

CONVENTION RESOLUTION 1

Resolution creating rules of procedure for a future convention to propose a balanced budget amendment to the Constitution of the United States convened pursuant to Article V of the Constitution.

PREAMBLE

Pursuant to Article V of the United States Constitution, we the commissioners (delegates) of the several sovereign States, grateful to Almighty God, do assemble in this convention of the States, called by an action of Congress, for the sole purpose of proposing an amendment to the Constitution.

ARTICLE 1 – Subject of the Convention

1.1 Convention Limited Authority

This Convention is convened under the authority granted to the state legislatures of the several States by Article V of the Constitution of the United States.

The only participants at this Convention are the several States represented by delegations duly selected in such manner as their respective legislatures have determined.

The Convention derives its authority from the applications adopted by at least two-thirds of the legislatures of the several States, and its authority is thereby limited to the subject of balancing the federal budget as specified in applications from at least two-thirds of the States. This convention has no authority to propose an amendment on any other subject.

1.2 Discipline or Expulsion of a Commissioner (Delegate) or State

The Convention shall provide for disciplining a commissioner (delegate) or delegation for violating the call of the Convention by raising amendment subjects for discussion or debate that lie outside the Subject of the Convention.

1.3 Temporary Rules

For the purposes of organizing the Convention, all Articles herein shall be adopted by a majority of the States voting, one vote per State, to serve as temporary rules for the Convention

save for any Article which requires more than a simple majority shall require, by division, an equal majority of votes by the Convention. The Temporary Rules shall remain in effect until the Rules Committee submits amendments to these rules which are subsequently approved by the Convention in the same manner as the Temporary Rules were approved.

1.4 Initial Quorum

The initial quorum for the Convention shall be a majority of the several States.

1.5 Prohibition on amending or suspending

This Article shall not be amended or suspended by the Convention.

ARTICLE 2 - Officers of the Convention

2.1 List and Duties of Officers

2.1.1 Temporary President

A temporary presiding President shall be an individual selected by the State delegation from the host State and not necessarily a member of the delegation.

Upon the initial assemblage of the Convention, the temporary President shall call the roll of the States at which time the States shall present their credentials to the temporary President.

2.1.2 Permanent Officers

The officers of the Convention shall be a President, a Vice President, a Secretary, a Sergeant-at-Arms, and a Parliamentarian. The President, Vice-President, and Secretary shall be a member of a State delegation and elected by a simple majority vote of the States voting subject to Article 2.2. The Sergeant-at-Arms and the Parliamentarian shall be appointed by the President with the consent of the convention, and shall not be a member of a delegation of a State. No more than one elected officer shall be from the same State.

2.1.2.1 Duties of the President

2.1.2.1.1 Calling the Convention to Order

The President shall take the chair each day at the hour to which the Convention shall convene and shall call the Convention to order, and, except in the absence of a quorum, as prescribed by these rules, shall proceed to business in the manner prescribed by these rules.

2.1.2.1.2 Duty to Preserve Decorum

The President shall preserve order and decorum, and during debate, shall confine delegations and individual commissioners (delegates) to the question under discussion and shall have general control of the Convention chamber, unless otherwise ordered by the Convention, and in cases of disturbance or disorderly conduct on the floor or in the public areas outside the bar of the Convention, has the power to order the same cleared.

2.1.2.1.3 Disciplining a State

The President may rule out of order any State or commissioner (delegate) or discipline a State or a commissioner (delegate) for violating Article 1 in a manner provided by the Rules of the Convention or other rules of procedure in effect at the time.

2.1.2.1.4 Points of Order

All questions of order shall be decided by the President or presiding officer, subject to appeal to the Convention. On every appeal, the President shall have the right to assign the reason for the decision. In case of such appeal, no State shall speak more than once. All questions and points of order shall be noted by the Secretary with the decision thereon.

2.1.2.1.5 Committee Membership

The President shall be an ex officio member of all committees of the Convention but shall not be a voting member of any save for the Credentials Committee.

2.1.2.2 Duties of the Vice President

2.1.2.2.1 Absence of the President

In the event of the temporary absence or inability to preside by the President, the Vice-President shall preside over the Convention in the same manner as the President.

2.1.2.2.2 Convention Manager

The Vice President shall serve as the manager of the Convention with the duties to provide necessary facilities, staff, audio visual equipment, and document reproduction at the direction of the Convention and the committees. The Vice President may create

a committee to advise the Vice President on these manners.

2.1.2.3 Duties of the Secretary

2.1.2.3.1 General Duties of the Secretary

The Secretary shall be custodian of the records of the Convention and shall perform the customary duties of clerks or secretaries of deliberative assemblies and such other duties as shall be ordered by the Convention.

