

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 607**

**Representatives McClain, Willis**

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**A BILL**

To enact sections 3523.13, 3523.14, 3523.15, 1  
3523.16, 3523.17, 3523.18, and 3523.99 of the 2  
Revised Code to establish procedures for 3  
appointing delegates to a convention of the 4  
states under Article V of the United States 5  
Constitution. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3523.13, 3523.14, 3523.15, 7  
3523.16, 3523.17, 3523.18, and 3523.99 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 3523.13.** (A) As used in sections 3523.13 to 3523.18 10  
and section 3523.99 of the Revised Code: 11

"Convention" means a convention for proposing amendments 12  
to the constitution of the United States under Article V of the 13  
constitution of the United States. 14

"Delegate" includes interim delegates, as applicable. 15

"Commissioning resolution" means the resolution adopted by 16  
the general assembly that sets forth the names of the appointed 17  
delegates and the delegate's commissions and instructions. 18

"Delegation" means the group of delegates chosen by the 19  
general assembly to attend a convention of the states under 20  
Article V of the constitution of the United States. 21

(B) Whenever two-thirds of the legislatures of the several 22  
states have applied for, and congress has called, a convention, 23  
the general assembly shall appoint delegates to the convention 24  
in accordance with sections 3523.13 to 3523.18 of the Revised 25  
Code. 26

**Sec. 3523.14.** (A) When a convention has been called by 27  
congress, the general assembly shall appoint an odd number of 28  
delegates to serve on the state's delegation to the convention. 29  
The delegates shall be appointed by a concurrent resolution of 30  
the general assembly or by a majority of those present and 31  
voting in a joint session of the general assembly. 32

(B) No individual shall be eligible to be appointed as a 33  
delegate under this section unless the individual, at the time 34  
of appointment and throughout the time of the convention, 35  
satisfies all of the following: 36

(1) Is a United States citizen and has been for at least 37  
five years; 38

(2) Is a resident of this state and has been for at least 39  
five years; 40

(3) Is at least twenty-five years old; 41

(4) Is a registered elector of this state; 42

(5) Is not currently registered or required to be 43  
registered as a federal lobbyist, nor has been at any time 44  
within the last five years; 45

(6) Is not currently a federal employee or contractor, 46

other than a member of the United States armed forces, nor has 47  
been at any time within the last ten years; 48

(7) Has not held a federal elected or appointed office at 49  
any time within the last ten years; 50

(8) Has not had any felony convictions for crimes 51  
involving moral turpitude in any jurisdiction, nor any felony 52  
convictions for any crime in any jurisdiction within the last 53  
ten years; 54

(9) Does not hold a statewide office while performing the 55  
duties of delegate. For purposes of this division, a member of 56  
the general assembly does not hold a statewide office. 57

(C) (1) A delegate may be recalled or removed at any time 58  
and for any reason by a concurrent resolution of the general 59  
assembly or by a majority of those present and voting in a joint 60  
session of the general assembly. A delegate shall be recalled 61  
and removed if the delegate does not meet the requirements of 62  
division (B) of this section. 63

(2) A delegate may be recalled from the delegate's duties 64  
by the advisory committee under division (D) (5) of section 65  
3523.18 of the Revised Code. The delegate then may be removed by 66  
the general assembly as provided in division (C) (1) of this 67  
section, or the general assembly may reject the recall of the 68  
delegate and reinstate the delegate by a concurrent resolution 69  
of the general assembly or by a majority of those present and 70  
voting in a joint session of the general assembly. 71

(3) A vacancy may be filled in the same manner as 72  
delegates are appointed under division (A) of this section. 73

(D) The resolution appointing delegates under division (A) 74  
of this section shall include the delegate's commission, which 75

shall state clearly the scope of the delegate's authority. 76

(E) The general assembly may provide additional 77  
instructions to delegates at any time through a subsequent 78  
resolution, passed in the same manner as described in division 79  
(A) of this section. 80

Sec. 3523.15. A delegate shall, before exercising any 81  
function of the position, execute the following oath in writing: 82  
"I do solemnly swear that I accept and will act according to the 83  
limits of authority specified in my commission and any present 84  
or subsequent instructions. I understand that I may be recalled 85  
from my duties by the General Assembly or the advisory 86  
committee." 87

After a delegate's executed oath is filed with the 88  
secretary of state, the clerk of the house of representatives 89  
shall provide to the delegate an official copy of the executed 90  
oath and the commissioning resolution, which together shall 91  
serve as the delegate's credentials. 92

Sec. 3523.16. A delegate shall receive the same 93  
compensation as a member of the house of representatives of this 94  
state under section 101.27 of the Revised Code, prorated for 95  
length of time served. A delegate is entitled to receive 96  
allowance for reasonable expenses. A delegate who is a member of 97  
the general assembly shall serve without compensation but shall 98  
be reimbursed for actual and necessary expenses incurred in the 99  
discharge of official duties incurred for work as a delegate. 100

Sec. 3523.17. (A) The delegates shall choose from among 101  
them a person to chair the delegation, a person to cast the 102  
state's vote on the convention floor, and a person to speak to 103  
the media on behalf of the delegation. If the delegation so 104

decides, the same person may exercise any two or all three 105  
functions. The delegation may designate a different delegate to 106  
perform any function at any time. 107

