

HOUSE BILL NO. HB0121

Article V convention limitations.

Sponsored by: Representative(s) Laursen, Lindholm, Miller  
and Winters and Senator(s) Bebout, Driskill,  
Hicks, Peterson and Wasserburger

A BILL

for

1 AN ACT relating to administration of government; specifying  
2 limitations on delegates to an Article V convention;  
3 providing definitions; clarifying state convention refers  
4 to a state ratifying convention; and providing for an  
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 9-20-101 and 9-20-102 are created to  
10 read:

11

12

CHAPTER 20

13

LIMITATIONS ON DELEGATES TO A CONVENTION FOR PROPOSING

14

AMENDMENTS

15

1

2           **9-20-101. Definitions.**

3

4           (a) As used in this chapter:

5

6                   (i) "Article V application" means a joint  
7 resolution passed by the state legislature of Wyoming on  
8 the same subject or containing the same proposed amendment  
9 text as thirty-three (33) other states requiring congress  
10 to call an article V convention;

11

12                   (ii) "Article V convention" means a convention  
13 for proposing amendments as expressly provided in article V  
14 of the constitution of the United States;

15

16                   (iii) "Delegate" or "alternate" means a person  
17 selected by the state legislature of Wyoming or any other  
18 method provided by law to represent the state of Wyoming at  
19 an article V convention;

20

21                   (iv) "Legislative instructions" means  
22 instructions given by the state legislature to delegates  
23 and alternates before and during an article V convention;

1

2 (v) "Unauthorized amendment" means a proposed  
3 amendment that is outside the permitted subject matter  
4 contained in the article V application or contrary to  
5 legislative instructions.

6

7 **9-20-102. Limitations of authority for delegates to**  
8 **an article V convention.**

9

10 (a) No delegate from Wyoming to an article V  
11 convention shall have authority to vote to allow  
12 consideration of, or to approve, an unauthorized amendment  
13 for ratification to the constitution of the United States.

14

15 (b) Any vote made in violation of subsection (a) of  
16 this section shall be null and void. Any delegate making  
17 this vote shall be immediately recalled by an official or  
18 executive branch committee authorized by a resolution of  
19 the legislature and replaced by an alternate.

20

21 (c) Each delegate or alternate from Wyoming to an  
22 article V convention shall be required to take the  
23 following oath or affirmation: "I do solemnly swear or

1 affirm that to the best of my abilities I will, as a  
2 delegate or alternate to an article V convention, uphold  
3 the constitution and laws of the United States of America  
4 and Wyoming. I will not vote to allow consideration of or  
5 to approve any unauthorized amendment proposed for  
6 ratification to the constitution of the United States of  
7 America. I understand and accept any penalties that may be  
8 imposed on me by Wyoming law for violating this oath."  
9

10 (d) Any delegate who violates the oath contained in  
11 subsection (c) of this section shall be guilty of a felony  
12 punishable by imprisonment for not more than five (5)  
13 years, a fine of not more than ten thousand dollars  
14 (\$10,000.00), or both. Additionally, any delegate who  
15 violates the oath contained in subsection (c) of this  
16 section shall be ineligible to serve as a delegate and any  
17 certification of the delegate shall be null and void.  
18

19 (e) The secretary of state shall certify the  
20 selection of the Wyoming delegates in writing to the  
21 article V convention and shall provide a copy of the  
22 certification to each delegate. No delegate shall have

1 authority to vote or otherwise serve as a delegate at the  
2 Article V convention without the certification.

3

4 (f) The secretary of state shall promulgate rules and  
5 regulations setting out a process for selecting alternative  
6 delegates to the article V convention in the event a  
7 delegate becomes unable or ineligible to serve. If a  
8 delegate becomes ineligible to serve under the provisions  
9 of subsection (d) of this section, the alternate delegate  
10 shall immediately be entitled to represent Wyoming as a  
11 delegate in place of the delegate who has become ineligible  
12 and the secretary of state shall immediately provide  
13 certification to the new delegate.

14

15 (g) The secretary of state shall notify the article V  
16 convention and any delegate involved of the automatic  
17 revocation of that delegate's certification should the  
18 delegate violate his pledge to act only within the limits  
19 of the authority granted by the state of Wyoming.

20

21 (h) The provisions of this section shall be enforced  
22 by the attorney general. A Wyoming citizen may file an  
23 action to enforce the requirements of this article and

1 shall be entitled to reasonable attorney's fees if  
2 successful.

