

Amendment No. \_\_\_\_\_

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Signature of Sponsor

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2452**

**House Bill No. 1973\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 18, is amended by deleting the chapter and substituting instead the following:

**3-18-101. Applicability.**

This chapter applies to any convention of states.

**3-18-102. Definitions.**

As used in this chapter:

(1) "Advisor" means a person who is selected by joint resolution of the general assembly as provided by this chapter to advise commissioners and the general assembly during a convention of states;

(2) "Alternate commissioner" means a person selected by joint resolution of the general assembly as an alternate commissioner as provided by this chapter;

(3) "Article V convention" means a convention of states for proposing amendments to the Constitution of the United States called pursuant to Article V of the Constitution of the United States;

(4) "Business day" means a weekday excluding any state-recognized holiday;

(5) "Chamber" means either the senate or the house of representatives of the general assembly;



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(6) "Commissioner" means a person who is selected by joint resolution of the general assembly as provided by this chapter to represent this state at a convention of states or a person selected to represent another state according to the laws, resolutions, or procedures defined by that entire state legislature;

(7) "Controlling resolution" means a joint resolution of the general assembly passed pursuant to § 3-18-103(a) or (b);

(8) "Convention of states":

(A) Means a multi-state meeting initially called by a resolution of the entire state legislature of one (1) of the several states and attended by commissioners selected through the process defined by the entire legislature of one (1) or more of the several states; and

(B) Includes Article V conventions, unless specifically excluded;

(9) "Convention of states joint committee" means a committee consisting of members of the general assembly selected by each chamber using the process defined in this chapter to perform duties defined in this chapter related to a convention of states;

(10) "House of representatives" means the house of representatives of the general assembly;

(11) "Paired commissioner" means the commissioner with whom an alternate commissioner is paired as provided by this chapter;

(12) "Representative" means a current duly elected member of the house of representatives;

(13) "Resident" means a citizen of the United States eighteen (18) years of age or older who has resided within the boundaries of this state for not less than one (1) year;

(14) "Senate" means the senate of the general assembly; and

(15) "Senator" means a current duly elected member of the senate.

**3-18-103. Participation in a convention of states and the controlling resolution.**

(a) In the case of a convention of states which is not an Article V convention:

(1) The general assembly may initiate a call for other states to join a convention of states by passing a joint resolution that limits the topics to be addressed by commissioners, alternate commissioners, and advisors who attend the convention; and

(2) The general assembly shall not participate in a convention of states called by another of the several states until the general assembly passes a joint resolution that limits the topics to be discussed by commissioners, alternate commissioners, and advisors who attend the convention.

(b) In the case of an Article V convention:

(1) If the general assembly has passed a resolution applying for a convention of states and the United States congress relies on that resolution to determine that two-thirds (2/3) of the states have applied for an Article V convention on the same topic, such resolution limits the topics to be addressed by commissioners, alternate commissioners, and advisors who attend the convention; and

(2) If the United States congress calls for an Article V convention based on applications from other states and does not use any application from the general assembly in determining that the required two-thirds (2/3) of states have

applied for that Article V convention, the general assembly shall consider whether to participate in such Article V convention. The general assembly may choose to participate in such Article V convention by passing a joint resolution that limits the topics to be discussed by commissioners, alternate commissioners, and advisors who attend such Article V convention.

(c) For any convention of states, including Article V conventions, the general assembly must not incur any expense related to any convention of states for which a controlling resolution has been passed pursuant to subsection (a) or (b) until and unless the general assembly passes additional resolutions as defined in this chapter.

(d) For any convention of states, including Article V conventions:

(1) Any time after any general assembly passes a controlling resolution calling for participation in a convention of states pursuant to subsection (a) or (b), the general assembly may, by passing additional joint resolutions, prepare for such convention by:

(A) Creating a website pursuant to § 3-18-106;

(B) Passing a joint resolution proposing convention rules pursuant to § 3-18-122;

(C) Passing a joint resolution listing proposals to be submitted to such convention pursuant to § 3-18-123; and

(D) Passing a joint resolution providing instructions to commissioners, alternate commissioners, and advisors pursuant to § 3-18-124; and

(2) Prior to taking any of the actions authorized in subdivision (d)(1), the general assembly must pass a joint resolution to create a convention of states joint committee pursuant to § 3-18-105.

**3-18-104. Sessions of the general assembly related to a convention of states.**

(a) If the legislature of another state passes a resolution calling for a convention of states and the general assembly is in regular session, the general assembly may consider whether to participate in that convention of states during that regular session or in later regular sessions.

(b) If the legislature of another state passes a resolution calling for a convention of states and the general assembly is not in regular session, the general assembly may consider whether to participate in that convention of states in the next regular general assembly session. However, if the governor or general assembly determines the topic of the proposed convention of states requires urgent attention by the general assembly, the governor may call a special session pursuant to Article III, § 9 of the Constitution of Tennessee or the general assembly may call a special session pursuant to Article II, § 8 of the Constitution of Tennessee for the limited purposes of considering whether the general assembly should pass a joint resolution calling for this state to participate in that convention and to take any further actions pursuant to this chapter.

(c) If this state has chosen to participate in a convention of states and the general assembly is not in session on the date one hundred fifty (150) days prior to the start of that convention of states, the governor shall call the general assembly into special session pursuant to Article III, § 9 of the Constitution of Tennessee at least one hundred fifty (150) days prior to the start of the convention of states for the purpose of taking the actions prescribed in this chapter. Regardless of the number of days prior to the start of an Article V convention, if an Article V convention is called by the United States congress when the general assembly is not in session, the governor shall immediately call the general assembly into special session pursuant to Article III, § 9 of the Constitution of Tennessee for the purposes of taking the actions prescribed in this chapter.

(d) The general assembly shall remain in regular session or special session until at least twenty (20) business days after the convention of states permanently adjourns, but the general assembly shall adjourn until such time when debates or votes are required that are related to any convention of states in progress unless other business is being conducted by the general assembly unrelated to the convention of states. While the general assembly is so adjourned, no additional expenses shall be incurred related to the convention of states by members of the general assembly who are not members of the convention of states joint committee.

**3-18-105. Convention of states joint committee.**

(a) At least one hundred fifty (150) calendar days prior to the start of a convention of states, or in the case of an Article V convention, immediately after the Article V convention is called by the United States congress, the senate and the house of representatives shall announce a period of at least five (5) business days in which the members shall receive comment from the public regarding which senators and representatives will be appointed to a convention of states joint committee.

(b) After receiving public comment pursuant to subsection (a), the general assembly shall determine by joint resolution the number of members each chamber must appoint to the convention of states joint committee, which must be a minimum of fifteen percent (15%) of the members from each chamber, and the percentages from each chamber must be within five percent (5%) of the other chamber. The number of members from each chamber must be an odd number.

(c) After determining the number of members of each chamber to be appointed pursuant to subsection (b), the senate and the house of representatives shall select members of the convention of states joint committee.

Individual senators and representatives, prior to the vote, may announce their desire to not be considered to serve on the convention of states joint committee. Each member of each chamber shall receive a number of votes equal to the number of committee members to be appointed by that member's chamber. The members shall vote by secret ballot. The votes in each chamber must be counted by the parliamentarian of that chamber. The members from each chamber must be appointed according to the following process:

(1) The members of each chamber must be ranked according to the number of votes received, with the members receiving the most votes appearing first and the members receiving the least votes appearing last. If two or more members receive the same number of votes, those members so tied must be ranked from highest to lowest according to the number of years of lifetime service in the general assembly. If those members so tied are also tied by the number of years of lifetime service in the general assembly, they must be ordered according to their ages with the oldest member appearing first;

(2) The parliamentarian shall assign each member of each chamber to a grand division of the state, as defined in title 4, chapter 1, part 2. A member whose district completely coincides geographically with a grand division must be assigned to that grand division. If a member's district crosses grand divisions geographically, that member shall be assigned to the grand division in which the majority of that member's district overlaps geographically;

(3)

(A) The parliamentarian of each chamber shall identify the statewide political party of each member in their chamber. The member's statewide political party must be the statewide political

party in which that member participated in the primaries in the most recent election to the member's current seat. Any members who did not participate in a primary in the most recent election for their current seat shall declare a statewide political party for the purposes of this section; and

(B) The parliamentarian shall count the total number of members of each statewide political party in the chamber and determine the percentage of the total membership each statewide political party represents of that chamber. The parliamentarian should then multiply the percentage of each political party by the number of members to be appointed to the committee for that chamber and round the results up or down to the nearest whole numbers with any result having a partial number of exactly five tenths (0.5) or greater being rounded up, giving the number of members from each statewide political party to be appointed to the committee for that chamber. After the parliamentarian's calculation, if a statewide political party is entitled to less than one-half ( $1/2$ ) of a member, which is rounded down to zero, then that statewide political party will receive no members from that chamber on the convention of states joint committee. If, due to rounding issues, the total number of members across all parties is not equal to the total number of members to be appointed to the committee, then the largest political party shall add or remove members as needed to obtain the exact total number of members to be appointed from that chamber; and

(4) The members in each chamber must be added to the committee starting with the members with the highest ranking under



subdivision (c)(1) and continuing down the ranked list until the required number of members have been added; provided, that:

(A) By the end of the process, no grand division of the state shall have greater than one (1) member more than the other grand divisions assigned to the committee unless there are insufficient members from a grand division who received at least one (1) vote. If the addition of a member to the committee would cause the representation of that grand division on the committee to be greater than one (1) member more than the other grand divisions at the end of the appointment process, unless there are insufficient members from a grand division receiving at least one (1) vote, that member must not be assigned and the process of assignment must continue with the next member in the ranked list; and

(B) Once the number of members that each statewide political party is entitled to pursuant to subdivision (c)(3) has been assigned, no more members of that statewide political party may be assigned unless there are insufficient members of another statewide political party receiving at least one (1) vote.

(d) After the members from both chambers are selected pursuant to subsection (c), the speaker of the senate shall identify and announce the initial chair of the committee, who must be the member of the joint committee, either senator or representative, with the greatest number of years of service in the general assembly. In the case of a tie in the number of years of service in the general assembly, the initial chair must be the oldest member by physical age among those so tied.

(e) The initial chair of the convention of states joint committee shall call the first meeting of the committee within five (5) business days of being appointed. The initial chair's sole duty is to preside over the election of a chair of the convention of states joint committee from among the members of the convention of states joint committee. Such election must be conducted by secret ballot among all of the members of the joint committee in a joint ballot.

