

HOUSE BILL NO. 1446

Introduced by

Representatives K. Koppelman, Dockter, Hatlestad, Kiefert, Looyesen, Paur, Schatz, Steiner,
Thoreson

Senators Berry, Hogue, Laffen

1 A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota
2 Century Code, relating to certification of delegates to a constitutional convention to amend the
3 United States Constitution; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 54-03 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Certification of delegates to United States constitutional convention - Penalty.**

- 8 1. If an interstate convention is called pursuant to article V of the United States
9 Constitution, the legislative assembly or an official designated by the legislative
10 assembly shall certify each delegate and alternate delegate from the state to the
11 convention and provide a written copy of the certification to each delegate and
12 alternate delegate and to the convention. If a delegate is ineligible or unwilling to serve
13 as a delegate at the convention, the legislative assembly or the official designated by
14 the legislative assembly shall certify an alternate delegate to replace the delegate and
15 immediately provide a copy of the certification to the delegate and the convention.
- 16 2. If a delegate is rendered ineligible to serve under subsection 4, the delegate's
17 certification must provide notice to the convention that any vote or other action taken
18 by that delegate should be considered void.
- 19 3. An individual who has not been certified under this section may not serve as a
20 delegate at the convention.
- 21 4. As a condition of being eligible for consideration or selection as a delegate or alternate
22 delegate, each delegate and alternate delegate shall, execute the following oath:

1 I do solemnly swear or affirm that I will, to the best of my abilities, support the
2 United States Constitution and the Constitution of North Dakota and I will not vote
3 to allow consideration of or consider or approve any unauthorized amendment
4 proposed for ratification to the United States Constitution. I understand that a
5 violation of this oath will result in my being rendered ineligible to serve as a
6 delegate at the convention as well as subject me to additional penalties under the
7 laws of the North Dakota.

8 5. A delegate at the convention may not vote to allow consideration of or consider or
9 approve any unauthorized amendment. An "unauthorized amendment" means:

10 a. A proposed amendment that varies from the exact text of the amendment
11 contained in the application made by the legislative assembly which limits the
12 convention to approving or disapproving that exact text or, if the legislative
13 assembly did not make the application, the exact text of the amendment
14 contained in the applications relied on by the United States Congress in calling
15 the convention if the application contains exact text for a proposed amendment;

16 or

17 b. A proposed amendment that is outside the permitted subject matter of the
18 application made by the legislative assembly or, if the legislative assembly did not
19 make the application, the permitted subject matter of the applications relied on by
20 the United States Congress in calling the convention and as the subject matter
21 may be further defined by the legislative assembly or an official designated by the
22 legislative assembly in instructions adopted by the legislative assembly by
23 concurrent resolution and provided to each delegate and alternate delegate.

24 6. The legislative assembly or an official designated by the legislative assembly shall
25 provide guidance upon the request of any delegate or alternate delegate as to whether
26 a proposed amendment is within the permitted subject matter of the convention.

27 7. A delegate casting or attempting to cast a vote at a convention in violation of this
28 section must be rendered ineligible to continue to serve as a delegate and must be
29 immediately removed from office and replaced by an alternate delegate as provided
30 under this section. A vote cast by a delegate at a convention which is in violation of
31 this section is void.

- 1 8. A delegate who knowingly and willfully violates this section is guilty of a class C felony.