



Proposed Article V Convention Call

By the Congress of the United States

## **Done By Unanimous Consent**

**In the \_\_\_\_\_ Session of the \_\_\_\_\_ CONGRESS  
CONVENED IN EXTRAORDINARY SESSION ON**

**\_\_\_\_\_ DAY OF THE \_\_\_\_\_ MONTH, 20\_\_\_\_**

The Senate and House of Representatives of the Congress of the United States of America convened in extraordinary session by President of the United States \_\_\_\_\_ for the exclusive purpose of counting applications submitted by the several state legislatures for a convention for proposing amendments and;

The Constitution of the United States mandating “Congress ... on the application of the legislatures of two-thirds of the several state legislatures shall call a convention for proposing amendments...”and;

Congress, having never before counted any application submitted by any state legislature for the purpose of causing a convention call as mandated by the Constitution and;

The number of applying states published in the Congressional Record appearing to satisfy the two-thirds requirement of Article V and;

This constitutional fact having been brought to the attention of President \_\_\_\_\_, the President, mandated by the Constitution to ensure obedience to the Constitution hereby calls Congress into special session for the exclusive purpose of counting applications submitted by the several state legislature requesting a convention call and;

Congress, assembled into special session for the exclusive purpose of counting applications submitted by the several state legislatures requesting a convention call as authorized under Article V of the United States Constitution and;

The count of applications being conducted by the members of Congress under the direction of \_\_\_\_\_ President of the Senate and \_\_\_\_\_ Speaker of the House and certified by \_\_\_\_\_ Clerk of the House of Representatives and \_\_\_\_\_ Secretary of the Senate and;

The count of applications determining that a sufficient number of applications have been submitted to satisfy the numeric count of applying states (two-thirds of the several states in the Union) required by the Constitution therefore:

By unanimous consent, Congress, having counted sufficient applications to establish at least one application from each of two-thirds of the several state legislatures thus satisfying the condition of Article V of the Constitution of the United States hereby calls a Convention for the Proposal of Amendments to the United States Constitution.

Mindful no law, bill, order, resolution, vote, debate, committee submission or veto by the president is permitted by the Constitution regarding a convention call as all such acts imply an unconstitutional right of Congress to refuse its peremptory obligation to call a convention “on the application” of the several state legislatures and;

Mindful beyond establishing the time and place for an Article V Convention call all other stipulations in a convention call are therefore non-binding recommendations as a call has no force of law as is the case with a law, order or resolution made by Congress and;

Mindful the Constitution nevertheless binds an Article V Convention as with all legal entities created with the Constitution to all terms, conditions and stipulations of the Constitution and;

Mindful the Constitution prescribes no other means, whereby Congress may act to resolve any operational or constitutional questions of an Article V Convention except by text within its non-binding convention call and;

Mindful the Supreme Court has established by its own rule its role in the amendment process is entirely advisory and any opinion rendered by the Court is “an advisory opinion given wholly without constitutional authority” and;

Mindful the Supreme Court therefore cannot perform its usual duty of constitutional interpretation thus leaving the resolution of the issue entirely to Congress to act within the bounds of the Constitution and;

Mindful that once procedures are established to resolve a constitutional issue, over time they assume force of law by custom and;

Desiring to ensure the convention complies with all terms of the Constitution particularly those provisions of equal protection under the law mandated by the 14<sup>th</sup> Amendment and;

Desiring to resolve permanently the constitutional and operational issues of an Article V Convention within the limitations imposed on Congress by the Constitution and;

Realizing a convention call is an ongoing, irrevocable, peremptory obligation on Congress permitting no option on the part of Congress or allowing Congress to take any action intended to prevent the calling of an Article V Convention whenever two-thirds of the legislatures of the several states shall apply;

Congress recommends the following non-binding conditions for this and all subsequent convention calls.

1. The intent of this and subsequent convention calls is to satisfy the requirement of Article V of the United States Constitution as to Congress' obligation to call an Article V Convention whenever two thirds of the several state legislatures submit or have submitted applications for a convention call to Congress. The purpose of these recommendations is to provide a uniform, reliable, fair, and politically unbiased methodology and framework enabling the convention to occur as constitutionally mandated while simultaneously providing clear and precise operational standards of procedure, which the public, states, and the federal government can rely.
  - a. Article V of the Constitution mandates Congress call a convention whenever two-thirds of the several state legislatures submit applications this purpose. There are no other terms, conditions or circumstances the states are required to satisfy as Article V grants no authority to either the states or Congress to place any other term or condition on any application. Therefore, the basis on which a convention call must occur is a numeric count of applying states with no other terms or conditions. The numeric count of applications is therefore always cumulative. All convention applications by the states for an Article V Convention call once submitted to Congress are irrevocable by either the states or Congress as the call being preemptory on Congress provides no option and the states, precluded by provisions within the Constitution, have no authority to nullify federal record.
  - b. A call shall only take effect when two-thirds of the several state legislatures submit (or have submitted) applications to Congress as specified in § 3 of this call. Such call shall only be issued under the terms described in § 2-§ 5 of this call.
  - c. In all circumstances whenever the states, the state legislatures, state ratification conventions, members of Congress or delegates to an Article V Convention engage in the amendment process as specified in Article V of the Constitution, they shall operate under the authority of the United States Constitution, state constitutions, or state laws notwithstanding.
  - d. The President has no role in the amendment process. Thus, Congress cannot propose any legislation purporting to regulate a convention, as it cannot be presented to the President for his review. The President does have constitutional authority to ensure obedience to the Constitution, including all parts of Article V. Thus, the President may call Congress into special session for the express purpose of counting applications for a convention call and issuing

a convention call should Congress refuse to fulfill its constitutional obligation on its own initiative.

