

# HB2596



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2596

by Rep. Robert Martwick

### SYNOPSIS AS INTRODUCED:

5 ILCS 5/5 new

Amends the U.S. Constitution Amendment Act. Provides requirements for the selection and duties of delegates to a convention for the proposition of an amendment to the United States Constitution, as provided under Article V of the United States Constitution. Defines terms.

LRB100 11028 RJF 21267 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The U. S. Constitution Amendment Act is amended  
5 by adding Section 5 as follows:

6 (5 ILCS 5/5 new)

7 Sec. 5. Constitution amendment convention.

8 (a) As used in this Section:

9 "Article V application" means an application or  
10 resolution passed by the General Assembly applying to  
11 Congress to call an Article V convention.

12 "Article V convention" means a convention called for  
13 the purpose of proposing an amendment to the United States  
14 Constitution as provided in Article V of the United States  
15 Constitution.

16 "Delegate" means an individual elected by the General  
17 Assembly, or by any other method provided by law, to  
18 represent the State at an Article V convention.

19 "Legislative instructions" means instruction given by  
20 the General Assembly to a delegate before or during an  
21 Article V convention.

22 "Unauthorized amendment" means a proposed amendment or  
23 change to the United States Constitution that is outside

1 the scope of the Article V application and legislative  
2 instructions.

3 (b) A delegate from the State to an Article V convention  
4 may not act in a manner that supports or approves the proposing  
5 of an unauthorized amendment or change to the United States  
6 Constitution by the convention.

7 (c) A delegate who violates subsection (b) of this Section  
8 is immediately recalled and shall be replaced by an alternate  
9 selected by the General Assembly. An alternate selected by the  
10 General Assembly has the same duties and is subject to the same  
11 requirements and penalties as a delegate selected under this  
12 Section.

13 (d) Upon selection by the General Assembly, or by any other  
14 method provided by law, a delegate from the State to an Article  
15 V convention shall take the following oath:

16 "I do solemnly swear (or affirm) that to the best of my  
17 abilities, I will, as a delegate to an Article V  
18 convention, uphold the Constitution and laws of the United  
19 States of America and of the State of Illinois, and that I  
20 will act at all times in accordance with the Article V  
21 application and the legislative instructions given to me as  
22 a delegate. I will not act in a manner that supports or  
23 approves the proposing of an unauthorized amendment or  
24 change to the United States Constitution by the  
25 convention."

26 (e) The General Assembly shall certify in writing to the

1 Article V convention:

2 (1) the selection of delegates and alternates;

3 (2) if a delegate is recalled, the recall and  
4 replacement of the delegate with an alternate; and

5 (3) if a delegate from the State violates subsection  
6 (b) of this Section, the nullification of the action that  
7 violated subsection (b) of this Section.