

By: Senator(s) Hill

To: Rules

SENATE CONCURRENT RESOLUTION NO. 511

1 A CONCURRENT RESOLUTION TO PROVIDE FOR THE SELECTION AND  
2 AUTHORITY OF COMMISSIONERS TO ATTEND AN ARTICLE V CONVENTION  
3 CALLED FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION.

4 WHEREAS, Article V of the Constitution of the United States  
5 mandates that upon application of the legislatures of two-thirds  
6 (2/3) of the several states, Congress shall call a convention for  
7 proposing amendments; and

8 WHEREAS, whenever Congress has called for an Article V  
9 Convention, it is necessary for each state to provide for the  
10 selection of commissioners to attend the convention; and

11 WHEREAS, the Legislature of the State of Mississippi deems it  
12 necessary to adopt procedures for the selection and authority of  
13 commissioners to attend an Article V Convention:

14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF  
15 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That  
16 we do hereby adopt the following procedures for the selection and  
17 authority of commissioners to attend an Article V Convention:



18           (1) **Selection of commissioners.** When a convention is called  
19 to propose amendments to the United States Constitution under  
20 Article V of the United States Constitution, the selection and  
21 participation of commissioners from Mississippi to the convention  
22 shall be governed by this resolution.

23           (2) **Number, eligibility, and selection of commissioners.**  
24 Mississippi shall have five (5) commissioners and three (3)  
25 alternative commissioners to the convention. Commissioners and  
26 alternates shall be citizens of the State of Mississippi and shall  
27 otherwise meet the same qualifications necessary to hold office in  
28 the State Legislature.

29           Commissioners and alternates may include persons holding  
30 public office, subject to certain limits as provided in this  
31 resolution, except that no person will be eligible who is a member  
32 of the United States House of Representatives or Senate, an  
33 employee of the United States, an employee or other representative  
34 of a contractor with the United States, or an elected official  
35 holding a statewide office subject to limitation as provided in  
36 this resolution. Commissioners and alternates are also subject to  
37 those existing ethics rules that apply to members of the  
38 Legislature.

39           The Legislature shall select, by majority vote of each house,  
40 five (5) commissioners and three (3) alternates who meet the  
41 eligibility requirements as provided in this resolution. Of the  
42 five (5) commissioners, no more than two (2) shall be nonsitting



43 members of the Legislature. Of the three (3) alternates, no more  
44 than one (1) may be a nonsitting member of the Legislature. Three  
45 (3) commissioners shall constitute a quorum for all decisions made  
46 by the delegation, and no commissioner may give his or her vote by  
47 proxy or otherwise to any other commissioner. The commissioners  
48 shall select a chairperson to administer the work of the  
49 commissioners.

50 (3) **Authority of commissioners.** (a) Each commissioner and  
51 alternate, by oath or affirmation as a condition of participating  
52 in the convention, shall agree to faithfully and impartially  
53 discharge all the duties incumbent upon a convention commissioner,  
54 including the duty to abide by instructions established by  
55 concurrent resolution of the Legislature for participation in the  
56 convention and the duty to act only within the scope of the  
57 Legislature's application for the convention, if the State of  
58 Mississippi applied for the convention in which the commissioners  
59 are participating.

60 Each commissioner and alternate shall further agree to  
61 immediately notify the Joint Legislative Committee if he or she  
62 believes that any commissioner or alternate has violated his or  
63 her oath or instructions while participating in the convention.

64 (b) Before the Article V Convention, the Legislature  
65 shall consider "Recommended Commissioner Instructions" presented  
66 to it by the Joint Legislative Committee as provided in subsection  
67 (4), and shall by concurrent resolution provide duly approved



68 instructions to the commissioners and alternates regarding the  
69 scope of matters they may consider and vote on at convention,  
70 including rules of procedure and proposed amendments. Such  
71 instructions may be changed by the Legislature before or during  
72 the convention. These instructions shall include, but shall not  
73 be limited to:

74 (i) An instruction that the commissioners shall  
75 not support any voting rule other than the rule by which each  
76 state exercises one (1) vote; and

77 (ii) An instruction that on all voting matters at  
78 the convention, the decision of a simple majority of the  
79 commissioners shall constitute a single vote for the State of  
80 Mississippi.

81 (c) Any vote cast by a commissioner or alternate at an  
82 Article V Convention that is outside the scope of any of the  
83 following is an unauthorized vote, and is void:

84 (i) The instructions established by any concurrent  
85 resolution adopted under this resolution or later amending  
86 resolutions.

87 (ii) Any limits identified in the Legislature's  
88 application for the convention.

89 (4) **Authorization for and role of the Joint Legislative**

90 **Committee.** (a) After or near the time an Article V Convention is  
91 called, a Joint Legislative Committee shall be duly authorized by  
92 the Legislature for the purposes provided in this subsection (4).



93 The Joint Legislative Committee shall be comprised of four (4)  
94 members of the Senate appointed by the President of the Senate and  
95 four (4) members of the House appointed by the Speaker of the  
96 House, and shall have the initial task of presenting "Recommended  
97 Commissioner Instructions" to the Legislature for consideration  
98 leading to a concurrent resolution as provided in subsection 3(b).  
99 Such instructions will define the scope of matters that the  
100 commissioners may consider and vote on at the Article V  
101 Convention, including rules of procedure and proposed amendments  
102 as provided in subsection (3). All recommendations that secure a  
103 simple majority vote of the members present will be deemed  
104 approved instructions to be submitted to the Legislature for its  
105 consideration.

106 (b) After commissioners have been selected, the Joint  
107 Legislative Committee may recall any commissioner and revoke such  
108 commissioner's authority. However, the Joint Legislative  
109 Committee may only recall and revoke the authority if the  
110 commissioner casts or attempts to cast an unauthorized vote as  
111 provided in this resolution. The Joint Legislative Committee  
112 shall also appoint one (1) of the selected alternates to take the  
113 place of a commissioner so recalled. If the chairperson is  
114 replaced, the commissioners shall elect a new chairperson. The  
115 Joint Legislative Committee also shall promptly investigate any  
116 notice that a commissioner or alternate has cast an unauthorized  
117 vote or otherwise exceeded the scope of the Legislature's



118 application for the convention or the Legislature's instructions  
119 to the commissioners.

120 The Joint Legislative Committee shall act to ensure that the  
121 commissioners remain faithful to the terms of the convention  
122 application and the Legislature's instructions. Before or during  
123 the Article V Convention, the Joint Legislative Committee may  
124 advise the commissioners on questions that arise regarding the  
125 scope of the application for the convention and the legislative  
126 instructions to commissioners.

127 (c) By concurrent resolution, the Legislature may  
128 change or supersede any action of the Joint Legislative Committee  
129 or recall commissioners or alternates to the convention, or  
130 appoint new commissioners or alternates. The Joint Legislative  
131 Committee shall be authorized to conduct its business via  
132 telephone or by electronic communication.

133 (5) **Conflicts with convention rules or procedures.** If the  
134 provisions of this resolution conflict with the rules or  
135 procedures established by the Article V Convention, the  
136 Legislature may by concurrent resolution conform these provisions  
137 to such rules or procedures.

