

2025 -- H 5385

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

JOINT RESOLUTION

RESPECTFULLY REQUESTING A CONVENTION OF THE STATES UNDER ARTICLE V
OF THE UNITED STATES CONSTITUTION

Introduced By: Representatives Corvese, and J. Brien

Date Introduced: February 07, 2025

Referred To: House State Government & Elections

1 WHEREAS, The Founders of our Constitution empowered State Legislators to be
2 guardians of liberty against future abuses of power by the federal government; and

3 WHEREAS, The federal government has created a crushing national debt through
4 improper and imprudent spending; and

5 WHEREAS, The federal government has invaded the legitimate roles of the states
6 through the manipulative process of federal mandates, most of which are unfunded to a great
7 extent; and

8 WHEREAS, The federal government has ceased to live under a proper interpretation of
9 the Constitution of the United States; and

10 WHEREAS, It is the solemn duty of the States to protect the liberty of our people—
11 particularly for the generations to come—by proposing Amendments to the Constitution of the
12 United States through a Convention of the States under Article V for the purpose of restraining
13 these and related abuses of power; now, therefore be it

14 RESOLVED, That this General Assembly of the State of Rhode Island hereby applies to
15 Congress, under the provisions of Article V of the Constitution of the United States, for the
16 calling of a convention of the states limited to proposing amendments to the Constitution of the
17 United States that impose fiscal restraints on the federal government, limit the power and
18 jurisdiction of the federal government, and limit the terms of office for its officials and for
19 members of Congress; and be it further

1 RESOLVED, That the Secretary of State is hereby directed to transmit copies of this
2 application to the President and Secretary of the United States Senate and to the Speaker and
3 Clerk of the United States House of Representatives, and copies to the members of the said
4 Senate and House of Representatives from this State; and also to transmit copies hereof to the
5 presiding officers of each of the legislative houses in the several States, requesting their
6 cooperation; and be it further

7 RESOLVED, That this application constitutes a continuing application in accordance
8 with Article V of the Constitution of the United States until the legislatures of at least two-thirds
9 of the several states have made applications on the same subject; and be it further

10 RESOLVED, That the following are rules to Establish a Process for the Selection and
11 Oversight of Commissioners to an Article V Convention for Proposing Amendments.

12 SECTION 1. Applicability. These rules apply to a convention for proposing amendments
13 held under Article V of the United States Constitution.

14 SECTION 2. Definitions. As used in this rule:

15 A. "Advisory committee" means a committee consisting of members selected by each
16 chamber using the process defined in this resolution to perform the duties defined in this rule;

17 B. "Chamber" means either the Senate or the House of Representatives of the general
18 assembly;

19 C. "Commissioner" means a person selected by resolution of the general assembly as
20 provided herein to represent this state at an Article V convention for proposing amendments;

21 D. "Commissioning resolution" means the resolution adopted by the House of
22 Representatives and Senate of the general assembly which sets forth the names of the appointed
23 commissioners and their commissions and instructions;

24 E. "Delegation" means the group of commissioners and interim commissioners chosen by
25 the general assembly to attend an Article V convention with the powers and duties defined in this
26 resolution;

27 F. "Interim commissioner" means a person selected by the advisory committee pursuant
28 to Section 8 to fill a vacancy in the delegation.

29 SECTION 3. Qualifications of commissioners. At the time of appointment and
30 throughout the Article V convention, a commissioner:

31 A. Shall be a United States citizen and have been such for at least five (5) years;

32 B. Shall be a resident of the state and have been such for at least five (5) years;

33 C. Shall be at least twenty-five (25) years old;

34 D. Shall be a registered voter in this state;

1 E. Shall not be registered or required to be registered as a federal lobbyist at any time
2 within the last five (5) years;

3 F. Shall not currently be a federal employee (other than a member of the United States
4 armed forces) or contractor, nor have been such at any time within the last ten (10) years;

5 G. Shall not have held a federal elected or appointed office at any time within the last ten
6 (10) years;

7 H. Shall not have had any felony convictions for crimes involving moral turpitude in any
8 jurisdiction, nor any felony convictions for any crime in any jurisdiction within the last ten (10)
9 years; and

10 I. Shall not hold a statewide office while performing the duties of commissioner or
11 interim commissioner. For purposes of this section, a position as a state legislator is not deemed a
12 "statewide office."

