

# Draft Resolution

*Require Rule by Simple Majority in the U.S. Senate  
24 January 210 • by James Conner*

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5 WHEREAS: the current requirement for a 60-vote supermajority to invoke cloture in the  
6 U.S. Senate allows as few as 41 Senators, potentially representing as little as 11.3 percent  
7 of the total U.S. population, to block a vote on legislation; and  
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9 WHEREAS: the Senate's requirement for a supermajority to close debate prevents the  
10 passage of legislation for which there is the support of a simple majority (one-half plus  
11 one) of Senators; and  
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13 WHEREAS: the Constitution of the United States requires Congressional supermajorities  
14 in only seven situations (override of a Presidential veto; ratification of treaties; conviction  
15 of impeached officials; expulsion of members; proposal of Constitutional amendments;  
16 remove disabilities to serve as per the 14<sup>th</sup> Amendment; determine as per the 25<sup>th</sup>  
17 Amendment that the President is unable to discharge the powers and duties of his office);  
18 and  
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20 WHEREAS: the Constitution expressly empowers the Vice President, in his capacity as  
21 the presiding officer of the Senate, to cast the tie-breaking vote whenever the chamber is  
22 equally divided, a provision from which we must infer that a only simple majority is  
23 needed to make decisions unless the Constitution explicitly requires otherwise ; and  
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25 WHEREAS: the Constitution can be amended only by meeting the requirements set  
26 forth in Article V, and therefore cannot be amended by the operating rules of the Senate  
27 or House of Representatives; and  
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29 WHEREAS: it is clear from the black letter language of the Constitution that the  
30 supermajority requirement to invoke cloture is unconstitutional; therefore be it  
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32 RESOLVED: that the \_\_\_\_\_ respectfully  
33 requests that Montana's Senators, Max Baucus and Jon Tester, publically and  
34 immediately announce that they (1) oppose all requirements for supermajorities in the  
35 Senate other than those expressly required by the Constitution, and (2) will actively and  
36 enthusiastically and *effectively* join and/or sponsor all efforts to return the Senate to rule  
37 by simple majority; and  
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39 RESOLVED FURTHER: that the chair of this organization shall immediately (a) release  
40 this resolution to the major news media in Montana, (b) post this resolution on this  
41 organization's website, and (c) send this resolution to all political candidates, political  
42 parties, and good government organizations in Montana.