

**SENATE BILL NO. 2145**

Introduced by

Senators O. Larsen, Kannianen

Representative Olson

1 A BILL for an Act to amend and reenact section 54-03-33 of the North Dakota Century Code,  
2 relating to certification of delegates to the United States convention of the states.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-03-33 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-03-33. Certification of delegates to United States convention of the states.**

- 7 1. If a convention of the states is called pursuant to article V of the United States  
8 Constitution, the ~~legislative assembly or an official designated by the legislative~~  
9 ~~assembly~~delegate credential committee shall certify each delegate and alternate  
10 delegate from this state to the convention and provide a written copy of the  
11 certification to each delegate and alternate delegate and to the convention. If a  
12 delegate is ineligible or unwilling to serve as a delegate at the convention, the  
13 ~~legislative assembly or the official designated by the legislative assembly~~delegate  
14 credential committee shall certify an alternate delegate to replace the delegate and  
15 immediately provide a copy of the certification to the delegate and the convention. The  
16 legislative assembly may add to the number of delegates or replace or remove any  
17 delegate or alternate.
- 18 2. If a convention of the states is called pursuant to article V of the United States  
19 Constitution, the speaker of the house of representatives shall appoint three members  
20 of the house of representatives, with one member being from the minority caucus, and  
21 the president of the senate shall appoint three members of the senate, with one  
22 member being from the minority caucus to the delegate credential committee.
- 23 a. As a condition of being eligible for consideration or selection to the delegate  
24 credential committee, each legislator shall execute the following oath:

- 1                   I pledge to follow the directives given to me by the Legislative Assembly  
2                   from the date I am appointed to the committee and during the full term of the  
3                   convention, to the best of my abilities, so help me God.
- 4           b.   A member of the delegate credential committee may be replaced or removed by  
5           the presiding officer appointing the member and a vacancy must be filled in the  
6           manner of the original appointment.
- 7           c.   Members of the house of representatives and members of the senate each shall  
8           select one co-chair, who may assign staff to provide support for the delegate  
9           credential committee.
- 10          d.   Members of the delegate credential committee shall:
- 11               (1)   Decide all matters among committee members by a vote of a majority of the  
12               full membership of the committee.
- 13               (2)   Function as the official facilitator for the legislative assembly as required in  
14               this section.
- 15               (3)   Appoint delegates, subject to approval by the legislative assembly, to the  
16               convention and provide a committee report of the appointment to the chief  
17               clerk of the house and secretary of the senate within ten days of the  
18               appointment.
- 19               (4)   Appoint one delegate to serve as the chairman of the state's delegation and  
20               another delegate as the vice chairman.
- 21               (5)   Issue to each approved delegate and alternate certification that the delegate  
22               has satisfactorily done all of the following:
- 23                       (a)   Met the requisite qualifications provided in this section;  
24                       (b)   Taken the applicable oath set forth in this section; and  
25                       (c)   Confirmed the delegate's oath by signing a separate pledge  
26                       document.
- 27               (6)   Issue a convention pass to each certified delegate and alternate.
- 28               (7)   Notify the legislative assembly of the financial needs of the delegation at the  
29               convention.
- 30               (8)   Administer the following oaths to the chairman or vice chairman:

1                    I pledge to follow the directives given to me by the delegate credential  
2                    committee or the legislative assembly, whether given to me directly or  
3                    indirectly, from the time I am certified by the committee to be the  
4                    chairman or vice chairman of North Dakota's delegation and during  
5                    the full term of the convention, to the best of my abilities, so help me  
6                    God.

7                    (9) Monitor the activities of the state's delegation.

8                    (10) Keep close communications with the chairman and vice chairman and  
9                    provide assistance upon request.

10                  (11) Monitor the activities, deliberations, and all votes by the states at the  
11                  convention, and when possible, to inform the chairman, vice chairman, and  
12                  legislative assembly of which states at the convention have enacted a  
13                  similar law governing delegates.

14                  (12) Report, at least quarterly or more frequently if necessary, to the legislative  
15                  assembly regarding the events at the convention, upcoming events, and  
16                  progress and prospects for ratification of the amendment by the delegations,  
17                  and make appropriate recommendations to the legislative assembly on  
18                  actions needed to ensure the favorable vote by the state delegations to  
19                  send the amendment, to the state, by way of the United States Congress,  
20                  for ratification.

