



CONVENTION *of* STATES ACTION

TESTIMONY OF THE HONORABLE RICK SANTORUM

PROPONENT FOR SB112

OHIO SENATE GENERAL GOVERNMENT COMMITTEE

MARCH 11, 2025

There are several current efforts underway to use Article V's convention process to propose constitutional amendments that Congress is unwilling to offer to the American public. On the more conservative side, there are measures to impose fiscal restraints, term limits on federal officials, and reduce federal power. Nineteen states have applied for a convention for these specific purposes. Another group of states have applied for a convention to propose a balanced budget amendment alone. And the list goes on.

The bill before this committee is not an application for a convention. Rather, it is a procedural bill that specifies how Ohio will name its delegates, give them instructions, and ensure their fidelity to their instructions in any convention called for any purpose.

While there is no history of any previous convention of states straying from the grant of authority given to it by the participating states, states can provide an additional layer of security by enacting measures like this. State legislatures have authority over their delegates as a matter of common law agency principles; the delegates represent the state legislature at the convention. A recent US Supreme Court case, in the context of presidential electors, reaffirmed the right of a state to bind its agents to an oath and remove them should they violate their duties. This bill ensures that the legislature has the practical tools in place for exercising that authority.

The ultimate check and balance on the process is that whatever comes out of any convention of the states must be ratified by 38 states. That is a very high bar, and ensures that only very popular proposals will be ratified.

A convention is coming sooner or later. Ohio should be prepared for it. Fourteen states have already passed this type of legislation. In 2025, twenty states have introduced such legislation or updates to existing legislation.

I urge your support for this measure.