2. The phrase “on the application of two-thirds of the several state legislatures” means at least one application is submitted to Congress from the state legislature of each of two-thirds of the total number of states in the Union at the time of submission.
  - a. An application is a written notice sent to Congress (or already sent) by a state legislature which is received by the Clerk of the House of Representatives of the Congress of the United States (hereafter Clerk) as specified in § 3-§ 5 in this call. The applying state legislature shall specify in its application that the application is (1) an application for a convention call by Congress and (2) made under the authority of Article V of the Constitution. All applications containing such language are applications by a state for an Article V Convention call in all respects.
    - i. Congress shall consider no other text within the application, other than the notification by the state legislature of the stated purpose of the application specified in §2(a). If such language is present in the application, it shall count toward satisfying the two-thirds numeric count requirement of Article V. Congress shall disregard all other accompanying language within an application which shall be considered the business of the convention and have no bearing on Congress’ obligation to call.
    - ii. No other term, condition, or stipulation, by either Congress or the several states shall attach to the requirement of numeric count specified in the Constitution unless altered by process of amendment to the Constitution.
  - b. The Constitution requires no more than a single application from each of two-thirds of the several state legislatures in the Union to cause a convention call. Therefore—
    - i. Any applications sent from any state legislature received by Congress at any time in excess of this single application requirement shall remain in full constitutional effect and shall rollover and be applied toward the counting of applications for future convention calls.
    - ii. If the excess of applications shall satisfy the application requirement of a single application from each of two-thirds of the several state legislatures necessary to cause a convention call that group of applications shall be considered a new set of applications and cause a new convention call subject to the terms and conditions of this convention call.

- c. The text of any state application or applications cannot limit a convention to consideration of a single amendment subject proposed by a single state or group of states as the convention is constitutionally authorized to propose amendments. This call recognizes the people are sovereign and therefore it is the people, acting through their representatives, who possess authority to alter the Constitution by the amendment process while retaining their sovereign right to petition the convention directly for alteration of the Constitution by amendment. The convention, designated by the Constitution as a convention to propose amendments, has textual constitutional authority to consider all amendment proposals as all citizens acting through their state legislatures have the equal right to petition the convention for consideration of a proposed amendment subject. The convention retains the right of amendments proposal meaning the convention determines what amendment subjects, if any, it proposes, the actions of any state legislature or the people notwithstanding as the people have conferred this authority to the convention in Article V of the Constitution. The people and the state legislatures retain the right to reject any proposed amendment or amendments made by the convention by refusing to ratify the proposed amendment or amendments by means of the ratification procedures specified in Article V of the Constitution.
- d. All applications previously submitted by the state legislatures to Congress prior to the issuance of this call are considered satisfying § 2 in all respects presuming they satisfy the stipulations specified in § 2 a.
- e. As Congress and an Article V Convention are constitutionally coequal in regards to amendment proposal neither may establish terms, conditions or stipulations by any means intended to regulate the other. In regards to the convention call such prohibited terms, conditions or stipulations include, but are not limited to:
  - i. a requirement that a convention call be based on the same amendment subject proposed within an application or applications by the state legislatures;
  - ii. a requirement mandating the language of the application have identical language of any description except with reference to being an Article V Convention application as specified in § 3-§ 5 of this call;
  - iii. a requirement any application in order to be counted as a valid application to cause a convention call be contemporaneous in any manner whatsoever to any other application or set of applications submitted by the several state legislatures;

- iv. any proposed amendment by Congress of similar or identical in language contained in any application precluding its obligation to issue a convention call. If Congress shall propose such amendment or amendments, the proposed amendment(s) has no effect on its preemptory obligation to call the convention under the terms of this call.
  - 1. Any amendment proposed by a convention where Congress shall have proposed a similar or identical amendment shall be processed for ratification consideration by the states as prescribed by §§ 18-22 of this call, any congressional proposal notwithstanding. Congress does not have the right to preclude or refuse a choice of mode of ratification on the justification or basis that Congress has already proposed an amendment on the subject in question. The two modes of amendment proposal shall be considered at all times independent and autonomous of each other.
  - 2. The states shall resolve the issue of which, if either, amendment proposal shall become part of the Constitution by ratification of three-fourths of the states under the modes of ratification prescribed in Article V of the Constitution. Congress may not in any manner interfere in the ratification process nor is Congress permitted the right to withhold notification of ratification of a proposed amendment made by convention over that of one proposed by Congress.
- v. In all cases any action which may, in any capacity, preclude a convention call or give Congress excuse not to call a convention where the states have otherwise satisfied the numeric count of applying state legislatures described in the Constitution thus mandating a convention call, is prohibited.
- f. The mandate for a convention call is preemptory. Preemptory means the absolute requirement to obey and implement that, which is preemptory—in this instance a convention call. Therefore, no excuse whatsoever intended to disobey, thwart, or otherwise obstruct a convention call is permissible by any political department, federal or state, or any subsection thereof.
- g. As a convention call is preemptory on Congress, Congress is forbidden from consideration of any content within any state application, which in any manner causes or creates an option on the part of Congress not to call a convention where otherwise it is obligated to do so by necessitating deliberation by members of Congress or a

vote by members of Congress on the contents of that application or applications.