21                  (13) Recommend to the legislative assembly removal of a delegate or alternate  
22                  from all convention activities for a violation of this section and make  
23                  recommendations regarding whether the delegate's credentials should be  
24                  invalidated.

25                  ~~2-3.~~ If a delegate is rendered ineligible to serve under subsection ~~45~~, the delegate's  
26                  certification must provide notice to the convention that any vote or other action taken  
27                  by that delegate should be considered void.

28                  ~~3-4.~~ An individual who has not been certified under this section may not serve as a  
29                  delegate at the convention.

30                  ~~4-5.~~ As a condition of being eligible for consideration or selection as a delegate or alternate  
31                  delegate, each delegate and alternate delegate shall execute the following oath:

1 I do solemnly swear or affirm that I will, to the best of my abilities, support the United  
2 States Constitution and the Constitution of North Dakota and I will not vote to allow  
3 consideration of or consider or approve any unauthorized amendment proposed for  
4 ratification to the United States Constitution. I understand that a violation of this oath  
5 will result in my being rendered ineligible to serve as a delegate at the convention as  
6 well as subject me to additional penalties under the laws of North Dakota.

7 5-6. A delegate at the convention may not vote to allow consideration of or consider or  
8 approve any unauthorized amendment. An "unauthorized amendment" means:

9 ~~a. A~~ a proposed amendment that varies from the exact text of the amendment  
10 contained in the ~~application~~ delegate resolution made by the legislative assembly,  
11 which limits the convention to approving or disapproving that exact text; ~~or if the~~  
12 ~~legislative assembly did not make the application, the exact text of the amendment~~  
13 ~~contained in the applications relied upon by the United States Congress in calling the~~  
14 ~~convention, if the application contains exact text for a proposed amendment; or~~

15 ~~b. A proposed amendment that is outside the permitted subject matter of the~~  
16 ~~application made by the legislative assembly, or if the legislative assembly did not~~  
17 ~~make the application, the permitted subject matter of the applications relied upon~~  
18 ~~by the United States Congress in calling the convention and as the subject matter~~  
19 ~~may be further defined by the legislative assembly or an official designated by the~~  
20 ~~legislative assembly, in instructions adopted by the legislative assembly by~~  
21 ~~concurrent resolution and provided to each delegate and alternate delegate.~~

22 6-7. The ~~legislative assembly or an official designated by the legislative assembly~~ delegate  
23 credential committee shall provide guidance upon the request of any delegate or  
24 alternate delegate as to whether a proposed amendment is within the permitted  
25 subject matter of the convention.

26 7-8. A delegate casting or attempting to cast a vote at a convention in violation of this  
27 section must be rendered ineligible to continue to serve as a delegate and must be  
28 immediately removed from office and replaced by an alternate delegate as provided  
29 under this section. A vote cast by a delegate at a convention which is in violation of  
30 this section is void.

31 9. A delegate shall:

- 1           a. Follow the directives of this section;
- 2           b. Follow the reasonable instructions of the chairman and vice chairman of the
- 3                 state's delegation;
- 4           c. Be amenable to the advice of the president of the convention when the president
- 5                 is of a state with a similar directive;
- 6           d. Attend all assigned business sessions at the convention and meetings scheduled
- 7                 by the chairman;
- 8           e. Assist the chairman to ensure the successful completion of this section;
- 9           f. Report to the chairman the results of the delegate's work among other state
- 10                 delegates;
- 11           g. Assess and report to the chairman the number of states that plan to vote in favor
- 12                 of the amendment;
- 13           h. Assess and report to the chairman any problems or opportunities that develop or
- 14                 might develop relating to the purposes of this section; and
- 15           i. Recommend to the chairman other strategies that may assist in ensuring at least
- 16                 twenty-six other states vote favorably for the amendment.
- 17        10. The chairman of the state's delegation is charged with joining with other state
- 18                 delegations to open the convention for business, identifying other state legislatures
- 19                 with similar laws providing for delegates, working with those delegations to find
- 20                 agreement, and shall:
- 21           a. Arrange to have at least one delegate from each delegation be the spokesman at
- 22                 every business meeting and roll call at the convention. Unless otherwise
- 23                 specified, the chairman shall be the state delegation's spokesman.
- 24           b. Distribute to all delegates a pocket-sized copy of the United States Constitution.
- 25           c. Instruct resolution and nonresolution state delegates of the mandate in section 4
- 26                 of article IV of the United States Constitution.
- 27           d. Work closely with the chairmen of all other state delegations to find mutual
- 28                 agreement on the objectives in this section.
- 29           e. Assign each of the state's delegates a proportionate number of delegates from
- 30                 other state delegations for the purpose of gaining consensus and agreement that
- 31                 the amendment should be sent to the states for ratification.

