

# HB443 INTRODUCED



1 HB443  
2 SLI3B55-1  
3 By Representatives Oliver, Wood (R), Crow, Treadaway,  
4 Lipscomb, Garrett  
5 RFD: Constitution, Campaigns and Elections  
6 First Read: 12-Feb-26



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SYNOPSIS:

Under Article V of the United States Constitution, if two-thirds of the states apply, Congress must call a convention of the states to propose amendments to the Constitution.

This bill would establish a process for the appointment of commissioners and alternate commissioners to serve as Alabama's delegation to an Article V Convention.

This bill would establish qualifications for commissioners, provide for duties of commissioners, and provide for the recall and removal of commissioners.

This bill would require the Legislature, by joint resolution, to appoint commissioners and alternate commissioners and require the Legislature to include certain information instructing commissioners on their duties and scope of authority.

This bill would require commissioners and alternate commissioners to execute an oath.

This bill would provide that commissioners and alternate commissioners shall be compensated at the same rate as members of the House of Representatives, prorated by the length of time served, and this bill would prohibit commissioners and alternate commissioners from receiving certain gifts.



## HB443 INTRODUCED

29                   This bill would provide that the delegation may  
30                   select individuals to serve in leadership roles and  
31                   establish a quorum for decision-making.

32                   This bill would create an advisory committee to  
33                   monitor an Article V Convention and the commissioners.

34                   This bill would establish a procedure for  
35                   recalling and removing commissioners who exceed the  
36                   scope of their authority.

37                   This bill would also establish criminal  
38                   penalties for commissioners who exceed the scope of  
39                   their authority and for individuals who interfere in  
40                   the performance of a commissioner's duty.

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A BILL

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TO BE ENTITLED

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AN ACT

46

47                   Relating to Article V Conventions; to establish a  
48                   process for appointing commissioners and alternate  
49                   commissioners to represent the State of Alabama at an Article  
50                   V Convention; to provide for the appointment and  
51                   qualifications of commissioners; to establish the duties of  
52                   commissioners; to provide for the compensation of  
53                   commissioners; to prohibit commissioners from receiving  
54                   certain gifts; to establish parameters of the delegation's  
55                   authority; to establish an advisory committee; to provide for  
56                   the recall and removal of a commissioner; to establish



## HB443 INTRODUCED

57 criminal penalties for a commissioner who exceeds the scope of  
58 his or her authority; and to establish criminal penalties for  
59 an individual who interferes with the performance of a  
60 commissioner's duties.

61 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

62 Section 1. This act shall apply only to an Article V  
63 Convention of the states.

64 Section 2. For the purposes of this act, the following  
65 terms have the following meanings:

66 (1) ALTERNATE COMMISSIONER. An individual appointed by  
67 the Legislature to serve as a commissioner to an Article V  
68 Convention in place of another commissioner who cannot execute  
69 his or her duties.

70 (2) ARTICLE V CONVENTION. A convention called by  
71 two-thirds of the states for proposing amendments to the  
72 United States Constitution as provided under Article V of the  
73 Constitution.

74 (3) COMMISSIONER. An individual appointed by the  
75 Legislature to represent the State of Alabama at an Article V  
76 Convention.

77 (4) DELEGATION. The group of commissioners and  
78 alternate commissioners appointed by the Legislature to attend  
79 an Article V Convention.

80 Section 3. (a) Whenever an Article V Convention is  
81 called by the states, the Legislature shall appoint three  
82 commissioners and three alternate commissioners to represent  
83 the State of Alabama at the Article V Convention.

84 (b) (1) The Legislature shall appoint the commissioners



## HB443 INTRODUCED

85 and alternate commissioners by joint resolution adopted during  
86 a joint session of the Legislature.

87 (2) If the Legislature is not in session during the  
88 time when commissioners to an Article V Convention must be  
89 appointed, the Governor shall call the Legislature into  
90 special session under Section 122 of the Constitution of  
91 Alabama of 2022, for the purpose of appointing commissioners  
92 and alternate commissioners.

93 (c) The Legislature may appoint additional  
94 commissioners and alternate commissioners, but the total  
95 number of commissioners and the total number of alternate  
96 commissioners shall each be an odd number.

97 (d) (1) To be appointed a commissioner or alternate  
98 commissioner, an individual must receive, in each house of the  
99 Legislature, the vote of a majority of all the members elected  
100 to each house.

101 (2) At the time of appointment, each alternate  
102 commissioner must be paired with a commissioner as provided in  
103 a joint resolution adopted by the Legislature.

104 (e) (1) The Legislature may recall any commissioner or  
105 alternate commissioner and replace that commissioner or  
106 alternate commissioner with an individual appointed under this  
107 act at any time by joint resolution.

