

1                                   **DELEGATE RESPONSIBILITY AMENDMENTS**

2   2014 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Kraig Powell**

5   Senate Sponsor: Curtis S. Bramble

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7 **LONG TITLE**

8 **General Description:**

9           This bill establishes requirements for a Utah delegate to a United States Article V  
10 convention.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ prohibits a Utah delegate to a United States Article V convention from acting in a  
15 manner that supports or approves the proposing of an unauthorized amendment or  
16 change to the United States Constitution;
- 17           ▶ provides for the removal of a delegate; and
- 18           ▶ provides criminal penalties.

19 **Money Appropriated in this Bill:**

20           None

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 ENACTS:

25           **20A-17-101**, Utah Code Annotated 1953

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27 *Be it enacted by the Legislature of the state of Utah:*

28           Section 1. Section **20A-17-101** is enacted to read:

29           **20A-17-101. Article V convention delegates.**

30 (1) As used in this section:

31 (a) "Article V application" means an application or resolution passed by the Legislature  
32 applying to Congress to call an Article V convention.

33 (b) "Article V convention" means a convention called for the purpose of proposing an  
34 amendment to the United States Constitution as provided in the United States Constitution,  
35 Article V.

36 (c) "Delegate" means an individual elected by the Legislature, or by any other method  
37 provided by law, to represent the state at an Article V convention.

38 (d) "Legislative instructions" means instruction given by the Legislature to a delegate  
39 before or during an Article V convention.

40 (e) "Unauthorized amendment" means a proposed amendment or change to the United  
41 States Constitution that is outside the scope of the Article V application and legislative  
42 instructions.

43 (2) A delegate from the state to an Article V convention may not act in a manner that  
44 supports or approves the proposing of an unauthorized amendment or change to the United  
45 States Constitution by the convention.

46 (3) (a) A delegate who violates Subsection (2) is immediately recalled and shall be  
47 replaced by an alternate selected by the Legislature.

48 (b) An alternate selected by the Legislature has the same duties and is subject to the  
49 same requirements and penalties as a delegate.

50 (4) Upon selection by the Legislature, or by any other method provided by law, a  
51 delegate from the state to an Article V convention shall take the following oath:

52 "I do solemnly swear (or affirm) that to the best of my abilities, I will, as a delegate to  
53 an Article V convention, uphold the Constitution and laws of the United States of America and  
54 of the State of Utah, and that I will act at all times in accordance with the Article V application  
55 and the legislative instructions given to me as a delegate. I will not act in a manner that  
56 supports or approves the proposing of an unauthorized amendment or change to the United  
57 States Constitution by the convention."

- 58           (5) The Legislature shall certify in writing to the Article V convention:  
59           (a) the selection of delegates and alternates;  
60           (b) if a delegate is recalled, the recall and replacement of the delegate with an alternate;  
61   and  
62           (c) if a delegate from the state violates Subsection (2), the nullification of the action  
63   that violated Subsection (2).  
64           (6) A delegate who violates this section is guilty of a third degree felony.