

**HOUSE BILL NO. 310**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES TAMMIE WILSON, Hughes, Gattis, Isaacson, Keller

Introduced: 2/17/14

Referred: State Affairs

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the selection and duties of delegates to a United States constitutional  
2 convention."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 15.50 is amended by adding new sections to read:

5 **Article 4. United States Constitutional Conventions.**

6 **Sec. 15.50.120. Selection of delegates.** (a) When a United States constitutional  
7 convention is called by a two-thirds vote of the state legislatures under art. V,  
8 Constitution of the United States, the legislature shall, by joint resolution, appoint  
9 delegates and alternate delegates to the constitutional convention who

10 (1) are qualified voters as provided by law;

11 (2) have been residents of the state for at least three years preceding  
12 appointment;

13 (3) have been residents of the districts from which they are selected for  
14 at least one year preceding appointment; and

1 (4) are not members of the United States House of Representatives or  
2 the United States Senate.

3 (b) The legislature may, by joint resolution, select a member of the United  
4 States House of Representatives or the United States Senate representing the state to  
5 attend as an observer a United States constitutional convention called by a two-thirds  
6 vote of the state legislatures under art. V, Constitution of the United States.

7 (c) At any time after a delegate or observer is appointed under this section, the  
8 legislature may, by joint resolution, recall the delegate, alternate delegate, or observer  
9 and, by joint resolution, appoint a new delegate, alternate delegate, or observer.

10 (d) If a rule or procedure established by a constitutional convention called by a  
11 two-thirds vote of the state legislatures under art. V, Constitution of the United States,  
12 is different than the procedure established under this section, selection of the delegates  
13 shall comply with the rule or procedure established by the constitutional convention,  
14 and the delegates shall comply with AS 15.50.130.

15 (e) Delegates and alternate delegates serve without compensation.

16 **Sec. 15.50.130. Duties of delegates.** (a) Before the date established for  
17 convening a United States constitutional convention, the legislature shall, by joint  
18 resolution, provide instructions to delegates and alternate delegates selected under  
19 AS 15.50.120(a) and (c) regarding the topics the delegates may consider and vote on  
20 at the constitutional convention.

21 (b) Each delegate and alternate delegate appointed under AS 15.50.120(a) and  
22 (c) shall be sworn as follows:

23 Oath of Constitutional Convention Delegate

24 I do solemnly swear or affirm that I will support and defend the  
25 Constitution of the United States and the Constitution of the State of  
26 Alaska, and that I will faithfully discharge my duties as a delegate  
27 appointed by the Alaska State Legislature, follow the instructions and  
28 authorization provided in the joint resolution passed by the legislature  
29 as provided in AS 15.50.130(a), and faithfully and impartially  
30 discharge all of the duties incumbent upon a convention delegate to the  
31 best of my ability.

1           (c) A delegate appointed under AS 15.50.120(a) or (c) who casts or attempts  
2 to cast a vote at a United States constitutional convention that is not authorized by the  
3 instructions the legislature provided by joint resolution under (a) of this section  
4 violates the oath under (b) of this section, and the delegate's vote shall be considered  
5 ultra vires and void. A delegate who casts or attempts to cast a vote not authorized  
6 under (a) of this section shall be immediately removed as a delegate and replaced by  
7 an alternate delegate as provided under AS 15.50.120(c).

8           (d) A delegate appointed under AS 15.50.120(a) or (c) who knowingly casts or  
9 attempts to cast a vote not authorized under (a) of this section is guilty of a class C  
10 felony and may be punished as provided in AS 12.55.