

COUNTERMAND AMENDMENT DELEGATE RESOLUTION

Instructions to Delegates going to the Article V Countermand Amendment Convention
The “Application” on Congress to convene the Countermand Amendment Convention was approved
by the Legislature of the State of _____’s by Joint Resolution No. _____

WHEREAS, Article IV, Section 4 of the Constitution of the United States guarantees to every State a Republican form of government that gives each State equal standing when calling for a Federal Amendment Convention. Article V of the Constitution of the United States reserves to the State Legislatures the right to *Apply* to Congress for a Federal Amendment Convention for the purpose of *proposing amendments* to the United States Constitution when Congress, the Courts, and/or the Executive Branch refuse to address an egregious wrong suffered by the people; and

WHEREAS, The State Legislatures *alone* have the sovereign authority to “limit” the agenda and authority of Delegates (hereafter called “*Delegates*”) and/or Alternates (hereafter called “*Alternates*”) they send to a convened Federal Amendment Convention. This authority does not reside in the United States Congress, nor in the Federal or State Courts nor in the Federal or State Executive Branches, nor in regulatory agencies, nor in delegates sent to a Convention. This authority resides solely in State Legislatures.

WHEREAS, The authority of Congress, under Article V of the United States Constitution, requires it to convene an Amendment Convention for the purpose of proposing Amendments as *Applied* for and defined by the State Legislatures of the Several States; and

WHEREAS, The “*Delegates*” sent by the _____ State Legislature (hereafter called “*LEGISLATURE*”) to the *Countermand Amendment Convention* (hereafter called “*Convention*”) are Ambassadors of their *LEGISLATURE* and thus required to fulfill the Commission assigned to them in this *Delegate Resolution* (hereafter called “*Resolution*”). They are not free agents. They are empowered only to complete the terms and conditions defined in this *Resolution*.

WHEREAS, The *LEGISLATURE* hereby defines the duties and limits the authority of its *Delegates* at the *Convention* in this *Resolution*;

Resolved by the Legislature of _____ ;

The Legislature of the State of _____ hereby authorizes that *Delegates* be summoned and appointed to participate at the convened *Convention* according to the terms and conditions set forth in this *Resolution*.

The number and qualifications of Delegates to be sent to the convened *Convention* will be decided by the State Legislature after the United States Congress summons Delegates to the *Convention*.

1. The *LEGISLATURE* can add to, replace or remove any Delegate or Alternate if in its sole discretion such action is necessary.
2. Alternates will have no official role at the *Convention* and can attend the *Convention* only if the State Delegations at the *Convention* vote to allow their attendance and/or the *LEGISLATURE* appoints an *Alternate* to take the place of a *Delegate*.
3. The *LEGISLATURE* reserves to itself the right to alter and change this *Resolution* if in its sole discretion such action is necessary. *Delegates* will be bound by any such alteration or change to this *Resolution*.

The *LEGISLATURE* hereby instructs and authorizes its *Delegates* at the *Convention* to vote to send the *Countermand Amendment*, as herein written in Section E, back to the States for ratification via the United States Congress. _____’s *Delegates* are prohibited to vote in favor of any alternate Amendment or modified version of the *Countermand Amendment* that might be introduced at the *Convention* and they are hereby instructed to do all in their power at the *Convention* to secure a vote that approves sending the *Countermand Amendment* back to the States for ratification.

Only the *Countermand Amendment*, as herein written, will be considered by the *LEGISLATURE* for ratification.

The *LEGISLATURE* upon the enactment of this *Resolution*, will select and appoint three members to the Delegate Credential Committee (hereafter called “*Committee*”). The *Committee* will have the responsibility and requisite authority to perform each of its assigned duties (charges) described in SECTION A.

1. *Committee* members can be added to, replaced or removed if in the sole discretion of the *LEGISLATURE* such action is necessary.
2. Each member of the *Committee* is required to take the following oath and sign a Pledge Document confirming that the oath has been taken and agreed to. The following oath shall be administered by Leadership in the House and/or Senate:

“I pledge to follow the instructions and charges in this *Resolution* and any other directives given to me by the State of _____’s Legislature from the date I am appointed to the *Committee* and during the full term of the *Convention* to the best of my abilities so help me God.”