- h. The term, “on the application” means the issuance of an Article V Convention call by Congress immediately as prescribed by the terms in this call. The call shall take precedence over all other congressional business excepting a declaration of war or national emergency.
  - i. If either condition of declaration of war or national emergency exists, Congress shall call a convention as soon as is practical by following the specifications set forth in this call.
  - ii. Under no circumstances however shall a convention call be delayed more than 30 days from the date of notification by the Clerk as specified in § 5 and § 6.
  - iii. If Congress shall fail to act to call a convention as specified in §2 (g) (ii) the states shall proceed to elect delegates to the convention *in absentia* and hold such convention as if Congress had issued the call under the terms of this convention call.
3. The several state legislatures shall submit all applications for an Article V Convention call to the office of the Clerk.
  - a. The Clerk shall transmit to both House and Senate (through the office of the Secretary of the Senate) copies of all applications received, discovered, or otherwise obtained from the states or from already existing federal records if not already published in the Congressional Record.
  - b. It shall be the direct, exclusive, ministerial duty and responsibility of the Clerk to count all applications for a convention call as specified in § 2.
  - c. Whenever a set of applications meeting the requirements of §§ 1, 2 shall occur the Clerk shall, as described in §5, notify all relevant parties a convention call is mandated by the terms of Article V of the Constitution. The Clerk shall then issue the convention call to the several states by certified copy of notification.
4. The Clerk is responsible and shall inventory into a single public record, all previously submitted applications (including any applications in state records missing from the federal record).
  - a. The Clerk shall have discretion to either designate personnel in the Clerk’s office to conduct a search of state records for missing applications or request the secretaries of states of the various states conduct such research.



- i. If a secretary of state or a state official designated to search for applications of the state conducts the search, the secretary of state upon submitting the purported application shall furnish to the Clerk sufficient proof of public record to prove to the satisfaction of the Clerk the authenticity of the purported application.
  - ii. The authenticity of a purported application is proved if public record shows:
    1. (a) the purported application was approved by all houses of the state legislature;
    2. (b) has not already been received in Congress by publication in the Congressional Record;
    3. (c) is an application for an Article V Convention call as it contains original language made at the time of passage describing such purpose;
    4. (d) contains proof of certification either by designated officials of the state legislature made in accordance with appropriate state law or certification by the secretary of state of the state authorized by appropriate state law in force at the time the application was approved by the state legislature.
  - iii. Upon completion of this research, or as soon as the record dictates, the Clerk shall determine whether a group of previously submitted applications satisfies the two-thirds numeric count specified in §§ 1, 2. If such condition is met, the Clerk shall immediately notify all relevant parties as specified in § 5 of the issuance of a convention call subject to the time limitation specified in § 6.
- b. The Clerk's inventory of all applications for a convention call by the state legislatures will consist of all applications received or discovered by the Clerk.
    - i. The Clerk, for purposes of inventory control, may attach such numeric and alphanumeric designations to each application, as the Clerk deems proper. The Clerk may establish such rules and procedures as necessary and proper to execute proper inventory control of all applications. All official references to any application or set of applications shall employ this numeric and alphanumeric designation.
    - ii. The Clerk shall transmit the paper originals of the inventory to the Archivist of the United States for safekeeping but shall make such records and copies as necessary in order to carry out other duties assigned in this call to the Clerk.

- iii. The Clerk may store all inventories electronically, but in all circumstances, the Archivist of the United States shall store at least one original paper copy of all applications for safekeeping and shall take such steps as necessary to ensure their public access.
  - 1. At the minimum public access shall mean the Archivist shall store all applications in separate, distinct files grouped together in a single location within the archives and shall be designated as permanent records. The storage of the applications shall be equal to that afforded all public records kept on a permanent basis by the Archivist.
  - 2. The Archivist shall institute such regulations as necessary to ensure adequate public access to the applications for constitutional and public use while balancing the needs of proper preservation of the applications.
  - 3. The Archivist shall make such electronic copies of the applications as needed and shall present them in a manner that permits efficient public access of these applications.
- iv. The Clerk shall immediately file any applications received from the state legislatures under the procedures described in this section.
- c. An officer of the convention shall present all formal records of the convention or any record associated with an Article V Convention to the Clerk as soon as practical.
  - i. At least one copy of the records of the convention shall be in paper form which will be stored in the same manner as described in § 4 (a).
  - ii. The Clerk shall transmit the original copies of these records to the Archivist of the United States for safekeeping.
  - iii. The Archivist of the United States shall file all records of the convention in separate and distinct records easily and readily available for public inspection.
  - iv. The Archivist of the United States may formulate such rules of access as are necessary and proper to balance the needs of public access with the proper preservation of all records related to an Article V Convention.

- d. As specified in § 8 (a) all applications for an Article V Convention submitted by the states shall be published in the Congressional Record as a separate subject entry.
  - i. Such publication shall occur within 30 days of receipt by the Clerk. The date of receipt by the Clerk is in all circumstances the effective date of submission of the application to the Clerk by any state.
  - ii. All publication of applications whether published in the Senate or House portion of the Congressional Record shall consist of the full text of the application.
  - iii. Wherever possible the House and Senate copies shall be published together in the Congressional Record and listed together in the tabulation of records as specified in §9 (a) (i-v).
  - iv. Wherever previous references in the Congressional Record do not present the full text of state applications, the Clerk shall make every diligent effort to obtain the original text from whatever committee or archive the text is stored and present that text as part of the records required of the Clerk as specified in §9 (a) (i-v).
  - v. The aforementioned rules of inventory of § 4 (a-c) will be applied by the Clerk to all previously submitted applications with the following exceptions:
    - 1. Unless disputed by affirmative public record the Clerk shall record the date of submission of such applications as the date of publication in the Congressional Record.
    - 2. Affirmative public record shall consist solely of records of passage by the state legislature in question or certification by the secretary of state of the state in question.
    - 3. The Clerk may formulate such applicable rules as necessary to resolve any questions arising as to the submission date of any application.
  - vi. The Clerk shall determine any question of duplication in the Congressional Record by examination of the texts of the application in both House and Senate.
    - 1. If no text is available for comparison, the Clerk shall disregard any notation in the Congressional Record, which does not quote verbatim the actual text of the

application by the state, and count only that record of entry, which does quote such text.

