

House Bill 930 (COMMITTEE SUBSTITUTE)

By: Representatives Barr of the 103<sup>rd</sup>, Brockway of the 102<sup>nd</sup>, Clark of the 98<sup>th</sup>, Cooke of the 18<sup>th</sup>, Ramsey of the 72<sup>nd</sup>, 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 for  
3 the method of selecting delegates and alternate delegates to an Article V convention; to  
4 provide for the qualifications of delegates and alternate delegates; to provide for the recall  
5 of delegates and alternate delegates; to provide for oaths; to provide for expenses; to provide  
6 that the General Assembly shall adopt standards and instructions for Article V convention  
7 delegates; to provide for replacement of delegates by alternate delegates; to provide for the  
8 void of votes of delegates and alternate delegates under certain circumstances; to provide for  
9 the forfeiture of the appointment as a delegate or alternate delegate under certain  
10 circumstances; to provide for the revocation of a resolution calling for an Article V  
11 convention under certain circumstances; to prohibit certain votes by delegates and alternate  
12 delegates; to provide for penalties; to provide for an advisory group and its composition,  
13 powers, duties, and procedures; to provide for related matters; to provide an effective date;  
14 to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

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

20 style="text-align:center">"ARTICLE 2

21 50-1-30.

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

24 50-1-31.

25 As used in this article, the term:

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

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

30 (3) 'Article V convention' means a convention for proposing amendments to the  
 31 Constitution of the United States called for by the states under Article V of the  
 32 Constitution of the United States.

33 (4) 'Chamber' means either the House of Representatives or the Senate.

34 (5) 'Delegate' means an individual appointed as provided by law to represent Georgia at  
 35 an Article V convention.

36 (6) 'House of Representatives' means the House of Representatives of the Georgia  
 37 General Assembly.

38 (7) 'Paired delegate' means the delegate with whom an alternate delegate is paired as  
 39 provided by law.

40 (8) 'Senate' means the Senate of the Georgia General Assembly.

41 50-1-32.

42 (a) An individual shall satisfy the following to be appointed as a delegate to an Article V  
 43 convention:

44 (1) The individual shall reside in Georgia;

45 (2) The individual shall be a registered elector of the State of Georgia;

46 (3) The individual shall be at least 18 years of age;

47 (4) The individual shall not be registered or required to be registered as a lobbyist under  
 48 Article 4 of Chapter 5 of Title 21 or any rules and regulations adopted thereunder; and

49 (5) The individual shall not hold any federal office.

50 (b) An individual appointed as an alternate delegate shall have the same qualifications as  
 51 a delegate as provided under subsection (a) of this Code section.

52 (c) Whenever an Article V convention is called, the General Assembly shall appoint the  
 53 five delegates allocated to represent Georgia and an equal number of alternate delegates.

54 If the General Assembly is not in session during the time during which delegates to an  
 55 Article V convention shall be appointed, the Governor shall call the General Assembly into  
 56 special session under Article V, Section II, Paragraph VII of the Constitution of Georgia  
 57 for the purpose of appointing delegates and alternate delegates.

58 (d) To be appointed a delegate or an alternate delegate, an individual shall receive, in each  
 59 chamber, the vote of a majority of all the members elected to that chamber. At the time of

60 appointment, each alternate delegate shall be paired with a delegate as provided in a joint  
61 resolution adopted by the General Assembly.

62 50-1-33.

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

66 (1) The rules of procedure; and

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

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

70 50-1-34.

71 An alternate delegate:

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

74 (2) Replaces the alternate delegate's paired delegate if the alternate delegate's paired  
75 delegate vacates the office.

76 50-1-35.

77 The General Assembly may recall any delegate or alternate delegate and replace that  
78 delegate or alternate delegate with an individual appointed under this article at any time.

79 50-1-36.

80 The General Assembly shall appoint or recall delegates or alternate delegates by joint  
81 resolution.

82 50-1-37.

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

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

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

91 is void.

92 50-1-38.

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

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

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

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

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

104 50-1-39.

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

109 (1) The instructions established by a joint resolution adopted under Code Section  
110 50-1-22; or

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

115 50-1-40.

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

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

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

124 shall be guilty of a misdemeanor and, upon conviction thereof, may be punished by  
125 imprisonment for not more than one year or a fine not to exceed \$1,000.00, or both.

126 (b) Venue of prosecutions under this Code section shall be in the county of the defendant's  
127 residence.

128 (c) The Attorney General and the appropriate district attorney are authorized to prosecute  
129 violations of this Code section.