SECTION A. DUTIES OF THE “DELEGATE CREDENTIAL COMMITTEE”

Committee members shall follow the directives in this *Resolution* and any supplemental instructions from the *LEGISLATURE*.

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The *Committee* will have the requisite authority to remove or replace any Delegate or Alternate if, in its sole discretion, such action is necessary.

The “*Committee*” is charged with the following duties:

1. Decide all matters among *Committee* members with a simple majority vote.
2. Function as the official facilitator for the *LEGISLATURE* as required in this *Resolution*.
3. Appoint *Delegates* to the *Convention* who the *LEGISLATURE* has authorized.
4. Appoint two likeminded *Delegates* one to serve as the Chairman of _____’s State Delegation and the other as the Assistant Chairman.
5. Issue to each certified Delegate and/or Alternate (including the Chairman and Assistant Chairman) a Certification Certificate after they have satisfactorily:
 - a. Met the requisite qualifications established by the State Legislature,
 - b. Taken the applicable oath in Section A, Section 8, and
 - c. Confirmed their oath by signing a separate Pledge Document
6. Issue to each Certified Delegate and/or Alternate (including the Chairman and Assistant Chairman) a “Convention Pass” to the *Convention*.
7. Notify the *LEGISLATURE* of the financial or other needs the _____ State Delegation has at the *Convention*.
8. Administer the following oaths to the applicable candidate before issuing Certifications:

DELEGATES AND ALTERNATES

“I pledge to follow the instructions in this *Delegate Resolution* and any other directive given to me by the *Delegate Credential Committee* or the State of _____’s Legislature, whether such directive is given to me directly or indirectly, from the time I am certified by the *Committee* to be a Delegate or Alternate and during the full term of the *Countermand Amendment Convention*, to the best of my abilities so help me God.”

CHAIRMAN AND ASSISTANT CHAIRMAN OF _____’S STATE DELEGATION

“I pledge to follow the instructions in this *Delegate Resolution* and any other directive given to me by the *Delegate Credential Committee* or the State of _____’s Legislature, whether given to me directly or indirectly, from the time I am certified by the *Committee* to be the Chairman (Assistant Chairman) of _____’s State Delegation and during the full term of the *Countermand Amendment Convention*, to the best of my abilities so help me God.”

9. Monitor the activities of _____’s State Delegation.
10. Keep close communications with the Chairman and Assistant Chairman and provide needed assistance when requested.
11. Monitor the activities, deliberations and all votes by the States at the *Convention*. When possible inform the Chairman, Assistant Chairman and *LEGISLATURE* which States at the *Convention* have enacted a similar *Resolution* for their *Delegates*.
12. Make periodic reports and provide in depth analysis to the *LEGISLATURE* regarding the events at the *Convention*: upcoming events; progress and prospects for ratification of the Countermand Amendment by the Delegations; make appropriate recommendation(s) to the *LEGISLATURE* on actions needed to assure the favorable vote by the State Delegations to send the Countermand Amendment, as herein written, to the States, via Congress, for ratification.
13. The *Committee* shall have the authority to determine if a Delegate or Alternate violated the provisions of this *Resolution* and to decide if the Delegate should have his/her “Credentials” invalidated and removed from all activities at the *Convention*. The *Committee*’s decision will be final and there will be no appeal.

SECTION B. DUTIES OF “CHAIRMAN” OF _____’S STATE DELEGATION AND “PRESIDENT” OF CONVENTION

The Chairman or Assistant Chairman, (herein called “*Chairman*”) of _____s State Delegation will be required to follow the directives in this *Resolution* and others that may be issued, from time to time, by the “*Committee*” or by the *LEGISLATURE*.