2. Where such text comparison proves duplication, the duplication shall count as a single application from the state.
5. The Clerk shall notify all relevant parties of the issuance of a convention call and transmit a certified copy of notification to the following parties:
    - a. The President of the United States;
    - b. The Vice President of the United States;
    - c. The Speaker of the House of Representatives, the House majority leader, the House minority leader;
      - i. The Speaker of the House of Representatives or his designate shall announce to the chamber receipt of the certified copy of notification;
      - ii. The Speaker of the House of Representatives or his designate shall enter the announcement into the Congressional Record.
    - d. The President of the Senate, the Senate majority leader and the Senate minority leader;
      - i. The President of the Senate or his designate shall announce to the chamber receipt of the certified copy of notification;
      - ii. The President of the Senate or his designate shall enter the announcement into the Congressional Record.
    - e. The Archivist of the United States;
    - f. The following state officials of each state:
      - i. the governor,
      - ii. the secretary of state,
      - iii. the clerk of each legislative house in each state,
      - iv. the majority and minority leaders of both parties in all houses of each state legislature.
    - g. Upon receipt of notification all parties notified in § 5 (a-f) shall acknowledge receipt of notification by certified mail or equivalent to the office of the Clerk.
    - h. The Clerk shall enter the certified copy of notification for each party described in this section in the Congressional Record.
      - i. The certified copy of notification of a convention call shall consist of:

1. a copy of this convention call;
  2. the texts of all applications causing calling of the convention;
  3. a sworn statement by the Clerk stating a sufficient number of applications by the state legislatures now satisfy the terms of Article V requiring a convention call.
- ii. The Clerk shall enter into the Congressional Record all receipts of notification returned to the Clerk's office by those officials specified in §5 (a-f).
  - i. At the time of issuance of the certified copy of notification to the officials specified in §5 (a-f) the Clerk shall issue a formal announcement of the call to the public and media. The Clerk shall make all reasonable effort accommodate any requests or questions by the public or media regarding the convention call.
6. No convention call shall occur within a period of two years following the calling of a prior convention to permit a proper time interval for election of delegates and the conducting of the convention already called. The Clerk may notify Congress of the occurrence of another mandated call at any time but Congress shall not issue the call until the two-year period shall expire or the convention already called shall adjourn, whichever shall occur first.
7. Whenever a convention call occurs because of submission of the required two-thirds applications from the state legislatures that set of applications then becomes a set of discharged applications having fulfilled their constitutional objective of causing a convention call.
  - a. Discharged applications no longer count as valid applications for any convention call.
  - b. Discharged applications remain as a permanent part of the public record kept for historic purposes and shall be stored under the process specified in §4 (a-c).
  - c. All applications whether discharged or active shall be available for reasonable public inspection at all times in paper form and by electronic display on the Internet or equivalent electronic media.
8. The Tenth Amendment prohibits rescission or nullification of a federal record by any state or states who intend, with such nullification or rescission to alter or nullify federal records specifically assigned by the Constitution to the sole care of Congress. Therefore:
  - a. As Congress has always and will continue to record all applications in the Congressional Record, a specific record assigned expressly to Congress by the Constitution to keep and maintain, the provi-

sions of the Tenth Amendment separating federal authority from state authority applies.

- b. No state may in any manner attempt to nullify any federal record in the Congressional Record including any application sent Congress by any state legislature by any means including the transmission of another application purporting to “rescind” or nullify a previously submitted application.
- c. As the Constitution sets no time limit on the legal and constitutional effect of an application by a state legislature, all applications are perpetual and irrevocable until a sufficient number of applications shall cause a convention call.
- d. This provision shall have no effect on any application by a state legislature not sent beyond its own state borders.
- e. An act of rescission is a separate act on the part of the state legislature from that of submission of an application for a convention call and shall not effect or affect the count of submitted applications by the state legislatures for an Article V Convention call.
- f. The Clerk shall ignore in all aspects any request by a state in any form purporting to “rescind” from federal record any previously submitted application or applications by the legislature of the state.
- g. If the Clerk receives any new applications not previously submitted by the state legislatures purporting to “rescind” previously submitted applications, the Clerk shall refuse to file, inventory, or count such “rescission” in the public record in any manner whatsoever.
  - i. The Clerk shall forthwith return all such “rescissions” to the state legislature with a note of explanation citing this section of this call as the reason for not taking action on the rescission.
  - ii. If any application purporting to rescind any application already received by Congress shall be discovered by the Clerk, the Clerk will immediately follow the same procedure described in § 8 (d) and return the rescission to the state legislature.
  - iii. The Clerk shall make note of the return and the reasons for the return of all rescissions in the yearly records described in § 9 (a) (i-v) (b).
  - iv. The Clerk shall furnish a copy of the rescission to the Archivist of the United States for safekeeping who shall keep such records in a file separate of all other applications and shall

make appropriate note on the file explaining rescission applications have no validity whatsoever.

9. The Clerk shall report to both houses of Congress and to the several state legislatures not less than once a year as to the number of applying state legislatures which have submitted applications for an Article V Convention.
  - a. The report shall be entitled, "Summation of all Article V Convention Applications for \_\_\_ [Year]."
    - i. For the first yearly report, the Clerk will furnish a copy of the texts of all applications previously submitted by the state legislatures as specified in § 3 and § 4. All reports shall include, as they become available, any applications from the states, discovered in state records not previously recorded in Congress. The new records shall be recorded as described in § 9 (a) (ii) (iii).
    - ii. The second year report shall only include those applications from the state legislatures, submitted within the year following the issuance of the first report unless such applications shall not have yet been discharged in which case all such applications shall be recorded.
    - iii. Subsequent yearly reports shall show only new applications submitted within the yearly period unless prior applications shall not have yet been discharged in which case all such applications shall be recorded.
    - iv. The Clerk shall publish this report as an appendix in the Congressional Record. The Clerk shall also make the report as a stand along report available to the public under the same guidelines, which apply to all other public documents available to the public and shall transmit a copy of the report each year to the secretary of state of each state.
    - v. In all instances, the Clerk shall furnish with all yearly reports summations of the record of applications, as the Clerk shall deem appropriate but at the minimum shall list the total number of states that have applied for a convention call.
    - vi. All reports shall specify whether any set of applications caused a call for an Article V Convention. The report will list these applications as "discharged." Applications listed as "discharged" shall not appear in subsequent yearly reports.
  - b. The Clerk shall send copies of all reports to the Archivist of the United States who shall preserve such records together with all other relevant records of the convention.

