

REFERENCE TITLE: convention; delegates; limitations; oath

State of Arizona
House of Representatives
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2014

HB 2433

Introduced by
Representatives Thorpe, Barton, Borrelli, Gowan, Kwasman, Livingston, Orr,
Smith, Stevens, Townsend, Senator Barto: Representatives Boyer, Fann,
Montenegro, Olson, Petersen, Seel, Senators Burges, Crandell, Farnsworth
D, Griffin, Melvin, Shooter, Ward

AN ACT

AMENDING TITLE 1, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 7; RELATING TO
STATE CONVENTION FOR PROPOSING AMENDMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 1, Arizona Revised Statutes, is amended by adding
3 chapter 7, to read:

4 CHAPTER 7

5 STATE CONVENTION FOR PROPOSING AMENDMENTS

6 ARTICLE 1. GENERAL PROVISIONS

7 1-701. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ARTICLE V APPLICATION" MEANS A RESOLUTION THAT IS PASSED BY THE
10 LEGISLATURE ON THE SAME SUBJECT OR THAT CONTAINS THE SAME PROPOSED AMENDMENT
11 TEXT AS THIRTY-THREE OTHER SOVEREIGN STATES AND THAT REQUIRES CONGRESS TO
12 CALL AN ARTICLE V CONVENTION BY SETTING THE TIME AND PLACE.

13 2. "ARTICLE V CONVENTION" MEANS A CONVENTION FOR PROPOSING AMENDMENTS
14 FOR RATIFICATION TO THE CONSTITUTION OF THE UNITED STATES AS EXPRESSLY
15 PROVIDED IN ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES.

16 3. "DELEGATE" OR "ALTERNATE" MEANS A PERSON WHO IS SELECTED BY THE
17 LEGISLATURE OR OTHER METHOD PROVIDED BY LAW TO REPRESENT THIS STATE AT AN
18 ARTICLE V CONVENTION.

19 4. "UNAUTHORIZED AMENDMENT" MEANS A PROPOSED AMENDMENT FOR
20 RATIFICATION TO THE CONSTITUTION OF THE UNITED STATES THAT IS OUTSIDE OF THE
21 SUBJECT MATTER OF THE ARTICLE V APPLICATION, THE CALL TO AN ARTICLE V
22 CONVENTION OR ANY LEGISLATIVE INSTRUCTION.

23 1-702. Delegate limitations

24 A. A DELEGATE FROM THIS STATE TO AN ARTICLE V CONVENTION MAY NOT VOTE
25 TO ALLOW CONSIDERATION OF OR TO APPROVE AN UNAUTHORIZED AMENDMENT FOR
26 RATIFICATION TO THE CONSTITUTION OF THE UNITED STATES.

27 B. A PERSON WHO VIOLATES THIS SECTION SHALL BE IMMEDIATELY RECALLED BY
28 AN OFFICIAL OR COMMITTEE AUTHORIZED BY THE LEGISLATURE AND REPLACED BY AN
29 ALTERNATE.

30 1-703. Delegate oath; violation; classification

31 A. EACH DELEGATE OR ALTERNATE FROM THIS STATE TO AN ARTICLE V
32 CONVENTION SHALL TAKE AND SUBSCRIBE THE FOLLOWING OATH OR AFFIRMATION:

33 STATE OF ARIZONA, COUNTY OF _____, I, _____ (TYPE OR PRINT
34 NAME) DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL, AS A DELEGATE OR ALTERNATE
35 TO AN ARTICLE V CONVENTION, UPHOLD THE CONSTITUTION AND LAWS OF THE UNITED
36 STATES AND THE STATE OF ARIZONA TO THE BEST OF MY ABILITY. I WILL NOT VOTE
37 TO ALLOW CONSIDERATION OF OR TO APPROVE ANY UNAUTHORIZED AMENDMENT PROPOSED
38 FOR RATIFICATION TO THE CONSTITUTION OF THE UNITED STATES, SO HELP ME GOD (OR
39 SO I DO AFFIRM).

40 _____
41 (SIGNATURE OF DELEGATE OR ALTERNATE)

42 B. A DELEGATE OR ALTERNATE WHO VIOLATES THE OATH OR AFFIRMATION
43 PRESCRIBED IN SUBSECTION A OF THIS SECTION IS GUILTY OF A CLASS 2
44 MISDEMEANOR.

1 1-704. Certification

2 THE LEGISLATURE OR AN OFFICIAL OR COMMITTEE AUTHORIZED BY THE
3 LEGISLATURE SHALL CERTIFY IN WRITING TO THE ARTICLE V CONVENTION THE
4 FOLLOWING:

5 1. THE SELECTION OF DELEGATES AND ALTERNATES.

6 2. THE RECALL AND REPLACEMENT OF A DELEGATE WITH AN ALTERNATE.

7 3. THE NULLIFICATION OF UNAUTHORIZED VOTES CAST BY A DELEGATE OR
8 ALTERNATE.