

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5507**

By Delegates Ridenour, Masters, Butler, Brooks,  
Phillips, Martin, Kimble, Holstein, Jennings, B. Ward,  
and Hillenbrand

[Introduced February 13, 2026; referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
 2 designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, §4-16-5, §4-16-6, §4-16-7, §4-16-8, §4-  
 3 16-9, §4-16-10, §4-16-11, §4-16-12, §4-16-13 and §4-16-14, relating to establishing a  
 4 process for the selection and oversight of delegates for a West Virginia Article V  
 5 convention delegation to an Article V convention for proposing amendments to the United  
 6 States Constitution.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 16. SELECTION AND OVERSIGHT OF DELEGATES FOR AN ARTICLE V  
 AMENDING CONVENTION.**

**§4-16-1. Applicability.**

1 This rule applies to commissioners acting as delegate members of a West Virginia Article V  
 2 Convention Delegation to participate in a Convention of States for proposing amendments held  
 3 under Article V of the Constitution of the United States.

**§4-16-2 Definitions.**

1 As used in this article:

2 "Advisory Committee" means a committee consisting of members selected by each  
 3 chamber using the process defined in this rule to perform the duties defined in this rule;

4 "Article V Application" means a Concurrent resolution passed by the Legislature of West  
 5 Virginia requesting Congress to call a convention under Article V of the Constitution of these  
 6 United States for the purpose of proposing amendments.

7 "Article V Convention" or "Convention for Proposing Amendments" or "Amending  
 8 Convention" is the process expressly provided in Article V of the Constitution of these United  
 9 States for the several states to gather in a convention to propose amendments to the Constitution.

10 "Chamber" means either the Senate or the House of Delegates of the legislature;

11 "Commissioning Resolution" means the resolution adopted by the House of Delegates and

12 Senate of the Legislature which sets forth the names of the appointed Delegates and their  
13 commissions and instructions;

14 "Convention Delegation" means a committee consisting of members selected by each  
15 chamber using the process defined in this rule to perform the duties defined in this rule;

16 "Delegate" means a person selected by the Legislature of West Virginia as provided herein  
17 to represent this state at an Article V Convention for Proposing Amendments;

18 "Delegation" means the group of Delegates and interim Delegates chosen by the  
19 legislature to attend an Article V convention with the powers and duties defined in this rule;

20 "Instructions" means instructions given by the Legislature to Delegates before and during a  
21 Convention for Proposing Amendments;

22 "Interim Delegate" means a person selected by the Advisory Committee pursuant to  
23 Section 8 to fill a vacancy in the delegation.

24 "Runaway Amendment" means an amendment that is unrelated to the subject matter of  
25 the Convention, counter to any legislative instructions.

**§4-16-3. Qualifications of West Virginia Article V Convention delegates.**

1 At the time of appointment and throughout the Article V Amending Convention, a Delegate  
2 shall meet the following qualifications:

3 (a) Must be a United States citizen and have been such for at least 5 years;

4 (b) Must be a resident of the state and have been such for at least 5 years;

5 (c) Must be at least 25 years old;

6 (d) Must be a registered voter in this state;

7 (e) Must not be registered or required to be registered as a federal lobbyist at any time  
8 within the last 5 years;

9 (f) Must not be a federal employee or contractor, nor have been such at any time within the  
10 last 10 years;

11 (g) Must not have held a federal elected or appointed office at any time within the last 10

12 years;

13 (h) Must not have had any felony convictions for crimes in any jurisdiction within the last 10

14 years;

15 (i) Must not hold a statewide office while performing the duties of Delegate or interim

16 Delegate. For purposes of this section, a position as a state legislator is not deemed a "statewide

17 office."

**§4-16-4. West Virginia Article V convention delegate selection, removal; penalties for violations.**

1 (a) Seven convention delegates shall be named by a resolution passed by a majority of  
2 those present and voting in a joint session of the Legislature. All delegates shall be appointed by  
3 this process.

4 (b) The Legislature shall maintain an odd number of delegates in the delegation.

5 (c) A delegate or interim delegate may be recalled and/or removed at any time and for any  
6 reason by a joint resolution of the Legislature or by a majority of those present and voting in a joint  
7 session thereof; and if the Legislature is not in session, may be recalled and suspended from their  
8 duties by the Advisory Committee, pending a vote of the Legislature.

