

# MODEL ARTICLE V BALANCED BUDGET AMENDMENT APPLICATION

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## **Section 1.**

The legislature of the State of [INSERT STATE] hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

## **Section 2.**

The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate and to the Speaker and Clerk of the House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several States, requesting their cooperation.

## **Section 3.**

This application is to be considered as covering the same subject matter as the presently-outstanding balanced budget and unlimited-subject applications from other states, including but not limited to previously-adopted and unrescinded applications from Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Washington, Utah, West Virginia, Wyoming and Wisconsin; and this application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require the calling of a convention, but shall not be aggregated with any applications on any other subject.

## **Section 4.**

This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this legislature on the same subject.

# MODEL ARTICLE V COMMISSIONER OATH, INSTRUCTIONS AND RECALL

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**Summary:** This model policy serves to limit and fully describe the authority of commissioners selected by a state legislative body to represent the state at an amendments convention pursuant to Article V of the United States Constitution.

## 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:

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[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 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.