10. No further action by Congress shall be required for the convention to convene other than those noted in this convention call.
  - a. Congress and the Article V Convention shall be bound to obey strictly and expressly the terms of Article V and all other provisions of the Constitution at all times.
  - b. Delegates to the convention are required to the same oath of office as members of Congress to swear support of the Constitution and the laws of the United States. Delegates are subject to the by same federal laws enforcing such obligation as any other federal officer.
11. An Article V Convention shall convene one year from the date of receipt by the Clerk of the final application by a state legislature necessary to cause a convention call, unless such date shall fall on a Sunday or a national holiday.
  - a. If date of convening a convention shall fall on a Sunday the convention shall convene on the Monday, following (unless that Monday shall be a national holiday in which case the convention shall convene the following day).
  - b. Delegates will meet in session all days of the week (except Sundays and recognized federal holidays) for at least eight hours per day.
  - c. The convention shall convene in the chambers of the House of Representatives of the Congress of the United States commencing at 10 a.m. eastern standard time (unless daylight savings time be in effect in which case it shall be 10 a.m. daylight savings time).
  - d. The House of Representatives for the period the convention shall occupy its chambers shall meet at place of its choosing within the greater Washington DC area and shall bear all costs related to this circumstance.
  - e. The convention, having no means of income, shall not be charged for expenses related to its legitimate constitutional activities. However should the convention violate § 15 of this call, all costs acquired by the convention up to the point of violation shall be equally divided among all delegates and shall be considered a debt owing the United States Government who shall be empowered to take all necessary steps to collect the debt.
12. For the purposes of this first convention call, the convention shall convene one year from the date of the issuance of this convention call at the time and place specified in § 11. Subsequent conventions shall be subject to the time intervals specified in § 6.
13. An Article V Convention existing solely in the federal Constitution, the convention and delegates to the convention are federal in nature and therefore not subject to state laws regulating convention delegates except where the Constitution shall so prescribe by either direct reference to regulation of delegates or members of Congress. Convention delegates are federal officers and subject to all laws, affecting the conduct of such officers including such state laws as federal law dictates.



- a. As mandated by federal law and the authority of the Constitution Congress declares the election of delegates to an Article V Convention shall occur in the several states no later than the second Tuesday of the month prior to the date of the convening of the convention.
- b. No appointment to the office of any convention delegate shall occur under authority of state law except in the case of vacancy.
  - i. All federal laws offering protection or immunity to members of the federal government in pursuance of their duties shall apply to convention delegates.
  - ii. The Attorney General of the United States shall prosecute any violation of immunity as he would for any other federal official under already existing federal laws.
  - iii. As convention delegates are considered federal officers it is a felony for any member of a state legislature or any federal or state official operating under color of law or any person to attempt to threaten, coerce, or interfere with the assigned constitutional duties of a convention delegate.
  - iv. Threaten, coerce or interfere with the assigned constitutional duties of a convention delegate shall include, but not be limited to:
    - 1. Attempting to pre-determine by any means any debate, vote or act of a delegate at the convention;
    - 2. Issuing or threatening to issue any law which by any means, including threat of felony arrest or prosecution shall attempt pre-determination of convention agenda or delegate selection (except in the case of vacancy);
  - v. Attempting to bribe or otherwise seek influence by any means over the actions of a delegate, which shall include the time involving election of a delegate within a state.
  - vi. Conviction of violation of §13(b) shall not preclude prosecution under other applicable state or federal laws.
- c. Delegates shall in call Cases, except Treason, Felony and Breach of the Peace, be privileged from arrest during their attendance at the session of the Article V Convention which they shall be a delegate, and in going to and returning from the same; and for any speech or debate or vote in the convention, they shall not be questioned in any other place.
- d. All state and federal laws governing the election of members of the House of Representatives of the Congress of the United States shall apply in the election of delegates to an Article V Convention.

- e. The office of delegate to a convention for proposing amendments (or Article V Convention) to the Constitution of the United States shall be non-partisan.
    - i. No political party shall in manner whatsoever associate with, participate in, or have any part in the election of a delegate or state delegation to an Article V Convention.
    - ii. No political committee or political advocacy group of any description shall have any part in the election of a delegate or delegation to an Article V Convention.
    - iii. The financial resources and expenditures for any political campaign by any candidate seeking the office of delegate to an Article V Convention shall be limited and remain equal to whichever candidate for office of delegate to an Article V Convention within the congressional district in which election is sought has the least amount of financial resources for his or her campaign.
14. Qualification for election of a delegate to an Article V Convention in each state shall be identical to that as a member in the House of Representatives of the Congress of the United States.
- a. Each delegate shall represent the identical district as a corresponding member of the House of Representatives and must reside within the district that the delegate will represent. Except in cases of vacancy or resignation, all delegates shall be elected by the electors of the state eligible to vote within the district the delegate shall represent. No delegate shall hold any elective office (state or federal) other than that of delegate during his or her term of office nor assume the powers of any office (state or federal) during his or her term of office.
  - b. The term of office for delegate shall terminate at the conclusion of the convention. Conclusion of a convention shall be when the convention shall have considered and acted upon all amendment proposals raised in the state applications causing the convention to convene along with any proposed amendments submitted by the delegates to the convention for its consideration or when mandated by other provisions of this convention call. In all circumstances, the convention shall adjourn *sine die*.
  - c. The convention having no means to tax, delegates shall receive no remuneration during their term of office.
  - d. A delegate may resign his or her office at any time by submission of a written notice to the president of the convention or equivalent officer.