DUTIES AND RESPONSIBILITIES OF THE “CHAIRMAN”

The *Chairman* is charged with completing the following:

1. Join with other State Delegations to open the *Convention* for business. Identify other State Legislatures that have approved a *Delegate Resolution* for their delegates. Work with these Delegations to find agreement to each of the following:
2. Arrange to have at least one *Delegate* from each *Resolution* Delegation to be the Spokesman at every business meeting and Roll Call at the *Convention*. Unless otherwise specified the *Chairman* will be _____ State Delegation’s spokesman.
3. Distribute to all *Delegates* from _____ a pocket size copy of the United States Constitution.
4. Instruct *Resolution* and non-Resolution State Delegates of the mandate in Article IV, Section 4 of the United States Constitution that guarantees to each State a Republican form of government which gives each State equal standing when *Applying* for a *Convention* and when voting at and organizing the *Convention*.
5. Work closely with *Chairman* from all other State Delegations to find mutual agreement on the objectives in this *Resolution*.
6. Assign to _____’s Delegates the following duties:

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- a. Assign to each a proportionate number of Delegates from other State Delegations for the purpose of gaining consensus and agreement that the *Countermand Amendment*, as herein written, should be sent to the States for ratification.
7. Build a consensus between at least 26 State Delegations, especially *Resolution* Delegations, at the “*Convention*” to:
 - a. Require that each State Delegation at the *Convention* has only one vote regardless of the number of Delegates in a State Delegation or the population of a State (Article IV, Section 4 U.S. Constitution).
 - b. Require a simple majority vote at all Roll Calls to decide any and all matters brought before the *Convention*, including the question of whether the *Countermand Amendment*, as herein written, should be sent to the States for ratification.
 - c. Nominate and install Convention Officials who come from States that have passed this *Resolution* for their Delegates, and who agree with sending the *Countermand Amendment*, as herein written, to the States for ratification.
 - d. Require a quorum of 26 State Delegations before business can be conducted and before a vote can be taken to decide any and all matters that may be presented at the *Convention*.
 - e. Build a consensus of at least 26 State Delegations to work together for the mutual goal of sending the *Countermand Amendment*, as herein written, back to the States for ratification.
 - f. Work to conclude Convention business in 21 days. In no case is the Convention to be longer than 180 days, unless the *Convention* votes to extend the termination date by 180 days. No further extensions are to be allowed.
 - g. Nominate a candidate to be President of the *Convention* who comes from _____’s Delegation (if possible).
 - h. If necessary call for a vote for a candidate to be President who is likeminded and comes from a State that has enacted this *Resolution*, whether or not you nominated the candidate to be President.
 - i. Try to avoid the nomination and election of a President who comes from a State that did not pass this *Resolution*.
 - j. Assuming the elected President comes from the State of _____ or from a State that has passed this *Resolution*, his/her duties shall be:
 - i. To secure a vote from State Delegations requiring this *Resolution* be the “Rules of Order” at the *Convention*
 - (“Robert’s Rules of Order” can be adopted if they do not conflict with this *Resolution*).
 - ii. To follow the terms, directives and requirements in this *Resolution*.
 - iii. To call for a vote requiring each State Delegation to appoint one Delegate to be their Spokesman.
 - iv. To stay focused on the primary purpose which is to have the *Countermand Amendment*, as herein written in Section E, be sent to the States, via Congress, for ratification.
 - v. To provide Security measures as may be needed at the “*Convention*”.
 - vi. To prohibit weapons or objects that can be construed as weapons from entering the *Convention*.
 - vii. To officiate the nomination and installation of all Officers at the *Convention*.
 - viii. To establish the agenda at the “*Convention*” as defined in this “*Resolution*”.
 - ix. To provide equal time in floor discussions for all States whether for or against sending the *Countermand Amendment* to the States for ratification.
 - x. To prohibit the introduction at the *Convention* of any subject matter or issue other than matters relating to the *Countermand Amendment*, as herein written, and if it should be sent to the States for ratification.
 - xi. To expedite deliberations by the State Delegations and to prevent unnecessary delays.
 - xii. As quickly as possible, allow a Roll Call for the State Delegations to decide if the *Countermand Amendment*, as herein written, should be sent to the States, via Congress, for ratification.
 - xiii. To authorize appropriate Roll Calls at the “*Convention*”.
 - xiv. To deny all efforts to introduce other Amendments to the *Convention*, including any modification(s) or alteration(s), of any kind, to the *Countermand Amendment*, as herein written. Questionable actions by the delegates at the *Convention* that need to be clarified should be presented to the *Committee* and *LEGISLATURE* for clarification and direction.
 - xv. To settle all disputes between State Delegations and Delegates whether or not they are from a *Resolution* State.
 - xvi. To terminate the *Convention* Credentials of any Delegate, including *Convention* Officials, for causing procedural or Security problems at the *Convention*.
 - xvii. To establish procedures for installing and recognizing Alternates who are to become Delegates.
 - xviii. To call for a vote at the earliest favorable time to approve sending the *Countermand Amendment* to the States for ratification.
 - xix. To call for a vote to decide which method of ratification the *Convention* recommends to Congress, whether by State Legislatures or State Conventions. Recommend to the *Convention* that ratification should be by *LEGISLATURES*. *Resolution* Delegations are required to vote for ratification through State Legislatures.
 - xx. To report to the United States Congress, the 50 State Legislatures and the media the decisions of the *Convention*.
 - xxi. To make formal requests, from time to time, to the State Legislatures, through representatives in the 50 State Delegations, for monies that will be needed to carry on the business of the *Convention*.
 - xxii. To require that the *Convention* be closed to all media groups. Only delegates appointed by their Legislatures, security screened suppliers, security staff, custodial staff and personnel who are needed for carrying out the business of the *Convention* are to be given security passes (each bound to confidentiality) will be permitted into the *Convention*.
 - xxiii. If a candidate for President of the Convention wins the Presidency who does not come from a State that has adopted this *Resolution*, then it is the Duty of the Chairman and the Delegates in the *LEGISLATURE’S* Delegation to use every means at their disposal to influence a favorable vote by the *Convention* to send the *Countermand Amendment*, as herein written, to the States for ratification.
 - xxiv. To follow the procedures in Section B for electing other officers as the Convention deems necessary. The President shall be responsible to define the duties for each office in accordance to the requirements of this *Resolution*.
 - xxv. To oppose and vote against any effort by State Delegations to delay a vote for the Countermand Amendment, or modify, alter or change the text of the *Countermand Amendment*, as herein written.

