As Introduced

CORRECTED VERSION

136th General Assembly
Regular Session **S. B. No. 112**
2025-2026

Senators Reynolds, Lang

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.

"Delegation" means the group of delegates chosen by the

general assembly to attend a convention of the states under Article V of the constitution of the United States.

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

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

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

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

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

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

(4) Is a registered elector of this state;

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

(6) Is not currently a federal employee or contractor, other than a member of the United States armed forces, nor has

been at any time within the last ten years;

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

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

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

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

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

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

(D) The resolution appointing delegates under division (A) of this section shall include the delegate's commission, which shall state clearly the scope of the delegate's authority.

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

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

After a delegate's executed oath is filed with the secretary of state, the clerk of the senate shall provide to the delegate an official copy of the executed oath and the commissioning resolution, which together shall serve as the delegate's credentials.

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

Sec. 3523.17. (A) The delegates shall choose from among them a person to chair the delegation, a person to cast the state's vote on the convention floor, and a person to speak to the media on behalf of the delegation. If the delegation so decides, the same person may exercise any two or all three functions. The delegation may designate a different delegate to

perform any function at any time.

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

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

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

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

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

Sec. 3523.18. (A) Whenever a convention is called, there shall be created an advisory committee to the delegation of the state of Ohio.

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

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

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

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

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

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

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

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

(3) Whenever the advisory committee has reason to believe

that a delegate has exceeded the scope of the delegate's authority as described in sections 3523.14 to 3523.17 or violated prohibitions as described in section 3523.99 of the Revised Code, notify the speaker of the house of representatives, the president of the senate, and the attorney general;

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

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

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

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

(1) Vote for or otherwise promote any change to the traditional convention rule of decision on the floor and in the committee of the whole, including that each state has one vote;

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

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

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

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

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