

O.C.G.A. § 28-6-8

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*** Current through the 2017 Regular Session of the General Assembly. ***

TITLE 28. GENERAL ASSEMBLY
CHAPTER 6. INTERSTATE COOPERATION

O.C.G.A. § 28-6-8 (2017)

§ 28-6-8. Appointment of delegates to Article V conventions called by the Congress of the United States for proposing amendments to the Constitution of the United States

(a) As used in this Code section, the term:

(1) "Article V application" means a resolution adopted by the General Assembly on the same subject or containing the same proposed amendment text as not less than two-thirds of the several states of the United States applying to the Congress of the United States for said Congress to call an Article V convention by setting the time and place of such convention.

(2) "Article V convention" means a convention called by the Congress of the United States upon application of the legislatures of not less than two-thirds of the several states of the United States for the purpose of proposing amendments to the Constitution of the United States as expressly provided in Article V of said Constitution.

(3) "Delegate" means a person appointed as provided in this Code section to represent the State of Georgia at an Article V convention.

(4) "Delegation" means the entire group of delegates serving as such, collectively, pursuant to this Code section.

(5) "Legislative instructions" means any instructions given by resolution of the General Assembly to delegates before or during an Article V convention.

(6) "Unauthorized amendment" means a proposed amendment to the Constitution of the United States that is outside the subject matter of the Article V application, the call of the Article V convention by the Congress of the United States, or any legislative instructions.

(b) Upon a call by the Congress of the United States for an Article V convention at which each state of the United States is to have one equal vote, seven delegates shall be appointed forthwith to represent the State of Georgia at such particular Article V convention as follows:

- (1) The Speaker of the House of Representatives shall appoint two delegates;
 - (2) The President of the Senate shall appoint two delegates;
 - (3) The Governor shall appoint two delegates; and
 - (4) One delegate shall be appointed upon the affirmative vote of not less than four of those six delegates who were appointed pursuant to paragraphs (1), (2), and (3) of this subsection.
- (c) Any vacancy in the delegation due to death, resignation, ineligibility, recall, or other reason shall be filled in the same manner as the original appointment.
- (d) No delegate shall have the authority to vote to allow consideration of or vote to approve an unauthorized proposed amendment to the Constitution of the United States.
- (e) Any delegate casting a vote to allow consideration or approval of an unauthorized proposed amendment may be immediately recalled by a majority vote of the Speaker of the House of Representatives, the President of the Senate, and the Governor; the position of such recalled delegate shall thereby be vacated; and such unauthorized vote shall be nullified.
- (f) (1) Each delegate shall be subject to the eligibility requirements of Code Section 45-2-1 and, upon qualification, shall be required to take the following oath:
"I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to an Article V convention, uphold the Constitution and laws of the United States and the State of Georgia. I will not vote to allow consideration of or to approve any unauthorized proposed amendment to the United States Constitution."
- (2) Violation of the oath or affirmation provided in paragraph (1) of this subsection shall be subject to the provisions of Code Section 16-10-1.
- (g) The Secretary of State shall certify in writing to the Article V convention the appointment of delegates, the recall of any delegate, the filling of any vacancy in the delegation, and the nullification of any unauthorized votes cast by any delegate.
- (h) No delegate shall be appointed pursuant to this Code section to an Article V convention unless each state of the United States has one equal vote at such convention.
- (i) Except upon the resignation, death, ineligibility, recall, or other vacation of office by a delegate, the term of each delegate shall be for the duration of the particular Article V convention for which purpose the delegate was appointed, and the delegation shall be dissolved and disbanded upon the adjournment sine die of such convention.

HISTORY: Code 1981, § 28-6-8, enacted by Ga. L. 2014, p. 815, § 1/SB 206.