

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2037**

Volk Floor Amendment

The Volk floor amendment to the FMAE committee amendment imposes a \$5,000 civil penalty for a faithless constitutional convention delegate and provides for their immediate recall; adds an oath that must be sworn by constitutional convention delegates; adds definitions for delegate and legal convention scope; and adds a severability clause.

Amendment explanation prepared by Rhonda

Phone Number 926-5848

rb

2/24/2025

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2037
(Reference to FEDERALISM, MILITARY AFFAIRS & ELECTIONS S/E Committee amendment)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Strike everything after then enacting clause and insert:

3 "Section 1. Title 41, chapter 7, article 1, Arizona Revised
4 Statutes, is amended by adding section 41-1108, to read:

5 41-1108. Constitutional convention; state delegates;
6 violation; classification; oath; definitions

7 A. ANY APPROVED AMENDMENT TO THE UNITED STATES CONSTITUTION SHALL
8 BE RATIFIED BY A BILL PASSED BY THE LEGISLATURE AND APPROVED BY THE
9 GOVERNOR.

10 B. A PERSON IN THIS STATE WHO IS A FAITHLESS CONSTITUTIONAL
11 CONVENTION DELEGATE IS GUILTY OF A CLASS 2 FELONY [AND IS SUBJECT TO A
12 CIVIL PENALTY OF AT LEAST \$5,000]. [A FAITHLESS CONSTITUTIONAL CONVENTION
13 DELEGATE SHALL BE IMMEDIATELY RECALLED FROM THE DELEGATION.]

14 [C. ANY DELEGATE OF THIS STATE SHALL TAKE THE FOLLOWING OATH OF
15 OFFICE BEFORE ACCEPTING THE DELEGATE'S APPOINTMENT:

16 [I, _____, DO SOLEMNLY SWEAR OR AFFIRM THAT TO THE BEST
17 OF MY ABILITIES, I WILL, AS A DELEGATE TO A CONVENTION FOR
18 PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION,
19 UPHOLD THE CONSTITUTION AND LAWS OF THE UNITED STATES AND THE
20 STATE OF ARIZONA.

21 I WILL NOT VOTE TO ALLOW CONSIDERATION OF OR TO APPROVE
22 ANY AMENDMENT PROPOSED FOR RATIFICATION TO THE UNITED STATES
23 CONSTITUTION THAT IS UNRELATED TO THE SPECIFIED SUBJECT OR
24 SUBJECTS OF THE APPROVED CALL OF THE CONVENTION FROM CONGRESS
25 AND FROM NOT LESS THAN TWO-THIRDS OF THE STATES THAT SUBMITTED
26 APPLICATIONS. I WILL ALSO ABIDE BY ANY OTHER INSTRUCTIONS
27 FROM THE LEGISLATURE OF THE STATE OF ARIZONA IF THE
28 INSTRUCTIONS ARE NOT CONTRARY TO THE SUBJECT MATTER THAT WAS
29 SPECIFIED BY CONGRESS AND NOT LESS THAN TWO-THIRDS OF THE
30 STATES.

1 I ACKNOWLEDGE THAT ANY VIOLATION OF THIS OATH SHALL
2 RESULT IN BEING IMMEDIATELY RECALLED BY THE LEGISLATURE OF THE
3 STATE OF ARIZONA OR ITS AUTHORIZED COMMITTEE, SUBJECT TO CIVIL
4 PENALTY OF AT LEAST \$5,000 AND GUILTY OF A CLASS 2 FELONY.]
5 [C. A DELEGATE WHO IS AWARE OF ANY VIOLATION OF THE OATH OR ANY
6 OTHER VIOLATION BY A DELEGATE SHALL REPORT THE VIOLATION TO THE ATTORNEY
7 GENERAL, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
8 REPRESENTATIVES.]
9 ~~[C.]~~ [D.] FOR THE PURPOSES OF THIS SECTION[;]
10 1. "DELEGATE" MEANS A MEMBER OF A DELEGATION OR AN ALTERNATE TO THE
11 DELEGATION TO A CONSTITUTIONAL CONVENTION WHO HAS BEEN ELECTED, APPOINTED
12 OR SELECTED FOR THAT POSITION.
13 2.] "FAITHLESS CONSTITUTIONAL CONVENTION DELEGATE" MEANS A PERSON
14 WHO IS ~~[DULY APPOINTED AS]~~ A DELEGATE TO A CONSTITUTIONAL CONVENTION AND
15 WHO KNOWINGLY CASTS A VOTE OR TAKES ANY OFFICIAL ACTION IN ~~[VIOLATION OF~~
16 ~~THE SPECIFIC INSTRUCTIONS OR DIRECTIVES REGARDING THE SUBJECT MATTER OF~~
17 ~~THE PROPOSED CONSTITUTIONAL AMENDMENTS STATED BY THE LEGISLATURE OR ANY~~
18 ~~OTHER LAW OR LEGISLATIVE RESOLUTION IN THIS STATE GOVERNING THE DELEGATE'S~~
19 ~~AUTHORITY AND DUTIES AT THE CONVENTION]~~ [FURTHERANCE OF SUBJECT MATTER
20 THAT DIFFERS FROM THE LEGAL CONVENTION SCOPE].
21 [3. "LEGAL CONVENTION SCOPE" MEANS THE SUBJECT MATTER THAT HAS BEEN
22 SPECIFIED IN THE APPLICATION FOR A CONVENTION OF STATES BY NOT LESS THAN
23 TWO-THIRDS OF THE STATES IN THEIR CALLS FOR A CONVENTION OF THE STATES, IN
24 THE CALL FOR THE CONVENTION OF STATES FROM CONGRESS AND BY THE LEGISLATURE
25 OF THIS STATE IN ITS APPLICATION FOR A CONVENTION OF STATES.]
26 <<Sec. 2. Severability
27 If a provision of this act or its application to any person or
28 circumstance is held invalid, the invalidity does not affect other
29 provisions or applications of the act that can be given effect without the
30 invalid provision or application, and to this end the provisions of this
31 act are severable.>>
32
33 Enroll and engross to conform
34 Amend title to conform

KEVIN VOLK

~~2037FloorVolk2.docx~~
~~02/24/2025~~
~~09:53 AM~~
~~C: AH~~

2037FloorVOLK3.docx
02/24/2025
07:28 PM
H: SC/ra