9 (d) A delegate or interim delegate shall be recalled and/or suspended by the Advisory  
10 Committee pursuant to a determination under §4-16-13 that he or she has exceeded the scope of  
11 his or her authority.

12 (e) Violation of instructions by the Legislature, including enabling a runaway amendment,  
13 shall be a felony and subject to 2 years of incarceration and a \$250,000 fine.

**§4-16-5. Commissioning resolution.**

1 (a) The resolution naming the delegates shall include their commission. The commission  
2 shall include, but shall not be limited to, the following components:

3 (1) A delegate shall not vote for or otherwise promote any change to the traditional  
4 convention rule of decision on the floor and in the committee of the whole, to-wit, that each state

5 has one vote.

6 (2) A delegate shall not vote in favor of any proposed amendment that would alter the text  
7 of the specific guarantees of individual liberty established by the Constitution, including the original  
8 Constitution, the Bill of Rights, and the following amendments: Thirteenth, Fourteenth, Fifteenth,  
9 Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth.

10 (3) A delegate shall not vote in favor of any proposed amendment that is unrelated to the  
11 subject matter of the convention ("runaway amendment").

12 (b) The commissioning resolution shall clearly state the scope of the delegates' authority,  
13 which shall be limited by the following:

14 (1) The subject matter in West Virginia's Article V application; and

15 (2) Any additional instructions from the Legislature, whether in the commissioning  
16 resolution or issued thereafter.

17 (c) The Legislature may provide additional instructions at any time via subsequent  
18 resolution, a copy of which the Clerk of the House of Delegates shall provide to each delegate and  
19 to the Advisory Committee.

**§4-16-6. Oath.**

1 (a) Each West Virginia Article V Convention delegate shall, before exercising any function  
2 of the position, execute the following oath in writing:

3 "I do solemnly swear (or affirm) that to the best of my abilities, I will, as a delegate to this  
4 convention, uphold the Constitution and laws of these United States and the State of West  
5 Virginia. I accept and will act according to the limits of authority specified in my commission and  
6 any present or subsequent instructions. I will take no action or vote on any amendment outside of  
7 the convention call or the instructions of the Legislature of West Virginia. I understand that any  
8 action outside of these instructions will be voided, I will be recalled, and subject to civil penalties or  
9 criminal charges."

10 (b) A delegate's executed oath shall be filed with the Secretary of State.

**§4-16-7. Credentials.**

1 After a delegate's executed oath is filed with the Secretary of State, the Clerk of the House  
2 of Delegates shall provide to the delegate an official copy of the executed oath and the  
3 commissioning resolution, which together shall serve as the delegate's credentials.

**§4-16-8. Vacancies.**

1 Any vacancies shall be filled by the Advisory Committee's selection of an interim delegate  
2 until such time as a vote by a joint session of the legislature shall select a permanent replacement.

**§4-16-9. Compensation and expenses.**

1 (a) A delegate shall receive the same compensation as a member of the Legislature,  
2 prorated for length of time served.

3 (b) A delegate is entitled to receive the same allowance for expenses as provided to a  
4 member of the Legislature.

**§4-16-10. Emolument and gift prohibition.**

1 Neither a delegate nor an interim delegate shall accept, during his or her time of service,  
2 any gifts or benefits with a combined value of more than \$200, other than from a member of his or  
3 her family and of the kind customarily granted by a member of one's family. The term "gift or  
4 benefit" shall be construed liberally to include current and future loans, lodging, food, offer of  
5 prospective employment, and other actual and prospective benefits. An employer's decision to  
6 continue paying a delegate's current salary shall not be construed to be a gift.

**§4-16-11. Quorum, conduct, and rule of decision with the delegation.**

1 (a) The Delegates within the delegation, including any Interim Delegates filling a vacancy,  
2 shall choose from among them a person who shall chair the delegation, a person who shall cast  
3 the state's vote on the convention floor, and a person to speak to the media on behalf of the  
4 delegation. If the delegation so decides, the same person may exercise any two or all three  
5 functions. The delegation may designate a different Delegate to perform any function at any time.

