reason of its 2017 rescission of all prior applications.

MASSACHUSETTS

Massachusetts is "on" by its unrepealed 1941 application "for the purpose of proposing an amendment" to repeal the Sixteenth Amendment and restrict taxation of income to 25%. This application overlaps with applications for a balanced budget amendment because it deals with the same subject as applications for a balanced budget amendment. Moreover, 9 applications permit aggregation where their proposed budget amendments include "*any related and appropriate fiscal restraints*". In my opinion, the early applications we have been dealing with repealing the Sixteenth Amendment and curtailing Congress' power to raise revenue, in context with their whereas clauses, deal with the same subject as other balanced budget applications and overlap the same. Whether fiscal restraints developed at the convention are appropriate is up to

the convention. The 1941 application contains no language of limitation or aggregation. The 1941 application is found at No. 184 in the Article V Library.

MICHIGAN

Michigan is “on” by its unrepealed 2014 application “limited to proposing an amendment (appropriation may not exceed the total of all *estimated* federal revenues *together with any related and appropriate fiscal restraints*)”. The application is found as No. 412 in the Article V Library. The application is “to be considered as covering the balanced budget language of applications [of 17 named states]; ...and shall be aggregated with those applications for the purpose of attaining two-thirds of the states necessary to require the calling of a convention, but may not be aggregated with any applications *on any other subject*”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
412	161 Cong Rec H 7887	2/19/15	2014	Limited to balanced budget amendment

MINNESOTA

Minnesota is “off” because it has no applications related to a balanced budget.

MISSISSIPPI

Mississippi is “on” by its unrepealed 1979 application “for the proposing of the following amendment (no appropriations to exceed total revenues, no increase of national debt and existing debt to be repaid over 100 years)” The application continues until at least two-thirds of the legislatures “have made *similar applications...*”. The whereas clauses state “public debt is inimical to the general welfare”, “national debt is already dangerously high and any further increase will be harmful and costly to the People...”, deficit financing supports inflationary conditions, increased interest from debt imposes undue hardship on those with fixed incomes and in lower brackets, increased deficit financing possibly depletes natural resources for future generations, deficit spending yields waste and “non-beneficial public programs”. Professor Natelson has determined this application to be invalid “because it improperly purports to dictate to the convention an up-or-down vote on prescribed language. Even if it is valid, its prescribed language seems to render it inconsistent with the other 27. Those 27 differ in various ways, but none of them is really crucial.” Natelson concedes in a footnote that scholars disagree on whether an application like Mississippi’s application is valid. Natelson relies on “Founding Era practice and on subsequent case law”.

Yet, there is nothing in the application that says the application is void if not limited to the exact amendment proposed. Most importantly, the application states that it can be aggregated for the purpose of reaching 34 states with applications from other state that are

“similar”. The bounds of similarity clearly contemplate amendments that may vary from Mississippi’s proposed amendment.

Lastly, eleven other states have expressly stated that their applications can be aggregated with Mississippi’s 1979 application. They are Arizona, Florida, Georgia, Louisiana, Michigan, Missouri, Oklahoma, Tennessee, Utah, West Virginia, and Wyoming. For these reasons, I disagree with Professor Natelson. The application is found as No. 374 in the Article V Library.

MISSOURI

Missouri is “on” by its unrepealed 1983 application “for the specific and exclusive purpose of proposing an amendment...to require a balanced budget and to make certain exceptions with respect thereto”. The application is found as No. 386 in the Article V Library. Another resolution says “this application continues until at least two-thirds of the legislatures...have made *similar applications*...” Another resolution says the application shall be deemed null and void...in the event that such convention not be limited to such specific and exclusive purpose”. Yet, the application will have already been counted not knowing what will occur at the convention.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
431	S Conc Res 4	6/29/17	2017	Limited to Convention of States’ proposed application with numerous follow-up “understandings”. The application expires on 5/12/22.

MONTANA

Montana is “off” based on a 2007 rescission action. Since 2007, Montana has filed no applications.

NEBRASKA

Nebraska is “on” by its unrepealed 1979 application “for the specific and exclusive purpose of proposing an amendment” (appropriations may not exceed estimated revenues). The application is found as No. 375 in the Article V Library. There is no aggregation language.

