

Delegate Selection and Conducting Business at an Article V Convention

(Proposed Federal Legislation)

The House of Representatives shall determine, by majority vote, whether applications for an Article V convention that include limitations on the nature of amendments that can be proposed by delegates to a convention shall be rejected as invalid or accepted as valid, but with any such limitation invalidated.

Upon receipt of valid applications from the legislatures of two thirds of the several states calling for a convention, Congress shall call an election of delegates to that convention on a date not less than five months nor more than six months after the required number of applications are received.

At that election, the citizens of each state shall elect a number of delegates equal to the number of representatives each state is entitled to in the United States House of Representatives. Each delegate shall be eighteen years of age or older. No person holding public office shall be eligible to serve as a delegate.

Citizens seeking to serve as a delegate shall be nominated by nominating petitions only, which shall be signed by a number of citizens of the state in which the citizen seeking to serve as a delegate resides, totaling one tenth of one percent or more of the number of voters who voted in the most recent state-wide election in that state. Notarized copies of the nominating petitions shall be submitted to the Secretary of State of the state in which they reside unless a different public official is designated by the legislature of a state. Nominating petitions must be submitted at least 60 days before the election of delegates.

All such candidates shall be voted for on a ballot providing for voters to rank a minimum of five candidates, in order of preference. Votes shall be tabulated as follows:

The delegates so elected shall convene in Washington, D. C. on a date designated by an act of Congress, not less than 30 days nor more than 60 days after their election. The facilities of the House of Representatives shall be made available for the convention and the delegates.

Upon convening all delegates shall take an oath to discharge faithfully their duties as delegates to the convention. Congress shall provide the funds necessary to reimburse delegates for reasonable and customary expenses related to attending the convention.

A majority of the delegates shall constitute a quorum for the transaction of business. Delegates shall be free to propose a constitution or amendments to the present constitution, irrespective of any limitations or restrictions included in applications from the several states calling for an Article V convention.

No constitution or amendment to the present constitution shall be submitted to the people of the United States of America for their ratification or rejection unless by the assent of a majority of all the delegates-elect, the yeas and nays being entered on the journal of the convention.

The delegates to the convention may appoint such officers and employ such assistants as it may deem necessary and fix their compensation. Delegates may make provisions for the printing of documents, journals, proceedings and a record of its debates, and appropriate money for the expenditures incurred.

The sessions of the convention shall be open to the public. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election returns and qualifications of its delegates. In case of a vacancy by death, resignation, or other cause, the vacancy shall be filled by the last candidate eliminated during the tabulation of ranked choice votes.

Any proposed constitution or constitutional amendment adopted by the convention shall be submitted to a vote of the people of the United States of America at such time, in such manner, and containing such separate and alternative propositions and on such official ballot as may be provided by the convention, at a referendum conducted not less than 60 days nor more than six months after the adjournment of the convention. Upon the approval of the constitution or constitutional amendments the same shall take effect at the end of 30 days after the referendum the results of the election shall be certified and proclaimed by the United States House of Representatives.