2.1.2.3.2 Journal Record of Proceedings

The Secretary shall keep a journal of the proceedings of the Convention and shall provide to each commissioner (delegate) a copy of the proceedings of the previous day.

2.1.2.3.3 Numbering of Proposals

The Secretary shall give to every proposal when introduced a number, and the numbers shall be in sequential order.

2.1.2.3.4 Preparation of Calendar

The Secretary shall prepare and provide to each commissioner (delegate) each day a calendar of the business of the convention, as provided by these rules.

2.1.2.3.5 Preservation of Records

As soon as possible after the final adjournment of the Convention, the Secretary shall prepare a "Journal of Proceedings" of the Convention, which shall be attested to by the President and the Vice President, and file the Journal with the Archivist of the United States for keeping in the manner provided by law the records, books, documents, and other papers of the Convention, the Library of Congress, and the several States in a manner directed by the Convention. The Secretary shall additionally send all such documents to the Speaker of the House of Representative, the President of the Senate and the Clerk of both houses of Congress.

2.1.2.3.6 Necessary Deputies and Staff

The Secretary may secure necessary staff and assign deputies to fulfill its duties including a Clerk for the convention.

2.1.2.3.7 Vote Talley

Whenever an issue is considered for a vote of the States, the Secretary (or Clerk) shall call the roll, note how each State voted (Aye, Nay, Divided, or Pass), tally the votes, and present the results to the President.

2.1.2.4 Duties of the Parliamentarian

2.1.2.4.1 Qualifications

The Chief Parliamentarian and any Assistant Parliamentarians shall be a current or former member of the Mason's Manual Commission. The Chief Parliamentarian shall have previously served as the chief or head parliamentarian of a state legislative body. A Parliamentarian shall not be a commissioner (delegate). Each committee shall be assigned an Assistant Parliamentarian upon request to the Chief Parliamentarian who will make such assignment.

2.1.2.4.2 Rulings

Upon request, the Parliamentarian shall provide rulings based upon the Rules of the Convention and when silent, the rules of parliamentary practice laid down in Mason's Manual of Legislative Procedure, 2010 edition. A ruling of an Assistant Parliamentarian may be appealed to the Chief Parliamentarian.

2.1.2.5 Duties of the Sergeant-at-Arms

2.1.2.5.1 Convention

Subject to the direction of the President, the Sergeant-at-Arms shall enforce the rules of the Convention. The Sergeant-at-Arms shall be charged with enforcing the rules as to admission on the Convention floor.

2.1.2.5.2 Committees

Subject to the direction of the committee Chair, the Sergeant-at-Arms shall enforce the rules to admission of the committee.

2.1.2.5.3 Deputies

The Sergeant-at-Arms may arrange for deputies to fulfill the duties of the Sergeant-at-arms.

2.1.3 Vacancy of an Officer

In the event of a vacancy of the President, the Vice President shall rise to President and

conduct an election for Vice President, and in the event of a vacancy of any other Office, the Office shall be filled in the same manner as prescribed in Article 2.2 with the highest ranking officer presiding over the election.

2.2 Election of the Officers

The election of the President, Vice President, and Secretary shall be conducted by the temporary presiding President. Nominations shall be made from the floor. Voting shall be by secret ballot by the States with one vote per State. Voting shall continue with successive rounds, with the individual receiving the fewest votes removed from consideration, until an individual receives a simple majority of the States attending and voting. After the election of the officers, the temporary President shall retire and the President shall preside.

ARTICLE 3 – Quorums and Voting

3.1 Quorum

Subject to Article 1.4, a quorum for all sessions of the Convention shall be a majority of the States present and for all committee meetings shall be a majority of the members present.

3.2 Voting

3.2.1 Voting by States

All voting at the Convention or in a committee shall be by State with each State having one vote, without apportionment or division. Each State shall determine the internal voting and quorum rules for casting the vote of its delegation.

3.2.2 Majority Vote

A majority vote of the quorum shall prevail on all issues before the Convention and in all committees save for any vote to create a rule which requires a majority greater than a simple majority which shall then require an equal majority to prevail.

3.2.3 Proposing an Amendment for Ratification

An affirmative vote of a majority of States attending and voting shall be necessary to propose an amendment for ratification by the several States.

ARTICLE 4 – Committees

4.1 Rules Committee

After the initial session of the Convention, the Rules Committee shall organize.

4.1.1 Purpose of the committee

The committee shall review the rules of the Convention and make recommendations to the Convention regarding the addition of committees, the duties of the Officers, and procedures.

4.1.2 Composition

The committee shall be comprised of one commissioner (delegate) from each State attending the Convention; said commissioner (delegate) may be alternated by the State at its discretion.

