

As Introduced

136th General Assembly

Regular Session

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H. B. No. 67

Representatives McClain, Willis

Cosponsors: Representatives Dovilla, Lorenz, Klopfenstein, Barhorst, Hoops

A BILL

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

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

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

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

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

"Delegate" includes interim delegates, as applicable.

"Commissioning resolution" means the resolution adopted by
the general assembly that sets forth the names of the appointed

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

<u>(1) Vote for or otherwise promote any change to the</u>	190
<u>traditional convention rule of decision on the floor and in the</u>	191
<u>committee of the whole, including that each state has one vote;</u>	192
<u>(2) Vote in favor of any proposed amendment that would</u>	193
<u>alter the text of the specific guarantees of individual liberty</u>	194
<u>established by the constitution of the United States, including</u>	195
<u>the body of the constitution, the first ten amendments, the</u>	196
<u>thirteenth amendment, the fourteenth amendment, the fifteenth</u>	197
<u>amendment, the nineteenth amendment, the twenty-third amendment,</u>	198
<u>the twenty-fourth amendment, and the twenty-sixth amendment;</u>	199
<u>(3) Vote in favor of any proposed amendment that is</u>	200
<u>outside the scope of the subject matter as limited by the</u>	201
<u>general assembly's original application to congress for a</u>	202
<u>convention of the states, as applicable;</u>	203
<u>(4) (a) Accept, during the delegate's time of service, any</u>	204
<u>gifts or benefits with a combined value of more than two hundred</u>	205
<u>dollars, other than from a member of the delegate's family and</u>	206
<u>of the kind customarily given by a member of one's family.</u>	207
<u>(b) As used in division (A) (4) (a) of this section, "gift</u>	208
<u>or benefit" shall be liberally construed and includes current</u>	209
<u>and future loans, lodging, food, offer of prospective</u>	210
<u>employment, and other actual and prospective benefits. An</u>	211
<u>employer's decision to continue paying a delegate's current</u>	212
<u>salary is not considered a gift or benefit under division (A) (4)</u>	213
<u>(a) of this section.</u>	214
<u>(B) Whoever violates this section is guilty of a felony of</u>	215
<u>the third degree.</u>	216