

**DELEGATE RESPONSIBILITY AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill establishes requirements for a Utah delegate to a United States

House → [constitutional] Article V ← House

convention.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits a Utah delegate to a United States House → [constitutional] Article V ← House

convention from voting to

approve, or to allow consideration of, an unauthorized amendment;

- ▶ provides for the removal of a delegate; and
- ▶ provides criminal penalties.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

House → [ 63G-19-101 ] 20A-17-101 ← House , Utah Code Annotated 1953

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

Section 1. Section House → [63G-19-101] 20A-17-101 ← House is enacted to read:



28 Ĥ→ [63G-19-101. Constitutional] 20A-17-101. Article V ←Ĥ convention delegates.

29 (1) As used in this section:

30 (a) "Article V application" means an application or resolution passed by the Legislature  
31 and at least 33 other states, requiring Congress to call an Article V convention.

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

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

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

39 (e) "Unauthorized amendment" means a proposed amendment to the United States  
40 Constitution that is outside the scope of the Article V application or legislative instruction.

41 (2) A delegate from the state to an Article V convention may not vote to approve, or to  
42 allow consideration of, an unauthorized amendment.

43 (3) (a) A delegate who casts a vote to approve, or to allow consideration of, an  
44 unauthorized amendment is immediately recalled and shall be replaced by an alternate selected  
45 by the Legislature.

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

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

50 "I do solemnly swear (or affirm) that to the best of my abilities, I will, as a delegate to  
51 an Article V convention, uphold the Constitution and laws of the United States of America and  
52 of the State of Utah, and that I will act at all times in accordance with the Article V application  
53 and the legislative instructions given to me as a delegate. I will not vote to approve, or to allow  
54 consideration of, any unauthorized amendment to the United States Constitution".

55 (5) The Legislature shall certify in writing to the Article V convention:

56 (a) the selection of delegates and alternates;

57 (b) if a delegate is recalled, the recall and replacement of the delegate with an alternate;

58 and

59            (c) if a delegate from the state casts a vote to approve, or to allow consideration of, an  
60 unauthorized amendment, the nullification of that vote.

61            (6) A delegate who violates this section is guilty of a ~~H~~→ ~~[class A misdemeanor]~~ **second**  
61a **degree felony** ←~~H~~ .

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**Legislative Review Note**  
as of 2-21-14 9:24 AM

**Office of Legislative Research and General Counsel**