

AN ACT relating to limiting the authority of delegates to United States Constitution Article V Amendment Conventions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO READ AS FOLLOWS:

*As used in Sections 1 to 5 of this Act:*

*(1) "Amendment" means the amendment to the United States Constitution contained in the resolution whose precise text is as follows:*

*"ARTICLE . The Congress, on Application of the Legislatures of two-thirds of the several States, which all contain a substantially similar Amendment, shall call a Convention solely to decide whether to propose that specific Amendment to the States, and if proposed shall be valid to all intents and purposes as part of the Constitution when ratified pursuant to Article V.";*

*(2) "Convention" means the convention called for under the authority of Article V of the United States Constitution by the resolution;*

*(3) "Qualifying application" means a resolution passed by states calling for a Convention under the authority of Article V of the United States Constitution that contains substantially similar language as the amendment, and which requires that the sole permitted purpose of the convention is to decide whether to propose, or not to propose, the amendment;*

*(4) "Resolution" means 2015 RS BR 1326; and*

*(5) "Unauthorized amendment or proposed amendment" means any amendment considered or voted on by the convention that is not substantially similar to the amendment described in subsection (1) of this section.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO READ AS FOLLOWS:

*(1) No delegate from Kentucky to the convention shall have the authority to vote to*

consider or approve any proposed amendment to the United States Constitution other than the amendment authorized in the resolution.

(2) Any vote taken by a delegate from Kentucky at the convention in violation of subsection (1) of this section shall be null and void. Any delegate making this vote shall be immediately disqualified from serving as a delegate to the convention.

(3) Every delegate from Kentucky to the convention called for by the resolution shall be required to take the following oath:

"I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to the convention, uphold the Constitution and laws of the United States and the Commonwealth of Kentucky. I will accept and will act according to the limits of the authority as a delegate granted to me by Kentucky law, and I will not vote to consider or approve any amendment to the United States Constitution other than the subject of the amendment contained in the resolution calling for the Convention passed by the Kentucky General Assembly. I understand and accept any penalties that may be imposed on me by Kentucky law for violating this oath."

(4) Any delegate who violates the oath contained in subsection (3) of this section shall be subject to the maximum criminal penalty under KRS 523.040, and shall forfeit all licenses to conduct business or engage in any profession that requires a license in Kentucky.

(5) The Secretary of State shall certify the selection of the Kentucky delegates in writing to the convention and shall provide a copy of the certification to each delegate. No delegate shall have authority to vote or otherwise serve as a delegate at the convention without the certification.

(6) The Secretary of State shall promulgate administrative regulations under KRS Chapter 13A setting out a process for selecting alternate delegates to the

convention in the event a delegate becomes unable or ineligible to serve. If a delegate becomes ineligible to serve under the provisions of subsection (4) of this section, the alternate delegate shall immediately be entitled to represent Kentucky as a delegate in place of the delegate who has become ineligible, and the Secretary of State shall immediately provide certification to the new delegate.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO READ AS FOLLOWS:

(1) Any unauthorized amendment proposed by the convention shall not be recognized as an amendment to the United States Constitution under Kentucky law.

(2) Neither the Kentucky House of Representatives nor the Kentucky Senate shall consider or ratify any proposed amendment other than the precise text of the amendment contained in the resolution.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO READ AS FOLLOWS:

(1) The provisions of Sections 1 to 5 of this Act may be enforced by the Kentucky Attorney General or by the Legislative Research Commission.

(2) A Kentucky citizen may file an action in the Franklin Circuit Court to enforce Sections 1 to 5 of this Act and shall be entitled to reasonable attorney's fees if successful.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO READ AS FOLLOWS:

Sections 1 to 5 of this Act may be cited as the "Convention Delegate Fidelity and Single Amendment Limitation Act of 2015."