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SENATE BILL NO. 105

Offered January 8, 2014

Prefiled December 27, 2013

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348, 30-349, and 30-350, relating to a convention to amend the United States Constitution; delegates.

Patrons—Ruff; Delegate: Morris

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 55, consisting of sections numbered 30-348, 30-349, and 30-350, as follows:

CHAPTER 55.

DELEGATES TO A CONVENTION TO AMEND THE UNITED STATES CONSTITUTION.

§ 30-348. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Application" means a joint resolution passed by the General Assembly or an application made by the legislature of any other state calling for a convention and relied on by the United States Congress in calling a convention.

"Convention" means a convention for proposing amendments to the United States Constitution called for by the states pursuant to Article V of the United States Constitution.

"Delegate" means an individual who is appointed by the General Assembly to represent the Commonwealth at a convention.

§ 30-349. Appointment of delegates.

A. Any time a convention is called pursuant to Article V of the United States Constitution, the General Assembly or an official or entity designated by the General Assembly shall appoint the number of delegates allocated to represent the Commonwealth at the convention and an equal number of alternate delegates to such convention. All delegates and alternate delegates shall be residents of the Commonwealth.

B. At any time, the General Assembly may by joint resolution recall delegates or alternate delegates or appoint new delegates or alternate delegates.

C. As a condition to appointment as a delegate or alternate delegate, each delegate and alternate delegate shall, by oath or affirmation, agree to abide by the instructions for participation in the convention established by joint resolution of the General Assembly.

§ 30-350. Duties of delegates attending the convention; penalty.

A. At the time delegates and alternate delegates are appointed, the General Assembly shall by joint resolution provide instructions to the delegates regarding the scope of matters they may consider and vote on at the convention, including rules of procedure and proposed amendments. The General Assembly may amend the instructions by joint resolution prior to or during the course of the convention.

B. No delegate or alternate delegate shall vote on (i) a proposed amendment that varies from the exact text of the amendment contained in the application calling for the convention or (ii) a proposed amendment that is outside the scope of the permitted subject matter as defined in the instructions adopted by the General Assembly by joint resolution.

C. Any delegate casting or attempting to cast a vote in violation of this section shall be rendered ineligible to continue to serve as a delegate and shall be immediately removed from his office and replaced by an alternate delegate. Any vote cast in violation of this section is void.

D. Any delegate who knowingly and willfully violates this section is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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