4.1.3 Chair

The committee shall elect a Chair in the same voting manner the Officers are elected. The Chair shall preside over the committee but not vote save for the case of a tie.

4.1.4 Vice Chair

The committee shall elect a Vice Chair in the same voting manner the Officers are elected. The Vice Chair shall preside over the committee in the absence of the Chair and in that role not vote save for the case of a tie.

4.1.5 Sub-Committees

The committee may divide into sub-committees with fewer members than the committee and shall elect a Chair and Vice Chair in the same manner as the committee. The Chair of the committee shall choose to either be a voting member of a sub-committee or be a non-voting ex-officio member of all sub-committees with the Chair's State selecting another commissioner to be a voting member of a sub-committee.

4.2 Amendment Committee

After the initial session of the Convention, the Amendment Committee shall organize.

4.2.1 Purpose of the Committee

The committee shall prepare the language for the proposed amendment which shall be transmitted to the Convention for its consideration and debate. Any original amendment language to be presented to the Convention by a State for its consideration by the Convention must originate in the committee. After this committee transmits its report

(recommended amendment language) to the Convention, the committee shall not meet unless directed by the Convention. The Convention may amend the report of the committee.

4.2.2 Composition

The committee shall be comprised of one commissioner (delegate) from each State attending the Convention; said commissioner (delegate) may be alternated by the State at its discretion.

4.2.3 Chair

The committee shall elect a Chair in the same voting manner the Officers are elected. The Chair shall preside over the committee but not vote save for the case of a tie.

4.2.4 Vice Chair

The committee shall elect a Vice Chair in the same voting manner the Officers are elected. The Vice Chair shall preside over the committee in the absence of the Chair and in that role not vote save for the case of a tie. The State from which the Vice Chair is a commissioner (delegate) may appoint another representative to the committee when the Vice Chair is serving as Chair.

4.2.5 Sub-committees

The committee may divide into sub-committees with fewer members than the committee and shall elect a Chair and Vice Chair in the same manner as the committee. The Chair of the committee shall choose to either be a voting member of a sub-committee or be a non-voting ex-officio member of all sub-committees with the Chair's State selecting another commissioner to be a voting member of a sub-committee.

4.2.6 Specific Issues before the Committee

4.2.6.1 State Participation

After organizing, the first order of business shall be providing each State attending the Convention equal opportunity and time to present to the committee its opinion, findings, and recommendations regarding the language and content of the amendment subject, including specific amendment language. All presentations are subject to Article 1.

4.2.6.2 Expert Testimony

Expert testimony before the committee by those not a participant of the Convention shall be limited to the Subject of the Convention and shall be by invitation. The Chair shall determine the experts and may create a sub-committee to recommend such. The committee, by a majority vote, may include additional experts.

4.3 Credentials Committee

4.3.1 Purpose of the Committee

The committee shall verify the credentials of the delegations after the Opening Session and settle disputes regarding credentials. The decision of the committee may be appealed to the Convention.

4.3.2 Composition

The committee shall be comprised of the elected officers of the Convention and the Chairs of the Rules and Amendment Committees. Each may appoint an alternate to attend a committee meeting. The Secretary of the Convention shall serve as Chair.

4.3.3 State Resolutions

The primary source of verification of the credentials of a delegation shall be the resolution passed by the legislature of the State determining how the delegation should be chosen.

4.3.4 Recall Authority of the States

The committee shall recognize and respect the recall authority of a State regarding its delegation pursuant to the resolution approved by the legislature when it appointed its delegation.

4.4 Additional Committees

Additional committees may be created by a majority vote of the Convention providing the committee's function does not create a new rule for the Convention and if so, approval shall be first received from the committee on Rules unless approved by way of Section 5.3.6. If the committee is comprised of individuals, no committee shall have more than one individual from the same State.

ARTICLE 5 – Sessions of the Convention

5.1. Composition

The Convention shall be composed of the States from which the Legislature has sent a delegation. Recognition by the presiding officer shall be the name of the State and may additionally recognize the individual by name.

5.2 Seating and Participation

One commissioner (delegate) shall occupy the seat of the State and speak and vote on behalf of the State. The balance of the delegation may be seated in the same location space providing. The State may alternate the commissioner (delegate) in the seat of the State at its discretion.

5.3 Sessions

5.3.1 Time of Meeting and Procedure

The Convention shall meet at 9:00 a.m. unless otherwise ordered by the Convention.

5.3.2 Reading of the Journal

Immediately after the President shall have taken the chair and the States in their seats, the journal of the preceding day shall be read by the Secretary unless dispensed with by the consent of the Convention.

