

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1441

Introduced by

Representatives K. Koppelman, Brabandt, Dockter, Karls, Klein, Maragos, Owens, Paur,
Schatz

Senators Burckhard, Hogue, Larsen

1 A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota
2 Century Code, relating to certification of delegates to a convention of the states, called pursuant
3 to article V of the United States Constitution, to amend the United States Constitution; ~~and to~~
4 ~~provide a penalty~~.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 54-03 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Certification of delegates to United States convention of the states** ~~Penalty~~.

- 9 1. If ~~an interstate~~ a convention of the states is called pursuant to article V of the United
10 States Constitution, the legislative assembly or an official designated by the legislative
11 assembly shall certify each delegate and alternate delegate from ~~the~~ this state to the
12 convention and provide a written copy of the certification to each delegate and
13 alternate delegate and to the convention. If a delegate is ineligible or unwilling to serve
14 as a delegate at the convention, the legislative assembly or the official designated by
15 the legislative assembly shall certify an alternate delegate to replace the delegate and
16 immediately provide a copy of the certification to the delegate and the convention.
- 17 2. If a delegate is rendered ineligible to serve under subsection 4, the delegate's
18 certification must provide notice to the convention that any vote or other action taken
19 by that delegate should be considered void.
- 20 3. An individual who has not been certified under this section may not serve as a
21 delegate at the convention.
- 22 4. As a condition of being eligible for consideration or selection as a delegate or alternate
23 delegate, each delegate and alternate delegate shall, execute the following oath:

1 I do solemnly swear or affirm that I will, to the best of my abilities, support the United
2 States Constitution and the Constitution of North Dakota and I will not vote to allow
3 consideration of or consider or approve any unauthorized amendment proposed for
4 ratification to the United States Constitution. I understand that a violation of this oath
5 will result in my being rendered ineligible to serve as a delegate at the convention as
6 well as subject me to additional penalties under the laws of ~~the~~ North Dakota.

7 5. A delegate at the convention may not vote to allow consideration of or consider or
8 approve any unauthorized amendment. An "unauthorized amendment" means:

9 a. A proposed amendment that varies from the exact text of the amendment
10 contained in the application made by the legislative assembly, which limits the
11 convention to approving or disapproving that exact text, or, if the legislative
12 assembly did not make the application, the exact text of the amendment
13 contained in the applications relied ~~on~~ upon by the United States Congress in
14 calling the convention, if the application contains exact text for a proposed
15 amendment; or

16 b. A proposed amendment that is outside the permitted subject matter of the
17 application made by the legislative assembly, or, if the legislative assembly did
18 not make the application, the permitted subject matter of the applications relied
19 ~~on~~ upon by the United States Congress in calling the convention and as the
20 subject matter may be further defined by the legislative assembly or an official
21 designated by the legislative assembly, in instructions adopted by the legislative
22 assembly by concurrent resolution and provided to each delegate and alternate
23 delegate.

24 6. The legislative assembly or an official designated by the legislative assembly shall
25 provide guidance upon the request of any delegate or alternate delegate as to whether
26 a proposed amendment is within the permitted subject matter of the convention.

27 7. A delegate casting or attempting to cast a vote at a convention in violation of this
28 section must be rendered ineligible to continue to serve as a delegate and must be
29 immediately removed from office and replaced by an alternate delegate as provided
30 under this section. A vote cast by a delegate at a convention which is in violation of
31 this section is void.

1 | ~~8.—A delegate who knowingly and willfully violates this section is guilty of a class C felony.~~