- i. Such resignation shall be recorded in the minutes of the convention and announced to the convention at its next regular session.
    - ii. Such resignation shall constitute a vacancy of office, which shall be filled by either appointment or election of a new delegate from the state, as state law shall direct.
    - iii. The replacement delegate shall have full powers of office of delegate to the Article V Convention.
15. As the Constitution specifies no other power or authority for an Article V Convention other than the proposal of amendments to the Constitution of the United States, the convention may conduct no other business, task, or assignment.
  - a. If an Article V Convention, any state delegation or delegate shall undertake or attempt to undertake any business, task, or assignment of any description other than the proposal of amendments to the Constitution,
    - i. in the case of the convention in whole, it shall immediately adjourn *sine die*;
    - ii. in the case of a state delegation, its delegates shall be removed from the convention permanently and the state so affected notified of vacancies in the delegation. Upon appointment or election of new delegates not in attendance prior to removal, the state delegation is immediately reinstated with all powers and authority of all other state delegations.
    - iii. in the case of an individual delegate, he or she shall be removed permanently from the convention and the state so affected notified of a vacancy in its delegation. Upon appointment or election of a new delegate, not in attendance prior to removal of the previous delegate, the new delegate is immediately reinstated with all powers and authority of all state delegates.
  - b. If a convention shall fail to address either the business of proposal of amendments or the disposal of amendment proposals submitted from state applications or by delegates to the convention for convention consideration in a timely and parliamentary manner for a period of not to exceed 10 days the convention is adjourned *sine die*.
    - i. Evidence the convention is either proposing or disposing of amendment proposals shall consist of meaningful votes by the convention body, substantive committee hearings relative to the issues under consideration or other similar parliamen-

tary acts generally associated with a parliamentary body conducting its business in a proper and timely fashion.

- ii. Failure to conduct business over a period of more than three days (excluding Sundays and national holidays) as described in § 15 (b ) (i) shall be grounds for convention delegates being removed from their place of meeting by such means as described in § 15 (h).

1. However if the failure to conduct business by the convention shall be caused by the failure of delegates or state delegations to appear for a quorum call, the president of the convention, having first made three quorum calls on three consecutive days (excluding Sundays and national holidays), may declare the state delegation absent. He shall then notify the state in question of a vacancy of that delegation or of various state delegates who shall then fill the posts in question as prescribed by state law.
2. The failure of a state to send a replacement delegate or delegation (no members of whom may be present at the convention when the delegate or delegation first failed to appear for a quorum call) in a timely fashion not to exceed ten days (excluding Sundays and national holidays) shall result in the president of the convention declaring the number of state delegations required to satisfy quorum to conduct convention business permanently reduced.
3. Determination of other inactivity by the convention shall be at the full discretion of the Sargent at Arms of the House of Representatives or equivalent officer who shall be required to make at least three notifications to the officer in charge of the convention before taking action to remove the convention from its place of meeting.

- c. Violation of § 15 is defined as:

- i. any delegate engaging in or publicly advocating any act or activity (other than public debate in convention session, speeches on the convention floor or by vote during convention session) which, because of that act or activity, shall obstruct an amendment proposal being submitted for possible ratification by the states or,
- ii. any delegate engaging in or publicly advocating any act or activity, which, because of that act or activity, (other than public debate in convention session, speeches on the con-

vention floor or by vote during convention session) obstructs the convention from disapproving a proposed amendment such that the amendment is not submitted for possible ratification by the states.

- iii. The proposal of a new Constitution by a convention, a state delegation or delegate shall be considered a violation of § 15.
- iv. The undertaking of any public act by any delegate, delegation or convention as a whole not substantially related to the proposal of an amendment to the Constitution of the United States.
- v. The proposal of any amendment by delegates who, except in the cases of resignation or vacancy, shall not have suffered election to office as prescribed in § 14 (a).
- vi. Officers of the convention, or if the officers be so accused, such delegates as the convention determines, may present evidence to Congress or the states proving the convention as a whole did not engage in violation of § 15 (i-iii).
  1. If such evidence shall be accepted as mitigating or refuting such charges the convention shall continue on its business but may, at its pleasure, expel any delegate or delegates who it deems have violated § 15 (i-iii) by a majority vote of the non-offending state delegations.
    - a. The convention shall establish such procedures and rules as necessary to consider and resolve the question of violation of Rule 15 and its subsections by an individual delegate, a state delegation, or the convention as a whole. These rules shall not preclude, exclude, nor prevent the states and Congress from any action granted under Rule 15 and its subsections. If the convention, however, expels a delegate or state delegation for Rule 15 and no other violation of Rule 15 by any delegate, delegation, or convention as a whole shall be charged, the matter shall be considered as closed.
  2. Expulsion of a delegate from the convention shall constitute a vacancy of office and a replacement delegate chosen or elected as specified by state law may be sent from the state. Such replacement delegate shall have full voting and other rights as all other delegates.

