

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

435W0141

SENATE BILL NO. 84

Introduced by: Senators Otten (Ernie), Haggar (Jenna), Jensen (Phil), Lederman, Omdahl, Tieszen, and White and Representatives Stalzer, Novstrup (Al), Otten (Herman), and Zikmund

1 FOR AN ACT ENTITLED, An Act to limit the authority of delegates to a limited Article V
2 convention to vote for unauthorized amendments contrary to legislative instructions and to
3 provide a civil fine for the violation thereof.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Terms used in this Act mean:

- 6 (1) "Article V convention," convention for proposing amendments as expressly provided
7 in Article V of the United States of America Constitution; and
- 8 (2) "Article V application," a concurrent resolution passed by the State Legislature of
9 South Dakota on the same subject or containing the same proposed amendment text
10 as thirty-three other sovereign states requiring Congress to call an Article V
11 convention by setting the time and place; and
- 12 (3) "Delegate" or "alternate," any person selected by the State Legislature of South
13 Dakota or any other method provided by law to represent the State of South Dakota
14 at an Article V convention; and



1 (4) "Legislative instructions," instructions given by the State Legislature to delegates and
2 alternates before and during an Article V convention; and

3 (5) "Unauthorized amendment," any proposed amendment that is outside the subject
4 matter or permitted text.

5 Section 2. No delegate from South Dakota to an Article V convention has the authority to
6 vote to allow consideration of or vote to approve an unauthorized amendment for ratification
7 to the United States of America Constitution. Any delegate casting a vote to allow consideration
8 or approval of an unauthorized amendment shall be immediately recalled by the secretary of
9 state and replaced by an alternate chosen by the Executive Board of the Legislative Research
10 Council.

11 Section 3. Every candidate for delegate or alternate from South Dakota to the Article V
12 convention shall take the following oath:

13 "I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate or
14 alternate to an Article V convention, uphold the Constitution and laws of the United States of
15 America and the State of South Dakota. I will not vote to allow consideration of or to approve
16 any unauthorized amendment proposed for ratification to the United States of America
17 Constitution."

18 Section 4. The secretary of state shall certify in writing to the Article V convention the
19 selection of delegates and alternates, the recall and replacement of any delegate or alternate, and
20 the nullification of unauthorized votes cast by any delegate of South Dakota.

21 Section 5. Any delegate who violates the oath contained in section 3 of this Act is subject
22 to a civil fine of not more than five thousand dollars to be levied by the secretary of state and
23 deposited in the state general fund.

24 Section 6. Nothing in this Act authorizes the state of South Dakota to participate in any

- 1 Article V convention in which each of the states does not possess one vote equal to the other
- 2 states.