108 (2) If the Legislature is not in session, the advisory  
109 committee, established under Section 8, may recall and remove  
110 any commissioner or alternate commissioner upon a  
111 determination by the advisory committee that a commissioner or  
112 alternate commissioner exceeded the scope of his or her



## HB443 INTRODUCED

113 authority pursuant to Section 9, pending a vote of the  
114 Legislature.

115 Section 4. (a) To be appointed as a commissioner or  
116 alternate commissioner to an Article V Convention, an  
117 individual shall satisfy all of the following requirements:

118 (1) The individual shall be a United States citizen for  
119 at least five years preceding appointment.

120 (2) The individual shall be an Alabama resident for at  
121 least five years preceding appointment.

122 (3) The individual shall be at least 25 years of age.

123 (4) The individual shall be a registered voter in the  
124 State of Alabama.

125 (5) The individual shall not currently be registered or  
126 required to be registered as a federal lobbyist, or have been  
127 registered or required to be registered as a federal lobbyist  
128 at any time in the five years preceding appointment.

129 (6) The individual shall not currently be a federal  
130 employee or contractor, or have been a federal employee or  
131 contractor at any time in the 10 years preceding appointment,  
132 excluding members of the United States Armed Forces.

133 (7) The individual shall not currently hold a federal  
134 elected or appointed office, or have held a federal elected or  
135 appointed office at any time in the 10 years preceding  
136 appointment.

137 (8) The individual shall not have been convicted of any  
138 felony in any jurisdiction in the 10 years preceding  
139 appointment.

140 (b) An individual appointed as a commissioner or



## HB443 INTRODUCED

141 alternate commissioner shall not hold statewide office while  
142 performing duties as a commissioner or alternate commissioner.  
143 "Statewide office" does not include service as a member of the  
144 Legislature.

145 Section 5. (a) (1) The joint resolution appointing the  
146 commissioners and alternate commissioners shall include the  
147 following instructions:

148 a. A commissioner shall not vote for or otherwise  
149 promote any change to the traditional convention rule that  
150 each state has one vote.

151 b. A commissioner shall not vote in favor of any  
152 proposed amendment that would alter the text of the specific  
153 guarantees of individual liberty established by the  
154 Constitution, including the Constitution, Bill of Rights, or  
155 any amendment guaranteeing individual rights.

156 (2) The joint resolution appointing the commissioners  
157 and alternate commissioners shall state that the scope of the  
158 commissioner's authority is limited by the subject matter in  
159 the State of Alabama's application calling for an Article V  
160 Convention, as set forth in Act 2015-222 of the 2015 Regular  
161 Session.

162 (3) The Legislature may provide any additional  
163 instructions at any time by adopting a subsequent joint  
164 resolution and providing each commissioner, alternate  
165 commissioner, and member of the advisory committee a copy of  
166 the subsequent resolution.

167 (b) (1) Each commissioner and alternate commissioner,  
168 upon appointment and before exercising any function as a



## HB443 INTRODUCED

169 commissioner or alternate commissioner, shall execute the  
170 following oath in writing: "I do solemnly swear (or affirm)  
171 that I accept and will act according to the limits of  
172 authority specified in my commission and any present or  
173 subsequent instructions. I understand that violating this oath  
174 may subject me to penalties provided by law. I understand that  
175 I may be recalled or removed from my duties by the Legislature  
176 or the advisory committee."

177 (2) A commissioner's executed oath shall be filed with  
178 the Alabama Secretary of State.

179 (c) After a commissioner's or alternate commissioner's  
180 executed oath is filed with the Secretary of State, the Clerk  
181 of the House of Representatives shall provide to the  
182 commissioner or alternate commissioner an official copy of the  
183 executed oath and commissioning resolution, which together  
184 shall serve as the commissioner or alternate commissioner's  
185 credentials.

186 Section 6. (a) (1) A commissioner or alternate  
187 commissioner shall receive the same compensation as a member  
188 of the House of Representatives of this state, prorated for  
189 length of time served.

190 (2) A commissioner or alternate commissioner is  
191 entitled to receive the same allowance for expenses as  
192 provided to a member of the House of Representatives of this  
193 state.

194 (b) (1) A commissioner or alternate commissioner shall  
195 not accept any gifts or benefits with a combined value of more  
196 than two hundred dollars (\$200), other than from a member of



## HB443 INTRODUCED

197 his or her family and of the kind customarily granted by a  
198 member of one's family, during his or her time of service.

199 (2) For the purpose of this section, "gift or benefit"  
200 shall be construed liberally to include current and future  
201 loans, lodging, food, offer of prospective employment, and  
202 other actual and prospective benefits, but shall not include  
203 an employer's decision to continue paying a commissioner's  
204 current salary.