3

4 **Section 2.** W.S. 22-20-201 through 22-20-205,  
5 22-20-208 and 22-20-209 are amended to read:

6

7 **22-20-201. Proclamation of governor calling state**  
8 **ratifying convention.**

9

10 (a) If the congress of the United States of America  
11 enacts any law requiring any question of repealing,  
12 amending or altering the constitution of the United States  
13 of America, or any part thereof, to be submitted to a  
14 ratifying convention of delegates chosen by the qualified  
15 electors of the state and does not prescribe the manner and  
16 method of calling, holding and conducting the ratifying  
17 convention and of canvassing the returns of the votes of  
18 the delegates thereto and determining, declaring and  
19 publishing the result of the vote of the delegates to the  
20 ratifying convention on any question voted upon, for which  
21 the ratifying convention is called, it is the duty of the  
22 governor to make a public proclamation:

23

1 (i) Calling the ratifying state convention;

2

3 (ii) Calling for the election of delegates to  
4 the state ratifying convention;

5

6 (iii) Specifying the place where and the time  
7 when the ratifying convention shall be held;

8

9 (iv) Specifying the number of delegates (who  
10 shall be qualified electors) of which the ratifying  
11 convention shall consist; and

12

13 (v) Specifying the method and manner by and in  
14 which delegates to the ratifying convention shall be  
15 elected.

16

17 **22-20-202. Election of delegates to county and state**  
18 **conventions.**

19

20 In each of the election precincts in each of the counties  
21 of this state there shall be held a meeting of the  
22 qualified electors of the precinct at the time fixed by the  
23 proclamation. A qualified elector in the precinct shall

1 preside at each precinct meeting, and an election shall be  
2 held in which not less than one (1) delegate from each  
3 precinct and (1) one additional delegate for each six  
4 hundred (600) or major portion thereof of the inhabitants  
5 of the precinct shall be elected as delegates to a  
6 convention to be held at the county seat of the county.  
7 Upon the day fixed by the governor for holding the county  
8 convention the delegates thereto shall assemble and elect  
9 one (1) delegate for each county, and one (1) delegate for  
10 each five thousand (5000) or major fraction thereof of the  
11 inhabitants of the county as delegates to the state  
12 ratifying convention specified in W.S. 22-20-201.

13

14 **22-20-203. Convening of county convention; presiding**  
15 **officer; certification of results.**

16

17 It is the duty of the chairman of the board of county  
18 commissioners or some other member of the board in each  
19 county to convene the county convention and preside over it  
20 until the delegates chosen thereto select a chairman of the  
21 convention. It is the duty of the chairman and secretary of  
22 the convention to certify, under oath, to the secretary of  
23 state and to the state ratifying convention, the names of



1 the delegates to the state ratifying convention chosen by  
2 the county convention.

3

4 **22-20-204. Rules of practice for county conventions;**  
5 **convention ballots.**

6

7 (a) The rules of practice, procedure and conduct of  
8 the business of the several county conventions specified in  
9 W.S. 22-20-202 are those prescribed by "Robert's Rules of  
10 Parliamentary Procedure and Order".

11

12 (b) The vote on the selection of delegates to the  
13 county and state ratifying conventions shall be by written  
14 or printed ballot.

15

16 **22-20-205. Determining apportionment of**  
17 **representation at convention.**

18

19 In the apportionment of representation in the county and  
20 state ratifying conventions, the last federal census is the  
21 basis upon which the right to representation in the  
22 conventions shall be determined.

23

1           **22-20-208. Convening of state ratifying convention;**  
2 **costs and expenses; certification of results.**

3

4           (a) If the governor issues a proclamation calling a  
5 state ratifying convention, it is the duty of the secretary  
6 of state to convene the ratifying convention and make all  
7 necessary arrangements.

8

9           (b) The costs incidental to the holding of the state  
10 ratifying convention shall be borne and paid by the state,  
11 as appropriated by the legislature.

12

13           (c) It is the duty of the officers of the state  
14 ratifying convention to certify, under oath, to the  
15 secretary of state, the result of the vote cast at the  
16 ratifying convention on each question submitted thereto.  
17 When the result of the vote of the delegates to the state  
18 ratifying convention is certified to the secretary of  
19 state, it is then the duty of the secretary of state to  
20 certify the result to the president and secretary of state  
21 of the United States, and to the president of the senate  
22 and the speaker of the house of representatives of the  
23 congress of the United States.

1

2           **22-20-209. Procedure when congress directs manner of**  
3 **holding a ratifying convention.**

4

5           (a) If congress, either in the resolution submitting  
6 the question or by statute, prescribes the manner in which  
7 the ~~conventions~~ratifying convention shall be constituted,  
8 the provisions of this chapter are inoperative, and the  
9 ratifying convention shall be constituted and shall operate  
10 as the resolution or act of congress directs. All officers  
11 of the state who may be authorized or directed by the  
12 resolution or statute to take any action to constitute a  
13 ratifying convention for this state are authorized and  
14 directed to act in accordance therewith and in obedience  
15 thereto with the same force and effect as if acting under a  
16 statute of this state.

17

18           (b) If an article V convention is called as provided  
19 in W.S. 9-20-102, the provisions of this chapter are  
20 inoperative to the extent that they conflict with a  
21 convention conducted in accordance with W.S. 9-20-102.

22

1           **Section 3.** This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

5

6

(END)