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SENATE BILL No. 210

Proposed Changes to introduced printing by AM021001

DIGEST OF PROPOSED AMENDMENT

Delegate. Clarifies that a reference to a "delegate" for purposes of an Article V convention means a "commissioner" as defined by the Indiana Code.

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
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 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**
11 **convention;**
12 **(2) establishes the delegate's credentials; and**
13 **(3) provides specific instructions as to how delegates shall**
14 **vote or otherwise perform their duties at the convention.**

15 **Sec. 3. For purposes of this chapter, "convention" or**
16 **"convention of the states" means a convention called by the**
17 **Congress of the United States under its mandatory, ministerial**
18 **duty under Article V of the Constitution of the United States upon**
19 **receiving applications for a convention to propose amendments on**
20 **a particular topic or topics from two-thirds (2/3) of the several**

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1 states.

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

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

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

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

19 Sec. 5.5. For purposes of this chapter, a reference to a
 20 "delegate" means a "commissioner" as defined by IC 2-8.2-2-5.

21 1 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
 27 states 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,
 36 as a meeting of equal sovereigns, that the states vote on the
 37 basis 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
 41 convention 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.

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

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

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

39 Sec. 7. The compact for a safe and equal convention of the
40 states is adopted for the purpose of entering into a binding
41 agreement between the State of Indiana and other member states
42 to instruct their delegates to any convention of the states called by

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1 the Congress of the United States under Article V of the
 2 Constitution of the United States in accordance with this chapter.

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

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

8 (2) The convention shall not consider any proposed
 9 amendment on any topic other than the topics or subjects
 10 specifically enumerated in the applications of two-thirds
 11 (2/3) of the several states which formed the basis for the call
 12 of the convention.

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

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

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

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

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

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

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

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



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

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

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

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

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