(f) After the election of the chair, the convention of states joint committee shall elect a vice chair from among the members of the convention of states joint committee. Such election must be conducted by secret ballot among all of the members of the joint committee in a joint ballot. The vice chair shall perform the duties of the chair in the absence of the chair.

(g) The convention of states joint committee has a quorum when there is a majority of members from the senate present and a majority of the members from the house of representatives present. Members of the committee shall not be absent from committee hearings without one of the excuses allowed for sessions of that member's chamber. The chair of the joint committee shall instruct the sergeant-at-arms of the chamber of any missing member to compel the attendance of missing members absent without an acceptable excuse.

(h) When a vote is taken in the convention of states joint committee, the votes of the members of each chamber must be counted separately, and action may only be taken when a majority of the members from both chambers concur, except as otherwise specified in this chapter.

(i) All votes taken by the convention of states joint committee must be by roll call unless otherwise specified in this chapter.

(j) Following the creation of the convention of states joint committee, the senate and the house of representatives shall follow their existing rules to appropriate funds for the operations of the convention of states joint committee,

including the creation of the public website used by the convention of states joint committee and any additional staffing requirements of the convention of states joint committee as a whole and of the members of that committee. Such appropriations must be from the funds of the general assembly and must be given the highest priority in the state budget.

**3-18-106. Website and communications with the public.**

(a) The chair of the convention of states joint committee shall cause a public website to be created that must be used by the committee to communicate to the public and to receive comments from registered voters of this state regarding all aspects of the convention of states. This website may be an extension of any then-existing general assembly website.

(b) The chair of the convention of states joint committee shall cause to be published a journal of all the committee proceedings on the website that must include a word-for-word text transcript of all hearings of the committee.

(c) The chair of the convention of states joint committee shall cause all hearings of the convention of states joint committee to be broadcast live on the website.

(d) The chair of the convention of states joint committee shall cause video and audio recordings to be created and to be made available on the public website within twenty-four (24) hours of the recorded event.

(e) The website must have a provision for each registered voter to create a password-protected account. To create an account, a registered voter must provide a valid state identification card at the voter registration office in that registered voter's county of residence. The registered voter shall also provide the voter's name and physical address. The voter registration clerk shall verify the identity of the voter and verify that the voter is registered to vote in that county. Upon verification, the voter shall provide an email address to the clerk.

Depending on the design of the website, the voter registration clerk shall use that email address to create a username or shall forward that email address to a person identified by the convention of states joint committee who shall cause a username to be created. When user names are created, the person creating the username should provide to the system the full name, physical address, county, and email address of the registered voter. Once the username is created, the website must send an email to the voter using the email address provided by the person, and such email must contain a link to a page on the website which allows that person to create a password.

(f) The website must permit registered voters in this state who create accounts pursuant to subsection (e) to post comments on any document published on the website and provide a means for commenting on the comments of other users. Only registered voters who create accounts pursuant to subsection (e) may post comments on the website. The system must display on any comment the first and last initials and the county of the person posting a comment but must not display that person's physical address or email address. The website must block or redact comments containing profanity. The website must allow users to mark comments by other users as off-topic or profane. The chair of the convention of states joint committee shall appoint one or more committee staff members to monitor the comments posted who shall remove or redact any comments which are off-topic or profane.

(g) After the creation of the website pursuant to subsection (a), the convention of states joint committee shall cause advertisements to be published in at least one (1) newspaper of general circulation in each county of this state. Such advertisements must be run in the Sunday edition, be at least one-quarter (1/4) of a page, and be located within the first section of the newspaper. The advertisement must provide the website address, describe the method by which

a registered voter may create an account, describe the purpose and content of the website, and encourage citizens to participate by reviewing the content of the website and providing comments on the documents posted there.

**3-18-107. Proposal of the number of commissioners and quorums at the convention.**

(a) Immediately after electing a chair, the convention of states joint committee shall determine the number of commissioners that the state will send to the convention of states, which must number no fewer than five (5) and the total of which must be an odd number. In making the determination, the committee should consider the number of committees and subcommittees that the convention may create, ensuring that this state has sufficient commissioners to allow at least one (1) commissioner per convention committee and subcommittee with no commissioner serving on more than one (1) convention committee, and for that committee on which a commissioner serves, no more than one (1) subcommittee.

(b) The convention of states joint committee shall determine the number of commissioners required to be present to form a quorum for the delegation to issue a vote for this state on the floor of the convention or in a committee of the whole, which must be at least a simple majority of all commissioners commissioned and sent to the convention by the general assembly.

(c) The convention of states joint committee shall determine the number of commissioners required to be present to constitute a quorum for the delegation to issue a vote for this state in a committee or subcommittee of the convention, which must be at least a majority of commissioners appointed to that committee or subcommittee.

**3-18-108. Required qualifications for commissioners and alternate commissioners.**

(a) To be appointed as a commissioner or an alternate commissioner, a person:

(1) Must be a United States citizen for not less than five (5) years immediately preceding the date of appointment;

(2) Must be a resident of this state not less than five (5) years immediately preceding the date of appointment;

(3) Must have attained the age of twenty-five (25) prior to the date of appointment;

(4) Must have been a registered voter in this state for not less than five (5) years immediately preceding the date of appointment;

(5) Must have voted in at least three (3) of the most recent five (5) statewide general elections in this state immediately preceding the date of appointment;

(6) Must have no convictions for a felony or a crime of moral turpitude in any state within ten (10) years immediately preceding the date of appointment;

(7) In the ten (10) years immediately preceding the date of appointment, has not, or has not been required to be, registered as a lobbyist under chapter 6, part 3 of this title or under 2 U.S.C. § 1603, or rules or regulations adopted under such laws;

(8) Does not hold, or has not held in the ten (10) years immediately preceding the date of appointment, any federal elected or appointed office, except in connection with military service;

(9) Is not receiving, or has not received in the ten (10) years immediately preceding the date of appointment, any form of compensation from the federal government for services rendered as an employee or independent contractor, or arising out of any direct or

indirect contractual relationship, with the federal government, except if received in connection with United States military service, veteran's benefits, or social security benefits;

(10) Is not a senator or representative; and

(11) Is not an immediate family member of a senator or representative. For purposes of this section, "immediate family member" means parents, siblings by birth or adoption, spouses, children by birth or adoption, any current or former dependents who have lived in the home of the member, parents of spouses, siblings of spouses by birth or adoption, children of spouses by birth or adoption, and dependents or former dependents of spouses who have lived in the home of the spouse, including during periods prior to becoming the spouse of the member.

(b) A person who is selected as a commissioner or alternate commissioner is ineligible to become a member of the senate or house of representatives or hold the office of governor if the commencement of the person's term after election is within three (3) years following the permanent adjournment of the convention of states, regardless of whether the commissioner or alternate commissioner remained in the position until the permanent adjournment of the convention or left the convention prior to the permanent adjournment of the convention.

**3-18-109. Identification of desired qualifications for commissioners and alternate commissioners.**

(a) The convention of states joint committee shall announce a period of at least five (5) business days to receive public comment on the desired qualifications for commissioners and alternate commissioners for the convention of states.

(b) During the public comment period prescribed in subsection (a), the convention of states joint committee shall conduct at least three (3) public hearings regarding the desired qualifications of commissioners, at least one (1) of which must be conducted on a Saturday and at least two (2) of which must be conducted on separate calendar weeks. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be permitted to speak for at least three (3) minutes regarding the qualifications of the commissioner nominees. The committee may require speakers to register to speak up to one (1) business day in advance and the committee may adjourn early if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance.

(c) After the conclusion of the public comment period prescribed in subsection (a), the convention of states joint committee shall develop and publish a list of desired qualifications for commissioners and alternate commissioners. Within that list of desired qualifications, the committee shall develop and publish a numeric weighted ranking system in which each desired qualification receives a weighted value to be used in the ranking of potential commissioners and alternate commissioners in which higher weights are given to desired qualification areas of higher importance as determined by the committee and lower weights are assigned to desired qualification areas of lower importance as determined by the committee.

**3-18-110. Applications for commissioners and alternate commissioners.**

(a) The convention of states joint committee shall create an application form for commissioners and alternate commissioners. The commissioner application form must be made available for download from the public website. A hard copy of the commissioner application form also must be mailed to potential



commissioner applicants upon request, made to the office of any member of the convention of states joint committee. The application form must contain the following:

(1) The name and address of the person assigned by the convention of states joint committee to receive the commissioner application form;

(2) The date and time by which application forms must be returned by commissioner applicants, which period must be at least ten (10) business days after the commissioner application form is published;

(3) Checkboxes in which the commissioner applicant may indicate that the applicant meets the minimum qualifications set forth in § 3-18-108 and a list of the required documentation for purposes of demonstrating the commissioner applicant meets the requirements;

(4) Sufficient space for the commissioner applicant to summarize the applicant's qualifications as determined by the joint committee pursuant to § 3-18-109;

(5) Lines for up to fifty (50) residents of this state who are registered to vote within this state to print the resident's name, address, and county, and to provide such resident's signature;

(6) Lines for the signature of the commissioner applicant with words attesting that the applicant meets the minimum qualifications and is willing to serve as a commissioner or alternate commissioner; and

(7) Sufficient space for the complete contact information for the commissioner applicant, including phone numbers, email address, physical address, and mailing address.

(b) During the commissioner application period, persons wishing to apply shall complete the commissioner application form.

(c) The commissioner applicants shall deliver the completed, original forms and attached documentation to the person named by the convention of states joint committee on the commissioner application form at the address specified on the commissioner application form by the date and time specified by the convention of states joint committee.

(d) After the end of the application period, the staff of the convention of states joint committee shall confirm the required qualifications for each applicant, including verification of the information of twenty-five (25) of the resident registered voters who signed the application form. If the staff of the committee is unable to confirm the minimum qualifications for a commissioner applicant or cannot verify that at least twenty-five (25) resident registered voters signed the application, the staff members shall notify the commissioner applicant by phone, email, and mail and provide the commissioner applicant five (5) business days after the notice to provide required missing documentation or signatures of resident registered voters. Commissioner applicants who are unable to demonstrate that they meet the minimum qualifications in the notice period are ineligible to be commissioners or alternative commissioners.