13 SECTION 4. Commissioner selection and removal.

14 A. Nine (9) commissioners shall be named by a resolution passed by a majority of those
15 present and voting in a joint session of the general assembly. All commissioners shall be
16 appointed by this process.

17 B. The general assembly shall maintain an odd number of commissioners in the
18 delegation.

19 C. A commissioner or interim commissioner may be recalled and/or removed at any time
20 and for any reason by a joint resolution of the general assembly or by a majority of those present
21 and voting in a joint session thereof; and if the general assembly is not in session, may be recalled
22 and suspended from their duties by the advisory committee, pending a vote of the legislature.

23 D. A commissioner or interim commissioner shall be recalled and/or suspended by the
24 advisory committee pursuant to a determination under Section 13 that they have exceeded the
25 scope of their authority.

26 SECTION 5. Commissioning resolution.

27 A. The resolution naming the commissioners shall include their commission. The
28 commission shall include, but shall not be limited to, the following components:

29 1. A commissioner shall not vote for or otherwise promote any change to the traditional
30 convention rule of decision on the floor and in the committee of the whole, to-wit, that each state
31 has one vote.

32 2. A commissioner shall not vote for or otherwise promote a convention rule that does not
33 require recorded roll call votes or the electronic equivalent.

34 3. No proposed amendment shall be germane unless its subject matter is consistent with

1 the resolutions of the legislatures of the several states which were the basis of calling the
2 convention.

3 4. A commissioner shall not vote in favor of any proposed amendment that would alter
4 the text of the specific guarantees of individual liberty established by the Constitution, including
5 the original Constitution, the Bill of Rights, and the following amendments: Thirteenth,
6 Fourteenth, Fifteenth, Nineteenth, Twenty-Third, Twenty-Fourth, and Twenty-Sixth.

7 B. The commissioning resolution shall clearly state the scope of the commissioners'
8 authority, which shall be limited by:

9 1a. If this state was not one of the two-thirds of the states applying for the Convention,
10 the subject matter enumerated in the thirty-four (34) state applications that triggered the
11 convention; or

12 1b. If this state was one of the two-thirds of the states applying for the Convention, the
13 subject matter in this state's application; and

14 2. Any additional instructions from the general assembly, whether in the commissioning
15 resolution or issued thereafter.

16 C. The general assembly may provide additional instructions at any time via subsequent
17 resolution, a copy of which the Clerk of the House of Representatives shall provide to each
18 commissioner and to the advisory committee.

19 SECTION 6. Oath.

20 A. Each commissioner shall, before exercising any function of the position, execute the
21 following oath in writing: "I do solemnly swear (or affirm) that I accept and will act according to
22 the limits of authority specified in my commission and any present or subsequent instructions. I
23 understand that violating this oath may subject me to penalties provided by law. I understand that
24 I may be recalled or suspended from my duties by the general assembly or the advisory
25 committee. "

26 B. A commissioner's executed oath shall be filed with the Secretary of State.

27 SECTION 7. Credentials.

28 After a commissioner's executed oath is filed with the Secretary of State, the Clerk of the
29 House of Representatives shall provide to the commissioner an official copy of the executed oath
30 and the commissioning resolution, which together shall serve as the commissioner's credentials.

31 SECTION 8. Vacancies.

32 Any vacancies shall be filled by the advisory committee's selection of an interim
33 commissioner until such time as a vote by a joint session of the legislature shall select a
34 permanent replacement.

1 SECTION 9. Compensation and expenses.

2 A. A commissioner shall receive the same compensation as a member of the House of
3 Representatives of this state, prorated for length of time served.

4 B. A commissioner is entitled to receive the same allowance for expenses as provided for
5 by current State of Rhode Island Travel Policy.

6 SECTION 10. Emolument and gift prohibition.

7 Neither a commissioner nor an interim commissioner shall accept, during their time of
8 service, any gifts or benefits with a combined value of more than two hundred dollars (\$200),
9 other than from a member of their family and of the kind customarily granted by a member of
10 one's family. The term "gift or benefit" shall be construed liberally to include current and future
11 loans, lodging, food, offer of prospective employment, and other actual and prospective benefits.
12 An employer's decision to continue paying a commissioner's current salary shall not be construed
13 to be a gift.