130 50-1-41.

131 A delegate or alternate delegate shall be entitled to receive the same mileage and travel  
132 expenses paid to legislative members of interim study committees, but shall not be entitled  
133 to a salary or per diem for service as a delegate or alternate delegate. All funds necessary  
134 to pay expenses under this Code section shall be paid from funds appropriated to the  
135 General Assembly.

136 50-1-42.

137 Each delegate and alternate delegate shall, after appointment and before the delegate or  
138 alternate delegate shall exercise any function as a delegate or alternate delegate, execute  
139 an oath in writing that the delegate or alternate delegate shall:

140 (1) Support the Constitution of the United States and the Constitution of Georgia;

141 (2) Faithfully abide by and execute any instructions to delegates and alternate delegates  
142 adopted by the General Assembly and as may be amended by the General Assembly at  
143 any time; and

144 (3) Otherwise faithfully discharge the duties of delegate or alternate delegate.

145 The executed oath shall be filed with the Secretary of State. After the oath is filed with the  
146 Secretary of State, the Governor shall issue a commission to the delegate or alternate  
147 delegate.

148 50-1-43.

149 (a) The Article V convention delegate advisory group is established. The advisory group  
150 shall consist of the Chief Justice of the Supreme Court of Georgia, the Chief Judge of the  
151 Court of Appeals of Georgia, and the chief judge of the Superior Court of Fulton County.  
152 The Chief Justice of the Supreme Court of Georgia shall be the chairperson of the advisory  
153 group. The advisory group shall meet upon the call of the chairperson. The advisory group  
154 shall establish policies and procedures that the advisory group determines necessary to  
155 carry out their duties under this Code section.

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

- 159 (1) Violate the instructions established by a joint resolution adopted under Code  
 160 Section 50-1-32; or
- 161 (2) Exceed the limits placed by the General Assembly in a joint resolution that calls for  
 162 an Article V convention for the purpose of proposing amendments to the Constitution of  
 163 the United States on the subjects and amendments that may be considered by the Article  
 164 V convention.
- 165 (c) The advisory group may render an advisory determination under this Code section in  
 166 any summary manner considered appropriate by the advisory group.
- 167 (d) The advisory group shall render an advisory determination under subsection (b) of this  
 168 Code section within 24 hours after receiving a request for a determination. The advisory  
 169 group shall transmit a copy of an advisory determination under this Code section in the  
 170 most expeditious manner possible to the delegate or alternate delegate who requested the  
 171 advisory determination.
- 172 (e) If the advisory group renders an advisory determination under this Code section, the  
 173 advisory group may also take an action permitted under subsection (f) of this Code section.
- 174 (f)(1) On its own motion or upon request of the Speaker of the House of Representatives,  
 175 President Pro Tempore of the Senate, or the Attorney General, the advisory group shall  
 176 advise the Attorney General whether there is reason to believe that a vote or attempt to  
 177 vote by a delegate or alternate delegate has:
- 178 (A) Violated the instructions established by a joint resolution adopted under Code  
 179 Section 50-1-32; or
- 180 (B) Exceeded the limits placed by the General Assembly in a joint resolution that calls  
 181 for an Article V convention for the purpose of proposing amendments to the  
 182 Constitution of the United States on the subjects and amendments that may be  
 183 considered by the Article V convention.
- 184 (2) The advisory group shall issue the advisory determination under this subsection by  
 185 one of the following summary procedures:
- 186 (A) Without notice or an evidentiary proceeding; or  
 187 (B) After a hearing conducted by the advisory group.
- 188 (3) The advisory group shall render an advisory determination under this subsection  
 189 within 24 hours after receiving a request for an advisory determination.
- 190 (4) The advisory group shall transmit a copy of an advisory determination under this  
 191 subsection in the most expeditious manner possible to the Attorney General.
- 192 (5) Immediately upon receipt of an advisory determination under this subsection that  
 193 finds a vote or attempt to vote by a delegate or alternate delegate is a violation described  
 194 in subparagraph (f)(1)(A) of this Code section or is in excess of the authority of the  
 195 delegate or alternate delegate as described in subparagraph (f)(1)(B) of this Code section.

196 the Attorney General shall inform the delegates, alternate delegates, the Speaker of the  
197 House of Representatives, the President Pro Tempore of the Senate, and the Article V  
198 convention that:

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

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

203 **SECTION 2.**

204 This Act shall become effective on January 1, 2015.

205 **SECTION 3.**

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