(B) Each delegate shall take care to avoid communicating 108  
the impression to any person outside the delegation that the 109  
delegation is divided on a question on which the delegation has 110  
taken a formal position, including but not limited to, casting a 111  
vote. 112

(C) No delegate other than the one designated to 113  
communicate with the media on behalf of the delegation shall 114  
communicate with the media about convention business during the 115  
convention or during any temporary recess or temporary 116  
adjournment. 117

(D) A delegate violating division (B) or (C) of this 118  
section may be recalled by the advisory committee under division 119  
(D) (5) of section 3523.18 of the Revised Code or by the general 120  
assembly under division (C) of section 3523.14 of the Revised 121  
Code. 122

(E) Divisions (B) and (C) of this section do not prevent a 123  
delegate from presenting the delegate's opinions to the 124  
convention or debating a matter at the convention on which the 125  
delegation has not formally taken a position. 126

(F) The quorum for decision by the delegation, including 127  
the designation of delegates for particular duties and the 128  
determination of how the state's vote shall be cast, shall be a 129  
majority present and voting at the time the delegation is 130  
polled. No decisions shall be made and no vote shall be cast if 131  
less than a majority of the delegation votes in the poll. 132

Sec. 3523.18. (A) Whenever a convention is called, there 133

shall be created an advisory committee to the delegation of the 134  
state of Ohio. 135

(B) The advisory committee shall consist of all of the 136  
following members: 137

(1) A member of the senate appointed by the president of 138  
the senate; 139

(2) A member of the house of representatives appointed by 140  
the speaker of the house of representatives; 141

(3) A member of the general assembly nominated by joint 142  
action of the president of the senate and the speaker of the 143  
house of representatives and approved by the majority of those 144  
voting in each chamber. 145

(C) The advisory committee shall select one of its members 146  
as chairperson. The advisory committee may hire staff to perform 147  
the functions of the advisory committee as described in this 148  
section. 149

(D) The advisory committee shall do all of the following: 150

(1) Upon the request of a delegate, and within twenty-four 151  
hours of receiving the request, advise the delegate regarding 152  
whether a prospective action by the delegate would violate the 153  
delegate's commission under division (D) of section 3523.14 of 154  
the Revised Code, any subsequent instructions of the general 155  
assembly under division (E) of section 3523.14 of the Revised 156  
Code, the delegate's duties as described in section 3523.17 of 157  
the Revised Code, or the prohibitions of a delegate under 158  
section 3523.99 of the Revised Code; 159

(2) Develop appropriate procedures and mechanisms for 160  
monitoring the delegation, the convention, its committees, and 161

subcommittees; 162

(3) Whenever the advisory committee has reason to believe 163  
that a delegate has exceeded the scope of the delegate's 164  
authority as described in sections 3523.14 to 3523.17 or 165  
violated prohibitions as described in section 3523.99 of the 166  
Revised Code, notify the speaker of the house of 167  
representatives, the president of the senate, and the attorney 168  
general; 169

(4) Upon the request of the speaker of the house of 170  
representatives, the president of the senate, or the attorney 171  
general, investigate whether a delegate has exceeded the scope 172  
of the delegate's authority as described in division (C) (3) of 173  
this section, expeditiously make a determination whether a 174  
delegate has done so, and immediately communicate the 175  
determination to the requestor; 176

(5) Upon determining that a delegate has exceeded the 177  
scope of the delegate's authority under this section, and 178  
subject to division (C) (2) of section 3523.14 of the Revised 179  
Code, immediately recall the delegate, and communicate this 180  
action and the reasons for it to the speaker of the house of 181  
representatives, the president of the senate, the attorney 182  
general, and the presiding officers of the convention. 183

(6) Fill any vacancies in the delegation by selecting an 184  
interim delegate to serve in the delegation until the vacancy is 185  
filled by the general assembly under division (C) (3) of section 186  
3523.14 of the Revised Code. 187

**Sec. 3523.99.** (A) No delegate shall knowingly do any of 188  
the following: 189

(1) Vote for or otherwise promote any change to the 190

traditional convention rule of decision on the floor and in the 191  
committee of the whole, including that each state has one vote; 192

(2) Vote in favor of any proposed amendment that would 193  
alter the text of the specific guarantees of individual liberty 194  
established by the constitution of the United States, including 195  
the body of the constitution, the first ten amendments, the 196  
thirteenth amendment, the fourteenth amendment, the fifteenth 197  
amendment, the nineteenth amendment, the twenty-third amendment, 198  
the twenty-fourth amendment, and the twenty-sixth amendment; 199

(3) Vote in favor of any proposed amendment that is 200  
outside the scope of the subject matter as limited by the 201  
general assembly's original application to congress for a 202  
convention of the states, as applicable; 203

(4) (a) Accept, during the delegate's time of service, any 204  
gifts or benefits with a combined value of more than two hundred 205  
dollars, other than from a member of the delegate's family and 206  
of the kind customarily given by a member of one's family. 207

(b) As used in division (A) (4) (a) of this section, "gift 208  
or benefit" shall be liberally construed and includes current 209  
and future loans, lodging, food, offer of prospective 210  
employment, and other actual and prospective benefits. An 211  
employer's decision to continue paying a delegate's current 212  
salary is not considered a gift or benefit under division (A) (4) 213  
(a) of this section. 214

(B) Whoever violates this section is guilty of a felony of 215  
the third degree. 216