

MAV Proposed Amendment Suggestions

Suggestions for Drafting a Proposed Amendment

Subject

One criterion that the judges will apply is whether a proposed amendment is necessary and consistent with the goal of defining the powers and limitations of the Federal government, or should it more appropriately be addressed through legislation.

Keep it simple and focus on one topic.

Decide what the topic of your amendment is going to be – i.e.

- Self-Rule for the District of Columbia
- Education reform
- Term Limits
- Balanced Budget

Title

Select a title for your topic to give it descriptive and gives it greater appeal. It may be the same as the topic or it may be different. For example:

- Self-Rule for the District of Columbia
- Equal Education Rights Amendment
- Legislature Term Limits (if the proposed amendment is limited to the Legislative Branch)
- Balanced Budget Amendment

Do some research

There is really nothing new under the sun. Whatever your proposal is there is probably some historical perspective behind it. Different team members could be assigned to research and report on certain topics

- Pertinent sections of the constitution and background information about them. The Interactive Constitution website is a good place to start - <https://constitutioncenter.org/interactive-constitution>
- Do a google search on your topic and see what others may have had to say about it. You may even come up with other proposed amendments similar to yours. **CAUTION: To the extent that you use similar or identical language in your proposed amendment you should refer to that source!**
- Ask others for background information – your faculty advisor or other teacher.

Outline/First Draft

Keep it brief. Your amendment should be no more than 250 words and include no more than 3 sections.

Make an outline of the different provisions you might include in your amendment.

If your amendment only has one provision and is short one sentence might be sufficient for your outline and first draft. Each of the ten Bill of Rights is only one sentence, although some of them are very long!

Your amendment has more than one provision you may want to divide it into sections with one provision for each.

Writing the Amendment

1. Keep it short and sweet. Look to the First Amendment for a good example of a brief, but clear amendment.
2. Divide different items into separate sections. The 25th Amendment is an example of dividing related items into different sections.
3. Cover all of the bases. Try to anticipate results that you hadn't planned on, and deal with them. A good example is the 21st Amendment – Repeal of the Eighteenth Amendment” (Prohibition). Section 1 repeals the 18th amendment. But section 2 provides that this amendment does not affect the validity of any state laws in effect. Had section 2 not been included there may have been confusion about the breadth of this amendment. Arguably it could have been interpreted to go beyond further than intended and legalized alcohol even in states that had prohibited it.
4. Proof read what you have written and have others review it.