

1 Proposing Amendments -- The Legislature shall designate one or more
2 legislative committees for purposes of communicating, exchanging
3 information and otherwise engaging in discussion and dialogue with
4 the several states and Congressional delegation regarding acts,
5 resolutions and issues related to the Article V Convention rules,
6 process, potential amendments, interstate compacts, developing
7 common credentials and instructions for delegates and procedures
8 for an Article V Convention for proposing amendments. It may vest
9 this function in the Joint Committee on Government and Finance, in
10 existing committees of each house, or in such other legislative
11 committee as it may see fit to establish.

12 (b) Prohibiting Delegates from Attending a Convention for
13 Proposing Amendments if Congress Mandates Proportional
14 Representation -- Delegates from West Virginia may only be
15 authorized to attend an Article V Convention for proposing
16 amendments where each state has one equal vote.

17 **§3-11A-2. Definitions.**

18 For the purposes of this article:

19 (a) "Article V Convention" means a "Convention for proposing
20 Amendments" as expressly provided in Article V of the Constitution
21 of the United States of America;

22 (b) "Article V Application" means a Joint resolution passed by
23 the Legislature on the same subject or containing the same proposed
24 amendment text as thirty-three other sovereign states requiring

1 Congress to call an Article V convention by setting the time and
2 place;

3 (c) "Delegate" or "alternate" means a person selected by the
4 Legislature or any other method provided by law to represent the
5 State of West Virginia at an Article V convention;

6 (d) "Legislative Instructions" means instructions given by the
7 State Legislature to delegates and alternates before and during an
8 Article V Convention; and

9 (e) "Unauthorized amendment" means a proposed amendment that
10 is outside the subject matter of the application, the call, the
11 commission, or any Legislative Instructions.

12 **§3-11A-3. Delegates duties and responsibilities.**

13 (a) Delegates from West Virginia to an Article V Convention
14 may not vote to allow consideration of or vote to approve an
15 unauthorized amendment for ratification to the United States of
16 America Constitution.

17 (b) Any delegate casting a vote to allow consideration or
18 approval of an unauthorized amendment shall be immediately recalled
19 by an official or committee authorized by a Resolution of the
20 Legislature and replaced by an alternate.

21 (c) Every candidate for delegate or alternate from West
22 Virginia to the Article V Convention shall take the following oath:
23 "I do solemnly swear or affirm that to the best of my abilities, I
24 will, as a delegate or alternate to an Article V Convention, uphold

1 the Constitution and laws of the United States of America and the
2 State of West Virginia. I will not vote to allow consideration of
3 or to approve any unauthorized amendment proposed for ratification
4 to the United States of America Constitution".

5 (d) The Legislature or an official or committee authorized by
6 a Resolution of the Legislature shall certify in writing to the
7 Article V Convention the selection of delegates and alternates, the
8 recall and replacement of a delegate with and alternate and the
9 nullification of unauthorized votes cast by the delegate of West
10 Virginia.

11 **§3-11A-4. Violation of oath; criminal penalty.**

12 Any Delegate who violates the oath contained in this article
13 is guilty of a felony and, upon conviction thereof shall be fined
14 not more than \$1,000 or imprisoned in a state correctional facility
15 not less than one year, or both fined and imprisoned.

NOTE: The purpose of this bill is to provide a procedure for West Virginia to select delegates to an Article V Convention for proposing amendments to the Constitution of the United States of America.

This article is new; therefore, it has been completely underscored.