

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2397

AN ACT

AMENDING TITLE 16, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 15;
RELATING TO CONSTITUTIONAL CONVENTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 16, chapter 4, Arizona Revised Statutes, is amended
3 by adding article 15, to read:

4 ARTICLE 15. ARTICLE V CONVENTION FOR PROPOSING AMENDMENTS

5 16-720. Delegates and alternates: appointment: oath:
6 limitations: violation: classification: definitions

7 A. IF AN ARTICLE V CONVENTION IS CALLED, THE LEGISLATURE SHALL APPOINT
8 THE DELEGATES AND ALTERNATES TO REPRESENT THIS STATE. EACH DELEGATE MUST BE
9 A RESIDENT OF THIS STATE. THE LEGISLATURE MAY RECALL A DELEGATE OR ALTERNATE
10 AND MAY APPOINT A NEW DELEGATE OR ALTERNATE AT ANY TIME.

11 B. WHEN THE DELEGATES AND ALTERNATES ARE APPOINTED, THE LEGISLATURE
12 SHALL PRESCRIBE INSTRUCTIONS REGARDING THE SCOPE OF MATTERS THAT THE
13 DELEGATES AND ALTERNATES MAY CONSIDER AND VOTE ON AT THE ARTICLE V
14 CONVENTION, INCLUDING RULES OF PROCEDURE AND PROPOSED AMENDMENTS. THE
15 LEGISLATURE MAY AMEND THE INSTRUCTIONS BEFORE OR DURING THE CONVENTION.

16 C. EACH DELEGATE OR ALTERNATE SHALL TAKE AND SUBSCRIBE AN OATH OR
17 AFFIRMATION TO AGREE TO ABIDE BY THE INSTRUCTIONS PRESCRIBED BY THE
18 LEGISLATURE FOR PARTICIPATION IN THE ARTICLE V CONVENTION, IN SUBSTANTIALLY
19 THE FOLLOWING FORM:

20 STATE OF ARIZONA, COUNTY OF _____, I, _____ (TYPE
21 OR PRINT NAME) DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL, AS A
22 DELEGATE OR ALTERNATE TO AN ARTICLE V CONVENTION, UPHOLD THE
23 CONSTITUTION AND LAWS OF THE UNITED STATES AND THE STATE OF
24 ARIZONA TO THE BEST OF MY ABILITY. I WILL NOT VOTE TO ALLOW
25 CONSIDERATION OF OR TO APPROVE ANY UNAUTHORIZED AMENDMENT
26 PROPOSED FOR RATIFICATION TO THE CONSTITUTION OF THE UNITED
27 STATES, SO HELP ME GOD (OR SO I DO AFFIRM).

28 _____
29 (SIGNATURE OF DELEGATE OR ALTERNATE)

30 D. A DELEGATE OR ALTERNATE MAY NOT VOTE TO ALLOW CONSIDERATION OF OR
31 TO APPROVE A PROPOSED AMENDMENT:

32 1. THAT VARIES FROM THE EXACT TEXT OF THE AMENDMENT CONTAINED IN THE
33 ARTICLE V APPLICATION.

34 2. THAT IS OUTSIDE OF THE SUBJECT MATTER OF THE ARTICLE V APPLICATION,
35 THE CALL TO AN ARTICLE V CONVENTION OR THE INSTRUCTIONS PRESCRIBED BY THE
36 LEGISLATURE.

37 E. A DELEGATE OR ALTERNATE WHO CASTS A VOTE IN VIOLATION OF THIS
38 SECTION SHALL BE IMMEDIATELY RECALLED BY AN OFFICIAL OR COMMITTEE AUTHORIZED
39 BY THE LEGISLATURE. THE OFFICIAL OR COMMITTEE SHALL CERTIFY IN WRITING TO
40 THE ARTICLE V CONVENTION THE NULLIFICATION OF THE UNAUTHORIZED VOTE CAST BY A
41 DELEGATE IN VIOLATION OF THIS SECTION.

42 F. THE LEGISLATURE OR AN OFFICIAL OR COMMITTEE AUTHORIZED BY THE
43 LEGISLATURE SHALL CERTIFY IN WRITING TO THE ARTICLE V CONVENTION THE
44 FOLLOWING:

45 1. THE SELECTION OF DELEGATES AND ALTERNATES.

- 1 2. THE RECALL AND REPLACEMENT OF A DELEGATE WITH AN ALTERNATE.
- 2 3. THE NULLIFICATION OF UNAUTHORIZED VOTES CAST BY A DELEGATE OR
- 3 ALTERNATE.
- 4 G. A DELEGATE OR ALTERNATE WHO KNOWINGLY VIOLATES THIS SECTION IS
- 5 GUILTY OF A CLASS 2 MISDEMEANOR.
- 6 H. FOR THE PURPOSES OF THIS SECTION:
- 7 1. "ARTICLE V APPLICATION" MEANS A RESOLUTION THAT IS PASSED BY THE
- 8 LEGISLATURE ON THE SAME SUBJECT OR THAT CONTAINS THE SAME PROPOSED AMENDMENT
- 9 TEXT AS THIRTY-THREE OTHER SOVEREIGN STATES AND THAT REQUIRES CONGRESS TO
- 10 CALL AN ARTICLE V CONVENTION BY SETTING THE TIME AND PLACE.
- 11 2. "ARTICLE V CONVENTION" MEANS A CONVENTION FOR PROPOSING AMENDMENTS
- 12 FOR RATIFICATION TO THE CONSTITUTION OF THE UNITED STATES AS EXPRESSLY
- 13 PROVIDED IN ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES.
- 14 3. "DELEGATE" OR "ALTERNATE" MEANS A PERSON APPOINTED BY THE
- 15 LEGISLATURE TO REPRESENT THIS STATE AT AN ARTICLE V CONVENTION.