NEVADA

Nevada is “off” by its 2017 rescission of all prior applications.

NEW HAMPSHIRE

New Hampshire is “on” by its unrepealed 2012 application “for the specific and exclusive purpose of proposing an amendment...requiring, *with certain exceptions*, that the federal budget be balanced”. The application is found as No. 403 in the Article V Library. Another resolution is that the application continues “until at least two-thirds of the legislatures...have made applications for a *similar convention*...” Another resolution says “this application and request [shall] be deemed null and void...in the event that such convention not be limited to the aforementioned specific and exclusive purpose”. This resolution is irrelevant because the application will have already been counted not knowing what will occur at the convention. Moreover, Congress has no power to order a convention limited to a single subject. The most it can do is report that the 34 applications are limited to the subject of a balanced budget and related issues.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
403	162 Cong Rec S 5153	8/1/16	2017	Limited to balanced budget amendment

NEW JERSEY

New Jersey is “off” because it has no applications for a balanced budget and repealed its 1944 federal taxing power application in 1954.

NEW MEXICO

New Mexico is “off” by reason of rescission action taken in 2017.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
		8/22/17		Rescinded three prior applications.

NEW YORK

New York is “off” because it has no application related to a balanced budget.

NORTH CAROLINA

North Carolina is “on” by its unrepealed 1979 application “for the exclusive purpose of proposing an amendment to require a balanced federal budget”. The application continues “until at least two-thirds of the legislature...have made *similar applications*...” This application is found as No. 351 in the Article V Library.

NORTH DAKOTA

North Dakota is “on” by its unrepealed 2015 application “limited to proposing an amendment (appropriations may not exceed *estimated* revenues, *together with any related and appropriate fiscal restraints*;)” This application is found as No. 421 in the Article V Library. The application contains no aggregation language.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
434	H Cong Res 3006	4/25/17	2017	Limited to Convention of States proposed application with a standard whereas clause and numerous follow up clauses.
421	161 Cong Rec S 2399-400		2015	Limited to balanced budget amendment
400	158 Cong Rec S 1459	4/29/15	2012	Limited to debt incurred requiring approval from majority of state legislatures.

OHIO

Ohio is “on” by its unrepealed 2014 application “limited to proposing an amendment (appropriations may not exceed *estimated* federal revenues, “*together with any related and appropriate Fiscal restraints*;)” The resolution states that it is Ohio’s intention that “matters shall not be considered at the convention that *do not pertain to*” the foregoing amendment. Another resolution states that the application is “to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from [19 named states]...” and shall be aggregated with those other applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject. This application is found as No. 410 in the Article V Library.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
410	160 Cong Rec S 1174	2/19/15	2014	Limited to balanced budget amendment

OKLAHOMA

Oklahoma is “on” by its unrepealed 2016 application “limited to proposing an amendment (appropriations may not exceed *estimated* revenues, “*together with any related and appropriate fiscal restraints*”). The application is found as No. 429 in the Article V Library.

The application is “to be considered as covering the same subject matter as the presently outstanding balanced budget amendments from [28 named states]...and shall be aggregated with same for the purpose of obtaining the two-thirds (2/3) of states necessary to require the calling of a convention, but shall not be aggregated with any applications on any other subject.”

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
429	Cong Rec S 6354-55		2016	First application is limited balance the budget amendment Second application uses Convention of States’ proposed application with standard whereas clauses. It can be aggregated with Georgia, Florida, Alaska, Tennessee and Indiana and any future applications “limited to the purposes stated herein”. Application expires 12/31/23 unless a convention is sooner called.

OREGON

Oregon is “off” because its 1977 application for a balanced budget was repealed in 2000.

PENNSYLVANIA

Pennsylvania is “on” by its unrepealed 1979 application “for the specific and exclusive purpose of proposing an amendment (appropriations may not exceed *estimated* revenues). This application is found as No. 352 in the Article V Library. There is no aggregation language.

RHODE ISLAND

Rhode Island is “off” because it has no application for or related to a balanced budget amendment.