205 Section 7. (a) The commissioners in the delegation,  
206 including alternate commissioners filling a vacancy, shall  
207 select from among themselves a chair, a commissioner to cast  
208 votes on behalf of the delegation, and a commissioner to serve  
209 as the spokesperson for the delegation. If the delegation so  
210 decides, the same commissioner may exercise all of the  
211 preceding functions. The delegation may designate a different  
212 commissioner to perform any function at any time.

213 (b) Each commissioner shall take care to avoid  
214 communicating the impression to any person outside the  
215 delegation that the delegation is divided on a question on  
216 which the delegation has taken a formal position, including,  
217 but not limited to, casting a vote.

218 (c) No commissioner other than the one designated as  
219 the spokesperson may communicate with the mass media about  
220 convention business during the convention or during any  
221 temporary recess or temporary adjournment.

222 (d) A commissioner violating subsection (b) or (c) may  
223 be recalled or removed by the advisory committee or the  
224 Legislature.



## HB443 INTRODUCED

225 (e) Subsection (b) and (c) shall not be construed to  
226 prevent a commissioner from presenting his or her opinions to  
227 the convention or debating a matter at the convention on which  
228 the delegation has not formally taken a position.

229 (f) The quorum for decision-making by the delegation,  
230 including the designation of commissioners for particular  
231 duties and the determination of how the state's vote shall be  
232 cast, shall be a majority present and voting at the time the  
233 delegation is polled. No decisions shall be made and no vote  
234 shall be cast if less than a majority of the delegation votes  
235 in the poll.

236 (g) The rule of decision for the delegation, a quorum  
237 being present, shall be a majority of those present and voting  
238 at the time of polling.

239 Section 8. (a) The advisory committee shall consist of  
240 the following members:

241 (1) One member of the Senate appointed by the President  
242 Pro Tempore of the Senate.

243 (2) One member of the House of Representatives  
244 appointed by the Speaker of the House of Representatives.

245 (3) One member of the Legislature, jointly nominated by  
246 the President Pro Tempore of the Senate and the Speaker of the  
247 House of Representatives, and approved by a majority vote of  
248 the Senate and the House of Representatives.

249 (b) The advisory committee shall select one of its  
250 members as the chair.

251 (c) (1) A commissioner may request that the advisory  
252 committee advise him or her as to whether a prospective action



## HB443 INTRODUCED

253 by the commissioner would violate the commissioning resolution  
254 or any subsequent instructions.

255 (2) The advisory committee shall provide to the  
256 commissioner requesting advice pursuant to subdivision (1) a  
257 determination within 24 hours of receiving the request by any  
258 appropriate medium.

259 (d) The advisory committee shall have authority to hire  
260 staff and develop appropriate procedures and mechanisms for  
261 monitoring the convention, its committees, and subcommittees.

262 Section 9. (a) Whenever the advisory committee has  
263 reason to believe that a commissioner or alternate  
264 commissioner has exceeded the scope of his or her authority,  
265 the advisory committee shall notify the Speaker of the House  
266 of Representatives, the President Pro Tempore of the Senate,  
267 and the Attorney General.

268 (b) The Speaker of the House of Representatives,  
269 President Pro Tempore of the Senate, or Attorney General may  
270 request the advisory committee to issue a determination about  
271 whether a commissioner or alternate commissioner has exceeded  
272 the scope of his or her authority. The advisory committee  
273 shall issue a determination on whether the commissioner or  
274 alternate commissioner exceeded his or her authority  
275 expeditiously, and the advisory committee shall communicate  
276 the determination to the person requesting the determination  
277 as soon as the determination is made.

278 (c) Upon determining that a commissioner or alternate  
279 commissioner has exceeded the scope of his or her authority as  
280 provided by this section, the advisory committee shall



## HB443 INTRODUCED

281 immediately exercise its authority under Section 3 to recall  
282 and remove the commissioner. The advisory committee shall  
283 communicate the action and the reasons to the Speaker of the  
284 House of Representatives, President Pro Tempore of the Senate,  
285 the Attorney General, and the presiding officers of the  
286 convention.

287           Section 10. (a) (1) A commissioner or alternate  
288 commissioner to an Article V Convention shall not exceed the  
289 scope of his or her authority when acting as a commissioner or  
290 alternate commissioner. A commissioner or alternate  
291 commissioner exceeds the scope of his or her authority by  
292 voting or otherwise acting beyond the authority granted in his  
293 or her commission, as revised by any subsequent instructions  
294 provided before a vote or other action.

295           (2) A commissioner or alternate commissioner who  
296 exceeds the scope of his or her authority shall be guilty of a  
297 Class C felony.

298           (b) Any individual who knowingly bribes, threatens,  
299 intimidates, or obstructs a commissioner or alternate  
300 commissioner in the performance of his or her duties, or  
301 attempts to do so, shall be guilty of a Class C felony.

302           Section 11. This act shall become effective on October  
303 1, 2026.