

Initiative Measure No. 1335

filed January 22, 2014

BILL REQUEST - CODE REVISER'S OFFICE

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ATTY/TYPIST: BP:bbp

BRIEF DESCRIPTION:

Initiative Measure No. 1335

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AN ACT Relating to delegates to a convention called under Article V of the United States Constitution; Amendments proposed by states via a "convention for proposing amendments."

Step 1: Two-thirds of state legislatures ask for Congress to call "a convention for proposing amendments."

Step 2: States send delegates to this convention, where they can propose amendments to the Constitution.

Step 3: Three-fourths of the states ratify an amendment approved by the "convention for proposing amendments," either by their legislatures or special ratifying conventions.

adding a new chapter to Title 44 RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** GENERAL PROVISIONS. This chapter applies when a convention is called pursuant to Article V of the United States Constitution; Amendments proposed by states via a "convention for proposing amendments."

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Article V convention" refers to a convention for proposing amendments to the United States Constitution called for by the states under Article V of the United States Constitution.

(2) "Delegate" refers to an individual appointed as provided by law to represent Washington state at an Article V convention.

(3) "House of representatives" refers to the house of representatives of the state of Washington.

(4) "Senate" refers to the senate of the state of Washington.

NEW SECTION. **Sec. 3.** DUTIES OF DELEGATES. (1)(a) At the time delegates are appointed, the legislature must adopt a joint resolution to provide instructions to the delegates regarding the following:

(i) The rules of procedure; and

(ii) Any other matter relating to the Article V convention that the legislature considers necessary.

(b) The legislature may amend the instructions at any time by joint resolution.

(3) A vote cast by a delegate at an Article V convention is void if the vote is outside the scope of:

(a) The instructions established by a joint resolution adopted under subsection (1) of this section; or

(b) The limits placed by the legislature in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the United States Constitution on the subjects and amendments that may be considered by the Article V convention.

(4)(a) A delegate forfeits the delegate's appointment by virtue of any vote or attempt to vote that is outside the scope of:

(i) The instructions established by a joint resolution adopted under subsection (1) of this section; or

(ii) The limits placed by the legislature in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the United States Constitution on the subjects and amendments that may be considered by the Article V convention.

(5) The application of the legislature to call an Article V convention for proposing amendments to the United States Constitution ceases to be a continuing application and has no effect if all of the delegates vote or attempt to vote outside the scope of:

(a) The instructions established by a joint resolution adopted under subsection (1) of this section; or

(b) The limits placed by the legislature in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the United States Constitution on the subjects and amendments that may be considered by the Article V convention.

(6) A delegate commits a class C felony if he or she knowingly or intentionally votes or attempts to vote outside the scope of:

(a) The instructions established by a joint resolution adopted under subsection (1) of this section; or

(b) The limits placed by the legislature in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the United States Constitution on the subjects and amendments that may be considered by the Article V convention.

NEW SECTION. **Sec. 4.** ARTICLE V CONVENTION DELEGATE ADVISORY GROUP. (1) The Article V convention delegate advisory group is established.

(2) The advisory group consists of the following members:

(a) The chief justice of the supreme court;

(b) The chief judge of the court of appeals, division I;

(c) The chief judge of the court of appeals, division II; and

(d) The chief judge of the court of appeals, division III.

(3) The chief justice of the supreme court is the chair of the advisory group.

(4) The advisory group must meet at the call of the chair.

(5) The advisory group must establish the policies and procedures that the advisory group determines necessary to carry out this section.

(6)(a) Upon request of a delegate, the advisory group must advise the delegate whether there is reason to believe that an action or an attempt to take an action by a delegate would:

(i) Violate the instructions established by a joint resolution adopted under section 3(1) of this act; or

(ii) Exceed the limits placed by the legislature in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the United States Constitution on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group must render an advisory determination under this subsection in any manner considered appropriate by the advisory group within twenty-four hours after receiving a request for a determination.

(c) The advisory group must transmit a copy of an advisory determination under this subsection in the most expeditious manner possible to the delegate who requested the advisory determination.

(d) If the advisory group renders an advisory determination under this subsection, the advisory group may also take an action permitted under subsection (7) of this section.

(7)(a) On its own motion or upon request of the speaker of the house of representatives, the president of the senate, or the attorney general, the advisory group must advise the attorney general whether there is reason to believe that a vote or an attempt to vote by a delegate has:

(i) Violated the instructions established by a joint resolution adopted under section 3(1) of this act; or

(ii) Exceeded the limits placed by the legislature in a joint resolution that calls for an Article V convention for the purpose of

proposing amendments to the United States Constitution on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group must issue the advisory determination under this subsection by one of the following summary procedures:

- (i) Without notice or an evidentiary proceeding; or
- (ii) After a hearing conducted by the advisory group.

(c) The advisory group must render an advisory determination under this subsection within twenty-four hours after receiving a request for an advisory determination.

(d) The advisory group must transmit a copy of an advisory determination under this subsection in the most expeditious manner possible to the attorney general.

(8) Immediately, upon receipt of an advisory determination under subsection (7) of this section that finds that a vote or attempt to vote by a delegate is a violation described in subsection (7)(a)(i) of this section or in excess of the authority of the delegate or, as described in subsection (7)(a)(ii) of this section, the attorney general must inform the delegates, the speaker of the house of representatives, the president of the senate, and the Article V convention that:

(a) The vote or attempt to vote did not comply with state law, is void, and has no effect; and

(b) The credentials of the delegate who is the subject of the determination are revoked.

NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute a new chapter in Title 44 RCW.