

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 1156

4
5 By: Senator Rapert
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE RUNAWAY CONVENTION PREVENTION
9 ACT.

Subtitle

12 TO CREATE THE RUNAWAY CONVENTION
13 PREVENTION ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 7, Chapter 9, is amended to add an
20 additional subchapter to read as follows:

Subchapter 6 – Runaway Convention Prevention Act

7-9-601. Title.

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24 This subchapter shall be known and may be cited as the "Runaway
25 Convention Prevention Act".
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7-9-602. Definitions.

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28 As used in this subchapter:

29 (1) "Article V Convention" means an interstate convention called
30 under Article V of the U.S. Constitution;

31 (2) "Article V Application" means a joint resolution passed by
32 the State Legislature of Arkansas calling for an interstate convention under
33 Article V of the U.S. Constitution;

34 (3) "Delegate" or "alternate" means a person selected by the
35 State Legislature of Arkansas or any other method provided by law to
36 represent the State of Arkansas at an Article V Convention;



1 (4) "Legislative Instructions" means instructions regarding the
2 permitted scope of the convention given by the state legislature to delegates
3 and alternates;

4 (5)(A) "Unauthorized amendment" means a proposed amendment that:

5 (i) Varies from the same proposed and permitted
6 amendment text as stated in the particular Article V Application under
7 consideration; or

8 (ii) Is outside the permitted subject matter as
9 stated in the Article V Application and as further defined by the Legislative
10 Instructions.

11 (B) If a state has not passed an Article V Resolution
12 relied on by Congress to call the Article V Convention, an unauthorized
13 amendment shall be an amendment other than the exact text permitted by each
14 and all of the thirty-four (34) Article V Applications relied on by Congress
15 to propose the convention or outside the permitted subject matter as defined
16 the Legislative Instructions of this state, or any of the Article V
17 Applications relied on by Congress to call the Convention.

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19 7-9-603. Delegates to Article V Convention – Duties and limitations.

20 (a) No delegate from Arkansas to an Article V Convention shall have
21 the authority to vote to allow consideration of, consider or approve an
22 unauthorized amendment for ratification to the Constitution of the United
23 States of America.

24 (b) Any delegate casting or attempting to cast a vote to allow
25 consideration of, consider, or approve an unauthorized amendment shall be
26 immediately ineligible to serve as a delegate, and shall be immediately
27 replaced by an alternate as provided by law.

28 (c) Any vote cast or attempted to be cast by a delegate from Arkansas
29 in violation of this sections shall be null and void.

30 (d) Every candidate and person under consideration for selection for
31 delegate or alternate from Arkansas to the Article V convention shall be
32 required to take the following oath: "I do solemnly swear or affirm that to
33 the best of my abilities, I will, as a delegate or alternate to an Article V
34 convention, uphold the Constitution and the laws of the United States of
35 America and the State of Arkansas. I will not vote to allow consideration
36 of, consider or approve any unauthorized amendment proposed for ratification

1 to the United States of America Constitution. I understand that violation of
2 this oath will result in my immediate recall and replacement at the Article V
3 Convention and that additional criminal penalties may be imposed on me by
4 Arkansas law."

5 (e) The State Legislature or an official or committee authorized by a
6 joint resolution of the State Legislature shall certify the selection of
7 Arkansas delegates and alternates in writing to each delegate and alternate
8 and shall provide a copy of the certification to the Article V Convention.

9 (f) No delegate shall have authority to vote or otherwise serve as a
10 delegate at the Article V Convention without the certification as a delegate.

11 (g) If a delegate becomes ineligible to serve, that delegate's
12 certification shall no longer be valid and the alternate delegate, as
13 provided by law shall immediately be entitled to represent Arkansas as a
14 delegate in place of the delegate who has become ineligible. The state
15 legislature or an official or committee authorized by a joint resolution of
16 the State Legislature shall immediately provide certification to the new
17 delegate and notify the Article V Convention of the change in certification
18 and of any unauthorized votes which must be considered null and void.

19 (h) The state legislature shall provide guidance upon the request of
20 any delegate or alternate delegate as to whether a proposed amendment is
21 within the permitted subject matter of the convention.

22 (i)(1) Any delegate who knowingly and willfully violates the oath
23 contained in this section shall be guilty of usurping, overturning, or
24 seizing government under § 5-51-204 a class B felony.

25 (2) A person convicted of a violation of subsection (i) of this
26 section is barred from holding public office or state employment from the
27 date of his or her conviction.