

House Bill 930

By: Representatives Barr of the 103rd, Brockway of the 102nd, Clark of the 98th, Cooke of the 18th, Ramsey of the 72nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding state government, so as to provide definitions; to provide that
3 the General Assembly shall adopt standards and instructions for Article V convention
4 delegates; to provide for replacement of delegates by alternate delegates; to provide for the
5 void of votes of delegates and alternate delegates under certain circumstances; to provide for
6 the forfeiture of the appointment as a delegate or alternate delegate under certain
7 circumstances; to provide for the revocation of a resolution calling for an Article V
8 convention under certain circumstances; to prohibit certain votes by delegates and alternate
9 delegates; to provide for penalties; to provide for an advisory group and its composition,
10 powers, duties, and procedures; to provide for related matters; to repeal conflicting laws; and
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
15 provisions regarding state government, is amended by designating all of the existing text as
16 Article 1 and adding a new article to read as follows:

17 ARTICLE 2

18 50-1-30.

19 This article shall apply whenever a convention is called pursuant to Article V of the United
20 States Constitution.

21 50-1-31.

22 As used in this article, the term:

23 (1) 'Advisory group' means the Article V convention delegate advisory group established
 24 by Code Section 50-1-38.

25 (2) 'Alternate delegate' means an individual appointed as an alternate delegate as
 26 provided by law.

27 (3) 'Article V convention' means a convention for proposing amendments to the
 28 Constitution of the United States called for by the states under Article V of the
 29 Constitution of the United States.

30 (4) 'Delegate' means an individual appointed as provided by law to represent Georgia at
 31 an Article V convention.

32 (5) 'House of Representatives' means the House of Representatives of the Georgia
 33 General Assembly.

34 (6) 'Paired delegate' means the delegate with whom an alternate delegate is paired as
 35 provided by law.

36 (7) 'Senate' means the Senate of the Georgia General Assembly.

37 50-1-32.

38 (a) At the time delegates and alternative delegates are appointed, the General Assembly
 39 shall adopt a joint resolution to provide instructions to the delegates and alternate delegates
 40 regarding the following:

41 (1) The rules of procedure; and

42 (2) Any other matter relating to the Article V convention that the General Assembly
 43 considers necessary.

44 (b) The General Assembly may amend the instructions at any time by joint resolution.

45 50-1-33.

46 An alternate delegate:

47 (1) Shall act in the place of the alternate delegate's paired delegate when the alternate
 48 delegate's paired delegate is absent from the Article V convention; and

49 (2) Replaces the alternate delegate's paired delegate if the alternate delegate's paired
 50 delegate vacates the office.

51 50-1-34.

52 A vote cast by a delegate or an alternate delegate at an Article V convention that is outside
 53 of the scope of:

54 (1) The instructions established by a joint resolution adopted under Code
 55 Section 50-1-32; or

56 (2) The limits placed by the General Assembly in a joint resolution that calls for an
 57 Article V convention for the purpose of proposing amendments to the Constitution of the
 58 United States on the subjects and amendments that may be considered by the Article V
 59 convention
 60 is void.

61 50-1-35.

62 (a) A delegate or alternate delegate who votes or attempts to vote outside of the scope of:

63 (1) The instructions established by a joint resolution adopted under Code
 64 Section 50-1-32; or

65 (2) The limits placed by the General Assembly in a joint resolution that calls for an
 66 Article V convention for the purpose of proposing amendments to the Constitution of the
 67 United States on the subjects and amendments that may be considered by the Article V
 68 convention

69 forfeits the delegate's appointment by virtue of that vote or attempt to vote.

70 (b) The paired alternate delegate of a delegate who forfeits his or her appointment under
 71 subsection (a) of this Code section shall become the delegate at the time the forfeiture of
 72 appointment occurs.

73 50-1-36.

74 The application of the General Assembly to call an Article V convention for proposing
 75 amendments to the Constitution of the United States ceases to be a continuing application
 76 and shall be treated as having no effect if all of the delegates and alternate delegates vote
 77 or attempt to vote outside of the scope of:

78 (1) The instructions established by a joint resolution adopted under Code Section
 79 50-1-22; or

80 (2) The limits placed by the General Assembly in a joint resolution that calls for an
 81 Article V convention for the purpose of proposing amendments to the Constitution of the
 82 United States on the subjects and amendments that may be considered by the Article V
 83 convention.