(e) After confirming the minimum requirements, the convention of states joint committee shall publish the validated commissioner application forms. The committee shall publish only the form, with the applicant's contact information redacted, and any attached additional descriptions of the commissioner applicant's qualifications, but shall not publish the other supporting documentation.

**3-18-111. Evaluation of applicants for commissioner and alternate commissioner.**

(a) After the application period and the validation of minimum requirements for applicants pursuant to § 3-18-110, the convention of states joint

committee shall evaluate the desired qualifications of each applicant and assign a point value of zero (0) to one hundred (100) based on how well each applicant meets each desired qualification. Zero (0) must be assigned to applicants who have no qualifications, and one hundred (100) must be assigned to applicants with the highest qualifications among all applicants. Each value must be multiplied by the weight assigned by the committee for each qualification pursuant to § 3-18-109(c), to obtain a score for each commissioner applicant as to each qualification. The scores for each commissioner applicant across all qualification areas must be totaled to obtain an overall score for each commissioner applicant.

(b) After calculating the scores for each commissioner applicant, the committee shall publish the values, detailed scores as to each qualification, and the overall scores for each commissioner applicant.

(c) For a period of five (5) business days after the scores are published, any commissioner applicant or any senator or representative may make a written and signed appeal of the values and scores assigned to any commissioner applicant. The convention of states joint committee shall consider such appeals in session and shall vote to keep or change the values for the appealing commissioner applicant or the values of other commissioner applicants to address any such appeals.

**3-18-112. Proposal of commissioners, selection of alternate commissioners, and pairing of alternate commissioners to commissioners.**

(a) The convention of states joint committee shall rank the commissioner applicants based on the final overall score of each commissioner applicant pursuant to § 3-18-111. In the case of ties, the commissioner applicants must be ordered in alphabetical order by last name, first name, and middle name.

(b) The convention of states joint committee shall identify four (4) times the required number of commissioners from the highest-ranked applicants on the list from which commissioners and alternate commissioners shall be proposed by the convention of states joint committee.

(c) The convention of states joint committee shall vote to select commissioners from among those commissioner applicants identified in subsection (b). For this selection process, each member of the committee has the same number of votes as the number of commissioners to be selected. The vote must be by secret ballot. Notwithstanding § 3-18-105(h), the commissioner applicants receiving the most votes among both senators and representatives on the joint committee in a single joint vote must be proposed as the commissioners.

(d) After selecting commissioners pursuant to subsection (c), the convention of states joint committee shall select alternate commissioners from among the applicants identified in subsection (b), but not selected as commissioners in subsection (c). For this selection process, each member of the committee has the same number of votes as the number of alternate commissioners to be selected. The vote must be by secret ballot. Notwithstanding § 3-18-105(h), the commissioner applicants receiving the most votes among both senators and representatives on the joint committee in a single joint vote must be proposed as the alternate commissioners.

(e) After selecting the proposed commissioners and alternate commissioners, the convention of states joint committee shall pair each alternate commissioner to a commissioner.

(f) During the convention of states, each alternate commissioner must accompany the paired commissioner at official meetings and be ready to assume that commissioner's duties at any time pursuant to subsection (g).

(g) An alternate commissioner shall fulfill the duties of the paired commissioner if such commissioner is unable to perform the commissioner's duties. If a commissioner is unable to fulfill any duties for a period of five (5) consecutive business days, the alternate commissioner automatically and permanently replaces the paired commissioner and a replacement alternate commissioner must be appointed pursuant to § 3-18-130.

**3-18-113. Proposal and duties of the delegation chair.**

(a) The convention of states joint committee shall select a proposed delegation chair from among the proposed commissioners.

(b) The delegation chair shall conduct internal votes of the delegation on the floor of any convention and in any committee of the whole, and the delegation chair shall present this state's vote to the convention.

(c) The delegation chair shall cause to be recorded the vote of each commissioner on the floor of the convention, in a committee of the whole and in any committees and subcommittees of the convention and report such votes to the convention of states joint committee on not less than a weekly basis. If the convention provides a means for the votes of each commissioner to be recorded in the journal of the convention, the delegation chair shall report the vote of each commissioner to the convention.

(d) If the general assembly does not provide instructions otherwise, the delegation chair shall conduct votes by secret ballot among the commissioners in the delegation to determine which commissioners must be appointed to which committees. If more than one (1) commissioner is assigned to a committee, the delegation chair shall conduct a vote by secret ballot among the commissioners assigned to a committee to select a chair from among the members on that committee. In the case of tie votes, the commissioner with the highest overall

score under § 3-18-111(a) must become be the chair of the members on that committee.

(e) If the general assembly does not provide instructions otherwise, the chair of this state's commissioners on a committee shall conduct a vote by secret ballot among this state's commissioners on that committee to select commissioners to serve on any subcommittees of that committee. If more than one (1) commissioner is appointed to a subcommittee, the chair of this state's commissioners of the committee shall conduct a vote by secret ballot among this state's commissioners of the committee to select a chair of this state's commissioners of that subcommittee. In the case of tie votes, the commissioner with the highest total score identified in § 3-18-111(a) must become the chair of this state's commissioners on that subcommittee.

(f) The chair of this state's commissioners on a committee or subcommittee shall conduct internal votes of the members of that committee or subcommittee and announce the vote for this state. If the convention provides a means for the votes of each commissioner on a committee or subcommittee to be recorded in the journal of the committee or subcommittee, the chair of this state's commissioners on that committee or subcommittee shall report the vote of each such commissioner on a committee or subcommittee, and shall also report the votes of the commissioners on that committee or subcommittee to the chair of this state's delegation on at least a weekly basis.

(g) If the general assembly does not provide instructions otherwise, the delegation chair shall conduct votes by secret ballot among the commissioners in the delegation to assign, or at any time during the convention to reassign, advisors to committees and subcommittees of the convention. Whether assigned by instructions of the general assembly or by votes of the commissioners, the following applies:

(1) At least one (1) advisor must be assigned to each committee and subcommittee; and

(2) An advisor may be assigned to more than one (1) committee or subcommittee and more than one (1) advisor may be assigned to a committee or subcommittee.

(h) The paired alternate commissioner for the delegation chair must serve as the delegation chair in the event the commissioner selected as the delegation chair is unable to fulfill the duties of the delegation chair.

**3-18-114. Proposal of the number of advisors.**

After determining the number of commissioners to be appointed to the delegation, pursuant to § 3-18-107(a), the convention of states joint committee shall propose the number of advisors the state must send to the convention of states, which must be equal to the number of commissioners deemed necessary under § 3-18-107(a).

**3-18-115. Required qualifications for advisors.**

(a) To be appointed as an advisor, a person:

(1) Must be a United States citizen for not less than five (5) years immediately preceding the date of appointment;

(2) Must be a resident of this state for not less than five (5) years immediately preceding the date of appointment;

(3) Must have attained the age of twenty-five (25) prior to the date of appointment;

(4) Must be a registered voter in this state for not less than five (5) years immediately preceding the date of appointment;

(5) Must have voted in at least three (3) of the five (5) statewide general elections in this state immediately preceding the date of appointment;

(6) Must have no convictions for a felony or a crime of moral turpitude in any state within the ten (10) years immediately preceding the date of appointment;

(7) In the ten (10) years immediately preceding the date of appointment, has not or has not been required to be registered as a lobbyist under chapter 6, part 3 of this title or under 2 U.S.C. § 1603, or rules or regulations adopted under such laws;

(8) Does not hold, or has not held in the ten (10) years immediately preceding the date of appointment, any federal elected or appointed office, except in connection with military service;

(9) Is not receiving, or has not received in the ten (10) years immediately preceding the date of appointment, any form of compensation from the federal government for services rendered as an employee or independent contractor, or arising out of any direct or indirect contractual relationship, with the federal government, except if received in connection with United States military service, veteran's benefits, or social security benefits;

(10) Is not a senator or representative; and

(11) Is not an immediate family member of any senator or representative. For purposes of this section, "immediate family member" means parents, siblings by birth or adoption, spouses, children by birth or adoption, any current or former dependents who have lived in the home of the member, parents of spouses, siblings of spouses by birth or adoption, children of spouses by birth or adoption, and dependents or former dependents of spouses who have lived in the home of the spouse, including during periods prior to becoming the spouse of the member.



(b) A person selected as an advisor is ineligible to become a member of the senate or house of representatives or hold the office of governor if the commencement of the person's term after election is within three (3) calendar years following the permanent adjournment of the convention of states.

**3-18-116. Identification of desired qualifications for advisors.**

(a) The convention of states joint committee shall announce a period of at least five (5) business days to receive public comment on the desired qualifications for advisors for the convention of states. This period must include at least one (1) business day from each of two (2) separate weeks.

(b) During the public comment period prescribed in subsection (a), the convention of states joint committee shall conduct at least three (3) public hearings regarding the desired qualifications of advisors. At least one (1) of those hearings must be conducted on a Saturday. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be permitted to speak for at least three (3) minutes regarding the qualifications for advisor applicants. The committee may require speakers to register to speak up to one (1) business day in advance and the committee may adjourn early if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance.

(c) After the public comment period prescribed in subsection (a), the convention of states joint committee shall develop and publish a list of desired qualifications for advisors. The committee also shall develop a numeric weighted ranking system in which each qualification receives a weighted value which will be used in the ranking of potential advisors.

**3-18-117. Applications for advisors.**

(a) The convention of states joint committee shall create an application form for advisors. The advisor application form must be made available for download from the public website. A hard copy of the form also must be mailed to potential advisor applicants and, upon request, to the office of any member of the convention of states joint committee. The advisor application form must consist of:

(1) The name and address of the person assigned by the convention of states joint committee to receive the advisor application form;

(2) The date and time by which advisor application forms must be returned by advisor applicants, which must be not less than ten (10) business days after the application form is published;

(3) Checkboxes in which the advisor applicant may indicate that the applicant meets the minimum qualifications set forth in § 3-18-115 and a list of the required documentation for purposes of demonstrating the advisor applicant meets the requirements;

(4) Sufficient space for the advisor applicant to summarize the applicant's qualifications as determined by the joint committee pursuant to § 3-18-116(c);

(5) Lines for fifty (50) residents of this state who are registered to vote within this state to print the resident's name, address, and county, and to provide such resident's signature;

(6) Lines for the signature of the advisor applicant with words attesting that the applicant meets the minimum qualifications and is willing to serve as an advisor; and

(7) Sufficient space for the complete contact information for the advisor applicant, including phone numbers, email address, mailing address, and physical address.

