

# Tennessee - Article V Conventions

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## **3-18-101. Application of chapter.**

This chapter shall apply whenever an Article V convention is called.

## **History**

Acts 2014, ch. 979, § 1.

## **3-18-102. Chapter definitions.**

As used in this chapter, unless the context otherwise requires:

- (1) "Alternate delegate" means an individual elected as an alternate delegate as provided by this chapter;
- (2) "Article V convention" means a convention for proposing amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the United States;
- (3) "Delegate" means an individual elected as provided by this chapter to represent Tennessee at an Article V convention;
- (4) "House of representatives" means the house of representatives of the general assembly;
- (5) "Paired delegate" means the delegate with whom an alternate delegate is paired as provided by this chapter; and
- (6) "Senate" means the senate of the general assembly.

## **3-18-103. Joint resolution to provide instructions.**

(a) At the time delegates and alternate delegates are elected, the general assembly shall adopt a joint resolution to provide instructions to the delegates and alternate delegates regarding the following:

- (1) The rules of procedure; and
- (2) Any other matter relating to the Article V convention that the general assembly considers necessary.

(b) The general assembly may amend the instructions at any time by joint resolution.

## **3-18-104. Duties of alternate delegates**

-- Votes and attempted votes made outside of instructions and established limits void -- Forfeiture of delegate's appointment.

( a ) An alternate delegate shall:

- (1) Act in the place of the alternate delegate's paired delegate when the alternate delegate's paired delegate is absent from the Article V convention; or
- (2) Replace the alternate delegate's paired delegate if the alternate delegate's paired delegate vacates the office.

( b ) A vote cast by a delegate or an alternate delegate at an Article V convention that is outside the scope of:

- (1) The instructions established by a joint resolution adopted under § 3-18-103; or
- (2) The limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention; is void.

( c ) A delegate or alternate delegate who votes or attempts to vote outside the scope of:

- (1) The instructions established by a joint resolution adopted under § 3-18-103; or
- (2) The limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention; forfeits the delegate's appointment by virtue of that vote or attempt to vote.

( d ) The paired alternate delegate of a delegate who forfeits appointment under subsection (c) becomes the delegate at the time the forfeiture of the appointment occurs.

### **3-18-105. Application to call convention of no effect if all delegates and alternates vote or attempt to vote outside scope of instructions and established limits.**

The application of the general assembly to call an Article V convention for proposing amendments to the Constitution of the United States ceases to be a continuing application and shall be treated as having no effect if all of the delegates and alternate delegates vote or attempt to vote outside the scope of:

- (1) The instructions established by a joint resolution adopted under § 3-18-103; or
- (2) The limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

### **3-18-106. Offense of delegate or alternate knowingly or intentionally voting or attempting to vote outside of scope of instructions or established limits -- Class E felony.**

(a) It is an offense for a delegate or alternate delegate to knowingly or intentionally vote or attempt to vote outside the scope of:

(1) The instructions established by a joint resolution adopted under § 3-18-103; or

(2) The limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(b) A violation of subsection (a) is a Class E felony.

### **3-18-107. Qualifications for appointment as delegate or alternate delegate.**

(a) An individual must satisfy the following requirements to be appointed as a delegate or as an alternate delegate to an Article V convention:

(1) The individual shall be a resident of Tennessee for at least one (1) full year immediately prior to the appointment;

(2) The individual shall be a registered voter in Tennessee;

(3) The individual shall be at least eighteen (18) years of age; and

(4) The individual shall not be registered or required to be registered as a lobbyist under chapter 6, part 3 of this title or under § 2 U.S.C. 1603, or rules or regulations adopted under such laws.

(b) An individual may not be appointed as a delegate or as an alternate delegate if the individual holds a federal elected or appointed office. The general assembly shall appoint delegates and alternate delegates so that, as near as practicable, the three grand divisions of the state are equally represented.

### **3-18-108. Number of delegates to be appointed -- Special session to be called if general assembly not in session.**

(a) Whenever an Article V convention is called, the general assembly shall appoint:

(1) The number of delegates allocated to represent Tennessee; and

(2) An equal number of alternate delegates, under rules adopted jointly by the house of representatives and the senate.

(b) If the general assembly is not in session during the time during which delegates to an Article V convention must be appointed, the governor shall call the general assembly into special session under Article III, § 9 of the Constitution of Tennessee for the purpose of appointing delegates and alternate delegates.

### **3-18-109. Required votes for election of delegates or alternate delegates -- Recall and replacement of delegates -- Joint resolution required.**

( a ) To be elected a delegate or an alternate delegate, an individual shall receive, in each house of the general assembly, a two-thirds (2/3) vote of all the members to which such house is entitled under the Constitution of Tennessee.

( b ) At the time of election, each alternate delegate shall be paired with a delegate as provided in a joint resolution adopted by the general assembly.

( c ) The general assembly may recall any delegate or alternate delegate and replace that delegate or alternate delegate with an individual appointed under this section at any time.

( d ) The general assembly shall appoint or recall delegates or alternate delegates by joint resolution.

### **3-18-110. Delegate or alternate delegate not lucrative office -- Payment for expenses and mileage.**

( a ) A delegate or an alternate delegate shall not receive compensation, but shall be eligible for reimbursement for expenses and mileage in accordance with the regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

( b ) For purposes of Article II, § 26 of the Constitution of Tennessee, the position of delegate or alternate delegate is not a lucrative office.

( c ) All funds necessary to pay expenses under subsection (a) shall be paid from appropriations to the general assembly.

### **3-18-111. Oath.**

(a) Each delegate and alternate delegate shall, after appointment and before the delegate or alternate delegate may exercise any function as delegate or alternate delegate, execute an oath in writing that the delegate or alternate delegate will:

(1) Support the Constitution of the United States and the Constitution of Tennessee;

(2) Faithfully abide by and execute any instructions to delegates and alternate

delegates adopted by the general assembly and as may be amended by the general assembly at any time; and

(3) Otherwise faithfully discharge the duties of delegate or alternate delegate.

(b) A delegate's or alternate delegate's executed oath shall be filed with the secretary of state.

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