

Model Constitutional Convention
Arizona State University Sandra Day O'Connor College of Law
Rules of the Convention

Preface

The Model Constitutional Convention is modeled after a form of Convention described in Article V of the U.S. Constitution. It is necessary to abbreviate some of the processes that would be involved in forming a convention to accommodate the time constraints of holding this model convention in three days.

In an actual Convention, it may take days or weeks to elect a presiding officer, adopt rules of the convention and even begin the committee work of actual drafting or debating a proposal for a constitutional amendment. In order to facilitate our time constraints, we will be electing a President, Vice President, and a Secretary, adopting the convention standing rules and program, and requiring proposed constitutional amendments in advance of the convention rather than from the floor as well as limiting the number of proposals that a state may submit.

While it requires two-thirds of the state legislatures to agree to hold a convention, there is no guarantee that the delegates sent to the convention would in fact be legislators. The rules contained in Mason's Manual of Legislative Procedure are designed for legislatures (normally bicameral) and do not readily lend themselves to convention procedure. Considering this fact, the sponsors have chosen to operate under the latest edition of *Robert's Rules of Order Newly Revised* (12th Ed.) (RONR) with the exception that electronic voting in advance of the convention will be allowed. This decision is based on the applicability of RONR to conventions and the educational value of exposure to the more common parliamentary authority.

Rules

Rule 1. Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* (12th Ed.) shall govern the convention in all cases to which they are applicable and in which they are not inconsistent with these rules.

Rule 2. Administration

The administrator of this event shall be the Arizona State University Sandra Day O'Connor College of Law. The administrator shall perform the function of the committee on rules and the program committee.

Rule 3. Credentials

Each state shall be entitled to two delegates. Attendance at all sessions is a requirement for funding. The administrators shall appoint a credentials committee of 5 to report the credentials to the convention. No other business is in order until approval of the credentials report.

Rule 4. Officers

- A) The delegates to the convention shall elect a President, Vice President, and Secretary of the Convention by a plurality vote in advance of the convention using Poll Everywhere Software. The voting will be open for a minimum of 6 hours. Each Candidate shall be allowed to submit a 5-minute video introduction for distribution to the delegates. The President and Vice-President should be chosen solely on their ability to preside.
- B) The administrator shall appoint one student to preside over the election of the permanent President, Vice President, and Secretary which will simply be an announcement of the election results from the pre-convention election. Once the President has been declared elected, they will assume their duties immediately.
- C) The parliamentarian shall be engaged by the administrator.

Rule 5. Quorum

A majority of the registered delegates must be present on the floor for the convention to conduct any business, with the exception of the motions to *Raise a Question of Privilege, Recess, and Adjourn Sine Die*.

Rule 6. Order of Business

The order of business shall be as follows:

- 1) Adoption of the Credentials Report (in advance of the convention)
- 2) Adoption of the Rules and Program (in advance of the convention)
- 3) Election of President, Vice President and Secretary (in advance of the convention)
- 4) Call to order.
- 5) Invocation
- 6) Pledge of Allegiance
- 7) Roll Call of States
- 8) Review of Committee Assignments and Procedures
- 9) Committee Meetings
- 10) Plenary Hearing of Initial Reports
- 11) Plenary Explanation of the Rules of Debate
- 12) Consideration and Adoption of NCC Proposals
- 13) Consideration and Adoption of other Proposals
- 14) Adjournment

Rule 7. Limitations of Proposals

Any amendment to an existing Article or by adding a new Article will be deemed a proposal, including the NCC proposals. Each state shall be limited to one proposal for a Constitutional Amendment, either to amend an existing Article or to add a new Article. Proposals to amend an existing Article must be germane to that Article. All proposals must be submitted to committee chairs by Monday 20, 2024, to be considered by the convention.

Each state delegation must agree which member will present its additional proposal. If the two representatives do not agree on which proposals to submit, that state will not be permitted to submit a proposal. Territorial delegates may also submit a proposal to any committee, but must agree in advance as to the proposal and as to which committee(s) it will submit the proposal.

Proposals that contain provisions that are not germane to one another will be ruled out of order by the committee chair and/or the convention chair. Proposals that amend more than one Article of the Constitution will also be ruled out of order unless they are necessary conforming amendments.

If the wording of one proposal conflicts with the wording of a proposal already adopted, it shall not make the proposal out of order. The wording of the proposal adopted at the latest temporal point shall prevail if there exists a conflict between two or more proposals.

Rule 8. Limitations of Motions

The only permissible motions are original proposals, postpone indefinitely, primary, and secondary amendments to proposals, limit or extend debate, previous question, point of order, appeal, suspend the rules, division of the question, division of the assembly, parliamentary inquiry, motions concerning voting, request for information, reconsider, adopt in lieu of as described in Rule 11 question of privilege, recess and adjourn sine die. These rules including this rule may not be suspended without a three-quarters vote.

Rule 9. Limitations of Debate

Debate in Plenary Session shall be limited to two debates of no more than two minutes per speaker per debatable motion. Debate on any proposal shall not extend beyond 1 hour in total duration.