SOUTH CAROLINA

South Carolina is “off” because it “disavowed” its 1979 application proposal for a balanced budget in 2004.

SOUTH DAKOTA

South Dakota is “on” by its unrepealed 2016 application “limited to proposing an amendment (appropriations may not exceed revenues, “*together with any related and appropriate fiscal restraints*”; [and] this application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including [24 named states]...and shall be aggregated with same...but may not be aggregated with any applications on any other subject...other states are encouraged to make “similar applications”. This application is found as No. 417 in the Article V Library.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
417	162 Cong Rec S 6550	2016		Limited to balanced budget amendment

TENNESSEE

Tennessee is “on” by its unrepealed 2014 application “limited to proposing an amendment (appropriations may not exceed *estimated* revenues, “*together with any related and appropriate fiscal restraints*”. Another resolution states that this application is “to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including [19 named states]...and shall be aggregated with same...but may not be aggregated with any applications on any other subject...other states are encouraged to make “similar applications”. Another resolution says the application continues “until at least two-thirds of the legislatures...have made applications *for similar relief*...” This application is found No. 407 in the Article V Library.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
425	S J Res 67	10/18/17	2016	Convention of States’ proposed application
407	H Jour Res 548	12/3/15	2014	Limited to the balanced budget amendment

TEXAS

Texas is “on” by its unrepealed 1979 application “for the specific and exclusive purpose of an amendment (appropriations may not exceed *estimated* revenues) found as No. 362 in the Article V Library. Another resolution proposes that “the legislatures of each of the several states...apply to the Congress requesting the enactment of an *appropriate amendment*...”

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
430	S.J. Res 2	7/11/17	2017	Convention of States application with aggregation with other state applications having the limited purpose of proposing the same thing.
	Memorial	10/31/17		Rescinds all prior applications except 1979 application balanced budget proposal

UTAH

Utah is “on” by its unrepealed 2015 application “limited to proposing an amendment (appropriations may not exceed *estimated revenues...together with any related and appropriate fiscal restraints*”). This application is found as No. 419 in the Article V Library. The resolution states that “This application be considered as covering the same subject matter as the presently outstanding balanced budget amendments from other states;...for the purpose of attaining the two-thirds of states;...[it will not be] “aggregated with any outstanding balanced budget amendments on any other subject;...” The application continues until two-thirds of states make applications “on the same subject”.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
419	161 Cong Rec H 5237	7/17/15	2015	Limited to balanced budget amendment with aggregation applications from other states “covering the same subject” including 25 named states.

VERMONT

Vermont is “off” because it has no application for a balanced budget or other application aggregable to a balanced budget application.

VIRGINIA

Virginia is “off” because its 1976 application for a balanced budget was repealed in 2004 and it has no other applications aggregable to a balanced budget application.

WASHINGTON

Washington is “off” because it has no application for a balanced budget or other application aggregable to a balanced budget application.

WEST VIRGINIA

West Virginia is “on” by its unrepealed 2016 application “limited to proposing an amendment (appropriations may not exceed *estimated* revenues “*together with any related and appropriate fiscal restraints...*” This application is found as No. 428 in the Article V Library. Another resolution states that the “amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment” providing for the above. This resolution relates to an amendments convention and is not relevant to the application since the application will already have been counted to receive the convention call. Another resolution states that “This application constitutes a continuing application...until at least two-thirds of the Legislatures of the several states have made application for an *equivalently limited amendments convention*”. A whereas clause states that its application is “to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states including but not limited to [27 named states]...but shall not be aggregated with any applications on any other subject...”

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
428	162 Cong Rec S 5277	9/9/16	2016	Limited to balanced budget amendment with aggregation for applications for an “equivalently limited amendments convention”.