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- xxvi. To oppose and vote against any efforts by State Delegations to offer any other Amendment to the Constitution at the *Convention* other than the *Countermand Amendment*, as herein written.
- xxvii. To organize _____'s Delegates at the *Convention* and assign to each specific duties with instructions for carrying out the objectives and purposes in this "*Resolution*" and directives that may, from time to time, come from the *Committee* or *LEGISLATURE*:
- xxviii. To assign to Delegates from _____ the following responsibilities:
 - Work with and gain consensus from other State Delegations for the purpose of securing their agreement that the *Countermand Amendment*, as herein written, should be sent to the States for ratification.
 - Report to the Chairman the number of other States that plan to vote in favor of the *Countermand Amendment*.
 - Report to the Chairman any problems or opportunities that may have or might develop relating to the directives in this "*Resolution*".
- xxix. To be amenable to both the *Committee* and *LEGISLATURE*.
8. The Chairman and the *Delegates* from the State of _____ are required to do all in their power to influence a President from a non *Resolution* State to bring the Countermand Amendment to a favorable vote at the Convention according to the instructions in this *Resolution* as quickly as possible. Frequent discussions with the *Committee* for the purpose of accomplishing this objective is required.
9. The *Chairman* is bound to cast _____'s State Delegation vote at the Convention requiring that the Countermand Amendment, as herein written, be sent to the States for ratification via Congress.
10. Conduct frequent meetings with _____'s State Delegates to review, analyze and report on the work being accomplished.
 - a. Establish plans to correct problems and to advance the objective which is to secure a favorable vote by the *Convention* to send the *Countermand Amendment* to the States for ratification.
11. Make regular reports to the *Committee* regarding all activities at the *Convention*.
12. Notify the *Committee* of financial or other needs the _____'s State Delegation has at the *Convention*.

SECTION C. DUTIES AND RESPONSIBILITIES OF "DELEGATES"

The Delegates of _____'s State Delegation will be required to follow the directives in this "*Resolution*" and others that may be issued, from time to time, by the "*Committee*" or by the *LEGISLATURE*. Each Delegate is charged with the following duties:

