

## **Resolution of the Mount Vernon Assembly to Prepare for a Convention of the States to Write the Rules**

Whereas, the historical record reveals states assembled on many occasions, by way of a convention of the states, for the purpose of discussing and resolving issues of common concern, including the Philadelphia Convention of 1787 whereby the U.S Constitution was drafted, and,

Whereas, Article V of the U. S. Constitution provides for a convention of the states for the purpose of proposing amendments, upon the application by two-thirds of the states, and,

Whereas, interest in convening a convention of the states under Article V has grown among the legislatures of the states, and,

Whereas, the states agree that if such a convention should be convened, it should function in an orderly and prudent manner, and

Whereas, the U.S. Constitution does not enumerate the power to define such rules and procedures to the federal government, and

Whereas, the states, united, desire to act on the authority, duty and responsibility to define the rules and procedures of any Article V convention for proposing amendments,

Therefore be it resolved,

Section 1: The Mount Vernon Assembly hereby respectfully requests each speaker of the house and each senate president in each of the states, or in the case of Nebraska, the speaker, to appoint and authorize the persons and resources necessary for a meeting to be held the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> day of December, 2014 at a location to be determined in Section 2. This meeting is to be referred to as the United States Rules Drafting Conference (hereafter “the Conference”).

The purpose of the Conference is to draft the identified rules and procedures listed in Section 3, as well as any other items the Conference deems necessary and appropriate to the proper functioning of any future conventions of the states, including an Article V Convention for Proposing Amendments.

Section 2: In preparation for the Conference, the Mount Vernon Assembly hereby respectfully requests each speaker of the house and each senate president in each of the states to appoint one representative of their respective body, or in the case of Nebraska, the speaker to appoint two representatives of the unicameral legislature, to a two-day planning meeting convening at 1:00 p.m. on the 1st<sup>th</sup> day of May, 2014, at the Indiana Statehouse in Indianapolis, Indiana. This planning meeting is for the expressed and limited purpose of forming and approving committees to execute the planning of the Conference.

Section 3: This Assembly hereby requests the Conference to address the following items as part of its proceedings:

(TBD – see Mount Vernon Agenda, Appendix A)

Section 4: The Secretary of the Mount Vernon Assembly is hereby instructed to transmit a formal notice and invitation to the legislative leaders identified in Section 1, and to tabulate acceptance of participation by the states.

## Appendix A – Draft List of Rules and Procedures to Define

Following is a draft list of rules and procedures that would need to be defined/determined and adopted in order to place a predictive and prudent structure around any future Article V Convention. These ideas have been organized into categories. The final list will be included in the resolution that will define the next step.

### Category: Rules and Procedures

- Process of delegate recall, including state authority
- Deliberative authority of body after a call is made (open, subject matter, single amendment)
- Number of votes required for passage of an amendment (simple majority, two-thirds, three-fourths)
- Process around one state one vote precedent
- If each delegate will be able to speak or if a delegation will need to select a person/persons to speak for them to the body
- Convention stance on the state delegate selection process
- Rules creation, revision and adoption process
- Committee structure and their process for discussion, voting and communicating to the body
- Selection, term and responsibilities of officers
- Convening times
- Verbiage for rules continuity clause that would be adopted and carried into the next meeting of the body
- Process for drafting of amendment language, if called under Article V
- How any passed amendment would be transmitted to the states

### Category: Planning and Communication

- Process of admittance and credentials required
- Security necessity and staffing
- Oath of office necessity/language for delegates
- Will meetings be open or closed, and if open how communicated
- Method of recording proceedings of full body and committees
- Time and location selection process of Convention

### Category: Judiciary

- Process to ensure that the Compact Clause in Article I Section 10 of the Constitution is not triggered
- What is a qualified application
- Number of live applications that have been submitted to Congress
- Who is responsible for tracking the live applications
- Process for notifying Congress that a call must be made
- Length of time Congress has to make a call once 34 qualified applications have been submitted
- Legal counsel selection for drafting purposes
- Length a state application submitted to Congress is valid
- Length of time a convention is open for and what events would “terminate” it
- Length of time an amendment passed to the states for ratification has before it expires
- Length of time an amendment that has been sent to the states for ratification remains valid for the required 38 ratifications
- Role of District of Columbia and U.S. territories

### Category: Finance

- Who pays for Convention
- Budget creation and communication process
- How costs of a convention will be tracked and allocated to the individual state legislatures, if applicable
- Collection process

# THE MOUNT VERNON ASSEMBLY

## CONFERENCE AGENDA

DECEMBER 7, 2013

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|------|--|-------------|
| I.   | Opening Address<br>Representative Chris Kapenga, Chair<br>Pledge – Representative Kenneth Marshall | 9:00-9:10   |
| II.  | Procedural Items<br>Representative Matt Huffman,   | 9:10-9:20   |
| III. | Floor Discussion   |             |
|      | a. Convention Authority  | 9:20-10:00  |
|      | b. Process and Rules Requirements – See Appendix A   | 10:00-11:00 |
|      | BREAK  | 11:00-11:10 |
|      | c. Mount Vernon Presentation<br>Douglas Bradburn, PHD, Founding Director                           | 11:10-11:30 |
| IV.  | State Delegate Election and Responsibility<br>Senator David Long                                   | 11:30-12:00 |
| V.   | Next Step and Adoption of Resolution   | 12:00-12:50 |
| VI.  | Closing Remarks<br>Representative Gary Banz  | 12:50-1:00  |
| VII. | Adjournment  | 1:00        |