6 (b) Each Delegate shall take care to avoid communicating the impression to any person

7 outside the delegation that the delegation is divided on a question on which the delegation has  
8 taken a formal position, including but not limited to casting a vote.

9 (c) No Delegate other than the one designated to communicate with the media on behalf of  
10 the delegation shall communicate with the media about convention business during the  
11 convention or during any temporary recess or temporary adjournment.

12 (d) A Delegate violating subsection (b) or (c) of this section may be suspended or recalled  
13 by the Advisory Committee or by the Legislature.

14 (e) Subsections (b) and (c) of this section shall not be construed to prevent a delegate from  
15 presenting his or her opinions to the convention or debating a matter at the convention on which  
16 his or her delegation has not formally taken a position.

17 (f) The quorum for decision by the delegation – including the designation of delegates for  
18 particular duties and the determination of how the state's vote shall be cast – shall be a majority  
19 present and voting at the time the delegation is polled. No decisions shall be made and no vote  
20 shall be cast if less than a majority of the delegation votes in the poll.

21 (g) The rule of decision for the delegation, a quorum being present, shall be a majority of  
22 those present and voting at the time of polling.

**§4-16-12. Article V Delegate Advisory Committee.**

1 (a) The Advisory Committee consists of the following members:

2 (1) A state senator appointed by the President of the Senate;

3 (2) A state delegate appointed by the Speaker of the House of Delegates; and

4 (3) A member of the legislature nominated by joint action of the President of the Senate  
5 and the Speaker of the House of Delegates and approved by the majority of those voting in each  
6 chamber.

7 (b) The Advisory Committee shall select one of its members as chair.

8 (c) The duties of the Advisory Convention Committee include:

9 (1) Monitoring the West Virginia Article V Amending Convention Delegation to determine if

10 it is following the instructions of the Legislature of West Virginia and abiding by convention rules;

11 (2) Advising the delegation on the Legislature's position on issues before the convention;

12 (3) Disciplining any delegate who violates the oath of office or instructions or is otherwise  
13 guilty of malfeasance or nonfeasance; discipline may include recall from the convention or  
14 demotion to alternate delegate, or civil penalties or criminal charges;

15 (4) Notifying the Amending Convention of changes in the West Virginia Article V Amending  
16 Convention delegation; and

17 (5) Manage the process of replacing or reinstating any recalled delegate.

18 (d) A delegate may request that the Advisory Committee advise him or her as to whether a  
19 prospective action by the delegate would violate the commissioning resolution or any subsequent  
20 instructions.

21 (e) The Advisory Committee shall communicate to the delegate requesting such advice a  
22 determination within 24 hours of receiving the request.

23 (f) The Advisory Committee may communicate such determination by any appropriate  
24 medium.

25 (g) The Advisory Committee shall have authority to use staff members of the Legislature of  
26 West Virginia to assist committee efforts, and develop appropriate procedures and mechanisms  
27 for monitoring the convention, its committees, and subcommittees.

**§4-16-13. Monitoring the exercise of delegate authority.**

1 (a) Whenever the Advisory Committee has reason to believe that a delegate or interim  
2 delegate has exceeded the scope of his or her authority, the chair of the committee shall notify the  
3 Speaker of the House of Delegates, the President of the Senate, and the Attorney General of West  
4 Virginia.

5 (b) Upon the request for a determination by the Speaker of the House of Delegates, the  
6 President of the Senate, or the Attorney General on whether a delegate or interim delegate has  
7 exceeded the scope of his or her authority, the Advisory Committee shall issue a determination on

8 whether the delegate or interim delegate did exceed his or her authority. The determination shall  
9 be expeditiously made and immediately communicated to the person requesting it.

10 (c) Upon determining that a delegate or interim delegate has exceeded the scope of his or  
11 her authority pursuant to subsection (a) or (b) of this section, the Advisory Committee shall  
12 immediately exercise its authority under §4-16-4 to remove said delegate, and shall communicate  
13 said action and the reasons therefore to the Speaker of the House of Delegates, the President of  
14 the Senate, the Attorney General, and the presiding officers of the convention.

**§4-16-14. Effective date.**

1 This act will take effect upon signature.

NOTE: The purpose of this bill is to establish a process for the selection and oversight of delegates for a West Virginia Article V convention delegation to an Article V convention for proposing amendments to the United States Constitution.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.