

We the People Ratification by State Convention Act

Be It Enacted by the Legislature of the State of {STATE}:

Section 1. Whenever the Congress of the United States or an Article V Convention proposes Amendments to the Constitution, the state convention mode of ratification shall be favored as the “explicit and authentic act of the whole people of [STATE]. The governor shall fix by statewide proclamation the date of an election for the purpose of electing delegates to such convention in this state. Such election may either be at a special election or may be held at the same time as a general election but shall be held at least as soon as the next special or general election occurring more than three months after the amendment has been proposed by these several States or by Congress.

Section 2. At such an election all electors who have registered may vote. Should a special election be called, registration of voters shall be reopened by the county recorder on the [DAY]. Thereafter all electors who were registered at the last general election or who are registered during the period when registration is reopened for such special election may vote at such special election

Section 3. Except as in this act otherwise provided, such election shall be conducted and the results thereof ascertained and certified in the same manner as in the case of the election of state officers in the state. All provisions of the laws of this state relative to elections except those inconsistent with this act are hereby made applicable to such election.

Section 4. The number of delegates to be chosen at such convention shall be [NUMBER] to be elected from the state at large among eligible voters from each U.S. Congressional district or county or by statewide ballot.

Section 5. Candidates for the office of delegate to the convention shall be qualified electors of this state. Nominations shall be by petition signed by no fewer than one [NUMBER] qualified electors and not otherwise. Nominations shall be without party or political designation, but the nominating petitions shall contain a signed statement by the nominee to the effect that he favours ratification or that he opposes ratification, and no nominating petition shall be accepted unless such statement is contained therein. No nomination shall be valid except those of the [NUMBER] nominees in favor of the ratification and the [NUMBER] nominees against ratification in the nominating petitions as they were first filed with the Secretary of State. Within 10 days after the petitions are filed, the Secretary of State shall certify the candidates of each group to the Board of Supervisors or County Executive of the respective counties of the state. All petitions shall be filed with the Secretary of State not less than 30 days before the properly proclaimed date of the election in the state. The two groups of [NUMBER] certified petitioners will gather at the State Capitol prior to the election and take an official oath of office, the time and place to be determined by the Speaker of the State House and the President of the State Senate.

Section 6. The election shall be by a separate ballot, apart from any ballot to be used at the same election, and which shall be prepared as follows:

- It shall quote the proposed Amendment(s). This shall be followed by appropriate instructions to the voters.
- It shall then contain perpendicular columns of equal width headed respectively in plain type, “FOR Ratification”, and “AGAINST Ratification”.
- In the first column headed “**FOR Ratification**” shall be placed the names of the nominees nominated as **in favor of ratification**.
- In the next column headed “**AGAINST Ratification**” shall be placed the names of the nominees nominated as **against ratification**.
- The voter shall indicate his choice by making one or more marks in the appropriate spaces provided on the ballot.
- No ballot shall be held void because any such mark is irregular in character.
- The ballot shall be so arranged that the voter may, alternately make a single mark indicating a vote for the entire group of the nominees whose names are comprised in any column.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA

The Congress or a Convention has proposed amendment(s) to the constitution of the United States which states [TITILE/QUESTION, SUMMARY AND TEXT].

INSTRUCTIONS TO THE VOTERS – Do not vote for more than [NUMBER] candidates. To vote for ALL candidates in favor of ratification or for ALL candidates against ratification make a mark at the head of the list of candidates to indicate your vote for the entire group (column). If you do this, make no mark for any individual candidate.

Section 7. The {NUMBER} nominees who shall receive the highest number of votes shall be delegates at the convention If there shall be a vacancy in the convention caused by the death or disability of any delegate, or any other cause, same shall be filled by appointment by the majority of the delegates comprising the group from which such delegate was elected and if the convention contains no other delegates of that group, shall be filled by the Speaker of the State House or alternately by the President of the State Senate. Delegates elected upon a platform or nomination petition statement as “**FOR**” or “**AGAINST**” ratification must vote at such convention in accordance with such platform or nomination petition statement. Upon failure to do so the delegate will be immediately dismissed for violating their oath of office and will be subject to the maximum provisions of prevailing [civil or criminal] penalties, including fines and/or imprisonment as prescribed under state law. In addition, that delegate’s vote will not be considered, and his office will be deemed vacant to be filled as here in provided for filling vacancies.

Section 8. The delegates to the convention shall meet at the [PLACE]on the [DAY] after their election at [TIME] and shall thereupon constitute a convention to consider the question of whether the proposed amendment shall be ratified.

Section 9. The convention shall be the judge of election and qualification of its members and shall have the power to elect its president secretary and other officers and to adopt its own rules.

Section 10. The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment, and upon final adjournment the journal shall be filed with this state's Secretary of State.

Section 11. If the convention shall agree to the ratification of the proposed amendment(s) by vote of a majority of the total number of delegates, a certificate to that effect shall be executed by the president and secretary of the convention and then transmitted to the Secretary of State of this state who shall in turn transmit the certificate under the Great Seal of this state to the National Archivist and to the leaders of Congress.

Section 12. Delegates shall receive [AMOUNT] and shall also receive vehicle mileage for two round trips by the shortest practical route to and from their residence (or center of their district) to the State Capitol building, at the prevailing State government rate, or \$0.58 per mile, whichever is more.