84 50-1-37.

85 (a) A delegate or alternate delegate who knowingly or intentionally votes or attempts to
 86 vote outside of the scope of:

87 (1) The instructions established by a joint resolution adopted under Code
 88 Section 50-1-32; or

89 (2) The limits placed by the General Assembly in a joint resolution that calls for an
90 Article V convention for the purpose of proposing amendments to the Constitution of the
91 United States on the subjects and amendments that may be considered by the Article V
92 convention
93 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
94 for not less than one nor more than five years, a fine not to exceed \$100,000.00, or both.
95 (b) Venue of prosecutions under this Code section shall be in the county of the defendant's
96 residence.
97 (c) The Attorney General and the appropriate district attorney are authorized to prosecute
98 violations of this Code section.

99 50-1-38.

100 (a) The Amendment V convention delegate advisory group is established. The advisory
101 group shall consist of the Chief Justice of the Supreme Court of Georgia, the Chief Judge
102 of the Court of Appeals of Georgia, and the chief judge of the Superior Court of Fulton
103 County. The Chief Justice of the Supreme Court of Georgia shall be the chairperson of the
104 advisory group. The advisory group shall meet upon the call of the chairperson. The
105 advisory group shall establish policies and procedures that the advisory group determines
106 necessary to carry out their duties under this Code section.

107 (b) Upon the request of a delegate or alternate delegate, the advisory group shall advise
108 the delegate or alternate delegate whether there is reason to believe that an action or an
109 attempt to take an action by a delegate or alternate delegate would:

110 (1) Violate the instructions established by a joint resolution adopted under Code
111 Section 50-1-32; or

112 (2) Exceed the limits placed by the General Assembly in a joint resolution that calls for
113 an Article V convention for the purpose of proposing amendments to the Constitution of
114 the United States on the subjects and amendments that may be considered by the Article
115 V convention.

116 (c) The advisory group may render an advisory determination under this Code section in
117 any summary manner considered appropriate by the advisory group.

118 (d) The advisory group shall render an advisory determination under subsection (b) of this
119 Code section within 24 hours after receiving a request for a determination. The advisory
120 group shall transmit a copy of an advisory determination under this Code section in the
121 most expeditious manner possible to the delegate or alternate delegate who requested the
122 advisory determination.

123 (e) If the advisory group renders an advisory determination under this Code section, the
124 advisory group may also take an action permitted under subsection (f) of this Code section.

125 (f)(1) On its own motion or upon request of the Speaker of the House of Representatives,
 126 President Pro Tempore of the Senate, or the Attorney General, the advisory group shall
 127 advise the Attorney General whether there is reason to believe that a vote or attempt to
 128 vote by a delegate or alternate delegate has:

129 (A) Violated the instructions established by a joint resolution adopted under Code
 130 Section 50-1-32; or

131 (B) Exceeded the limits placed by the General Assembly in a joint resolution that calls
 132 for an Article V convention for the purpose of proposing amendments to the
 133 Constitution of the United States on the subjects and amendments that may be
 134 considered by the Article V convention.

135 (2) The advisory group shall issue the advisory determination under this subsection by
 136 one of the following summary procedures:

137 (A) Without notice or an evidentiary proceeding; or

138 (B) After a hearing conducted by the advisory group.

139 (3) The advisory group shall render an advisory determination under this subsection
 140 within 24 hours after receiving a request for an advisory determination.

141 (4) The advisory group shall transmit a copy of an advisory determination under this
 142 subsection in the most expeditious manner possible to the Attorney General.

143 (5) Immediately upon receipt of an advisory determination under this subsection that
 144 finds a vote or attempt to vote by a delegate or alternate delegate is a violation described
 145 in subparagraph (f)(1)(A) of this Code section or is in excess of the authority of the
 146 delegate or alternate delegate as described in subparagraph (f)(1)(B) of this Code section,
 147 the Attorney General shall inform the delegates, alternate delegates, the Speaker of the
 148 House of Representatives, the President Pro Tempore of the Senate, and the Article V
 149 convention that:

150 (A) The vote or attempt to vote did not comply with Georgia law, is void, and has no
 151 effect; and

152 (B) The credentials of the delegate or alternate delegate who is the subject of the
 153 determination are revoked."

154 **SECTION 2.**

155 All laws and parts of laws in conflict with this Act are repealed.