- 1           f. Build a consensus between at least twenty-six state delegations to:
- 2           (1) Require that each state delegation at the convention has only one vote
- 3                 regardless of the number of delegates in a state delegation or the
- 4                 population of a state as provided in section 4 of article IV of the United
- 5                 States Constitution.
- 6           (2) Require a simple majority vote at all roll calls to decide any matter brought
- 7                 before the convention, including the question of whether the amendment
- 8                 should be sent to the states for ratification.
- 9           (3) Nominate and install convention officials who come from states that have
- 10                 passed this section and who agree with sending the amendment to the
- 11                 states for ratification.
- 12           (4) Require a quorum of twenty-six state delegations before business may be
- 13                 conducted and before a vote may be taken to decide any matter presented
- 14                 at the convention.
- 15           (5) Build a consensus of at least twenty-six state delegations to work together
- 16                 for the mutual goal of sending the amendment back to the states for
- 17                 ratification.
- 18           (6) Work to conclude convention business in twenty-one days, and in no case is
- 19                 the convention to be longer than one hundred eighty days, unless the
- 20                 convention votes to extend the termination date beyond one hundred eighty
- 21                 days.
- 22           (7) If possible, nominate a candidate to be president of the convention who
- 23                 comes from the state.
- 24           (8) If necessary, call for a vote for a candidate to be president of the convention
- 25                 who is like-minded and comes from a state with a similar law relating to
- 26                 delegates.
- 27           (9) Avoid the nomination and election of a president who comes from a state
- 28                 that did not pass a similar law relating to delegates.
- 29           (10) Support establishing the following duties of the president:
- 30                 (a) To secure a vote from the state delegations requiring that this section
- 31                         be the rules of order at the convention;

- 1 (b) To follow the terms, directives, and requirements in this resolution;
- 2 (c) To call for a vote requiring each state delegation to appoint one
- 3 delegate to be the delegation's spokesman;
- 4 (d) To stay focused on the primary purpose of having the amendment
- 5 sent to the states for ratification;
- 6 (e) To recommend and request security measures;
- 7 (f) To officiate the nomination and installation of all officers at the
- 8 convention;
- 9 (g) To establish the agenda at the convention as defined in this section;
- 10 (h) To provide equal time during floor discussions for all states, whether
- 11 for or against sending the amendment to the states for ratification;
- 12 (i) To prohibit the introduction at the convention of any subject matter or
- 13 issue other than matters relating to the amendment and whether the
- 14 amendment should be sent to the states for ratification;
- 15 (j) To expedite deliberations by the state delegations and delegates;
- 16 (k) To authorize appropriate roll calls at the convention;
- 17 (l) To settle all disputes between state delegations and delegates;
- 18 (m) To recommend removal of the convention credentials of any delegate,
- 19 including convention officials, for causing security issues;
- 20 (n) To establish procedures for installing and recognizing alternates who
- 21 are to become delegates;
- 22 (o) To call for a vote at the earliest favorable time to approve sending the
- 23 amendment to the states for ratification;
- 24 (p) To call for a vote to decide which method of ratification the convention
- 25 recommends to the United States Congress, whether by state
- 26 legislatures or state conventions;
- 27 (q) To report any decisions of the convention to the United States
- 28 Congress, the fifty state legislatures, and the media;
- 29 (r) To recommend formal requests be made to the state legislatures for
- 30 moneys to carry on the business of the convention;

