

## HOUSE JOINT RESOLUTION NO. HJ0009

Repeal 17th Amendment-2.

Sponsored by: Representative(s) Miller, Clem, Winters and  
Zwonitzer, Dn.

## 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, upon a vacancy in the  
7 office of a senator, the governor of a state was empowered,  
8 under Article 1, Section 3, Clause 2 of the United States  
9 Constitution, to fill the vacancy with a temporary  
10 appointment until such time as the legislature convened and  
11 selected a replacement; and

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13 WHEREAS, upon ratification of the seventeenth amendment of  
14 the United States Constitution in 1913, the power to elect  
15 senators from each state was passed to the people thereof;  
16 and

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2 WHEREAS, upon ratification of the seventeenth amendment of  
3 the United States Constitution in 1913, when a vacancy  
4 occurred in the office of a senator, the governor of the  
5 state was directed to issue a writ of election to fill the  
6 vacancy, provided, however, that the state legislature  
7 could empower the governor to appoint a temporary successor  
8 until the next election; and

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10 WHEREAS, the founders of our republic and the framers of  
11 the constitution recognized that in a republican  
12 government, the legislative authority being necessarily  
13 predominant, that it should be divided into two (2)  
14 different branches composed by different modes of election,  
15 creating different principles of action and as little  
16 connected with each other as the nature of their common  
17 functions and their common dependencies on society would  
18 admit; and

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20 WHEREAS, James Madison, in the Federalist Papers, No. 10,  
21 explained the reason for bicameralism: "Before taking  
22 effect, legislation would have to be ratified by two (2)  
23 independent power sources: the people's representatives in

1 the House and the state legislatures' agents in the  
2 Senate"; and

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4 WHEREAS, James Madison, in the Federalist Papers, No. 62,  
5 wrote that "The appointment of senators by state  
6 legislatures gives the state governments such an agency in  
7 the formation of the federal government as must secure the  
8 authority of the former"; and

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10 WHEREAS, Alexander Hamilton, in the Federalist Papers, No.  
11 27, concluded that because the legislatures were selected  
12 bodies of men, the choice of United States senators would  
13 "generally be made with peculiar care and judgment by the  
14 legislatures"; and

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16 WHEREAS, the founders of the constitution created an  
17 ingenious template of checks and balances, with divisions  
18 and distributions of power to provide for and protect the  
19 highest sovereignty - that of each individual citizen; and

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21 WHEREAS, the seventeenth amendment of the United States  
22 Constitution disrupts that balance of power by providing

1 for the selection of senators by popular vote in the same  
2 manner representatives are selected by popular vote; and

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4 WHEREAS, popular election of senators has diluted the power  
5 of the separate states, diminished federalism and has  
6 resulted in the increased power of the federal government  
7 over the individual states.

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9 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*  
10 *LEGISLATURE OF THE STATE OF WYOMING:*

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12 **Section 1.** That the Wyoming Legislature urges the  
13 Wyoming Congressional delegation and all the members of the  
14 United States Congress to propose an amendment to the  
15 United States Constitution repealing the seventeenth  
16 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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8

(END)