

HB 219 – AS INTRODUCED

2013 SESSION

13-0159
05/10

HOUSE BILL **219**

AN ACT limiting the authority of delegates to Article V conventions.

SPONSORS: Rep. Itse, Rock 10; Rep. Comerford, Rock 33

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill limits the scope of amendments that may be considered by state delegates to a constitutional convention called pursuant to Article V of the United States Constitution.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT limiting the authority of delegates to Article V conventions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Constitutional Convention; Authority of New Hampshire Delegates. Amend
2 RSA by inserting after chapter 20-B the following new chapter:

3 CHAPTER 20-C

4 AUTHORITY OF NEW HAMPSHIRE DELEGATES

5 TO CONSTITUTIONAL CONVENTION

6 20-C:1 Definitions. In this chapter:

7 I. “Article V convention” means a convention called by the states pursuant to the
8 Constitution for the United States of America, Article V.

9 II. “Article V petition” means a concurrent resolution by the general court of New Hampshire
10 calling for a convention pursuant to the Constitution for the United States of America, Article V.

11 III. “Delegate” means a person from the state of New Hampshire, selected by law to
12 represent the people and state of New Hampshire at an Article V convention.

13 IV. “Permitted scope” means the topic of an amendment or specific language of an
14 amendment that may be considered by the Article V convention.

15 V. “Unauthorized amendment” means any amendment outside the scope permitted by the
16 Article V petition passed by the general court of New Hampshire.

17 20-C:2 Authority of New Hampshire Delegates.

18 I. No delegate from New Hampshire to the Article V convention shall have the authority to
19 allow consideration, consider, or approve an unauthorized amendment to the Constitution for the
20 United States of America.

21 II. Any vote taken by a delegate from New Hampshire at the Article V convention in
22 violation of paragraph I of this section shall be null and void. Any delegate making this vote shall be
23 immediately disqualified from serving as a delegate to the Article V convention.

24 III. Every delegate from New Hampshire to the Article V convention called for by the Article
25 V petition shall be required to take the following oath:

26 “I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to the Article V
27 convention, uphold the Constitution and laws of the United States and the state of New Hampshire.
28 I will accept and will act according to the limits of the authority as a delegate granted to me by New
29 Hampshire law, and I will not vote to consider or approve any unauthorized amendment to the
30 Constitution for the United States of America. I understand and accept any penalties that may be
31 imposed on me by New Hampshire law for violating this oath.”

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1 IV. Any delegate who violates the oath contained in paragraph III of this section shall be
2 subject to the maximum criminal penalty under RSA 641:2.

3 V. The secretary of state shall certify the selection of the New Hampshire delegates in
4 writing to the Article V convention and shall provide a copy of the certification to each delegate. No
5 delegate shall have authority to vote or otherwise serve as a delegate at the Article V convention
6 without the certification.

7 VI. The secretary of state shall promulgate rules and regulations setting out a process for
8 selecting alternative delegates to the Article V convention in the event a delegate becomes unable or
9 ineligible to serve. If a delegate becomes ineligible to serve under the provisions of paragraph IV, the
10 alternate delegate shall immediately be entitled to represent New Hampshire as a delegate in place
11 of the delegate who has become ineligible and the secretary of state shall immediately provide
12 certification to the new delegate.

13 VII. The secretary of state shall notify the Article V convention and any delegate involved of
14 the automatic revocation of that delegate's certification should the delegate violate his or her pledge
15 to act only within the limits of the authority granted by the state of New Hampshire.

16 20-C:3 Enforcement by Attorney General; Right to Private Action.

17 I. The provisions of this chapter shall be enforced by the department of justice.

18 II. A New Hampshire citizen may file an action to enforce the requirements of this chapter
19 and shall be entitled to reasonable attorney's fees if successful.

20 2 Effective Date. This act shall take effect 60 days after its passage.