

29TH AMENDMENT (RC.2)

Representative People & Peoples; Deliberative Presentation & Assemblies

SECTION 1

Directed & Deliberative Citizen Conventions; Informed Participation & Presentation

CLAUSE 1. To reinvigorate civic engagement and restore faith in our representative form of government, The People of a jurisdiction shall have the power to petition that jurisdiction, as reasonably defined by the jurisdiction,¹⁷ to fund independent and temporary¹⁸ Citizen Conventions¹⁹ which shall have the power to present, upon due information and deliberation, a directive to the representatives elected by those people.

CLAUSE 2. Citizen Conventions shall be formed at any time upon citizen initiative and approval by public ballot, so long as the proponents define a specific purpose²⁰ for the Citizen Convention to deliberate on.

CLAUSE 3. Citizen Conventions shall by default, be composed of at least 12, but not more than 24 citizens, selected at random, controlled for demographics, as specified by the jurisdiction.²¹

CLAUSE 4. Selected Citizens of Citizen Conventions shall have the right to refuse their selection, however Citizens shall be reasonably compensated by the jurisdiction per diem, and employers shall be prohibited from terminating employment or withholding wages on the basis of a leave of absence due to participation, and, upon completing the Citizen Convention shall receive a stipend as defined by the jurisdiction.²²

CLAUSE 5. Independent Administrators selected to facilitate information and deliberation sessions during the Citizen Convention shall be appointed by a local or adjacent nonpartisan agency of facilitators.²³

¹⁷ Legislative bodies at all jurisdictional levels (e.g., local, state, federal) are required to specify rules governing a petition's requirements to be considered via a public ballot, and such rules must be enacted in good faith compliance with the purposes of this Amendment.

¹⁸ Once the specific purpose, as defined in Clause 2, is deliberated upon and a report or directive presented, the body is to automatically and formally dissolve.

¹⁹ A more participatory system of deliberative democracy would help to: (i) ensure that all voices are heard and that decisions are made based on reasoned debate and discussion; (ii) create a more representative government, one that is more responsive to the needs and concerns of ordinary citizens; and (iii) promote a more constructive and civil political discourse, one that is focused on finding common ground; and (iv) develop a more engaged body politic and increased interest in civic service.

²⁰ The scope of this purpose is intended to be narrow to ensure the Citizen Convention deliberations remain focused and maintain integrity divorced from issue bargaining.

²¹ Jurisdictions shall define the size of their Citizen Conventions within the range specified so long as their composition accurately represents the diversity of the population of that jurisdiction.

²² This is necessary to ensure all citizens have an equal opportunity to participate, regardless of socioeconomic position, and consequently, preserves the representative aims of Citizen Conventions.

²³ This independence is important to allow Citizen Conventions to flourish as a new check and balance within the separation of powers.

CLAUSE 6. For the purpose of expressing the joint deliberations and determinations of the Selected Citizens, Citizen Conventions shall elect, by secret ranked-choice ballot, in the form of a single transferable vote, a citizen of exceptional character, the Convention Speaker, to work independently, or in collaboration with a committee of their choosing, on a presentation of the results of the Citizen Convention's deliberations,²⁴ including a formal directive²⁵ when applicable, to the legislative body of the relevant jurisdiction.

CLAUSE 7. All local, state and federal ballot initiatives, referendums, and recalls must proceed through Citizen Conventions prior to gaining eligibility to be presented to the People via ballot or a Legislative body via directive.²⁶

SECTION 2

Efficient & Effective Executive Administration; Selection Process & Management

CLAUSE 1. To ensure the separation of powers and the efficient assembly of Citizen Conventions, Citizen Convention petitions shall be received by the executive, or an agency dedicated thereof,²⁷ of the relevant jurisdiction.

CLAUSE 2. The Executive shall effectively manage the random selection process, as specified by Clause 3 of Section 1 of this Amendment, in order to generate the body and provide the funding by which a Citizen Convention can proceed independently of government facilitation or intervention.²⁸

SECTION 3

Renewed & Redirected Listening Legislatures; Entrusted Delegates & Representation

CLAUSE 1. To reclaim public trust and demonstrate the listening of the legislature, the largest chamber of each Legislative body shall, in a timely manner, receive Convention Speakers as co-sponsors of legislation driven by their formal directives.²⁹

²⁴ In this way, Citizen Conventions are endowed with the same freedom and responsibility of self-governance and self-organization that we expect from government more broadly.

²⁵ These directives will be considered by the legislature according to Section 3.

²⁶ In order to ensure that all ballot initiatives, referendums, and recalls, are independent and free of undue influence, the Citizen Convention process is intended to improve the quality of the outcomes of these direct democratic processes.

²⁷ The executive may choose to create an agency dedicated to the rulemaking and administration of Citizen Conventions.

²⁸ The only involvement by another branch of government is the administrative function of creating the body of the Citizens Convention, in adherence to a clear and non-interfering randomness principle.

²⁹ This establishes the relationship between Citizens Conventions and a given legislature and reinforces their separation.