14 SECTION 11. Quorum, conduct, and rule of decision within the delegation.

15 A. The commissioners within the delegation (including any interim commissioners filling
16 a vacancy) shall choose from among them a person who shall chair the delegation, a person who
17 shall cast the state's vote on the convention floor, and a person to speak to the mass media on
18 behalf of the delegation. If the delegation so decides, the same person may exercise any two (2)
19 or all three (3) functions. The delegation may designate a different commissioner to perform any
20 function at any time.

21 B. Each commissioner shall take care to avoid communicating the impression to any
22 person outside the delegation that the delegation is divided on a question on which the delegation
23 has taken a formal position, including, but not limited to, casting a vote.

24 C. No commissioner other than the one designated to communicate with the mass media
25 on behalf of the delegation shall communicate with the mass media about convention business
26 during the convention or during any temporary recess or temporary adjournment.

27 D. A commissioner violating Section 11(B) or (C) may be suspended or recalled by the
28 advisory committee or by the general assembly.

29 E. Sections 11(B) and (C) shall not be construed to prevent a commissioner from
30 presenting their opinions to the convention or debating a matter at the convention on which their
31 delegation has not formally taken a position.

32 F. The quorum for decision by the delegation—including the designation of
33 commissioners for particular duties and the determination of how the state's vote shall be cast—
34 shall be a majority present and voting at the time the delegation is polled. No decisions shall be

1 made and no vote shall be cast if less than a majority of the delegation votes in the poll.

2 G. The rule of decision for the delegation, a quorum being present, shall be a majority of
3 those present and voting at the time of polling.

4 SECTION 12. Article V commissioner advisory committee.

5 A. The advisory committee shall consist of the following members:

6 1. A state senator appointed by the president of the senate;

7 2. A state representative appointed by the speaker of the house;

8 3. A member of the legislature nominated by joint action of the president of the senate
9 and the speaker of the house of representatives and approved by the majority of those voting in
10 each chamber.

11 B. The advisory committee shall select one of its members as chair.

12 C. A commissioner may request that the advisory committee advise them as to whether a
13 prospective action by the commissioner would violate the commissioning resolution or any
14 subsequent instructions.

15 D. The advisory committee:

16 1. Shall communicate to the commissioner requesting such advice a determination within
17 twenty-four (24) hours of receiving the request.

18 2. May communicate such determination by any appropriate medium.

19 3. Shall have authority to hire staff and develop appropriate procedures and mechanisms
20 for monitoring the convention, its committees, and subcommittees.

21 SECTION 13. Monitoring the exercise of commissioner authority.

22 A. Whenever the advisory committee has reason to believe that a commissioner or
23 interim commissioner has exceeded the scope of their authority, the committee shall notify the
24 speaker of the house, the president of the senate, and the attorney general.

25 B. Upon the request for a determination by the speaker of the house, the president of the
26 senate, or the attorney general on whether a commissioner or interim commissioner has exceeded
27 the scope of their authority, the advisory committee shall issue a determination on whether the
28 commissioner or interim commissioner did exceed their authority. The determination shall be
29 expeditiously made and immediately communicated to the person requesting it.

30 C. Upon determining that a commissioner or interim commissioner has exceeded the
31 scope of their authority pursuant to Section 13(A) or (B), the advisory committee shall
32 immediately exercise its authority under Section 4 to remove said commissioner, and shall
33 communicate said action and the reasons therefor to the speaker of the house, the president of the

1 senate, the attorney general, and the presiding officers of the convention.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
JOINT RESOLUTION
RESPECTFULLY REQUESTING A CONVENTION OF THE STATES UNDER ARTICLE V
OF THE UNITED STATES CONSTITUTION

1 This joint resolution is a continuing resolution that petitions the United States Congress
2 to call a convention for the purpose of proposing amendments to the Constitution of the United
3 States that impose fiscal restraints on the federal government, limit the power and jurisdiction of
4 the federal government, and limit the terms of office for its officials and for members of
5 Congress. The resolution also provides a procedure for appointing commissioners to represent the
6 state at said constitutional convention.

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