

HOUSE BILL NO. HB0121

Constitutional convention limitations.

Sponsored by: Representative(s) Laursen, Lindholm, Miller
and Winters and Senator(s) Bebout, Driskill,
Hicks, Peterson and Wasserburger

A BILL

for

1 AN ACT relating to administration of government; specifying
2 limitations on delegates to an Article V convention;
3 providing definitions; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 9-20-101 and 9-20-102 are created to
8 read:

9

10 CHAPTER 20

11 LIMITATIONS ON DELEGATES TO A CONVENTION FOR PROPOSING

12 AMENDMENTS

13

14

15 **9-20-101. Definitions.**

1

2 (a) As used in this chapter:

3

4 (i) "Article V application" means a joint
5 resolution passed by the state legislature of Wyoming on
6 the same subject or containing the same proposed amendment
7 text as thirty-three (33) other states requiring congress
8 to call an article V convention by setting the time and
9 place;

10

11 (ii) "Article V convention" means a convention
12 for proposing amendments as expressly provided in article V
13 of the constitution of the United States;

14

15 (iii) "Delegate" or "alternate" means a person
16 selected by the state legislature of Wyoming or any other
17 method provided by law to represent the state of Wyoming at
18 an article V convention;

19

20 (iv) "Legislative instructions" means
21 instructions given by the state legislature to delegates
22 and alternates before and during an article V convention;

23

1 (v) "Unauthorized amendment" means a proposed
2 amendment that is outside the subject matter of the article
3 V application or contrary to legislative instructions.
4

5 **9-20-102. Limitations of authority for delegates to**
6 **an article V convention.**
7

8 (a) No delegate from Wyoming to an article V
9 convention shall have authority to vote to allow
10 consideration of, or to approve, an unauthorized amendment
11 for ratification to the constitution of the United States.
12

13 (b) Any delegate casting a vote in violation of
14 subsection (a) of this section shall be immediately
15 recalled by an official or executive branch committee
16 authorized by a resolution of the legislature and replaced
17 by an alternate.
18

19 (c) Each delegate or alternate from Wyoming to an
20 article V convention shall be required to take the
21 following oath or affirmation: "I do solemnly swear or
22 affirm that to the best of my abilities I will, as a
23 delegate or alternate to an article V convention, uphold

1 the constitution and laws of the United States of America
2 and Wyoming. I will not vote to allow consideration of or
3 to approve any unauthorized amendment proposed for
4 ratification to the constitution of the United States of
5 America. I understand and accept any penalties that may be
6 imposed on me by Wyoming law for violating this oath."

7
8 (d) Any delegate who violates the oath contained in
9 subsection (c) of this section shall be guilty of a
10 misdemeanor punishable by imprisonment for not more than
11 one (1) year, a fine of not more than one thousand dollars
12 (\$1,000.00), or both. Additionally, any delegate who
13 violates the oath contained in subsection (c) of this
14 section shall be ineligible to serve as a delegate and any
15 certification of the delegate shall be null and void.

16
17 (e) The secretary of state shall certify the
18 selection of the Wyoming delegates in writing to the
19 article V convention and shall provide a copy of the
20 certification to each delegate. No delegate shall have
21 authority to vote or otherwise serve as a delegate at the
22 Article V convention without the certification.

1 (f) The secretary of state shall promulgate rules and
2 regulations setting out a process for selecting alternative
3 delegates to the article V convention in the event a
4 delegate becomes unable or ineligible to serve. If a
5 delegate becomes ineligible to serve under the provisions
6 of subsection (d) of this section, the alternate delegate
7 shall immediately be entitled to represent Wyoming as a
8 delegate in place of the delegate who has become ineligible
9 and the secretary of state shall immediately provide
10 certification to the new delegate.

11

12 (g) The secretary of state shall notify the article V
13 convention and any delegate involved of the automatic
14 revocation of that delegate's certification should the
15 delegate violate his pledge to act only within the limits
16 of the authority granted by the state of Wyoming.

17

18 (h) The provisions of this section shall be enforced
19 by the attorney general. A Wyoming citizen may file an
20 action to enforce the requirements of this article and
21 shall be entitled to reasonable attorney's fees if
22 successful.

23

1 (j) Delegates from Wyoming shall only be authorized
2 to attend an article V convention if each state has an
3 equal vote at the convention.

4
5 **Section 2.** W.S. 22-20-209 is amended to read:

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7 **22-20-209. Procedure when congress directs manner of**
8 **holding convention; procedure for an article V convention.**

9
10 (a) If congress, either in the resolution submitting
11 the question or by statute, prescribes the manner in which
12 the conventions shall be constituted, the provisions of
13 this chapter are inoperative, and the convention shall be
14 constituted and shall operate as the resolution or act of
15 congress directs. All officers of the state who may be
16 authorized or directed by the resolution or statute to take
17 any action to constitute a convention for this state are
18 authorized and directed to act in accordance therewith and
19 in obedience thereto with the same force and effect as if
20 acting under a statute of this state.

21
22 (b) If an article V convention is called as provided
23 in W.S. 9-20-102, the provisions of this chapter are

1 inoperative to the extent that they conflict with a
2 convention conducted in accordance with W.S. 9-20-102.

3

4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9 (END)