

HOUSE JOINT RESOLUTION 5

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

David C. Chavez

A RESOLUTION

PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO CLARIFY AND REAFFIRM THE POWER OF STATES TO PREVENT A RUNAWAY CONSTITUTIONAL CONVENTION BY PROVIDING THAT THIRTY-FOUR STATES PROPOSING AN IDENTICAL AMENDMENT MAY STRICTLY LIMIT A CONSTITUTIONAL CONVENTION THAT CONGRESS CALLS TO AN UP OR DOWN VOTE ON THE TEXT OF THAT SPECIFIC CONSTITUTIONAL AMENDMENT.

WHEREAS, congress may call a constitutional convention pursuant to Article 5 of the United States constitution;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the congress of the United States, pursuant to Article 5 of the United States constitution, be requested to call a constitutional convention for the sole purpose of voting to propose or voting not to propose the following specific amendment to the United States constitution:

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1           "The Congress, on Application of the Legislatures of two  
2 thirds of the several States, which all contain an identical  
3 Amendment, shall call a Convention solely to decide whether to  
4 propose that specific Amendment to the States, which, if  
5 proposed shall be valid to all intents and purposes as part of  
6 the Constitution when ratified pursuant to Article V."; and

7           BE IT FURTHER RESOLVED that for the purposes of  
8 determining whether the required two-thirds of the legislatures  
9 of the several states have applied for a convention, this  
10 application may be counted and considered valid only in  
11 conjunction with qualifying applications of other states that  
12 contain the identical text of the specific amendment contained  
13 in this application and whose application requires that the  
14 sole purpose of the convention is to decide whether to propose  
15 or not to propose this specific amendment; and

16           BE IT FURTHER RESOLVED that this resolution is revoked and  
17 withdrawn, nullified and superseded to the same effect as if it  
18 had never been passed and, retroactive to the date of passage,  
19 if it is used to conduct a convention that votes to propose any  
20 amendment other than the specific text of the amendment  
21 contained in this resolution; and

22           BE IT FURTHER RESOLVED that every delegate selected to  
23 represent this state at any convention that congress calls  
24 pursuant to this resolution shall take an oath, enforceable  
25 under the laws of this state, to abide by and act according to

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1 the limits imposed by this resolution on the purpose of the  
2 convention; and

3 BE IT FURTHER RESOLVED that any delegate selected to  
4 represent this state at a convention called by congress  
5 pursuant to this resolution shall have no authority to consider  
6 or approve any other amendment but the one contained in this  
7 application and that any vote taken in violation of this  
8 limitation shall be null and void and any delegate who so votes  
9 shall have no authority to represent this state on any matter  
10 at the convention; and

11 BE IT FURTHER RESOLVED that this application shall only be  
12 valid if two-thirds of the states make a qualifying application  
13 within seven years of the date of passage of this resolution by  
14 the legislature of New Mexico; and

15 BE IT FURTHER RESOLVED that this application shall be null  
16 and void and of no effect if congress, within ninety days of  
17 receipt of qualifying applications from two-thirds of the  
18 states, shall not propose and refer for ratification by the  
19 several states under the procedures outlined in Article 5 of  
20 the United States constitution the same exact text of the  
21 amendment contained in this application; and

22 BE IT FURTHER RESOLVED that copies of this application be  
23 delivered, within thirty days of its passage, to the speaker of  
24 the United States house of representatives, the clerk of the  
25 United States house of representatives, the president of the

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1 United States senate, the secretary of the United States  
2 senate, the New Mexico congressional delegation and the  
3 presiding officers of each house of the legislature of the  
4 several states; and

5 BE IT FURTHER RESOLVED that this resolution not take  
6 effect unless and until a bill implementing provisions of the  
7 resolution has been enacted.

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