

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

862U0458

## HOUSE BILL NO. 1215

Introduced by: Representatives Steele, Conzet, Craig, Cronin, Dryden, Ecklund, Feickert, Gosch, Greenfield, Haggar (Don), Hickey, Hoffman, Hunhoff (Bernie), Kaiser, Kirschman, Kopp, Lust, Magstadt, Miller, Nelson, Olson (Betty), Qualm, Schrempp, Solum, Stalzer, Stevens, Westra, and Wick and Senators Brown, Begalka, Frerichs, Jensen, Johnston, Krebs, Lederman, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie), Rave, Sutton, and Tieszen

1 FOR AN ACT ENTITLED, An Act to limit the authority of delegates to a limited constitutional  
2 convention to vote for unauthorized amendments contrary to legislative instructions and to  
3 provide a penalty for the violation thereof.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Terms used in this Act mean:

6 (1) "Article V convention," convention for proposing amendments as expressly provided  
7 in Article V of the United States of America Constitution; and

8 (2) "Article V application," a concurrent resolution passed by the State Legislature of  
9 South Dakota on the same subject or containing the same proposed amendment text  
10 as thirty-three other sovereign states requiring Congress to call an Article V  
11 convention by setting the time and place; and

12 (3) "Delegate" or "alternate," any person selected by the State Legislature of South  
13 Dakota or any other method provided by law to represent the State of South Dakota



1 at an Article V convention; and

2 (4) "Legislative instructions," instructions given by the State Legislature to delegates and  
3 alternates before and during an Article V convention; and

4 (5) "Unauthorized amendment," any proposed amendment that is outside the subject  
5 matter of the application, the call, the commission, or any legislative instructions.

6 Section 2. No delegate from South Dakota to an Article V convention has the authority to  
7 vote to allow consideration of or vote to approve an unauthorized amendment for ratification  
8 to the United States of America Constitution. Any delegate casting a vote to allow consideration  
9 or approval of an unauthorized amendment shall be immediately recalled by the secretary of  
10 state and replaced by an alternate.

11 Section 3. Every candidate for delegate or alternate from South Dakota to the Article V  
12 convention shall take the following oath:

13 "I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate or  
14 alternate to an Article V convention, uphold the Constitution and laws of the United States of  
15 America and the State of South Dakota. I will not vote to allow consideration of or to approve  
16 any unauthorized amendment proposed for ratification to the United States of America  
17 Constitution."

18 Section 4. The secretary of state shall certify in writing to the Article V convention the  
19 selection of delegates and alternates, the recall and replacement of any delegate or alternate, and  
20 the nullification of unauthorized votes cast by any delegate of South Dakota.

21 Section 5. Any delegate who violates the oath contained in section 3 of this Act is guilty of  
22 a Class 6 felony.

23 Section 6. Nothing in this Act authorizes the state of South Dakota to participate in any  
24 Article V convention in which each of the fifty states does not possess one vote equal to the

1 other forty-nine.