(b) During the advisor application period, persons wishing to apply shall complete the advisor application form.

(c) The advisor applicants shall deliver the completed, original forms and attached documentation to the person named by the committee on the advisor application form at the address specified on the advisor application form by the date and time specified on the application form by the convention of states joint committee.

(d) After the end of the application period, the staff of the convention of states joint committee shall confirm the required qualifications for each advisor applicant, including verification of the information of at least twenty-five (25) of the resident registered voters who signed the application form. If the staff of the convention of states joint committee is unable to confirm the minimum qualifications for an advisor applicant or cannot verify that at least twenty-five (25) resident registered voters signed the application, the staff members shall notify the advisor applicant by phone, email, and mail and provide the advisor applicant five (5) business days to provide required missing documentation or signatures of resident registered voters. Advisor applicants who are unable to demonstrate that they meet the minimum qualifications by the end of the notice period are ineligible to be advisors.

(e) After confirming the minimum requirements, the convention of states joint committee shall publish the validated advisor application forms. The committee shall publish only the form, with the applicant's contact information redacted, and any attached additional descriptions of the advisor applicant's qualifications, but shall not publish the other supporting documentation.

**3-18-118. Evaluation of applicants for advisor.**

(a) After the application period and the confirmation of minimum requirements for applicants, pursuant to § 3-18-117, the convention of states joint committee shall evaluate the desired qualifications of each advisor applicant and assign a point value of zero (0) to one hundred (100) based on how well each advisor applicant meets each desired qualification. Zero (0) must be assigned to advisor applicants who have no qualifications and one hundred (100) must be assigned to advisor applicants with the greatest qualifications among all advisor applicants. Each value must be multiplied by the weight assigned by the committee for each desired qualification pursuant to § 3-18-116(c) to obtain a score for each advisor applicant as to each desired qualification. The scores for each advisor applicant across all desired qualification areas must be totaled to obtain an overall score for each advisor applicant.

(b) After calculating the scores for each advisor applicant, the committee shall publish the values, detailed scores as to each desired qualification, and the overall scores for each advisor applicant.

(c) For a period of five (5) business days after the scores are published, any advisor applicant or any senator or representative may make a written and signed appeal of the values and scores assigned to such applicant. The convention of states joint committee shall consider such appeals in session with votes to keep or change the values for that applicant or other applicants to address any such appeals.

**3-18-119. Proposal of advisors.**

(a) The convention of states joint committee shall rank the advisor applicants based on the overall score of each advisor applicant. In the case of ties, the advisor applicants must be ranked in alphabetical order by last name, first name, and middle name.

(b) The convention of states joint committee shall identify two (2) times the required number of advisors from the highest-ranked advisor applicants, thus creating the list of advisor applicants from which advisors must be proposed by the convention of states joint committee.

(c) The convention of states joint committee shall vote to select proposed advisors from among those advisor applicants identified in subsection (b). For this proposal process, each member of the convention of states joint committee has the same number of votes as the number of advisors to be proposed. The vote must be by secret ballot. Notwithstanding § 3-18-105(h), the advisor applicants receiving the most votes among both senators and representatives on the joint committee in a single joint vote must be proposed as advisors.

**3-18-120. Duties of advisors.**

(a) Advisors are to attend the convention and attend as many convention and committee proceedings as their other duties allow them time. Out of the hearings each advisor attends, the majority of their attendance should be at hearings of the committees or subcommittees to which they are assigned pursuant to § 3-18-113(g).

(b) Advisors shall review questions formally presented, perform any necessary research, and provide expert formal responses to the questions. Questions may be presented to advisors by commissioners, alternate commissioners, any senator, or any representative. The questions must be provided directly to the chair of the delegation who must forward them to the appropriate advisor based on the committees and subcommittees to which the advisors are assigned pursuant to § 3-18-113(g). The questions posed to the advisors and the responses to the questions must be reported by the advisors to the persons originally posing the questions and to the chair of the delegation. The chair of the delegation shall report the questions and responses to the chair

of the convention of states joint committee. The chair of the convention of states joint committee shall cause the questions and the responses to be published on the public website of the convention of states joint committee within twenty-four (24) hours of the committee's receipt thereof. The commissioners, alternate commissioners, members of the convention of states joint committee, and the general assembly may consider advisor responses, but such advisor responses are not binding on the commissioners, alternate commissioners, members of the convention of states joint committee, or the general assembly.

(c) Advisors are not formal members of the delegation and have no voting powers at the convention. Advisors shall not participate on the floor of the convention, nor in any committee of the whole, nor in any committee or subcommittee proceedings unless serving as called witnesses.

(d) If an advisor is not able to fulfill the advisor's duties for a period of five (5) consecutive business days or more, the advisor is removed as an advisor and must be replaced pursuant to § 3-18-131.

**3-18-121. Proposal of the commission for the delegation.**

(a) The convention of states joint committee shall draft five (5) resolutions commissioning the delegation of commissioners, alternate commissioners, and advisors in the following areas:

- (1) Authorizing the delegation to participate in the convention and the rules for quorums as proposed pursuant to § 3-18-107;
- (2) Naming the commissioners, alternate commissioners, and advisors;
- (3) Proposing convention rules;
- (4) Proposals to be presented to the convention; and
- (5) General instructions to the delegation.

(b) The resolutions required by subdivisions (a)(3)-(5) must be drafted by the committee subject to the procedures in §§ 3-18-122 - 3-18-124.

**3-18-122. Development of proposed convention rules to be submitted by the commissioners to the convention.**

(a) After the convention of states joint committee is formed and a chair is elected pursuant to § 3-18-105, the convention of states joint committee shall announce a period of at least ten (10) business days to receive public comment regarding proposed convention rules.

(b) During the public comment period in subsection (a), the convention of states joint committee shall conduct at least three (3) public hearings regarding proposed convention rules. At least one (1) of those hearings must be conducted on a Saturday and hearings must be conducted across at least two (2) separate calendar weeks. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be allowed to speak for at least five (5) minutes regarding the proposed convention rules. The committee may require speakers to register in advance and the committee may adjourn before the end of the six-hour hearing period if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance.

(c) After the public hearings, the convention of states joint committee shall discuss, develop, and publish a set of proposed convention rules to be submitted to the convention by the commissioners and alternate commissioners. The convention of states joint committee shall consider any proposed set of convention rules approved through prior resolutions of the general assembly.

(d) The proposed convention rules developed by the committee pursuant to subsection (c) must include rules worded to achieve the following objectives:

(1) Each state must receive only one (1) vote in general sessions of the convention, in any committee of the whole, and in any committees or subcommittees of the convention, regardless of the number of commissioners sent by each state to the convention and regardless of the number of commissioners from each state assigned to each committee or subcommittee;

(2) Each state must be represented by at least one (1) commissioner in every committee or subcommittee;

(3) The convention must be called to order by a temporary president who is to be selected by the state which first called for the convention from among the commissioners from the state which first called for the convention;

(4) The temporary president's sole duties are the certification of state delegations, the certification of individual commissioners from each state, and the election of a permanent president;

(5)

(A) The convention shall confirm the credentials of delegations and commissioners by reviewing original copies of resolutions passed by entire state legislatures and signed by the leaders of the chambers that:

(i) Authorize the state's participation in the convention listing the specific topics to be discussed;

(ii) Authorize a delegation to represent the state legislature at that convention on those specific topics;

(iii) Authorize each commissioner as a participant in that state's delegation; and



(iv) Provide additional instructions from the state legislature to the delegation; and

(B) The convention shall also confirm the identity of the commissioners using official state-issued photo identification for each commissioner;

(6) The convention shall initially operate under the rules of the latest edition of Mason's Manual for Legislative Procedure until permanent rules are adopted, except where a rule in that manual can be applied only to a state legislature rather than a convention, in which case, the matter must be determined by parliamentary common law;

(7) On questions of procedure where the permanent rules do not control, the convention should use the rules from the latest edition of Mason's Manual for Legislative Procedure, except where such rules in that manual can be applied only to a state legislature rather than a convention, in which case, the matter must be determined by parliamentary common law;

(8) The convention shall cause to be published a text-based, verbatim journal of all proceedings on the floor of the convention, in a committee of the whole, and in all committees and subcommittees of the convention and in any other event on the official calendar of the convention. The journal must be retained in the permanent records of the convention;

(9) The convention shall cause all proceedings on the floor of the convention and in all committees and subcommittees to be broadcast live via the internet, including both video and audio feeds. All video and audio of the convention must be retained in the permanent records of the convention;

(10) The number of commissioners on the floor of the convention from each state must not be greater than ten (10) and time limits must be placed on speeches or comments of specific commissioners as well as entire state delegations;

(11) The convention shall allow a state to request an adjournment in order to consult with their state legislature prior to a vote on the floor of the convention, in a committee of the whole, or in any committee or subcommittee; and

(12) The convention shall not entertain a motion to adjourn permanently so long as any proposal from any state remains without a vote in committee, subcommittee, or on the floor of the convention to pass, reject, or table the proposal.

**3-18-123. Development of proposals to be submitted by commissioners to the convention.**

(a) After the convention of states joint committee is formed and a chair is elected, pursuant to § 3-18-105, the convention of states joint committee shall announce a period of at least fifteen (15) business days to receive public comment regarding proposals to be submitted to the convention by the commissioners and alternate commissioners.

(b) During the public comment period in subsection (a), the convention of states joint committee shall conduct at least five (5) public hearings regarding proposals to be submitted to the convention by the commissioners. At least two (2) of those hearings must be conducted on separate Saturdays. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be allowed to speak for at least five (5) minutes regarding the proposals to be submitted to the convention by the commissioners and alternate commissioners. The committee may require

speakers to register in advance and the committee may adjourn before the end of the six-hour hearing period if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance.

(c) After the public hearings, the convention of states joint committee shall discuss, develop, and publish a list of proposals to be submitted to the convention by the commissioners and alternate commissioners.

**3-18-124. Development of General Instructions to commissioners.**

(a) After the convention of states joint committee is formed and a chair is elected pursuant to § 3-18-105, the convention of states joint committee shall announce a period of at least ten (10) business days to receive public comment regarding general instructions to the commissioners and alternate commissioners.

