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HOUSE BILL 156

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Nora Espinoza

AN ACT

RELATING TO CONSTITUTIONAL CONVENTIONS; PROVIDING GUIDELINES
FOR DELEGATES FROM NEW MEXICO TO AN ARTICLE 5 CONSTITUTIONAL
CONVENTION; PROVIDING PENALTIES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. DEFINITIONS--ARTICLE 5 CONSTITUTIONAL
CONVENTION--DELEGATE GUIDELINES.--**

A. As used in this section:

(1) "article 5 constitutional convention"
means a constitutional convention for proposing amendments as
expressly provided in Article 5 of the United States
constitution;

(2) "article 5 application" means a joint
resolution passed by the legislature on the same subject or
containing the same proposed amendment text as thirty-three

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1 other sovereign states requiring congress to call an article 5
2 constitutional convention by setting the time and place;

3 (3) "delegate" or "alternate" means a person
4 selected by the legislature or any other method provided by law
5 to represent New Mexico at an article 5 constitutional
6 convention;

7 (4) "legislative instructions" means
8 instructions given by the legislature to delegates and
9 alternates before and during an article 5 constitutional
10 convention; and

11 (5) "unauthorized amendment" means a proposed
12 amendment that is outside the subject matter of the legislative
13 instructions.

14 B. No delegate from New Mexico to an article 5
15 constitutional convention shall have the authority to vote to
16 allow consideration of or vote to approve an unauthorized
17 amendment for ratification to the United States constitution,
18 and a delegate who casts a vote to allow consideration or
19 approval of an unauthorized amendment shall be immediately
20 replaced by an alternate.

21 C. A candidate for delegate or alternate from New
22 Mexico to the article 5 constitutional convention shall take
23 the following oath:

24 "I do solemnly swear or affirm that to the best of my
25 abilities, I will, as a delegate or alternate to an article 5

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1 constitutional convention, uphold the constitutions and laws of
2 the United States of America and New Mexico. I will not vote
3 to allow consideration of or to approve any unauthorized
4 amendment proposed for ratification to the United States
5 constitution."

6 D. Article 5 constitutional convention delegates
7 and alternates shall be certified by the legislature or by an
8 official or entity designated by the legislature to certify
9 delegates and alternates, recall and replace a delegate with an
10 alternate or nullify unauthorized votes cast by a delegate of
11 New Mexico.

12 E. A delegate who violates the oath contained in
13 this section shall be subject to a fine not to exceed ten
14 thousand dollars (\$10,000).

15 SECTION 2. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect immediately.