

Effective 5/13/2014

20A-18-101 Article V convention delegates.

- (1) As used in this section:
 - (a) "Article V application" means an application or resolution passed by the Legislature applying to Congress to call an Article V convention.
 - (b) "Article V convention" means a convention called for the purpose of proposing an amendment to the United States Constitution as provided in the United States Constitution, Article V.
 - (c) "Delegate" means an individual elected by the Legislature, or by any other method provided by law, to represent the state at an Article V convention.
 - (d) "Legislative instructions" means instruction given by the Legislature to a delegate before or during an Article V convention.
 - (e) "Unauthorized amendment" means a proposed amendment or change to the United States Constitution that is outside the scope of the Article V application and legislative instructions.
- (2) A delegate from the state to an Article V convention may not act in a manner that supports or approves the proposing of an unauthorized amendment or change to the United States Constitution by the convention.
- (3)
 - (a) A delegate who violates Subsection (2) is immediately recalled and shall be replaced by an alternate selected by the Legislature.
 - (b) An alternate selected by the Legislature has the same duties and is subject to the same requirements and penalties as a delegate.
- (4) Upon selection by the Legislature, or by any other method provided by law, a delegate from the state to an Article V convention shall take the following oath:

"I do solemnly swear (or affirm) that to the best of my abilities, I will, as a delegate to an Article V convention, uphold the Constitution and laws of the United States of America and of the State of Utah, and that I will act at all times in accordance with the Article V application and the legislative instructions given to me as a delegate. I will not act in a manner that supports or approves the proposing of an unauthorized amendment or change to the United States Constitution by the convention."
- (5) The Legislature shall certify in writing to the Article V convention:
 - (a) the selection of delegates and alternates;
 - (b) if a delegate is recalled, the recall and replacement of the delegate with an alternate; and
 - (c) if a delegate from the state violates Subsection (2), the nullification of the action that violated Subsection (2).
- (6) A delegate who violates this section is guilty of a third degree felony.

Enacted by Chapter 358, 2014 General Session