(b) During the public comment period in subsection (a), the convention of states joint committee shall conduct at least three (3) public hearings regarding general instructions to commissioners. At least one (1) of those hearings must be conducted on a Saturday. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be allowed to speak for at least five (5) minutes regarding the general instructions to commissioners and alternate commissioners. The committee may require speakers to register at least one (1) business day in advance and the committee may adjourn before the end of the six-hour hearing period if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance.

(c) After the public hearings, the convention of states joint committee shall discuss, develop, and publish a list of general instructions to the commissioners and alternate commissioners. These instructions must include:

(1) Instructions regarding convention rules and procedures:

(A) For votes on the floor of the convention or in a committee of the whole, commissioners and alternate commissioners shall conduct internal votes within the delegation and the chair of the delegation shall issue a single vote for the state. Under no circumstances may a commissioner issue a vote separate from the entire delegation on the floor of the convention or in a committee of the whole;

(B) For votes in committees or subcommittees, other than the committee of the whole, the commissioners assigned to that committee shall conduct internal votes within those assigned commissioners and issue a single vote for the state. Under no circumstances may a commissioner issue a separate vote from the group of commissioners in a committee or subcommittee unless that commissioner is the sole commissioner for the state on that committee;

(C) Commissioners and alternate commissioners shall submit to the convention the proposed set of convention rules developed pursuant to § 3-18-122; and

(D) Commissioners and alternate commissioners shall vote in support of, and vigorously support in any debates in committees or on the floor, any convention rules which achieve the objectives listed in § 3-18-122(d);

(2) Instructions regarding proposals at the convention:

(A) Commissioners and alternate commissioners shall not raise any topic not within the scope of the controlling resolution or the further instructions given to them by the general assembly;

(B) The commissioners shall vote against any topic not within the scope of the controlling resolution or any topic or proposal which is contrary to the further instructions given to them by the general assembly;

(C) The commissioners shall call to order any commissioner from any other state who attempts to raise a topic not within the scope of the controlling resolution from the state legislature of that commissioner;

(D) If the convention should take a vote as to whether to hear a topic outside of the controlling resolution or against the further instructions of the general assembly, the commissioners shall vote against considering any such topic;

(E) The commissioners shall cause to be proposed to the convention any proposals included in the instructions from the general assembly and to vigorously pursue the adoption of such proposals within any committees and on the convention floor;

(F) The delegation chair shall submit to the chair of the convention of states joint committee any proposals passed out of nonadministrative convention committees to be considered by the convention as proposals of the convention; and

(G) The commissioners shall request that the convention delay the consideration of any such proposals for at least five (5) business days prior to voting on any such proposals, thus giving an opportunity for discussion within the general assembly and for development of updated instructions on each proposal from the general assembly; and

(3) Other general instructions:

(A) The commissioners, alternate commissioners, and advisors are subject to all requirements and duties prescribed in this chapter and shall faithfully abide by their oath;

(B) The chair of the delegation shall, at the start of the convention, provide to the convention signed copies of the controlling resolution and the five (5) resolutions identified in § 3-18-121(a);

(C) The chair of the delegation, or a commissioner appointed by the chair, shall forward to the chair of the convention of states joint committee the permanent rules adopted by the convention and any updates to those rules during the convention; and

(D) The chair of the delegation, or a commissioner appointed by the chair, shall forward to the chair of the convention of states joint committee all proposals submitted to the convention of states by the delegations of the several states.

**3-18-125. Transmission of commissioning resolutions to the general assembly and approval by the general assembly.**

(a) Once approved by the committee, the resolutions identified in § 3-18-121(a) must be transmitted directly to the speakers of both chambers without review by other committees in the senate or in the house of representatives.

(b) The speaker of each chamber shall call each body into session within five (5) business days of the resolutions being transmitted to them and shall present the resolutions for debate and approval by the full membership of each chamber.

(c) The chambers may offer amendments to the proposed resolutions. Proposed amendments on the floor of the chambers to the resolution required by § 3-18-121(a)(2) must be limited to the final lists of commissioner and advisor applicants created pursuant to §§ 3-18-112(b) and 3-18-119(b), respectively.

**3-18-126. Oaths, penalties for failure to follow commissions, and recall process.**

(a) After both chambers have approved final versions of all resolutions required by § 3-18-121(a), as soon as practicable, the speaker of the house, or the speaker's designee, shall swear in the commissioners, alternate commissioners, and advisors using the following verbal oath.

"I, [name], solemnly swear [or affirm], under the penalty of perjury, that I meet the qualifications of the office of [commissioner, alternate commissioner, or advisor] to the [convention name, place, and date]. I solemnly swear [or affirm] that I will, to the best of my ability and with diligence, perform the duties assigned to me by law and further duties and instructions of the general assembly of the State of Tennessee. I solemnly swear to support the

Constitution of the State of Tennessee and the  
Constitution of the United States of America[, so help me  
God]."

(b) The oath shall be printed by the speaker of the house, or the speaker's designee, and signed by the person taking the oath and by the person administering the oath. The signed, original oath must be submitted to the chair of the convention of states joint committee who must ensure that the document is scanned and published on the public website.

(c) It is an offense for a commissioner, alternate commissioner, or advisor to:

(1) Knowingly or intentionally attempt to vote for or to take any actions in support of:

(A) Topics or actions of the convention outside of the scope of the controlling resolution; or

(B) Topics or actions of the convention contrary to the further instructions of the general assembly as defined in the resolutions listed in § 3-18-121(a); and

(2) Fail to take any actions specified in the further instructions of the general assembly under resolutions adopted pursuant to § 3-18-121(a).

(d) A violation of subsection (c) is a Class E felony which must be prosecuted by the attorney general and reporter on the recommendation of the general assembly pursuant to subsection (k).

(e) Any three (3) members of the senate or any nine (9) members of the house of representatives who believe that a commissioner, alternate commissioner, or advisor has violated subsection (c) or who wish to recall a commissioner, alternate commissioner, or advisor for any other reason, may file



a joint resolution recalling that commissioner, alternate commissioner, or advisor. The joint resolution must describe the reasons for the recall. The joint resolution must list any specific violations pursuant to subsection (c). In the case of a commissioner, the joint resolution must also identify any specific votes issued by that commissioner in violation of subsection (c). The joint resolution also must indicate whether the general assembly recommends prosecution of the violation to the attorney general and reporter pursuant to subsection (d).

(f) Any joint resolution filed pursuant to subsection (e) must be routed directly to the convention of states joint committee which shall conduct a public hearing within three (3) business days to debate and discuss the joint resolution. The commissioner, alternate commissioner, or advisor named in the joint resolution may appear before the committee to respond if such person wishes.

(g)

(1) After hearing testimony concerning the joint resolution, the committee shall take a roll-call vote on whether to approve the joint resolution.

(2) If less than one-third ( $1/3$ ) of the senators on the convention of states joint committee and less than one-third ( $1/3$ ) of the members of the house of representatives on the joint committee vote for the recall resolution, the joint resolution fails.

(3) If two-thirds ( $2/3$ ) or more of the senators on the convention of states joint committee and two-thirds ( $2/3$ ) or more of the representatives on the convention of states joint committee vote to approve the joint resolution, the chair of the convention of states joint committee shall notify the commissioner, alternate commissioner, or advisor that such appointee is suspended until such time that the general assembly can hear the joint resolution. The suspended commissioner, alternate commissioner, or

advisor shall immediately leave the convention. If the general assembly does not vote to recall such appointee pursuant to subsection (i), regardless of the number of days that appointee is away from the convention, the commissioner, alternate commissioner, or advisor shall be restored to such position in the convention, and any person who assumed the role during the suspension period must return to such person's former role or leave the convention if the person had no prior role.

(h) If one-third (1/3) or more of the senators on the convention of states joint committee vote in support of the recall resolution or if one-third (1/3) or more of the members of the house of representatives on the convention of states joint committee vote in support of the joint resolution, the joint resolution must be forwarded directly to the speaker of the senate and the speaker of the house of representatives, both of whom shall, within three (3) business days, present the joint resolution for consideration in each chamber. Both chambers may amend the joint resolution. Both chambers shall take a vote as to whether or not the commissioner, alternate commissioner, or advisor is recalled.

(i) If the joint resolution passes, then the speaker of the house of representatives shall notify the commissioner, alternate commissioner, or advisor that such appointee is recalled. The speaker of the house of representatives shall notify the presiding officer of the convention that the commissioner, alternate commissioner, or advisor has been recalled.

(j) If the joint resolution identifies one (1) or more votes taken by a commissioner which affected the overall final vote for this state on the floor of the convention, in a committee of the whole, or in a committee or subcommittee, the speaker of the house of representatives shall notify the presiding officer of the convention and any chairs of related committees or subcommittees of the

convention that the vote in question is void as that vote was without the authority of the general assembly.

(k) If the joint resolution recommends prosecution for a recalled commissioner, alternate commissioner, or advisor, the speaker of the house shall forward the joint resolution to the attorney general and reporter who shall initiate and pursue prosecution of the criminal act in the appropriate court of jurisdiction pursuant to subsection (d).

(l) When a commissioner is recalled, the paired alternate commissioner shall take the place of the recalled commissioner and a new alternate commissioner must be named pursuant to § 3-18-130. If an alternate commissioner is recalled, a new alternate commissioner must be selected pursuant to § 3-18-130. If an advisor is recalled, a replacement advisor must be appointed pursuant to § 3-18-131.

**3-18-127. Requests for clarification of instructions.**

(a) Any commissioner, alternate commissioner, or advisor may submit to the convention of states joint committee a formal request for clarification of the instructions, including, but not limited to, whether proposals submitted by other states to the convention fall within the scope of the controlling resolution or the further instructions adopted in a resolution pursuant to § 3-18-121(a).

(b)

(1) Upon receipt of a request for clarification pursuant to subsection (a), the convention of states joint committee shall conduct one (1) or more public hearings within three (3) business days to consider the request for clarification and to draft a resolution in response thereto.

(2) If two-thirds (2/3) or more of the members of the senate on the committee and two-thirds (2/3) or more of the members of the house of representatives on the committee agree to a response, the committee

response is deemed the response of the general assembly that must be forwarded by the chair of the convention of states joint committee directly to the chair of the delegation.

