

Article V Convention of States Commissioner Oath, Instructions and Recall Model Policy

“Article V convention” means a “Convention for proposing Amendments” as expressly provided in Article V of the United States Constitution; and

“Article V Application” means a [Joint, Concurrent] resolution passed by the State legislature of [INSERT STATE] on the same subject or subjects as two-thirds of the states; and

“Commissioner” or “Alternate” means a person selected by the State Legislature of [INSERT STATE] or any other method provided by law to represent the State of [INSERT STATE] at an Article V convention; and

“Legislative Instructions” means instructions given by the state legislature to Commissioners and Alternates before and during an Article V Convention; and

“Unauthorized Amendment” means a proposed amendment that is outside the subject matter of the state’s Article V Application or any Legislative Instructions.

No Commissioner from [INSERT STATE] to an Article V convention shall have the authority to vote to allow consideration of or vote to approve an Unauthorized Amendment for ratification to the United States Constitution; and

Any Commissioner casting a vote to allow consideration or approval of an Unauthorized Amendment or Article V Convention rules that are in conflict with, one-state one-vote and a majority-vote to propose an Amendment, shall be subject to recall by the State Legislature or its authorized representative(s) and face [civil or criminal] charges; and Every candidate for Commissioner or Alternate from [INSERT STATE] to the Article V convention shall be required to take the following oath:

[Suggested language] [“I do solemnly swear (or affirm) that to the best of my abilities, I will, as a Commissioner or Alternate to an Article V convention, uphold the Constitution and laws of the United States of America and the State of [INSERT STATE]. I will not vote to allow consideration of or to approve any Unauthorized Amendment or Article V convention rules that are in conflict with one-state one-vote and a majority-vote to propose an Amendment. I acknowledge that violation of this oath may result in my recall and [civil, criminal] penalties.”

The State Legislature [or an official or committee authorized by a Resolution of the State Legislature] shall certify in writing to the Article V convention the selection of Commissioners and Alternates, the recall and replacement of Commissioner[s] with Alternates[s] of [INSERT STATE]; and

[Optional Language] Any commissioner who violates the oath contained in this section shall be subject to [the civil, criminal penalty] provided for by [INSERT STATE] law; and

This act shall take effect 60 days after its passage.

Article V Convention of States Commissioner Instructions and Recall Acts

State	Resolution with Text Link	Number of Delegates	Oath	Recall	Nullifies Vote	Maximum Penalties: Criminal/Civil	Year
Louisiana	HCR 4	5 Commissioners (at least 2, not members of state legislature) and 3 Alternates (at least 1, not a member of the state legislature.) None shall be employed by, contracted with or a representative of the federal government, nor a state-wide office holder.	Yes, though wording is not specified.	Yes	Yes	None	2018
Wisconsin	AB-165 ASA1	9 Delegates. (The speaker of the assembly and president of the senate each appoint 3 from their respective chamber. The governor appoints 1 from either chamber. The minority leader of the assembly and minority leader of the senate each appoint 1 from their respective chamber.)	No	Yes	No	None	2017
Oklahoma	HCR 1007	7 Members. (3 appointed by House Speaker, 3 appointed by President Pro Tempore, 1 appointed by both.)	Yes	Yes	No	None	2017
Arizona	HCR 2022	At least 1 but not more than 7, and an equal number of paired alternates: 3D-3A chosen by House, 3-3 chosen by Senate, 1-1 chosen jointly by Speaker and Senate President.	Yes	Yes.	No	None	2017

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State	Resolution with Text Link	Number of Delegates	Oath	Recall	Nullifies Vote	Maximum Penalties: Criminal/Civil	Year
Wyoming	HB 0050 HEA 123	6 (Senate and House each appoint 3 Delegates.)	Yes	Yes	Yes	Criminal (Felony: 5 Years in Prison \$10,000. fine, or both.)	2017
Texas	SB 21	To be Determined. Assumed to be 5 Delegates with 5 Paired Alternates.	Yes	Yes	Yes	None	2017
Alaska	HCR 4	To be Determined after Call.	Yes	Yes	No	None	2016
South Dakota	HB 1069	Not Stated	Yes	Yes	Yes	Civil (\$5,000 Penalty.)	2015
North Dakota	HB 1441	Not Stated	Yes	Yes	No	None	2015
Utah	HB 392	Not Stated	Yes	Yes	Yes	Criminal (Third Degree Felony: 0-5 years in Prison and \$5,000.)	2014

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State	Resolution with Text Link	Number of Delegates	Oath	Recall	Nullifies Vote	Maximum Penalties: Criminal/Civil	Year
Tennessee	SB 1432	To be Determined after Call. Assumed 2 Delegates with paired Alternates.	Yes. Required, but only Principles Specified.	Yes	Yes	Criminal (Class E Felony: 1-6 years in Prison, \$3,000. fine.)	2014
Georgia	HB 930	5 Delegates. (2 elected by Senate, 2 by House, 1 by both Chambers.)	Yes. Required, but only Principles Specified.	Yes	Yes	Criminal (Misdemeanor: Imprisonment 1 year, \$1,000.)	2014
Florida	HB 609	To be Determined. (Assumed to be 2 Delegates with 2 Paired Alternates.)	Yes. Required, but only Principles Specified.	Yes	Yes	Criminal (Felony of the third degree: Imprisonment not exceeding 5 years, \$5,000.)	2014
Indiana	SB 224	Not Stated	No	Yes	Yes	Criminal (Class D Felony: 6 mos.-3 yrs. in Prison.)	2013