

HOUSE BILL NO. HB0027

Article V constitutional convention.

Sponsored by: Representative(s) Lubnau and Miller

A BILL

for

1 AN ACT relating to constitutional conventions; providing  
2 limits on the authority of delegates to a constitutional  
3 convention as specified; providing for penalties; providing  
4 for rules and regulations; and providing for an effective  
5 date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 22-20-301 through 22-20-303 are  
10 created to read:

11

12

ARTICLE 3

13

AUTHORITY OF DELEGATES TO CONSTITUTIONAL CONVENTION

14

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**22-20-301. Definitions.**

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(a) As used in this article:

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2 (i) "Article V convention" means a convention  
3 called by the states pursuant to the United States  
4 constitution, Article V;

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6 (ii) "Article V petition" means a concurrent  
7 resolution by the legislature calling for a convention  
8 pursuant to the United States constitution, Article V;

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10 (iii) "Delegate" means a person from the state  
11 of Wyoming, selected by law to represent the people and  
12 state of Wyoming at an Article V convention;

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14 (iv) "Permitted scope" means the topic of an  
15 amendment or specific language of an amendment that may be  
16 considered by the Article V convention;

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18 (v) "Unauthorized amendment" means any amendment  
19 outside the scope permitted by the Article V petition  
20 passed by the legislature.

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22 **22-20-302. Authority of delegates.**

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1           (a) No delegate from Wyoming to the Article V  
2 convention shall have the authority to allow consideration,  
3 consider or approve an unauthorized amendment to the United  
4 States constitution.

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6           (b) Any vote taken by a delegate from Wyoming at the  
7 Article V convention in violation of subsection (a) of this  
8 section shall be null and void. Any delegate making this  
9 vote shall be immediately disqualified from serving as a  
10 delegate to the Article V convention.

11  
12           (c) Every delegate from Wyoming to the Article V  
13 convention called for by the Article V petition shall be  
14 required to take the following oath:

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16           "I do solemnly swear or affirm that to the best of my  
17 abilities, I will, as a delegate to the Article V  
18 convention, uphold the constitution and laws of the United  
19 States and the state of Wyoming. I will accept and will act  
20 according to the limits of the authority as a delegate  
21 granted to me by Wyoming law, and I will not vote to  
22 consider or approve any unauthorized amendment to the  
23 United States constitution. I understand and accept any

1 penalties that may be imposed on me by Wyoming law for  
2 violating this oath."

3

4 (d) Any delegate who violates the oath contained in  
5 subsection (c) of this section shall be guilty of a  
6 misdemeanor punishable by imprisonment for not more than  
7 one (1) year, a fine of not more than one thousand dollars  
8 (\$1,000.00), or both. Additionally, any delegate who  
9 violates the oath contained in subsection (c) of this  
10 section shall be ineligible to serve as a delegate and any  
11 certification of the delegate shall be null and void.

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13 (e) The secretary of state shall certify the  
14 selection of the Wyoming delegates in writing to the  
15 Article V convention and shall provide a copy of the  
16 certification to each delegate. No delegate shall have  
17 authority to vote or otherwise serve as a delegate at the  
18 Article V convention without the certification.

19

20 (f) The secretary of state shall promulgate rules and  
21 regulations setting out a process for selecting alternative  
22 delegates to the Article V convention in the event a  
23 delegate becomes unable or ineligible to serve. If a  
24 delegate becomes ineligible to serve under the provisions

1 of subsection (d) of this section, the alternate delegate  
2 shall immediately be entitled to represent Wyoming as a  
3 delegate in place of the delegate who has become ineligible  
4 and the secretary of state shall immediately provide  
5 certification to the new delegate.

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7 (g) The secretary of state shall notify the Article V  
8 convention and any delegate involved of the automatic  
9 revocation of that delegate's certification should the  
10 delegate violate his pledge to act only within the limits  
11 of the authority granted by the state of Wyoming.

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13 **22-20-303. Enforcement by attorney general; right to**  
14 **private action.**

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16 (a) The provisions of this article shall be enforced  
17 by the attorney general.

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19 (b) A Wyoming citizen may file an action to enforce  
20 the requirements of this article and shall be entitled to  
21 reasonable attorney's fees if successful.

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1           **Section 2.**   This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

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(END)