1. Be amenable to and follow the instructions of the Chairman and Assistant Chairman of _____'s State Delegation.
2. Be amenable to the President of the Convention when he/she is from a *Resolution* State. If the President is from a non *Resolution* State work closely with the *Chairman* to find resolutions that are compliant with this *Resolution*.
3. Work to advance all the requirements and directives in this *Resolution*.
4. Be subject to dismissal from the _____ State Delegation for violation of this *Resolution*.
5. The Delegate is bound by this *Resolution* to vote at all _____ State Delegation Roll Calls consistent with directives given to the Chairman in Section B., which includes sending the *Countermand Amendment*, as herein written, to the States for ratification via Congress.
6. Attend all assigned business sessions at the *Convention*.
7. Help the Chairman to successfully complete the instructions in Section B.
8. Attend all meetings scheduled by the Chairman:
 - a. Report to the Chairman the results of your work among other State Delegates.
 - b. Assess and report to the Chairman the number of States that plan to vote in favor of the *Countermand Amendment*.
 - c. Assess and report to the Chairman any problems or opportunities that may have or might develop relating to the purposes of this "*Resolution*".
 - d. Recommend to the Chairman other strategies that may help _____ join with at least 26 or more other States to vote favorably for the *Countermand Amendment* at the "*Convention*".

SECTION D. DUTIES AND RESPONSIBILITIES OF "ALTERNATES"

The Alternates of _____'s State Delegation will be required to follow the directives in this "*Resolution*" and others that may be issued, from time to time, by the *Committee* or by the State *LEGISLATURE*. Each Alternate is charged with the following duties:

1. Being ready to become a Delegate if directed to do so by the "*Committee*" or *LEGISLATURE*.
2. Fulfill the duties in Section C. when appointed as a Delegate.
3. Be subject to dismissal from the _____ State Delegation for violation of this "*Resolution*".
4. When appointed to be a Delegate, attend all meetings scheduled by the Chairman:

SECTION E. TEXT FOR THE COUNTERMAND AMENDMENT

The text for the *Countermand Amendment* that is to be sent to the State Legislatures, via Congress, for ratification shall read as follows:

COUNTERMAND AMENDMENT ARTICLE 28 (or alternate number to be assigned by Congress)

Section 1. The Article restores State sovereignty in our Constitutional Republic by providing State Legislatures Countermand authority.

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Section 2. State Legislatures in the several States shall have the authority to Countermand and rescind any Congressional Statute, Judicial decision, Executive Order, Treaty, government agency’s regulatory ruling, or any other government or non-government mandate (including excessive spending and credit) imposed on them when in the opinion of 60 percent of State Legislatures the law or ruling adversely affects their States’ interest. When the Countermand threshold has been reached, the law or ruling shall be immediately and automatically nullified and repealed. This Countermand authority shall also apply to existing laws and rulings.

Section 3. From the time the initial Countermand is issued by a State Legislature, the other Legislatures shall have 18 months to complete the Countermand process. If the Countermand process is not completed in 18 months, then the law or ruling that is being challenged shall remain enforceable.

Section 4. Each State Legislature must complete their Countermand affidavit and deliver a certified copy to the Chief Justice of the United States Supreme Court, the Leader of the United States Senate, the Speaker of the House of Representatives, the President of the United States, and when applicable the Government Agency or Body that is being challenged.

Section 5. Any elected or non-elected government official, or any non-government individual or organization, who intentionally obstructs or prevents the implementation of any provision in this Article shall have committed a criminal offense and shall be subject to impeachment (when applicable) and criminal prosecution and upon conviction serve up to five years in prison.

Section 6. Individual States shall have authority to prosecute violators of this Article under State laws in the absence of Federal prosecution after 90 days from the date of the alleged violation. Multiple prosecutions, by multiple States, for the same alleged crime are prohibited.

Section 7. The Article shall be immediately part of the United States Constitution upon ratification by three quarters of the State Legislatures in the several States.

Section 8. The provisions of this Article are enforceable within the United States which shall include the Several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the territories and possessions of the United States.

Resolved, That the Clerk forward a copy of this signed Agreement to the Leadership in the State Legislatures of every State that has likewise approved a similar *Resolution* for their Delegates.

A certified copy of this Delegate Resolution must be agreed to and signed by every Delegate sent by the _____’s State Legislature to the Countermand Amendment Convention.

This “Resolution” is hereby entered into and adopted by the Legislature of the State of _____ on this date: / /

Authorized Signatures with Titles: _____ Seal of the State of _____
Name: _____ Title:
Name: _____ Title:
Name: _____ Title: