

REFERENCE TITLE: **article V; recall and sanctions**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SR 1001

Introduced by
Senator Kern

A RESOLUTION

PROVIDING CERTAIN REQUIREMENTS FOR ARIZONA'S COMMISSIONERS TO AN ARTICLE V CONVENTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, an article V convention is either a convention for
2 proposing amendments to the United States Constitution or a state
3 ratification convention as expressly provided in article V of the United
4 States Constitution; and

5 Whereas, an article V application is a resolution passed by the
6 state legislature of an individual state requiring Congress to call an
7 article V amendment proposing a convention "on the Application of the
8 Legislatures of two-thirds of the several States"; and

9 Whereas, a commissioner is a person selected for an
10 amendment-proposing convention by that person's state legislature or
11 elected by the people for a state ratification convention; and

12 Whereas, instructions are given by the state legislature to
13 commissioners before and during an amendment-proposing convention or given
14 by the voters to commissioners who pledge to vote as directed at a
15 ratification convention; and

16 Whereas, a runaway amendment is an amendment that is unrelated to
17 the subject matter of the state's article V application or any legislative
18 instructions or that violates the people's vote for or against
19 ratification.

20 Therefore

21 Be it resolved by the Senate of the State of Arizona:

22 1. That the commissioners be selected by a joint process as
23 determined by the Arizona House of Representatives and Senate leadership
24 with bipartisan involvement.

25 2. That every candidate for commissioner to Arizona's article V
26 conventions be required to take the following oath:

27 I do solemnly swear or affirm that to the best of my
28 abilities, I will, as a commissioner to article V conventions,
29 uphold the Constitution and laws of the United States of
30 America and the State of Arizona. I will vote only as
31 instructed by the people at a ratification convention and will
32 not vote for any runaway amendment at a proposing convention.
33 I understand that any vote against the will of the people or
34 for a runaway amendment will be voided and that I will be
35 replaced, recalled and subject to penalties.

36 3. That any commissioner who violates the oath contained in this
37 section shall be subject to penalties as provided for by Arizona law.