

South Dakota: Not the “Limited” Convention You Were Promised!

Dear Legislator,

If you think **HJR 5001 and SJR 501** are applications asking Congress to call a *limited* convention under Article V of the US Constitution, you’re mistaken.

According to Art. V, Congress shall *call* a convention for proposing amendments upon the applications of 2/3 of the states (or 34). It is up to Congress to decide when 34 states have valid applications. Nothing in Art. V says that applications need to be the same or similar; and nothing in Art. V says the convention can be limited by the subject(s) of the application.

Furthermore, if Congress calls an Art. V convention, the Delegates can do whatever they want, including [propose a new Constitution](#) with its own mode of ratification. The ostensible subject of an application for a convention is merely *bait* designed to induce specific groups of people to support a convention.

Therefore, your vote for *any* application, including a Balanced Budget (BBA), Convention of States (COS), Term Limits, WolfPAC (ostensibly to overturn *Citizens United*, etc.), risks our Constitution.

For years, the convention lobby has been telling Legislators that 34 states must pass applications with *the same or similar language* before Congress can call a convention; & that the convention can’t veer from the subject of the application. But it is now obvious that the convention lobby doesn’t believe their own talking points.

Since there is no such thing as a limited convention, Congress could mix and match applications in order to come up with the 34 states needed to call a convention. Clearly, the convention lobby is well aware of this, even though they have been telling Legislators the opposite for a decade.

The following Chart lists the States the convention lobby wants Congress to aggregate to get to 34 states now. Note that BBA applications are being aggregated with COS applications, and *with 6 applications that have nothing to do with the BBA*. After 45 years, only 26 states have active “BBA” applications for a convention. So convention lobby strategists reinvented the way they count to 34!

Convention Lobby Strategists now claim 33 States with Applications for an Article V convention (A5C): 26 BBA’s, 1 COS, and 6 on any and all subjects:		
Article V Applications	States	Total Applications
Balanced Budget Amendment plus COS	27: AL, AK, AZ, AR, FL, GA*, IN, IA, KS, LA, MI*, MO, MS, NE, NH, NC, ND, OH, OK, PA, SD , TN, TX, UT, WI, WV & WY	*Georgia’s BBA application expired on 1/1/20. So pro-convention strategists slipped in GA’s COS to replace GA’s BBA. *MS lists a COS application also.
“Unlimited”: Any & All Subjects	6: IL, KY, NJ*, NY, OR, WA	*NJ rescinded 12/20/21. What will strategists replace it with?
Total Applications today per convention strategists	33	Ignoring both the sunset of GA’s BBA & NJ’s repeal; and counting 6 obsolete apps, strategists say their next State will be #34!
Based on a Chart —by “Let Us Vote for a Balanced Budget Amendment Citizen’s Campaign.”		

When pro-convention strategists count the BBA applications, they are including 5 States that have *never* passed BBA applications, plus Oregon, which specifically [rescinded](#) its BBA in 1999! The six unrelated applications were passed between 1789 and 1901; the subject of the application is below. Convention lobby strategists are using these applications like “wild cards”:

New York	1789	Bill of Rights
Kentucky	1861	To avert the Civil War
New Jersey	1861	To avert the Civil War
Illinois	1861	To avert the Civil War
Oregon	1901	Direct Election of Senators
Washington	1901	Unlimited convention

Other groups lobbying for a convention also can claim these wild cards. In fact, US Term Limits has already inflated by 700% the number of states that passed the term limits application. Only 4 States have passed the Term Limits application; but they claim 28 states! A couple of COS applications have been slipped in as well.

Notice that **South Dakota** is included with 26 other states in the first chart; you passed the BBA in **2015**. Legislators who voted for the **2015** BBA application were told they were voting for a convention limited to the single subject of balancing the federal budget, since all 34 applications would be the same.

But South Dakota legislators were hoodwinked in 2015, as were legislators in other states. The convention lobby that was promising a *limited* convention then (to get your votes) is pressuring Congress to call an *unlimited* convention today, using your **2015** application to validate their claim. And they’re hoping **South Dakota** and the other states won’t notice! Some might call it fraud.

The convention lobby, like their opposition, doesn’t believe that conventions can be limited. [They have written](#) that “the consensus of opinion among several of [their] scholars...[is]...that Congress lacks authority to limit in any way the call for [an Article V convention].”

On April 14, 2021, a South Carolina Senate subcommittee heard proponent testimony that South Carolina was about to become the 34th State to trigger an Article V convention based on ***BBA and unlimited applications over one and two centuries old!***

South Dakota was sold a bill of goods in **2015**. **HJR 5001** and **SJR 501** are no different. Any application for an A5C, no matter how limited it may seem *on its face*, means a convention where any and all amendments may be proposed or our Constitution rewritten with a new mode of ratification. [Fool me once...](#)

Vote “No!” on HJR 5001 (COS) and SJR 501 (Term Limits), and any applications asking Congress to call an A5C—and please rescind South Dakota’s BBA that the 2015 Legislature was tricked into passing.

There is no such thing as a limited convention under Article V!