5.3.3 Order of Business

At meetings of the Convention, the order of business shall be as follows:

1. Call Convention to Order
2. Prayer by the Chaplain.
3. Pledge
4. Roll Call.
5. Reading of the Journal.
6. Presentation of petitions, memorials and remonstrances.
7. Reports of committees.
8. Introduction and first reading of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Orders of the day.
12. Committee notices.

5.3.4 Prohibitions on the actions of the Convention

5.3.4.1 Amending Convention Rules

The Convention shall not amend the rules of the Convention until after the Rules Committee has submitted its initial recommendation to the Convention.

5.3.4.2 Proposing and Amending Amendment Language

The Convention will not directly propose for debate specific amendment language until after the Amendment Committee has submitted its initial recommendation to the Convention.

5.3.5 Voting Process

5.3.5.1 Name of the State

Voting shall be in the name of the State without disclosure of the delegation's internal results. After the official tally of the vote, any state may rise and present for the record the internal vote tally of its delegation.

5.3.5.2 Votes Cast

Votes shall be cast as Yea, Nay, Divided, or Pass. If a State passes and does not eventually vote or if a State votes "Divided," the State shall not be considered as voting.

5.3.3.3 Request for Leave

Prior to any vote, a State may ask for time to consult with its delegation on the issue. The request is not debatable and shall be granted by the presiding officer with the period of the leave determined by the presiding officer.

5.3.6 Amend or Suspend Rules

A motion to suspend or amend the rules may be made at any time when no question is pending; or provided the motion pertains to the question before the body. The motion must be seconded, is non-debatable, and sustained by a vote of two-thirds of the States present and voting. It yields to all the privileged motions, except a call for the orders of the day, to a motion to lay on the table, and to incidental motions arising out of itself. It is not debatable and cannot be amended or have any other subsidiary motion applied to it.

5.3.7 Additional Rules of Procedure

1 **5.3.7.1** Every State, rising to speak, shall address the president; and while the State
2 (the State) shall be speaking no one shall pass between them.

3 **5.3.7.2** Of two States rising to speak at the same time, the president shall name the
4 one who shall first be heard.

5 **5.3.7.3** A State shall not speak more often than twice, without special leave upon
6 the same question; and not a second time before every other who had been silent but
7 shall choose to speak on the subject shall have been heard.

8 **5.3.7.4** No State shall, without leave of the convention, speak more than 10 minutes
9 at any one time.

10 **5.3.7.5** A motion made and seconded, shall be repeated; and if written, as it shall be
11 when any member shall so require, shall be read aloud by the secretary or transmitted to
12 each commissioner's pre-designated electronic device before it shall be debated. No
13 motion, other than a procedural motion, shall be in order unless germane to both the
14 subject matter specified in the State applications on which Congress called the convention
15 and to the subject matter specified in the convention call.

16 **5.3.7.6** A motion may be withdrawn at any time before the vote upon it shall have
17 been declared.

18 **5.3.7.7** When a debate shall arise upon a question, no motion, other than to amend
19 the question, to commit it, or to postpone the debate, shall be received.

20 **5.3.7.8** A question that consists of one or more propositions shall, at the request of
21 any State, be divided and put separately as to each proposition.

22 **5.3.7.9** A motion to reconsider a matter that has been determined by a majority
23 may be made, with leave unanimously given, on the same day on which the vote passed;
24 but otherwise not without one day's previous notice; in which last case, if the convention
25 agree to the reconsideration, the convention or, by the convention's leave, the president
26 shall assign a future day for the purpose.

27 **5.3.7.10** A commissioner may be called to order by another commissioner, as well as
28 by the president, and may be allowed to explain his or her conduct or any expressions
29 supposed to be reprehensible.

5.3.7.11 All questions of order shall be decided by the president, subject to appeal to the convention, but without debate.

5.3.7.12 Upon a question to recess for the day, which may be made at any time, if it be seconded, the question shall be put without debate.

5.3.7.13 When the convention shall recess, every commissioner shall stand in his or her place until the president retires.

5.3.7.14 No commissioner shall be absent from the convention, so as to interrupt the representation of his or her State, without leave.

ARTICLE 6 General and Miscellaneous Provisions

6.1 Costs of the Convention

The costs related to the Convention shall be divided equally among the States attending the Convention and the costs related to the travel, maintenance and provisioning of each State's delegation and staff shall be borne entirely by the State.

6.2 Open Meetings

Every official session of the Convention including committee and sub-committee meetings shall be held in full view of the public.

6.3 Adjournment

The Convention shall adjourn promptly after either proposing an amendment in accordance with Article 1 or voting not to propose an amendment. An informal session may continue after official adjournment to discuss the events of the Convention.