



2013 BILL

1 **AN ACT** *to create* 13.176 of the statutes; **relating to:** appointing delegates for
2 a convention under Article V of the United States Constitution.

Analysis by the Legislative Reference Bureau

Under Article V of the United States Constitution, upon the application of the legislatures of at least two-thirds of the states, Congress must call a convention for the purpose of proposing amendments to the U.S. Constitution. Under this bill, if Congress calls such a convention, the legislature and the governor must appoint five delegates to attend the convention as representatives of this state.

Under the bill, if a delegate votes at the convention to consider or approve an unauthorized amendment, the delegate may be immediately dismissed by the approval of a majority of the other appointed delegates for this state and replaced with a new appointee. The bill defines an “unauthorized amendment” as an amendment that is outside the scope of the application or the call of the convention.

The bill also requires the legislature to create a joint committee of correspondence that is responsible for communications with delegates to the convention. The convention delegates from this state must direct all communications with the legislature to the committee, including the proposed adoption or modification of rules governing the convention. The delegates are to presume that the committee approves the proposed adoption or modification of such

BILL

rules, if the committee does not render a decision on the proposed adoption or modification of such rules within 48 hours of receiving notice from the delegates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.176 of the statutes is created to read:

2 **13.176 Article V convention.** (1) In this section:

3 (a) “Article V application” means a joint resolution, as authorized under Article
4 V of the U.S. Constitution, adopted by both houses of the legislature applying to
5 Congress for an article V convention for proposing amendments.

6 (b) “Article V convention” means a convention called by Congress upon
7 application of the legislatures of at least two-thirds of the states for the purpose of
8 proposing amendments to the U.S. Constitution, as authorized by article V of the
9 U.S. Constitution.

10 (c) “Delegate” means an individual appointed under sub. (2) to represent the
11 state of Wisconsin at an Article V convention.

12 (d) “Unauthorized amendment” means a proposed amendment to the U.S.
13 Constitution that is outside of the scope of the subject matter of the article V
14 application or the call of the article V convention.

15 **(2)** (a) If, as a result of an article V application, Congress calls an article V
16 convention, the legislature and the governor shall appoint 5 delegates to attend the
17 convention as follows:

18 1. The speaker of the assembly shall appoint 2 members of the assembly.

19 2. The president of the senate shall appoint 2 members of the senate.

20 3. The governor shall appoint 1 member of either the assembly or the senate.

BILL

1 (b) Any vacancy in the delegation appointed under par. (a) shall be filled in the
2 manner provided under par. (a).

3 (c) The term for each delegate appointed under par. (a) begins with the call of
4 the Article V convention and ends on the day of the final adjournment of the
5 convention.

6 **(3)** (a) No delegate appointed under sub. (2) may vote at an article V convention
7 to consider or approve an unauthorized amendment.

8 (b) Any delegate voting in violation of par. (a) may be immediately dismissed
9 as a delegate by the approval of a majority of the other delegates appointed under
10 sub. (2). No more than one delegate at a time may be dismissed under this
11 paragraph. If a delegate is dismissed, another delegate may not be dismissed until
12 a new delegate has been appointed to replace the first dismissed delegate.

13 (c) The speaker of the assembly, president of the senate, and governor shall
14 each maintain a list of alternate appointees in case a delegate is dismissed as
15 provided under par. (b).

16 **(4)** The secretary of state shall certify in writing to the article V convention the
17 identity of the delegates appointed under sub. (2) or dismissed under sub. (3) (b) and
18 the filling of any delegation vacancy.

19 **(5)** After Congress calls for an Article V convention, the legislature shall create
20 a joint committee of correspondence responsible for communications with the
21 delegates to the convention. The delegates shall direct all communications with the
22 legislature to the joint committee of correspondence, including the proposed
23 adoption or modification of rules governing the convention, the language of any
24 proposed amendment under discussion, administrative matters, or anything else
25 requiring legislative guidance. If the joint committee of correspondence does not

BILL

1 render a decision on the proposed adoption or modification of rules governing the
2 convention within 48 hours of receiving notification from the delegates, the delegates
3 shall presume that the committee approves the proposed adoption or modification
4 of such rules.

5 (END)