(3) If less than two-thirds (2/3) of the senate members of the convention of states joint committee or less than two-thirds (2/3) of the committee members of the house of representatives agree on a response, the draft version of the response receiving the most votes in the committee must be forwarded directly to the speakers of both chambers who shall schedule a debate of the draft responses within three (3) business days. When both chambers agree to a response by a constitutional majority vote, the speaker of the house of representatives shall forward the final response to the chair of the delegation. Such final response must become the official response of the general assembly.

(c) Any commissioner, alternate commissioner, or advisor who acts based on an official response received from the committee or from the speaker of the house of representatives pursuant to this section does not commit an offense under § 3-18-126(c).

**3-18-128. Communications with the delegation, hearings, and public comment during the convention.**

(a) Starting with the week following the completion of the duties prescribed in §§ 3-18-109 - 3-18-114, §§ 3-18-116 - 3-18-119, and §§ 3-18-121 - 125, the convention of states joint committee shall conduct at least two (2) public hearings per week concerning the convention of states, including events at the convention and topics being debated at the convention. The convention of states joint committee shall continue conducting at least two (2) hearings per week until the permanent adjournment of the convention. At least two (2) of those hearings per month must be conducted on a Saturday, each of which must count as one

(1) of the hearings for the week in which that Saturday hearing occurs. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be allowed to speak for at least five (5) minutes regarding any topic related to the convention. The committee may require speakers to register in advance and the committee may adjourn before the end of the six-hour hearing period if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance.

(b) When the chair of the delegation forwards the convention rules to the chair of the convention of states joint committee, pursuant to § 3-18-124(c)(3)(C), the chair of the convention of states joint committee shall cause the rules and updates to the rules to be published on the website within two (2) business days for comment by registered voters in this state pursuant to § 3-18-106(f).

(c) When the chair of the delegation forwards any proposals submitted to the convention of states by the delegations of the several states to the chair of the convention of states joint committee, pursuant to § 3-18-124(c)(3)(D), the chair of the convention of states committee shall cause those proposals to be published on the website within two (2) business days for comment by registered voters in this state pursuant to § 3-18-106(f).

### **3-18-129. Updating of commissioning resolutions.**

(a) At any time prior to or during the convention, any three (3) members of the senate or any nine (9) members of the house of representatives may propose a joint resolution to update any one of the commissioning resolutions identified in § 3-18-121(a). The proposed joint resolution must be routed directly to the convention of states joint committee.

(b) The chair of the convention of states joint committee shall schedule a public hearing within five (5) business days to consider, amend, or approve the

proposed resolution developed pursuant to subsection (a).

(c) If less than one-third (1/3) of the senators on the convention of states joint committee and less than one-third (1/3) of the representatives on the convention of states joint committee vote in support of the proposed joint resolution, the joint resolution fails.

(d) If one-third (1/3) or more of the senators on the convention of states joint committee or one-third (1/3) or more of the representatives on the convention of states joint committee vote in support of the joint resolution submitted pursuant to subsection (a), that resolution must be forwarded directly to the speakers of the chambers who shall, within five (5) business days, schedule a session of each chamber to hear the proposed resolution.

(e) If the resolution passes both chambers by a constitutional majority, the speaker of the house of representatives shall forward the resolution to the delegation chair who shall provide a copy to the presiding officer of the convention.

**3-18-130. Replacement of commissioners and alternate commissioners and additional commissioners and alternate commissioners.**

(a) At any time during the convention of states, either at the request of the convention of states for additional commissioners or in the judgment of the convention of states committee that additional commissioners are needed, or if a commissioner has vacated the office and been replaced by the commissioner's alternate commissioner, or if an alternate commissioner has vacated the office for any reason, the convention of states committee shall agree on a number of additional commissioners and alternate commissioners to be added or replaced. New commissioners and alternate commissioners may be added in increments of two (2) in order to maintain an odd number of commissioners and a matching number of alternate commissioners.

(b) If the number of commissioners to be added or replaced plus the number of alternate commissioners to be added or replaced pursuant to subsection (a) is at least one-half (1/2) the number of top-ranked applicants identified in § 3-18-112(b) less those assigned as commissioners in § 3-18-112(c), and less those assigned as alternate commissioners in § 3-18-112(d), and less those who may have been added in a prior process pursuant to this section, that list of applicants must be used by the committee to select the new commissioners and alternate commissioners. If the number of commissioners to be added plus the number of alternate commissioners to be added pursuant to subsection (a) is more than one-half (1/2) the number of commissioner applicants remaining in the list of top-ranked applicants identified in § 3-18-112(b), less those assigned as commissioners in § 3-18-112(c), and less those assigned as alternate commissioners in § 3-18-112(d), and less those who may have been added in a prior process pursuant to this section, the convention of states joint committee shall reconstitute the list of available commissioner applicants as follows:

(1) The convention of states joint committee shall repeat the commissioner application process in §§ 3-18-109 - 3-18-111;

(2) The convention of states joint committee shall rank all applicants for commissioner, including prior applicants and new applicants pursuant to subdivision (b)(1) based on the overall score of each applicant; and

(3) The convention of states joint committee shall identify four (4) times the sum of the required number of new commissioners and the required number of alternate commissioners to be added from the top-ranked applicants. In the case of ties, the applicants must be selected in alphabetical order by last name, first name, and middle name.

(c) The convention of states joint committee shall vote to select new commissioners, if needed, from among those applicants identified in subsection (b). For this selection process, each member of the committee must have the same number of votes as the number of commissioners to be selected. Each member will vote by secret ballot. The commissioner applicants receiving the most votes must become the proposed commissioners.

(d) After selecting proposed commissioners in subsection (c), the convention of states joint committee shall select alternate commissioners from among the applicants identified in subsection (b), but not selected as proposed commissioners in subsection (c). For this selection process, each member of the committee must have the same number of votes as the number of alternate commissioners to be selected. Each member will vote by secret ballot. The applicants receiving the most votes must become the proposed alternate commissioners.

(e) After selecting the proposed commissioners and proposed alternate commissioners, the convention of states joint committee shall pair each new proposed alternate commissioner to a newly proposed or current commissioner.

(f) The committee shall draft a joint resolution proposing the additional or replacement commissioners and alternate commissioners selected in subsections (c) and (d). That joint resolution must be forwarded by the chair of the convention of states joint committee directly to the speakers of both chambers who shall schedule consideration of those resolutions within five (5) business days.

### **3-18-131. Replacement of advisors and additional advisors.**

(a) At any time during the convention of states, if in the judgment of the convention of states committee additional advisors are needed, or if an advisor



has vacated the office, the convention of states joint committee shall determine the number of advisors to be added or replaced.

(b) If the number of advisors to be added or replaced pursuant to subsection (a) is at least one-half (1/2) the number of top-ranked applicants identified in § 3-18-119(b), less those assigned as advisors in § 3-18-119(c), and less those who may have been added in a prior process pursuant to this section, that list of applicants must be used by the committee to select the proposed new or replacement advisors. If the number of advisors to be added or replaced pursuant to the resolution in subsection (a) is more than one-half (1/2) of the number of advisor applicants remaining in the list of highest-ranked nominees identified in § 3-18-119(b), less those assigned as advisors in § 3-18-119(c), and less those who may have been added in a prior process pursuant to this section, the convention of states joint committee shall reconstitute the list of available advisor nominees as follows:

(1) The convention of states joint committee shall repeat the advisor application process in §§ 3-18-116 - 3-18-118;

(2) The convention of states joint committee shall rank all applicants for advisor, including prior applicants and new applicants identified in subdivision (b)(1) based on the overall score of each applicant; and

(3) The convention of states joint committee shall identify four (4) times the required number of new or replacement advisors of the highest-ranked applicants. In the case of ties, the nominees must be selected in alphabetical order by last name, first name, and middle name.

(c) The convention of states joint committee shall vote to select new or replacement advisors from among those applicants identified in subsection (b).

For this selection process, each member of the committee must have the same

number of votes as the number of advisors to be selected. Each member will vote by secret ballot for applicants. The applicants receiving the most votes must become the proposed new or replacement advisors.

(d) The committee shall draft a joint resolution naming the proposed new or replacement advisors selected in subsection (c). That joint resolution must be forwarded directly to the speakers of both chambers who shall schedule consideration of the resolutions within five (5) business days.

**3-18-132. Compensation and expense reimbursement for commissioners, alternate commissioners, and advisors.**

(a) Commissioners, alternate commissioners, and advisors must be compensated at the rate of the annual salaries of senators, prorated by the number of days they remain in office. Commissioners, alternate commissioners, and advisors hold a lucrative office under Article II, § 26 of the Constitution of Tennessee.

(b)

(1) The salary of a commissioner, alternate commissioner, and advisor shall commence on the later of:

(A) The date the oath is administered; or

(B) Sixty (60) days prior to the scheduled start of the convention of states.

(2) The commissioner, alternate commissioner, and advisor shall stop receiving a salary on the earlier of:

(A) Seven (7) days after the date the appointee vacates the office for any reason; or

(B) Twenty-eight (28) calendar days after the permanent adjournment of the convention of states.

(c) Commissioners, alternate commissioners, and advisors are eligible for reimbursement for expenses and mileage in accordance with the regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter. Expense and mileage reimbursement must begin on the same day the commissioner's, alternate commissioner's, or advisor's salary begins and must continue until the earlier of the following two (2) dates:

(1) Seven (7) days after the appointee vacates the office for any reason; or

(2) Twenty-eight (28) calendar days after the permanent adjournment of the convention.

**3-18-133. Funding for convention-related expenses.**

(a) Following the approval of the resolutions pursuant to § 3-18-125, and as needed throughout the duration of the convention, the convention of states joint committee shall identify appropriations needed to provide for convention-related expenses. Each appropriation request must be forwarded to the committees of each chamber following the rules of each chamber. The appropriations must include the following:

(1) Any additional funding for the operations of the convention of states joint committee, in addition to the funding already provided in § 3-18-105(j);

(2) Any additional expenses to maintain the public website used by the convention of states joint committee, in addition to the funding already provided in § 3-18-105(j);

(3) The compensation for commissioners, alternate commissioners, and advisors;

(4) The expenses for commissioners, alternate commissioners, and advisors; and

(5) The general costs of the convention of states allocated to this state as determined by the convention of states, pursuant to § 3-18-134.

(b) All funds necessary to pay the expenses enumerated in subsection (a) must be paid from appropriations to the general assembly.

