

# SENATE BILL No. 210

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-8.2-6.

**Synopsis:** Article V convention of the states compact. Adopts the compact for a safe and equal convention of the states. Specifies compact requirements. Provides that each state that adopts the compact intends to ensure that the following rules are followed at a convention under Article V of the Constitution of the United States: (1) All voting is conducted on the basis of one-state, one-vote. (2) The convention shall not consider any proposed amendment on any topic other than the topics or subjects specifically enumerated in the applications of 2/3 of the several states which formed the basis for the call of the convention.

**Effective:** July 1, 2026.

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## Holdman

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January 8, 2026, read first time and referred to Committee on Elections.

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Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

## SENATE BILL No. 210

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 2-8.2-6 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2026]:
- 4 **Chapter 6. Compact for a Safe and Equal Convention of States**
- 5 **Sec. 1. For purposes of this chapter, "compact" means the**
- 6 **compact for a safe and equal convention of the states adopted**
- 7 **under section 7 of this chapter.**
- 8 **Sec. 2. For purposes of this chapter, "commission" means the**
- 9 **formal resolution, enactment, or other document that:**
- 10 **(1) sets forth the identity of a state's delegates to a convention;**
- 11 **(2) establishes the delegate's credentials; and**
- 12 **(3) provides specific instructions as to how delegates shall vote**
- 13 **or otherwise perform their duties at the convention.**
- 14 **Sec. 3. For purposes of this chapter, "convention" or**
- 15 **"convention of the states" means a convention called by the**
- 16 **Congress of the United States under its mandatory, ministerial**
- 17 **duty under Article V of the Constitution of the United States upon**



1 receiving applications for a convention to propose amendments on  
 2 a particular topic or topics from two-thirds (2/3) of the several  
 3 states.

4 Sec. 4. (a) For purposes of this chapter, "state" means one (1) of  
 5 the several states of the United States.

6 (b) In the context of Article V, the state may only act through its  
 7 state legislative body. No other official or agency, including the  
 8 governor of any state, may take any action for the state as it  
 9 pertains to the exercise of Article V power, which is a matter  
 10 reserved by the text of the Constitution of the United States  
 11 exclusively for the legislature of each state.

12 Sec. 5. (a) For purposes of this chapter, "member state" means  
 13 a state that has adopted the compact through resolution or another  
 14 legislative vehicle that the state normally employs when it exercises  
 15 power under Article V of the Constitution of the United States to  
 16 apply for a convention of the states or to ratify a proposed  
 17 amendment to the Constitution of the United States.

18 (b) For a state to qualify as a member state with respect to any  
 19 other state under the compact, each state must have adopted and  
 20 agreed to be bound by substantially identical compact language.

21 Sec. 6. The general assembly finds the following:

22 (1) The founders of the Constitution of the United States  
 23 empowered state legislatures to be guardians of liberty by  
 24 giving state legislatures the power to propose amendments to  
 25 the Constitution of the United States by calling for a  
 26 convention of the states whenever two-thirds (2/3) of the states  
 27 apply for a convention for the same topic or purpose.

28 (2) The legislatures of each state have the sole power and  
 29 discretion to name their delegates and to give them  
 30 instructions as may be necessary and lawful.

31 (3) The history surrounding the ratification of the  
 32 Constitution of the United States and the first uses of the  
 33 states' Article V power clearly demonstrate that said  
 34 assemblies were described as a convention of the states.

35 (4) It is inherent in the nature of a convention of the states, as  
 36 a meeting of equal sovereigns, that the states vote on the basis  
 37 of equality.

38 (5) The agreement between the states concerning the subject  
 39 matter of a convention of the states is demonstrated by  
 40 two-thirds (2/3) of the several states applying for a convention  
 41 for the same purpose or topic.

42 (6) Litigation surrounding the attempt by the Congress of the



United States to change the deadline for the ratification of the proposed Equal Rights Amendment has established a clear rule that once a given phase of the Article V amendment process has been completed, its product cannot be altered.

(7) The Supreme Court of the United States has recognized that states have the inherent power to form agreements between themselves for mutually beneficial purposes.

(8) The Compact Clause in Article I, Section 10, Clause 3 of the Constitution of the United States affirms the sovereign power of the several states to enter into binding, enforceable agreements.

(9) The Supreme Court of the United States has repeatedly affirmed that an interstate compact does not require congressional approval "if it does not impermissibly enhance state power at the expense of federal supremacy".

(10) The Congress of the United States has no power to name, control, or instruct any state's delegates to a convention of the states.

(11) The Congress of the United States has no power to change the inherent rule that all voting at a convention of the states shall be on the basis of the equal sovereignty of the states, namely one-state, one-vote.