- d. If Congress determines after examination of the public record of the convention that the convention as a whole has violated § 15 it may declare by majority vote in both houses (assuming a quorum in each house) the convention adjourned *sine die provided* the legislatures of one-fifth of the states represented at the convention not raise objection.
  - i. If such states raise objection the convention shall remain in session. Congress may raise the question of adjournment in regular intervals of not more than 30 days (by a majority vote in both houses assuming a quorum) to those objecting state legislatures who, if they fail to mount the aforementioned one-fifth objection at each raise of the question, shall have agreed the convention adjourned *sine die*.
  - ii. In all circumstances where the question of violation of § 15 shall be raised the objecting states or members of Congress shall have no more than five days (excluding Sundays and national holidays) following the raising of the question to transmit their objection(s) to Congress. If such objections are not received within the five-day period, such objection shall be disregarded. The Clerk shall have authority in all cases to establish rules and procedures for the timely filing of objections. The Clerk shall immediately report all objections received to both Houses of Congress and all state legislatures by use of electronic transmission and certified mail.
- e. If one-fifth of the state legislatures of states represented at the convention determines after examination of the public record the convention has violated § 15 the state legislatures may petition Congress to declare the convention adjourned *sine die*.
  - i. At this time, Congress shall declare by majority vote in both houses (assuming a quorum) the convention adjourned *sine die provided* one fifth of the membership present of both houses of Congress not raise objection.
  - ii. If such congressional membership shall raise objection the convention shall remain in session. Congress may raise the question of adjournment in regular intervals of not more than 30 days (by a majority vote in both houses assuming a quorum) to the objecting members of Congress who, if they fail to mount the aforementioned one-fifth objection at each raise of the question, shall have agreed the convention adjourned *sine die*.
- f. Irrespective of any provision of § 15 no convention shall remain in session longer than one year from the date it shall first convene.

- i. No delegate to a convention currently in session shall serve as a delegate to any future convention unless elected in an election designated to choose delegates to that future convention.
    - ii. No delegate may serve in two consecutive conventions.
  - g. If Congress or one-fifth of the states who shall have delegates at the convention declare the convention adjourned *sine die* for violation of any provision of § 15 adjournment of the convention shall be the date the objection was raised by either Congress or one-fifth of the states having delegates at the convention.
    - i. The Clerk shall not receive any record of business transacted by the convention after that date nor may any official, federal or state, act upon any action of the convention in any manner.
  - h. In the case of a declaration whether instigated by Congress or the states where it is determined the convention has violated any provision of § 15 the Sargent At Arms of the House of Representatives shall have authority to immediately remove all delegates from the chambers of the House of Representatives. He shall attend to their speedy and safe delivery to their home states from whence they came. The same shall apply to any effected state delegation or single delegate.
16. The following being either agreement between the states at the Federal Convention of 1787 and therefore agreed to under the terms of the Articles of Confederation and not affected by the subsequent ratification of the Constitution or being required under the terms of the Constitution upon its ratification or subsequent amendment, these rules of procedure shall apply to a convention.
- a. Each delegate shall have one vote.
  - b. Delegates will form into state delegations with all votes of the convention made by state delegation with each delegation possessing one vote. State delegations may impose such attendance and other reasonable rules on their delegates as they shall determine but no such rules shall in any manner conflict with a general rule passed by the convention. The presence of any delegate from a state delegation at the convention shall be considered sufficient to satisfy any quorum requirement of the convention.
  - c. Any quorum requirement of the convention shall be based on state delegations present.
  - d. A majority vote within each state delegation shall decide any question placed before that delegation. If the delegation are equally divided on any question their vote shall be entered as an abstention.

- e. In all cases the delegation, if present during a vote on a question, is counted as part of the quorum of the convention.
  - i. If the delegation shall choose to leave the hall in protest to any question, the delegation shall not be counted as part of the quorum and the number of delegations necessary for a quorum shall be consequently reduced.
- f. In all questions before the convention except passage of a proposed amendment, a majority vote of the state delegations shall be sufficient to carry the question. In the question of passage of a proposed amendment two-thirds affirmative votes of the delegations present (assuming a quorum) shall be required to carry the question.
- g. Any delegate from any delegation may propose any motion (including proposing an amendment for convention consideration) but all motions shall require a second, which shall be from a delegate within a state delegation other than that of the original proposer.
- h. A quorum of state delegations shall be required for the convention to conduct any business including passage of a proposed amendment.
  - i. A quorum is defined as one-half the state delegations plus one state delegation present on the floor of the convention (unless the delegations shall leave the convention under protest as specified in § 16 (b) at which time the quorum requirement shall be consequently reduced).
- i. A parliamentary authority being necessary to the proper conduct of business at the convention, until superseded by convention rules parliamentary authority for the convention shall be the latest edition of Robert's Rules of Order Newly Revised.
- j. All votes of the delegates and state delegations are a matter of public record and shall be recorded as such.
  - i. Any delegate may require a public poll of his delegation on any question before the convention by a request to the chair, which shall neither require a second or vote by the convention or any delegation thereof.
  - ii. No part of the convention record or any of its activities including but not limited to all sessions, committee hearings, all written material electronic or otherwise created by all delegates during the course of the convention which shall have anything to do with convention business shall be conducted or kept in secret. All such records and activities shall be part of the public record.



- iii. A verbatim record of all speeches, motions, votes and all other business of the convention shall be transmitted to the Clerk on completion of the convention or at such regular intervals as the convention may designate. The convention may provide, at its discretion, daily copies of the convention record for public inspection and may post such copies electronically.
  - iv. The several state legislatures at their exclusive election, may serve notice of pre-determination of ratification or pre-determination of non-ratification regarding any proposed amendment or amendment subject on the convention agenda at any time during the convention proceedings.
    - 1. The secretary of the convention, or the equivalent officer, shall record such pre-determinations in the daily record of the convention.
    - 2. If more than twenty-five percent of state legislatures in the Union shall present a pre-determination of non-ratification on any single proposed amendment or amendment subject to the convention, the secretary shall announce the proposed non-ratification result to the convention for its consideration.
    - 3. If more than seventy-five percent of state legislatures in the Union shall present a pre-determination of ratification on any single proposed amendment or amendment subject to the convention, the secretary shall announce the proposed ratification result to the convention for its consideration.
    - 4. Notice of pre-determination of ratification by a state legislature to the convention shall in no way bind the state to the actual vote of ratification by the state on any proposed amendment made by the convention. The state legislature (or state ratification convention if that mode of ratification is selected) may alter the pre-determination at any time after Congress has determined the mode of ratification for that specific amendment proposal.
17. The Constitution mandating equal protection under the law, an Article V Convention is bound to the same two-thirds requirement of proposal as Congress. If the question before the convention is passage of a proposed amendment, two-thirds favorable vote of the state delegations present (assuming a quorum) shall be required.
- a. Any amendment proposal by the Article V Convention must receive two-thirds affirmative votes from the state delegations present (as-

suming a quorum as described in § 16) for conducting business in order for the amendment to be considered constitutionally proposed.

