

HOUSE BILL 363

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Nora Espinoza

AN ACT

RELATING TO LIMITATIONS ON AUTHORITY OF NEW MEXICO DELEGATES TO  
A "CONVENTION FOR PROPOSING AMENDMENTS" (ARTICLE V, UNITED  
STATES OF AMERICA CONSTITUTION); DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.**

"Article V convention" means a "Convention for proposing  
Amendments" as expressly provided in Article V of the United  
States of America Constitution; and

"Article V Application" means a Joint resolution passed by  
the State Legislature of New Mexico on the same subject or  
containing the same proposed amendment text as 33 other  
sovereign states requiring Congress to call an Article V  
convention by setting the time and place; and

"Delegate" or "alternate" means a person selected by the

underscored material = new  
~~[bracketed material] = delete~~

1 State Legislature of New Mexico or any other method provided by  
2 law to represent the State of New Mexico at an Article V  
3 convention; and

4 "Legislative Instructions" means instructions given by  
5 the state legislature to delegates and alternates before and  
6 during an Article V convention; and

7 "Unauthorized amendment" means a proposed amendment that  
8 is outside the subject matter of the application, the call, the  
9 commission, or any Legislative Instructions.

10 No delegate from New Mexico to an Article V convention  
11 shall have the authority to vote to allow consideration of or  
12 vote to approve an unauthorized amendment for ratification to  
13 the United States of America Constitution; and

14 Any delegate casting a vote to allow consideration or  
15 approval of an unauthorized amendment shall be immediately  
16 recalled by [an official or committee authorized by a  
17 Resolution of the State Legislature] and replaced by an  
18 alternate; and

19 Every candidate for delegate or alternate from New Mexico  
20 to the Article V convention shall be required to take the  
21 following oath:

22 "I do solemnly swear or affirm that to the best of my  
23 abilities, I will, as a delegate or alternate to an Article V  
24 convention, uphold the Constitution and laws of the United  
25 States of America and the State of New Mexico. I will not vote

.192016.lai

underscoring material = new  
~~[bracketed material] = delete~~

1 to allow consideration of or to approve any unauthorized  
2 amendment proposed for ratification to the United States of  
3 America Constitution; and

4 The State Legislature shall certify in writing to the  
5 Article V convention the selection of delegates and alternates,  
6 the recall and replacement of delegate[s] with alternate[s] and  
7 the nullification of unauthorized votes cast by the delegate[s]  
8 of New Mexico; and

9 Any Delegate who violates the oath contained in this  
10 section shall be subject to a civil fine of ten thousand  
11 dollars (\$10,000).

12 SECTION 2. EMERGENCY.--It is necessary for the public  
13 peace, health and safety that this act take effect immediately.