

1 SB112
2 165068-1
3 By Senator Orr
4 RFD: Constitution, Ethics and Elections
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under Article V of the United States
9 Constitution, Congress must call a convention upon
10 the application of the Legislatures of two-thirds
11 of the states to consider proposed amendments to
12 the Constitution. Proposed amendments must then be
13 ratified by three-fourths of the states.

14 This bill would provide for the
15 qualification and appointment of delegates and
16 alternate delegates to represent Alabama at an
17 Article V Convention and would provide for the
18 recall of a delegate.

19 This bill would provide that delegates and
20 alternative delegates may be reimbursed for certain
21 expenses related to service.

22 This bill would also require delegates and
23 alternative delegates to execute an oath, which is
24 filed with the Secretary of State.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to Article V Conventions; to provide for
4 the qualifications and appointment of delegates and alternate
5 delegates to represent this state at an Article V Convention;
6 to provide for the recall of a delegate; to provide for the
7 reimbursement for certain expenses; to require delegates and
8 alternate delegates to execute an oath; and to provide for the
9 filing of the oath with the Secretary of State.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This act shall apply whenever an Article
12 V Convention is called by Congress.

13 Section 2. For the purposes of this act, the
14 following terms shall have the following meanings:

15 (1) ALTERNATE DELEGATE. An individual appointed as
16 an alternate delegate as provided by law.

17 (2) ARTICLE V CONVENTION. A convention for proposing
18 amendments to the Constitution of the United States called for
19 by the states under Article V of the Constitution of the
20 United States.

21 (3) DELEGATE. An individual appointed as provided by
22 law to represent Alabama at an Article V convention.

23 (4) HOUSE OF REPRESENTATIVES. The Alabama House of
24 Representatives.

25 (5) PAIRED DELEGATE. The delegate with whom an
26 alternate delegate is paired as provided by law.

27 (6) SENATE. The Alabama State Senate.

1 Section 3. (a) An individual shall satisfy all of
2 the following to be appointed as a delegate to an Article V
3 Convention:

4 (1) The individual must reside in Alabama.

5 (2) The individual must be a registered voter in
6 Alabama.

7 (3) The individual must be at least 18 years of age.

8 (4) The individual is not registered or required to
9 be registered as a lobbyist under Section 36-25-18, Code of
10 Alabama 1975, 2 U.S.C. § 1603, or rules or regulations adopted
11 under either of these laws.

12 (b) An individual may not be appointed as a delegate
13 if he or she holds a federal office.

14 (c) An individual appointed as an alternate delegate
15 must have the same qualifications as an individual appointed
16 as a delegate under subsection (a).

17 Section 4. (a) (1) Whenever an Article V Convention
18 is called, the Legislature shall appoint delegates and
19 alternate delegates under rules adopted jointly by the House
20 of Representatives and the Senate.

21 (2) Unless established otherwise by the rules and
22 procedures of an Article V Convention, six delegates and six
23 alternate delegates shall be designated to represent Alabama.

24 (b) If the Legislature is not in session during the
25 time during which delegates to an Article V Convention must be
26 appointed, the Governor shall call the Legislature into
27 special session under Article 5, Section 122 of the

1 Constitution of Alabama of 1901, for the purpose of appointing
2 delegates and alternate delegates.

3 (c) (1) To be appointed a delegate or an alternate
4 delegate, an individual must receive, in each house of the
5 Legislature, the vote of a majority of all the members elected
6 to each house.

7 (2) At the time of appointment, each alternate
8 delegate must be paired with a delegate as provided in a joint
9 resolution adopted by the Legislature.

10 (d) The Legislature may recall any delegate or
11 alternate delegate and replace that delegate or alternate
12 delegate with an individual appointed under this act at any
13 time.

14 (e) The Legislature shall appoint or recall
15 delegates or alternate delegates by joint resolution.

16 (f) A delegate or an alternate delegate shall serve
17 without compensation. A delegate or alternate delegate is
18 entitled to reimbursement for expenses while on official
19 business. Expenses may be paid out of any funds appropriated
20 to the Legislature or out of any funds appropriated for joint
21 interim committees of the Legislature.

22 Section 5. (a) Each delegate and alternate delegate,
23 after appointment and before the delegate or alternate
24 delegate may exercise any function as delegate or alternate
25 delegate, shall execute an oath in writing that the delegate
26 or alternate delegate will do all of the following:

1 (1) Support the Constitution of the United States
2 and the Constitution of Alabama of 1901.

3 (2) Faithfully abide by and execute any instructions
4 to delegates and alternate delegates adopted by the
5 Legislature and as may be amended by the Legislature at any
6 time.

7 (3) Otherwise faithfully discharge the duties of
8 delegate or alternate delegate.

9 (b) A delegate's or alternate delegate's executed
10 oath shall be filed with the Secretary of State.

11 Section 6. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.