**3-18-134. Funding requests from the convention of states.**

(a) During the convention, if the convention of states incurs expenses which are not directly related to the attendance of this state's commissioners, alternate commissioners, and advisors, and the convention allocates among the states the expenses of the convention, the delegation chair, or a commissioner designated by the delegation chair, shall cause funding requests for this state's allocation of convention expenses to be relayed to the chair of the convention of states joint committee.

(b) The convention of states joint committee shall consider each funding request sent pursuant to subsection (a) and determine if each request is reasonable as to whether the expenses are legitimate expenses of the convention, and if they are in accordance with any allocation formula agreed to by the convention.

(c) If the convention of states joint committee votes to deny a funding request pursuant to subsection (b) because it does not fit within the criteria specified in subsection (b), it must be returned by the chair of the convention of states joint committee to the delegation chair or the designee of the delegation chair with requests for clarification or adjustment. The delegation chair or the designee of the delegation chair shall return the funding request to the appropriate convention officer or committee for review and revision, after which the funding request process must restart under subsection (a).

(d) If the convention of states joint committee votes to approve a funding request pursuant to subsection (b), the chair of the convention of states committee shall consider whether the request is within the funding already appropriated by the general assembly pursuant to § 3-18-133. If the funding request is within the appropriation, the chair of the convention of states joint committee must forward the approved funding request to the appropriate general assembly staff to process the payment. If the funding request is not within the appropriation, the chair of the convention of states joint committee shall forward the funding request to the speaker of both chambers in order for both chambers to appropriate additional funds, after which the chair shall forward the approved funding request to the appropriate general assembly staff to process the payment.

**3-18-135. Open meetings and open records.**

(a) The commissioners, alternate commissioners, and advisors shall vote to delay any sessions of the convention or any committee of the convention unless the following requirements are met, in as much as the rules of the convention support these requirements:

(1) Public notice has been given of the session at least one (1) business day prior to the session;

(2) The sessions are open to the public and to the press; provided, that the commissioners, alternate commissioners, and advisors may continue in a session that, upon starting, was open to the public and to the press, but because of a disturbance in the gallery or room, the gallery or room was ordered to be cleared by the presiding officer of the convention or the presiding officer of a committee or subcommittee, but only if compliance with subdivisions (3) and (4) continue to be observed throughout the session in which the gallery has been cleared;

(3) The session is broadcast live over the internet with video and audio, recorded with video and audio, and the recordings are promptly made available to the public and the press; and

(4) A verbatim transcript is created during the session which is promptly made available to the public and the press.

(b) The convention of states joint committee shall cause email addresses to be provided to commissioners, alternate commissioners, and advisors using the general assembly email address naming standards. Commissioners, alternate commissioners, and advisors shall use those email addresses for any email communications regarding the convention of states, including, but not limited to, communications with the commissioners and other officials of other states participating in the convention.

(c) Communications regarding the convention of states must be made available to the public, subject to the following provisions:

(1) The convention of states joint committee shall identify one (1) or more persons designated to receive copies of communications who shall cause those documents to be published on the website and retained for archiving;

(2) All paper documents generated or received by any commissioner, alternate commissioner, advisor, or member of the convention of states joint committee regarding the convention of states must be scanned into electronic format and provided to the person identified in subdivision (c)(1) via email within three (3) business days of the creation or receipt of the physical document;

(3) All electronic documents generated by or received by any commissioner, alternate commissioner, advisor, or member of the convention of states joint committee regarding the convention of states

must be provided to the person identified in subdivision (c)(1) via email within three (3) business days of the creation or receipt of the electronic document; and

(4) The person identified in subdivision (c)(1) shall cause all email communications to and from the commissioners, alternate commissioners, and advisors to be retained and made available to the public through a searchable text database.

**3-18-136. Hearings following a convention of states.**

(a) Within five (5) business days of the permanent adjournment of a convention of states, each commissioner, alternate commissioner, and advisor assigned to the delegation at the time of the permanent adjournment shall provide a written report to the convention of states joint committee setting forth the appointee's opinions of the strengths and weaknesses of the following:

- (1) Any proposals approved by the convention;
- (2) The rules adopted by the convention of states;
- (3) The process of how this state participated in the convention of states;

(4) The provisions of this chapter; and

(5) Any other topics regarding the convention of states which the appointee wishes to raise to the attention of the general assembly.

(b) Following the receipt of the appointee reports pursuant to subsection (a), the convention of states joint committee shall conduct one (1) or more hearings to discuss such reports. These hearings must be conducted within ten (10) business days after the permanent adjournment of the convention. Each commissioner, alternate commissioner, and advisor shall appear in at least one (1) of those hearings to respond to any questions from the members of the convention of states joint committee.

(c) Immediately following the permanent adjournment of the convention, the chair of the convention of states joint committee shall announce a public comment period of fifteen (15) business days.

(d) During the public comment period in subsection (c), the convention of states joint committee shall conduct at least three (3) public hearings regarding the convention of states. At least one (1) of those hearings must be conducted on a Saturday. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be allowed to speak for at least five (5) minutes regarding any topic related to the convention of states. The committee may require speakers to register at least one (1) business day in advance and the committee may adjourn before the end of the six-hour hearing period if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance.

**3-18-137. Document archiving following a convention of states.**

Immediately after the permanent adjournment of the convention of states, the chair of the convention of states joint committee shall direct the committee staff to create a collection of all documents, video, audio, transcripts, and communications of the committee members and the appointees. Such collection must be provided in a format appropriate for permanent archiving in the state library and archives. The secretary of state shall direct the state library and archives to permanently archive such collection.

**3-18-138. Permanent adjournment of the convention of states joint committee and the general assembly following a convention of states.**

(a) Within twenty (20) business days after the completion of its tasks in §§ 3-18-136 and 3-18-137, the convention of states joint committee shall permanently adjourn.



(b) After the permanent adjournment of the convention of states joint committee, if the general assembly has no other business to conduct in the session, the speakers of the chambers shall permanently adjourn the general assembly session.

**3-18-139. Consideration of proposals from non-Article V conventions.**

If the convention of states is not an Article V convention, any senator or representative may propose a joint resolution to adopt or reject each proposal approved by the convention. Such a joint resolution must be considered under the normal rules of the chambers. If the general assembly does not adopt a resolution to approve a proposal made by the convention, that proposal is deemed to be rejected.

**3-18-140. Ratification of proposed amendments by the general assembly.**

(a) This section applies when an Article V convention proposes one (1) or more amendments to the United States constitution or when the United States congress proposes one (1) or more amendments to the United States constitution and the United States congress selects the state legislatures as the mode of ratification.

(b) Any representative or senator may propose one (1) or more resolutions to ratify proposed amendments. Each resolution to ratify a proposed amendment must address only one (1) proposed amendment. If no representative or senator proposes a resolution to ratify a specific proposed amendment, such proposed amendment remains unratified by this state.

(c) When any representative or senator proposes a resolution to ratify a proposed amendment, the senate and house shall form a ratification committee using the same procedures used to form the convention of states joint committee set forth in § 3-18-105(a)-(i).

(d) Any resolution to ratify a proposed amendment must be routed by the speakers of the chambers directly to the ratification committee without passing through other committees.

(e) For each resolution to ratify a proposed amendment, the ratification committee shall perform the following procedures:

(1) The ratification committee shall announce a period of at least fifteen (15) business days to receive public comment regarding ratification of the proposed amendment;

(2) During the public comment period prescribed in subsection (e)(1), the ratification committee must conduct at least five (5) public hearings regarding the proposed amendment, at least two (2) of which must be conducted on a Saturday and at least three (3) of which must be conducted on separate calendar weeks. Each hearing must provide not less than six (6) hours for public comment during which time any registered voter in the state must be permitted to speak for at least five (5) minutes regarding the proposed amendment. The committee may require speakers to register to speak up to one (1) business day in advance and the committee may adjourn early if all those registered in advance have spoken. In the chair's discretion, the chair may recognize a speaker who has not registered in advance;

(3) Following the hearings conducted in subdivision (e)(2), the ratification committee shall take a roll call vote on the resolution to ratify the proposed amendment;

(4) If less than one-third ( $1/3$ ) of the representatives on the ratification committee and less than one-third ( $1/3$ ) of the senators on the ratification committee vote in favor of the resolution to ratify the proposed amendment, the resolution fails; and

(5) If more than one-third (1/3) of the representatives on the committee or more than one-third (1/3) of the senators on the committee vote in favor of the resolution to ratify the proposed amendment, the resolution must be forwarded by the chair of the ratification committee directly to the speakers of the chambers who each must present the resolution to the chambers for consideration.

**3-18-141. Ratification of proposed amendments by state convention.**

(a) This section applies when an Article V convention proposes one (1) or more amendments to the United States constitution or when the United States congress proposes one (1) or more amendments to the United States constitution and the United States congress selects that one (1) or more of the proposed amendments be ratified by state conventions.

(b) After receipt of one (1) or more proposed amendments from the United States congress, the general assembly shall call for a statewide general election of commissioners to attend a ratification convention to ratify or not ratify each proposed amendment. Each election must occur within one hundred eighty (180) calendar days of the receipt of the associated proposed amendment from the United States congress.

(c) Ninety-nine (99) commissioners and ninety-nine (99) alternate commissioners must be elected to attend each ratification convention, representing one (1) commissioner and one (1) alternate commissioner elected by the registered voters in each of the ninety-nine (99) districts of the house of representatives based on the district maps in effect on the date of the election. The candidates must not be identified by political party.