(12) The Congress of the United States has no power to designate topics for a convention of the states, but rather has a ministerial duty to call the convention upon receipt of applications from two-thirds (2/3) of the several states for a convention to propose amendments on the same topic or subject.

(13) The member states to the compact wish to affirm the two (2) inherent rules so that all states will be empowered to exercise their Article V power to apply for a convention with assurance that the topic or subject matter of the convention may not be changed by the Congress of the United States, any state, or the convention itself, and that states will vote as states, enjoying equal suffrage at the convention.

(14) The compact is applicable to any convention of the states no matter the topic or subject for which it is called.

**Sec. 7.** The compact for a safe and equal convention of the states is adopted for the purpose of entering into a binding agreement between the State of Indiana and other member states to instruct their delegates to any convention of the states called by the Congress of the United States under Article V of the Constitution



of the United States in accordance with this chapter.

**Sec. 8. (a)** Each state that adopts the compact and agrees to be bound by the compact intends to ensure that at any convention of the states, called for any purpose, that the following two (2) inherent Article V convention rules are followed without exception:

(1) All voting is conducted on the basis of one-state, one-vote.

(2) The convention shall not consider any proposed amendment on any topic other than the topics or subjects specifically enumerated in the applications of two-thirds (2/3) of the several states which formed the basis for the call of the convention.

**(b)** In consideration of the mutual promises and obligations expressed by each member state, it is firmly resolved and adopted by every state approving the compact that the state agrees to be bound by the compact notwithstanding any law to the contrary.

**Sec. 9. (a)** Each state shall instruct and bind each member of its delegation to a convention to vote for and take any and all appropriate action necessary to ensure the adoption of and faithful compliance with the following three (3) rules for a convention of the states:

(1) All voting at any convention shall be on the basis of one-state, one-vote.

(2) No proposed amendment to the Constitution of the United States may be introduced, reviewed, debated, or adopted if it is outside the scope of the topic or subject established by the applications of two-thirds (2/3) of the several states which led to the calling of the convention by the Congress of the United States.

(3) This subsection may not be amended, repealed, overridden, or otherwise avoided in any manner by any other motion, action, rule, or vote by the convention or by a ruling of the presiding officer.

**(b)** Nothing in this chapter limits the power of a state to instruct or bind its delegation in any other manner not inconsistent with this chapter.

**(c)** Nothing in this section prohibits a state from adopting other legal sanctions, penalties, or punishments for any delegate who acts unfaithfully in violation of the delegate's duties, instructions, or other obligations.

**Sec. 10. (a)** The commission of each member state delegate must:

(1) include the member state's instructions to the delegate to



1 vote for and take any and all appropriate action necessary to  
 2 ensure the adoption of and faithful compliance with the rules  
 3 set forth in section 8(a) of this chapter;

4 (2) explicitly list the rules set forth in section 8(a) of this  
 5 chapter; and

6 (3) state that any action taken by the delegate in violation of  
 7 section 8 of this chapter is void as an ultra vires action,  
 8 according to common law principles of agency.

9 (b) Upon receiving his or her commission, each delegate shall  
 10 sign an oath that includes an acknowledgment that the delegate is  
 11 subject to immediate removal from the state's delegation by the  
 12 legislature if said delegate fails to comply with section 8 of this  
 13 chapter in any manner.

14 Sec. 11. The compact enters into force when twenty-six (26)  
 15 states have adopted the compact.

16 Sec. 12. (a) Except as provided in subsection (c), a state may  
 17 withdraw from the compact if it provides twelve (12) months'  
 18 notice to the presiding officers of both houses of the legislatures of  
 19 all member states. This notice requirement applies even if the  
 20 compact has not entered into force.

21 (b) Withdrawal under subsection (a) may be accomplished only  
 22 through the same form of legislative action that was employed for  
 23 the initial adoption of the compact.

24 (c) A member state may not withdraw from the compact after  
 25 the date of the passage of the thirty-fourth application for a  
 26 convention of the states on the same topic or subject.

27 Sec. 13. Each member state expressly waives sovereign  
 28 immunity for an action by any other member state to enforce the  
 29 compact in any court with lawful jurisdiction of the subject matter.

30 Sec. 14. The principal clerk of the house of representatives shall  
 31 transmit duly authenticated copies of the compact to the presiding  
 32 officers of each house of the legislatures of all sister states. As a  
 33 courtesy, the principal clerk of the house of representatives shall  
 34 transmit duly authenticated copies of the compact to the presiding  
 35 officers of each house of the Congress of the United States.

