



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 635	Assembly Amendment 1
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Memo published: February 7, 2014

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ARTICLE V OF THE U.S. CONSTITUTION

Under Article V of the U.S. Constitution, upon the application of the legislatures of two-thirds of the states, Congress must call a convention for proposing amendments to the U.S. Constitution. Any amendments proposed by the convention are valid as part of the U.S. Constitution if ratified by the legislatures of three-fourths of the states or by conventions in three-fourths of the states.

2013 ASSEMBLY BILL 635

Assembly Bill 635 creates a process by which delegates from this state are appointed for, and serve at, an Article V convention. Under the bill, the Legislature and the Governor appoint five delegates to attend the convention as follows: (1) the Speaker of the Assembly appoints two members of the Assembly; (2) the President of the Senate appoints two members of the Senate; and (3) the Governor appoints one member of either the Assembly or the Senate.

Under the bill, no delegate may vote at an Article V convention to consider or approve an unauthorized amendment. An "unauthorized amendment" is a proposed amendment to the U.S. Constitution that is outside of the scope of the subject matter of the Article V application or the call of the Article V convention. Any delegate who votes to consider or approve an unauthorized amendment *may* be immediately dismissed as a delegate by the approval of a majority of the other delegates appointed from this state.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 changes the provision in the bill relating to dismissal of a delegate. Under the amendment, any delegate who votes to consider or approve an

unauthorized amendment *shall* be immediately dismissed as a delegate by the approval of a majority of the other delegates appointed from this state.

In addition, the amendment provides that, for purposes of taking any action at the Article V convention, a simple majority vote of the five delegates represents the state's position.

BILL HISTORY

Assembly Amendment 1 was offered by Representative Kapenga. On February 4, 2014, the Assembly Committee on Campaigns and Elections recommended adoption of the amendment and passage of Assembly Bill 635, as amended, on votes of Ayes, 6; Noes, 2.

JKR:jal