

H.R.14

IN THE HOUSE OF REPRESENTATIVES

December 2nd, 2022

Mr. CLARK (for himself) introduced the following bill;

A BILL

To establish the procedure at which a Constitutional Convention shall be called on application of $\frac{2}{3}$ rds of the state legislatures thereof and its rules and proceedings.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Constitutional Convention Procedure Act”

SEC. 2. FINDINGS.

Congress finds that—

- (a) Article V of the Constitution allows for a convention of the states for the purposes of amending the constitution and submitting the proposals thereof to the states.
- (b) Article V of the Constitution requires Congress to call a convention of the states on the application of $\frac{2}{3}$ rds of the state legislatures.
- (c) There is no established procedure on how convention of the states shall be called by Congress and how they shall proceed.
- (d) Establishing procedure into law will ensure conventions of the states are properly done.

SEC. 3. DEFINITIONS.

In this Act—

- (a) Convention.— The term “Convention” refers to a convention of the states held in accordance with the fifth article of the Constitution of the United States for the purposes of proposing amendments to the Constitution of the United States.

SEC. 4. PROCEDURE FOR CALLING A CONSTITUTIONAL CONVENTION.

- (a) The Governors of the various states shall transmit to the President of the Senate, Secretary of the Senate, Speaker of the House, and Clerk of the House the states' application for a convention when a majority of the state legislature approves of such application.
- (b) The Secretary of the Senate and the Clerk of the House shall then read such application before their respective chambers.
- (c) Upon the number of states who have had their applications read reaching a $\frac{2}{3}$ rds majority of the total number of states, the Senate and House of Representatives shall meet for a joint session in the Hall of Representatives four hours past noon on the day following the reading of the latest application for a convention.
 - (1) Applications must be for the same purpose and received from two-thirds of the several States to be considered under this subsection.
- (d) The President of the Senate shall preside in order to keep order within the joint session and shall direct the Clerk of the House to read off all applications for a convention before the joint session.
- (e) Upon the reading of all applications for a convention, the President of the Senate shall ask for any objections to any application for a period of 20 minutes.
- (f) All objections shall require signature and confirmation of approval by a Senator and Representative *Provided* they not be from the same state.
- (g) Upon an objection, the joint session shall recess and the two houses shall separately vote on the objection.
- (h) If both houses object to an application, the application shall be disregarded.
- (i) If the total number of non-disregarded applications falls below the $\frac{2}{3}$ rds threshold required at any point in the joint session, the joint session shall be dissolved.
- (j) Upon all applications being certified, a convention shall commence in accordance with section (5) of this act.

SEC. 5. PROCEDURE OF CONSTITUTIONAL CONVENTION.

- (a) The convention shall be presided upon by the Vice President.
- (b) The convention shall meet at Independence Hall and shall start upon a majority of delegates in attendance.
- (c) The convention shall consist of two delegates per state.

- (d) In the event of a vacancy in the representation by a state, the Governor of such state shall fill the vacancy.
- (e) The convention shall elect by majority vote a President pro tempore, to preside in the Vice President's absence.
- (f) The convention shall establish by a $\frac{2}{3}$ rds supermajority vote a set of rules for its proceedings.
- (g) Final amendments shall require a $\frac{2}{3}$ rds supermajority vote of those voting to be deemed passed.
- (h) The Vice President shall transmit to the Governors of the several states all passed amendments upon the conclusion of the convention.

SEC. 6. SUPREMACY.

- (a) Any laws in conflict with this act shall be null and void.

SEC. 7. SEVERABILITY.

- (a) If any part of this act is found to be unconstitutional in a court of law, the remainder of the act shall remain in effect.

SEC. 8. ENACTMENT.

EFFECTIVE DATE.— The provisions of this Act shall come into force immediately upon passage.