Rule 10. Committee Procedure

A. Committee Officers.

Each Committee will elect a chairman and a scribe. The chairman will preside at the committee meeting and the scribe will produce a memo of the action of the meeting. The President of the Convention will assign similarly themed amendments to the same committee to the extent possible.

B. Committee Proposals.

Each committee will be assigned one NCC proposal to perfect. Each Committee will first consider the NCC proposal and then consider any proposals from the states represented within the committee.

Each committee may advance up to two proposals to the floor: The proposal receiving the highest majority vote of state delegates from the committee shall be forwarded by the committee. Ties will be resolved by drawing lots. If none of the proposals receive a majority vote or higher, that committee will not report any proposals. Any proposal in a committee that does not receive a majority vote or is not the highest majority will be considered defeated by the convention.

C. Limitation of Debate in Committee

The limitation of debate within the committee shall be limited to two debates of no more than two minutes per speaker per debatable motion.

The total time for debate on the NCC proposal shall be limited to 30 minutes. At the end of 30 minutes any pending motions shall be put to a vote without further debate in succession until the question is decided.

The time remaining shall be divided equally among the remaining proposals or a maximum of 15 minutes, whichever is less, after which any pending motions shall be put to a vote.

D. Previous Question in Committee

A member of the committee may call for the previous question provided at least one pro and one con debate has been heard on the motion.

E. Report of the Committee

At the beginning of the first Plenary Session of the convention, the chairman of the committee will report one of the potential two proposals to the convention. If the committee is to forward a second proposal, this must be presented by another member of the committee. Each presentation shall not exceed 5 minutes in length. At the conclusion of the presentation, the member moves to adopt their proposal or adopt their proposal in lieu of the other committee's proposal if it has already been presented. The proposals shall automatically be postponed until the Saturday session.

Rule 11. Adopt in Lieu Of.

It shall be allowable to adopt one proposal or amendment in lieu of one or more other proposals or amendments by a majority vote. If a motion to adopt one proposal or amendment in lieu of another proposal or amendment is lost, the original proposal or amendment is defeated but the remaining motions may still be offered.

Rule 12. Suspension of the Rules

Contrary to *Robert's Rules of Order Newly Revised*, these rules (including this rule) may not be suspended except by a three-quarters vote.

Rule 13. Points of Order and Appeal

All points of order will be decided by the President subject to an appeal except all appeals shall be non-debatable beyond the President and the appellant.

Rule 13. Plenary Session

The plenary session shall first take up the NCC proposals in an order determined by the President. It shall not be in order to move to alter the order of consideration.

If a proposal is taken up to adopt one proposal in lieu of another, it shall be in order to amend the proposal but not the in lieu of proposals. If a motion to adopt one proposal in lieu of another is defeated, the other proposal shall be immediately stated as pending by the presiding officer. This proposal is then open to amendment but not substitution back to the first proposal.

After completion of the NCC proposals, the chair will announce the next proposal as pending and all the above actions shall be in order at that time.

Rule 14. Amendments

No more than one primary and one secondary amendment to a proposal may be pending at one time. There is no limit to the number of times a proposal may be amended.

Amendments must be germane to the pending proposal to be in order.

The President may waive the settled rule for amendment (the rule that prohibits wording from being amended once it has been amended) if, in the opinion of the president, the replacement wording is likely to pass or improves the proposal.

Rule 15. Minutes

Minutes of all motions and necessary procedural actions will be kept. The minutes will not reflect the names of the makers of motions or seconding of motions other than that they were seconded. The minutes will not attempt to capture any substance, direction, accounting of debate.

Rule 16 Display of Motions

All proposals or motions and amendments of motions or proposals will be displayed, and the displayed version will be the official version of all motions adopted.

Rule 17. Decorum

Decorum and Diplomacy must be maintained at all times in debate and on the delegate floor. As a reminder the rules of decorum are:

1. Confine all remarks to the merits of the pending question. A delegate may not debate a proposal while an amendment is pending.
2. Avoid the use of member's names. A delegate should be referred to as "the delegate from Virginia".
3. Refrain from disturbing the assembly. Side talk, clapping and cheering, and other forms of outward expression are prohibited.
4. Refrain from attacking a delegate's motives. Debate is confined to the merits of the question not the personality of the proponent.
5. Refrain from reading from papers quotations without permission.
6. A delegate may not speak against their own motion.
7. Address all remarks to the President.
8. Refrain from speaking adversely on a prior action not pending.
9. Be seated during an interruption by the President.
10. The President may not debate a proposal without yielding the gavel to the Vice President or another member who has not spoken.

Rule 18 Voting

All votes will be taken by voice vote and verified according to methods in the parliamentary authority except for the final vote on any proposal which shall be taken by rising serpentine count. A delegate who is unable to rise or raise their hand may indicate their vote in another fashion. It shall require 76 votes to adopt any final proposal for amendment to the Constitution. The President may vote on any vote in which their vote will alter the outcome of the vote.