WISCONSIN

Wisconsin is “on” by its unrepealed 2017 application “for proposing amendments, for the limited purpose of requiring the federal government to operate under a balanced budget”. The application continues “until such a convention on the same subject...” Wisconsin’s application for a balanced budget amendment is found, but unnumbered, in the Article V Library.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
	2017 Wisconsin Joint Res 21	1/11/17	2017	Limited to proposing amendment for the limited purpose of requiring a balanced budget, aggregation with applications “covering the same subject”

WYOMING

Wyoming is “on” by its unrepealed 2017 application “limited to proposing an amendment (appropriations may not exceed *estimated* revenues, “*together with any related and appropriate fiscal restraints*”. The application is “to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states including but not limited to [28 named states]”. Another resolution states “This application constitutes a continuing application...until the Legislatures of at least two-thirds (2/3) of the several states have made applications on the *same subject*...[but not ‘on any other subject’]”. The application is found as No. 432 in the Article V Library.

<i>Article V Lib No.</i>	<i>Citation</i>	<i>Memorial Date</i>	<i>CR Ed</i>	<i>Subject</i>
432	H. ENR. J. Res. 2	4/11/17	2017	Limited to balanced budget amendment

APPENDIX C

TABLE OF STATES SHOWING APPLICATIONS "ON" UNDER DIFFERENT SCENARIOS FOR CALLING A CONVENTION FOR PROPOSING AMENDMENTS

OK's 28		States	Paulsen 2011		ACF 2018		Paulsen Model JMC 2018		JMC BBA ANALYSIS 2018				
			YES	NO	YES	NO	YES	NO	YES	NO			
*	1	Alabama	1		1		1		1				
*	2	Alaska		1	1		1		1				
	3	Arizona		1	1		1		1				
*	4	Arkansas	1		1		1		1				
	5	California	1		1		1			1			
*	6	Colorado	1		1		1		1				
	7	Connecticut	1		1		1			1			
*	8	Delaware	1			1		1			1		
*	9	Florida	1		1		1		1				
*	10	Georgia		1	1		1		1				
	11	Hawaii		1		1		1			1		
	12	Idaho		1		1		1			1		
	13	Illinois	1		1		1		1				
*	14	Indiana	1		1		1		1				
*	15	Iowa	1		1		1		1				
*	16	Kansas	1		1		1		1				
	17	Kentucky	1		1		1			1	1		
*	18	Louisiana		1	1		1		1				
	19	Maine	1		1		1		1				
*	20	Maryland	1			1		1			1		
	21	Massachusetts	1		1		1		1				
*	22	Michigan	1		1		1		1				
	23	Minnesota	1		1		1			1			
*	24	Mississippi	1		1		1		1				
*	25	Missouri	1		1		1		1				
	26	Montana		1		1		1			1		
*	27	Nebraska	1		1		1		1				
*	28	Nevada	1			1		1			1		
*	29	New Hampshire		1		1		1		1			
	30	New Jersey	1		1		1			1	1		
*	31	New Mexico	1			1		1			1		
	32	New York	1		1		1			1	1		
*	33	North Carolina	1		1		1		1				
*	34	North Dakota		1	1		1		1				
*	35	Ohio	1		1		1		1				
	36	Oklahoma		1	1		1		1				
	37	Oregon	1		1		1			1	1		
*	38	Pennsylvania	1		1		1		1				
	39	Rhode Island		1		1		1			1		

APPENDIX C

TABLE OF STATES SHOWING APPLICATIONS "ON" UNDER DIFFERENT SCENARIOS FOR CALLING A CONVENTION FOR PROPOSING AMENDMENTS

OK's 28	States	Paulsen 2011		ACF 2018		Paulsen Model JMC 2018		JMC BBA ANALYSIS 2018	
	40 South Carolina		1		1		1		1
*	41 South Dakota		1	1			1		1
*	42 Tennessee		1	1		1		1	
*	43 Texas	1		1		1		1	
*	44 Utah		1		1		1	1	
	45 Vermont	1		1		1			1
	46 Virginia		1		1		1		1
	47 Washington	1		1		1		1	
*	48 West Virginia	1		1		1		1	
	49 Wisconsin	1		1		1		1	
	50 Wyoming		1		1		1	1	
		33	17	37	13	36	14	30	20
<p>The blue color evidences those states that have Convention of States' applications.</p> <p>The blue color in the column "Paulsen Model JMC 2018" shows the states whose Convention of States' applications were used as valid applications.</p> <p>The orange color represents the five states that have plenary applications used in the BBA analysis.</p>									