CLAUSE 2. Legislation derived from Citizen Conventions shall be considered independently of other legislative proposals and issues and shall not be combined with such other proposals for purposes of any legislative or parliamentary process.³⁰

CLAUSE 3. Upon adopting legislation derived from Citizen Conventions, a report shall be published by the Convention Speaker and other committee members that clearly expresses the original directive, the adopted legislation, the gaps therein, and shall include reasoned elaboration of the process and results with multiple abstracted versions in order to achieve simplicity for various audiences.³¹

SECTION 4

Assembly of Shared Interests; Tricameralism & Noncontiguous Representation

CLAUSE 1. To rejuvenate a responsive, efficient and effective legislature, to protect the emerging shared interests of critical and clearly measurable transdistrictional communities, and to provide balanced representation thereof regardless of population proportionality, the Congress of the United States, which currently consists of a Senate and House of Representatives, shall henceforth also consist of an Assembly of Shared Interests.³²

CLAUSE 2. The Assembly of Shared Interests shall be composed of twenty-seven at-large delegates, which shall be elected transdistrictionally, in order to provide one delegate for each of three populations of three classifications each: population density, wealth, and income³³; high, medium, and low. The population density, net worth, and income criteria for purposes of this Clause shall reflect the three tertiles of each measure, as measured every 10 years alongside the United States Census.³⁴

CLAUSE 3. All acts of Congress that previously required agreement of both the House of Representatives and the Senate may hereafter proceed upon agreement by any two of the tricameral Congressional chambers.³⁵

³⁰ In order to continue to maintain the integrity of the specific purpose of the Citizen Convention, the legislature must abide by the same “specific purpose” principle that the Citizen Convention is assembled upon.

³¹ Since the directive and legislation resulting from a properly informed body may diverge widely from popular surface-level sentiments, it is imperative that the process and reasoning is transparent for public acceptance and legitimacy, it is equally imperative that such process and reasoning is understandable by all of the people who will be bound by its results.

³² Similarly to the Great Compromise of 1787 which gave adequate representation to divergent interests along the political fault lines of the times (population size and states rights), this Second Great Compromise is intended to ensure equal representation along the new political fault lines (population density and socioeconomic status).

³³ Wealth and income are considered as separate socioeconomic factors as they can represent very diverse contexts (e.g., intergenerational wealth, capital, and labor).

³⁴ Congress may continually reconsider the identification and categories of such shared interests, as implied by the Amendment process provided by Article V.

³⁵ Since the logjam of Congressional inaction is a primary reason for low public approval ratings, providing an additional avenue for legislative action is intended to allow for swift legislative action while maintaining steadiness by requiring that those actions still be passed by a supermajority of the legislative chambers.

CLAUSE 4. The Assembly of Shared Interests shall hereafter assume all powers and duties of the Senate, and the Senate shall hereafter assume the same powers and duties as the House of Representatives.³⁶

SECTION 5

Reflective & Nested Self-Determination; Efficient Distributions & Elections

CLAUSE 1. To preserve and protect the diversity of traditions, heritages and cultures of communities and States within a federal system, governed by the United States Constitution, the liberty of self-determination shall not be abridged further than required to ensure the shared values and understandings herein remain unalienated.³⁷

CLAUSE 2. For purposes of all elections, excluding the Assembly of Shared Interests, each electoral district shall be composed of contiguous and compact territory and shall be so constituted to minimize the efficiency gap, and shall be reapportioned every ten years alongside the United States Census.³⁸

CLAUSE 3. Public elections shall be conducted by ranked-choice voting, according to the principle of a single transferable vote, under which each voter shall rank the candidates for the office in the order of the voter's preference, and for which no ballot shall reference any affiliations of candidates, including political party.³⁹

CLAUSE 4. No form of party primary election shall be administered, funded, or recognized by any government or public agency.⁴⁰

CLAUSE 5. All legislative bodies shall be prohibited from using or referring to political parties or other factional affiliations in any parliamentary rules nor in conducting any of its business, including but not limited to, setting agendas, determining committee membership, filling positions of leadership, and reaching power-sharing agreements.⁴¹

³⁶ As the new smallest chamber of Congress, and most representative of the division of ideological interests, the Assembly of Shared Interests takes on the roles of Congress that require expedited and decisive deliberations.

³⁷ Expanding state rights to include community rights and individual rights ensures that widely shared ideals and principles are clear and agreed to, while the devil of the details is handled sensitively by the communities and individuals intended to enact and embody them.

³⁸ Gerrymandering is antidemocratic and anti-Republican and is an antagonizing force that transcends politics, and so requires explicit prohibition.

³⁹ Perhaps one of the most important clauses of The Reconstitution, ranked choice voting would have been nearly impossible to administer until recent times, however it would have addressed many of the factionalist concerns of the Founders as discussed in the Federalist papers (e.g., Federalist No 10), would empower independent candidates by assuaging the voters' concerns of a wasted vote, would enable voters to express the intensity of their preferences, and would act as a failsafe against gerrymandering workarounds.

⁴⁰ In order to deemphasize partisanship in government, we must separate the central mechanism of party politics – primaries – from the domain of government entirely.

⁴¹ Political parties are not mentioned in the Constitution, but their inevitability has weaved itself into the fabric of parliamentary rules as feared by the Founders, to the detriment of their deliberative hosts.

SECTION 6

Checked & Balanced Judicial Oversight; Purposive Neutrality & Reinforcement

CLAUSE 1. To enforce principles of due process and preserve checks and balances, the Judicial body of a relevant jurisdiction shall have the express power of oversight of the selection, generation, proceedings, and legislative outcomes of Citizen Conventions, and shall preserve the integrity of the purposes of this Amendment as expressed herein.⁴²

CLAUSE 2. To reinforce the aforementioned principles of presentation and representation, the judiciary shall have the express power and duty to ensure the will of the People is afforded due process and acted upon.⁴³

⁴² The express purpose of the judiciary for purposes of Amendment 2 is to ensure the purpose of Citizen Conventions is actualized, and consequently the implicit purpose of the judiciary more generally is to actualize the purpose of the ideals expressed within the Constitution and Reconstitution.

⁴³ Due process and the right to be heard is the fundamental and definitional principle of a Constitutional democracy.