

HOUSE JOINT RESOLUTION NO. HJ0010

Repeal of 17th amendment.

Sponsored by: Representative(s) Landon, Berger, Brechtel,
Diercks, Edmonds, Gingery, Jaggi, Mercer,
Miller, Shepperson and Teeters

A Bill

for

1 A JOINT RESOLUTION requesting Congress to propose an
2 amendment to the United States Constitution repealing the
3 seventeenth amendment to the United States Constitution.

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5 WHEREAS, prior to the passage of the seventeenth amendment
6 of the United States Constitution the power to select
7 senators was held by the various state legislatures
8 pursuant to Article 1, Section 3, Clause 1 of the United
9 States Constitution; and

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11 WHEREAS, prior to the passage of the seventeenth amendment
12 of the United States Constitution, upon a vacancy in the
13 office of a senator, the governor of a state was empowered,
14 under Article 1, Section 3, Clause 2 of the United States
15 Constitution, to fill the vacancy with a temporary

1 appointment until such time as the legislature convened and
2 selected a replacement; and

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4 WHEREAS, upon ratification of the seventeenth amendment of
5 the United States Constitution in 1913, the power to elect
6 senators from each state was passed to the people thereof;
7 and

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9 WHEREAS, upon ratification of the seventeenth amendment of
10 the United States Constitution in 1913, when a vacancy
11 occurred in the office of a senator, the governor of the
12 state was directed to issue a writ of election to fill the
13 vacancy provided however that the state legislature could
14 empower the governor to appoint a temporary successor until
15 the next election; and

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17 WHEREAS, the founders of our republic and the framers of
18 the constitution recognized that in a republican
19 government, the legislative authority being necessarily
20 predominant, that it should be divided into two (2)
21 different branches composed by different modes of election,
22 creating different principles of action and as little
23 connected with each other as the nature of their common

1 functions and their common dependencies on society would
2 admit; and

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4 WHEREAS, James Madison explained in the Federalist Papers,
5 No. 10, the reason for bicameralism: "Before taking effect,
6 legislation would have to be ratified by two independent
7 power sources: the people's representatives in the House
8 and the state legislatures' agents in the Senate"; and

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10 WHEREAS, James Madison, in the Federalist Papers, No. 62,
11 wrote that "The appointment of senators by state
12 legislatures gives the state governments such an agency in
13 the formation of the federal government as must secure the
14 authority of the former"; and

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16 WHEREAS, Alexander Hamilton, in the Federalist Papers, No.
17 27, concluded that because the legislatures were selected
18 bodies of men, the choice of United States senators would
19 "generally be made with peculiar care and judgment by the
20 legislatures"; and

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22 WHEREAS, the founders of the constitution created an
23 ingenious template of checks and balances, with divisions

1 and distributions of power to provide for and protect the
2 highest sovereignty - that of each individual citizen; and

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4 WHEREAS, the seventeenth amendment of the United States
5 Constitution disrupts that balance of power by providing
6 for the selection of senators by popular vote in the same
7 manner representatives are selected by popular vote; and

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9 WHEREAS, popular election of senators has diluted the power
10 of the separate states, diminished federalism and has
11 resulted in the increased power of the federal government
12 over the individual states.

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14 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
15 *LEGISLATURE OF THE STATE OF WYOMING:*

16

17 **Section 1.** That the Wyoming Legislature urges the
18 Wyoming Congressional delegation and all the members of the
19 United States Congress to propose an amendment to the
20 United States Constitution repealing the seventeenth
21 amendment thereof.

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1 **Section 2.** That the Secretary of State of Wyoming
2 transmit copies of this resolution to the President of the
3 United States, to the President of the Senate and the
4 Speaker of the House of Representatives of the United
5 States Congress and to the Wyoming Congressional
6 Delegation.

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(END)