

SENATE BILL 1394

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 3,  
relative to an Article V convention.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, is amended by adding the following  
as a new chapter:

**3-5-101.** As used in this chapter, unless the context requires otherwise:

(1) "Article V convention" means a convention for proposing amendments  
pursuant to Article V of the United States Constitution;

(2) "Article V application" means a joint resolution passed by the general  
assembly requiring congress to call an Article V convention limited to a particular  
subject or to the text of a particular amendment;

(3) "Delegate" or "alternate" means a person selected by the general  
assembly or any other method provided by law to represent this state at an  
Article V convention;

(4) "Legislative instructions" means instructions given by the general  
assembly to delegates and alternates before and during an Article V convention  
regarding the permitted scope of the Article V convention; and

(5) "Unauthorized amendment" means a proposed amendment that is  
outside the permitted scope of the Article V application, the call, the commission,  
or any legislative instructions.

**3-5-102.**

(a) No delegate from this state to an Article V convention shall have the authority to vote to allow the consideration of or to approve an unauthorized amendment for ratification to the United States Constitution.

(b) Any delegate casting a vote to allow the consideration of or to approve an unauthorized amendment shall be immediately recalled by an official or committee authorized by a joint resolution of the general assembly and replaced by an alternate.

(c) Any vote cast by a delegate in violation of this section shall be null and void.

**3-5-103.**

(a) Each delegate and alternate from this state to an Article V convention shall take the following oath: "I \_\_\_\_\_ do solemnly swear (or affirm) that as a delegate or alternate to an Article V convention, I will uphold the Constitution and laws of the United States and the State of Tennessee to the best of my abilities. I will not vote to consider, approve or propose any unauthorized amendment for ratification to the United States Constitution. I understand and accept that violating this oath may subject me to penalties provided by law."

(b) Any delegate or alternate who knowingly violates the oath contained in this section shall be subject to the penalties of § 39-16-402.

**3-5-104.** The general assembly or an official or committee so authorized by a joint resolution of the general assembly shall certify the following in writing to the Article V convention:

- (1) Selection of delegates and alternates;
- (2) Any recall and replacement of delegates with alternates; and
- (3) Nullification of any unauthorized votes cast by delegates of this state.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.