- b. The Clerk shall refuse any proposed amendment submitted by the convention under the terms of § 17 that has not voted upon and approved by a two-thirds affirmative vote of the state convention delegations (assuming a quorum of state delegations is present as described in § 16) as required by the Constitution.
  - c. Neither Congress nor the Clerk may refuse the submission of a proposed amendment by an Article V Convention as described in § 17 to be acted upon as specified in § 18 for any other reason other than lack of two thirds affirmative vote by the convention delegations present (assuming a quorum).
18. The Article V Convention shall appoint such officers as necessary to conduct the business of the convention. Beyond any other duties assigned them by the convention, these officers are responsible to transmit to the Clerk on the conclusion of the convention (or at such time as the convention may designate) certified copies of any proposed amendment texts approved by the convention as specified in § 16.
- a. A certified copy of any proposed amendment text shall include the following:
    - i. The text of the proposed amendment;
    - ii. A list of state delegations voting in favor of the proposed amendment together with a statement certifying that a quorum existed at the time of the vote;
    - iii. A statement of certification by the secretary of the convention or equivalent officer stating the text of the proposed amendment is a true and correct copy of the text approved by the convention. The certification shall include the date, location and time of the vote of approval by the convention and shall be notarized;
    - iv. A statement of certification by the president of the convention or equivalent officer stating the text of the proposed amendment is a true and correct copy of the text approved by the convention.
      1. The certification shall include:
        - a. the date, location and time of the vote of approval by the convention, shall be notarized and request the Clerk transmit to the Congress the text of the proposed amendment together with the certifications and request under the terms of

§ 17 (b-c) Congress choose a mode of ratification for the proposed amendment.

- b. The statement of certification shall also include a statement (if the convention chooses to withhold all proposed amendments until it shall adjourn) that the convention, having completed its business, is adjourned *sine die* subject to receiving notification of receipt as specified in § 19 (a).
  - c. The Clerk shall not respect nor honor any request by the convention to return any certified proposed amendment to the convention for its reconsideration once it shall be received by the Clerk.
  - d. Congress is strictly forbidden from amending or otherwise altering any proposed amendment submitted by the convention for ratification. However, Congress may, attach such language as necessary to the proposed amendment in a separate section describing the mode of ratification, which is to be employed in the states for ratification consideration. Such attachment however shall not include any time limitation on ratification unless such language shall have been proposed by the convention.
19. The convention officers shall transmit all certified copies of the proposed amendment text to the Clerk.
- a. The Clerk shall officially acknowledge receipt of the certified copies of proposed amendments singularly and publish the texts and official receipts in the Congressional Record which at the discretion of the Clerk shall serve as notification of receipt as specified in § 18 (a) (iv) (1) (a) or—
  - b. The Clerk may transmit a notification of receipt to the officers of the convention directly. Failure to send or receive a receipt of notification shall not be grounds for Congress to refuse to choose a mode of ratification as specified in § 18 (a-c).
  - c. Under no circumstances shall the Clerk transmit any required notifications described in this call except by written documentation. Electronic reproduction is permitted only for purposes of public display.
  - d. The Clerk shall transmit the text of the proposed amendments with the official receipts as prescribed in § 5 (a-h). The Clerk will transmit the original copies of the certified proposed amendment to the Archivist of the United States for safekeeping.
  - e. The convention officers, upon official acknowledgement by the Clerk of receipt of all certified copies of proposed amendments made by the convention, if the convention shall choose to withhold all proposed amendments until its adjournment, shall publicly declare the convention adjourned *sine die*. Adjournment *sine die*

shall discharge all convention delegates from all duties of office and terminate their term of office.

20. Within ten days (excluding Sundays and national holidays) of receipt of certified copies of any proposed amendment text from an Article V Convention, Congress shall determine which mode of ratification (state legislatures or state conventions) as described in Article V of the Constitution shall be individually applied to each Article V Convention amendment proposal.
  - a. It shall be the responsibility of the Clerk to transmit immediately to all relevant parties (as specified in § 5 (a-h)) notification of the amendment proposal(s) together with notification of the mode of ratification (state legislature, or state ratification convention) for each proposed amendment.
  - b. The notification shall include:
    - i. A copy of the certified text of the proposed amendment, the date the proposed amendment was approved in convention and a list of the state delegations approving the proposal.
    - ii. The notification will also state that, as described in the Constitution, ratification of an Article V Convention amendment proposal is identical to an amendment proposed by Congress and therefore three-fourths concurrence is required for ratification to occur.
21. If Congress shall fail to determine a mode of ratification as described in Article V of the Constitution for any Article V Convention amendment proposal within the ten-day period described in § 18 (a-b), the choice shall default to ratification by state ratification conventions elected by the people.
  - a. The Clerk shall proceed with notification as described in § 18 (a-b) as if Congress shall have selected a mode of ratification. Congress is forbidden from altering, rescinding, or otherwise affecting any choice of mode of ratification once the ten-day period permitted for choice by Congress expires.
22. The Archivist of the United States shall receive, count and tabulate all ratification votes from the states on amendment proposals from the Article V Convention. Upon receipt of the proper number of ratification votes as specified under the terms of Article V of the Constitution, the Archivist shall notify Congress of the ratification of a new amendment to the Constitution in the same manner as prescribed by law for notification and certification of an amendment proposed by Congress.