(d) Election of commissioners to ratification conventions must be conducted within the following provisions:

(1) A single general election may include election of commissioners for more than one (1) ratification convention. In such case, the ballot must be so formed so as to ensure the election of commissioners for each ratification convention is set forth separately. If questions are on the ballot other than the election of commissioners to the ratification conventions, the ballot must be formed such that these other questions are set forth separately from the election of commissioners to the ratification conventions;

(2) The election of a commissioner and alternate commissioner for a house district must be conducted separately from the election of all other commissioners and alternate commissioners in all other house districts. The ballots must not be formed in a manner that allows the registered voters of one (1) house district to affect the results of elections in other house districts;

(3) To qualify to appear on the ballot, a commissioner candidate shall appear at the county election commission office of their county of residence. The candidate shall provide documentation prescribed by the general assembly demonstrating that they meet the minimum qualifications of a commissioner to an Article V convention pursuant to § 3-18-108(a). The candidate shall sign an affidavit in a form prescribed by the general assembly and under penalty of perjury that the candidate meets the qualifications of a commissioner to an Article V convention pursuant to § 3-18-108(a) and that they are a resident of the house of representatives' district they desire to represent at the convention. The affidavit must state that, if elected, the candidate will vote either for ratification of the proposed amendment or against ratification of the proposed amendment;

(4) Once a candidate completes the procedures in subsection (d)(3), the county election office shall provide a petition form prescribed by the general assembly that must contain, in at least sixteen (16) point font, the text of the proposed amendment as delivered by the United States congress and a statement declaring that the candidate will vote for ratification of the proposed amendment or against ratification of the proposed amendment at the convention;

(5) The candidate shall obtain the signatures on the petition form of at least twenty-five (25) registered voters from the house district for which such election is sought within the petition period prescribed by the general assembly;

(6) If, by the end of the petition period specified by the general assembly, fewer than two (2) candidates in favor of ratification have qualified in a house district or fewer than two (2) candidates opposed to ratification have qualified in a house district, the current representative to the general assembly shall, within fourteen (14) calendar days, appoint sufficient qualified registered voters from such house district to assure a minimum of two (2) candidates in favor of ratification and two (2) candidates opposed to ratification. The appointment must be made by a letter on general assembly letterhead to the county election commission office of the county of residence of each appointee with a copy sent to the secretary of state. Within ten (10) business days, such appointed candidates shall appear in person at the county election commission office in the county of such appointee's residence to complete the procedures in subdivision (d)(3). Such appointed candidates are not required to complete a petition signature form and the appointees do not have to hold a personal position in agreement with the position to which

they have been appointed as a candidate. If an appointed candidate does not appear within ten (10) business days, the representative shall appoint another candidate in the same process set forth in this subdivision (d)(6);

(7) The ballot must contain the text of the proposed amendment as received from the United States congress;

(8) Following the text of the proposed amendment, the ballot must contain two (2) separate lists of candidates, setting forth one (1) list of two (2) or more candidates who are in favor of ratification of the proposed amendment and a second list of two (2) or more candidates who are opposed to ratification of the proposed amendment;

(9) Voter instructions must appear on the ballot between the text of the proposed amendment and the list of candidates providing that if the voter is in favor of ratifying the proposed amendment, the voter must vote for one (1) candidate who must vote for ratification of the amendment and if the voter is opposed to ratifying the amendment, the voter should vote for one (1) candidate who must vote against ratification of the proposed amendment;

(10) If the sum of the votes for candidates in favor of ratification is greater than the sum of votes for candidates against ratification within a house district, then the candidate in favor of ratification who received the most votes is elected as the commissioner to the ratification convention for that district and the candidate in favor of ratification receiving the second highest number of votes is elected as the alternate commissioner to the ratification convention for that district. Ties for the election of commissioner or alternate commissioner must be decided by coin toss. If all other candidates other than the candidate elected as the commissioner

receive zero (0) votes, then the candidate whose last name, then first name, and then middle name is alphabetically first among the candidates receiving zero (0) votes is elected as the alternate commissioner;

(11) If the sum of the votes for candidates opposed to ratification is greater than or equal to the sum of the votes in favor of ratification in a house district, then the candidate opposed to ratification who received the most votes is elected as the commissioner to the ratification convention for that district and the candidate opposed to ratification who received the next highest number of votes is elected as the alternate commissioner to the ratification convention. Ties for the election of commissioner or alternate commissioner must be decided by coin toss. If all other candidates other than the candidate elected as the commissioner receive zero (0) votes, then the candidate whose last name, then first name, and then middle name is alphabetically first among the candidates receiving zero (0) votes is elected as the alternate commissioner;

(12) The secretary of state shall provide the list of elected commissioners and alternate commissioners, such commissioners' and alternate commissioners' house district number, address of residence, the positions on ratification on the ballot, and their signed affidavit stating the position for or against ratification to the speaker of the house of representatives who shall retain them to be used at the ratification convention; and

(13) All other laws applying to general elections in this state not overridden by other provisions in this subsection (d) must be applied to the election of commissioners and alternate commissioners and any violations of such laws are punishable as such.

(e) Each ratification convention must be conducted according to the following provisions:

(1) The general assembly shall set the date of each ratification convention to be held within ninety (90) calendar days after the election of commissioners to the ratification convention;

(2) Ratification conventions may not be in session simultaneously;

(3) Ratification conventions shall be conducted on the floor of the house of representatives; and

(4) Each ratification convention shall consider only the ratification of the proposed amendment for which the commissioners were elected to ratify or not ratify. Each ratification convention must consider one (1) and only one (1) proposed amendment to the United States constitution. No other business may be considered or conducted that does not directly address the question of ratification of the proposed amendment.

(f) The speaker of the house of representatives shall direct the staff of the house of representatives to provide logistics for the ratification convention in accordance with the normal operations of a session of the house of representatives, including, but not limited to, the provision of video recording, audio recording, and live video over the internet on the state website. The speaker of the house of representatives shall direct the staff of the house to cause a word-for-word transcript of the ratification convention to be produced.

(g) For each ratification convention, the speaker of the house of representatives, or the speaker's designee, is the initial temporary president of the convention.

(h) The duties of the temporary president at the convention are as follows:



(1) The temporary president shall call the convention to order;

(2) The temporary president shall appoint the parliamentarian of the house of representatives, or in the parliamentarian's absence, the parliamentarian of the senate, as the parliamentarian of the ratification convention. If neither the parliamentarian of the house of representatives or the parliamentarian of the senate is available, the temporary president shall appoint a parliamentarian from among the staff of the house of representatives or the senate;

(3) The temporary president shall appoint the chief clerk of the senate, or, in the clerk's absence, the chief clerk of the house of representatives as the secretary of the convention. If neither chief clerk is available, the temporary president shall appoint a secretary from among the staff of the house of representatives or the senate;

(4) The temporary president shall confirm the identity of the commissioners and alternate commissioners who have appeared using state-issued photo identification cards presented by the commissioners and alternate commissioners;

(5) The temporary president shall confirm that each commissioner and alternate commissioner present has been elected pursuant to the documentation provided by the secretary of state pursuant to subdivision (d)(12);

(6) If a commissioner is not present or the commissioner's identity cannot be established, the temporary president shall appoint the alternate commissioner for that district as the commissioner. If both the commissioner and alternate commissioner from a district are not present or the identity cannot be established for either, the temporary president shall appoint an alternate commissioner from another district who was

elected with the same position for ratification or against ratification as the commissioner and alternate commissioner they are replacing. If no other alternate commissioner is available who is committed to vote with the same position, the temporary president shall appoint a member of the legislative staff as the commissioner, to vote with the same position as the commissioner and alternate commissioner they are replacing;

(7) The temporary president then shall administer an oath for all commissioners that they will vote in favor of ratification or against ratification as they were elected or appointed, as follows:

"I, [name], do solemnly swear or affirm that I will faithfully perform the duties of commissioner to this ratifying convention, that I will vote in accordance to the position for ratification or against ratification as I have been elected or appointed and to which I have signed an affidavit and that I will limit my activities at the convention to only those directly necessary to complete the task of ratifying or not ratifying the proposed amendment. In performing this duty, I swear to uphold the laws and the Constitution of the State of Tennessee and the laws and the constitution of the United States[, so help me God]."; and

(8) The temporary president then shall conduct an election among the commissioners of a permanent president of the convention.

(i) A violation of the oath administered in subdivision (h)(7) is punishable as a Class E felony which must be prosecuted by the attorney general and reporter on the recommendation of the convention, pursuant to subsection (j).

(j) The duties of the president must include the following:

(1) The president shall call for a resolution in support of ratifying the proposed amendment. If there are any commissioners whose sworn

position is to vote in favor of ratification, one (1) of them shall propose the resolution to ratify the proposed amendment and another must second the resolution. If there are not enough commissioners to both call for the resolution in support of ratifying the proposed amendment and to second the resolution in support of ratifying the proposed amendment, then the convention fails to ratify the proposed amendment;

(2) If the resolution in support of ratifying the amendment is made and seconded, the president shall take a roll-call vote of all commissioners to approve or reject the ratification resolution. As each commissioner votes, the president shall verify that the commissioner votes in accordance with the position for which the commissioner was elected or appointed. If a commissioner does not vote in accordance with the position for which they were elected or appointed, and to which they took the oath in subdivision (h)(7), the president shall reject that commissioner's vote, suspend the commissioner forthwith, and appoint an alternate commissioner pursuant to subdivision (h)(6). The president then shall refer the suspended commissioner to the attorney general and reporter for prosecution pursuant to subsection (i);

(3) If a commissioner attempts to raise an issue or action not necessary to complete the task of ratifying or not ratifying the proposed amendment, the president or any other commissioner shall call the commissioner to order. If, after the commissioner has been called to order, the commissioner persists in raising an issue or action not necessary to complete the task of ratifying or not ratifying the proposed amendment, the president shall suspend the commissioner forthwith and appoint an alternate commissioner pursuant to subdivision (h)(6). The

president then shall refer the suspended commissioner to the attorney general and reporter for prosecution pursuant to subsection (i);

(4) Following the vote to ratify or not ratify the proposed amendment, the president shall order the secretary of the convention to communicate the results of the convention to the appropriate leaders and staff in the United States congress; and

(5) After all business is completed, the president shall order the secretary of the ratification convention to provide the video recording, audio recordings, transcript of the ratification convention, and any other ratification convention documents to the secretary of state who shall order that this information be retained in the permanent archives of the state library and archives.

(k) Commissioners and alternate commissioners who appear at the ratification convention, who are not appointed from the legislative staff and who remain faithful to their election affidavit and any oath taken at the convention shall be compensated at the rate of the annual salaries of senators, prorated by the number of days of the convention. Alternate commissioners who are not assigned as commissioners are eligible for compensation. Commissioners and alternate commissioners who are not appointed from members of the legislative staff hold a lucrative office under Article II, § 26 of the Constitution of Tennessee.

(l) Commissioners and alternate commissioners are eligible for reimbursement for expenses and mileage related to their attendance at the ratification convention in accordance with the regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

SECTION 2. The headings to sections in Section 1 are intended to be informative and not part of the law, and the Tennessee Code Commission is requested to use the heading sections in codification.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.