

Model Constitutional Convention
Arizona State University Sandra Day O'Connor College of Law
Guidance for Delegates and Alternates

The document is intended to provide students and mentors with additional guidance about their roles at the Model Constitutional Convention. It should be read along with other materials provided on the [Resources](#) section of the Convention webpage, as well as the various FAQs that have been provided to students on the web and via email.

Prior to the Convention:

Students will work with their mentors in committees to identify proposed amendments for debate once the Convention begins. Note that the committees have been formed to serve a “winnowing function” to ensure that the delegates in plenary session debate only those amendments that have support in committee. The pre-Convention process will proceed as follows:

1. Each state delegation (of two delegates) will have the authority to propose ONE amendment to the U.S. Constitution. Thus, each delegation will need to work collaboratively to draft an amendment that would be consistent with the assigned state’s political and economic profile. For this purpose, students should review the [Resources](#) page for the Convention, which offers statistical data on the American states.
2. Territorial delegates may propose ONE amendment to the U.S. Constitution. Thus the Territorial delegates will need to work collaboratively to draft an amendment in their territories’ interests. This amendment may be submitted to any committee for consideration.
3. State and territorial delegates will sit on separate committees (i.e. the two students from each state delegation will **not** be serving on the same committee). For that reason, each delegation’s proposed amendment may be advanced through multiple committees. For strategic reasons, however, the delegation may wish to advance its proposal in a single committee only. Negotiation, log-rolling and other strategic maneuvers are perfectly valid (and realistic) exercises at the Convention. Delegates should be aware that if two committees vote out the same amendment, the committees may have wasted an opportunity to advance a diversity of amendments to the Convention.
4. Each committee will be assigned (“seeded with”) one of the five proposed amendments from the National Constitution Center’s [drafting project](#).
5. Each committee may vote out no more than TWO amendments for consideration by the Convention sitting in plenary session. One of the two amendments MAY be the National Constitution Center’s amendment, but need not be.

6. Once the state delegations and territorial delegates have agreed upon the amendment they wish to advance, that proposed amendment must be forwarded to the Chair of the committee that will consider the amendment. The Chair will post all proposed amendments to the committee's unique Google drive. Note that this process may result in each committee considering up to TWELVE proposals, of which only TWO may be advanced for consideration by the Convention sitting in plenary session.
6. Committees will debate the proposals on the first day of the Convention (Friday) and the top two vote getters will advance to the plenary session (please see the Convention Rules for more information on the voting procedures in committee sessions).

At the Convention:

An amendment may be adopted by the Convention in plenary session by a supermajority of 76 votes.

Preparing for the Convention:

As each delegation collaborates to propose an amendment, delegates may wish to consider the following questions (with thanks to Professor Ross Astoria of the University of Wisconsin Parkside for these guiding queries):

1. What is the problem to be remedied by an amendment to the Constitution?
2. Does this problem require an amendment to the Constitution, or could it be remedied by legislation?
3. Why has that problem developed? Has the problem developed because of changes in technology, demographics, the environment? Is the amendment designed to overturn a Supreme Court case? What future problems might the Constitution face? Does your amendment anticipate those problems?
3. Who would benefit from the amendment and who would perceive the amendment as harmful to their interests? Who is benefited by the status quo?
4. What are the political, economic, and social forces that motivate your amendment? In presenting your amendment to the public, will you be able to articulate those factors persuasively?
5. What additional language to the Constitution will remedy the problem identified? In developing this language, you might consider which institutions will interpret or implement that language. Will those institutions interpret your language in the way that you would find

favorable, or might they interpret it differently, or even contrary to how you want it to be interpreted? For instance, will the amending language enable or require Congressional implementation? What sort of lawsuits will bring the amendment before the Supreme Court? How will the Supreme Court interpret that language when and if it takes jurisdiction? How will it impact state governments? Amending language might even alter the way the United States interacts with other nations; how will the leadership of other countries interpret the amendment?

5. Can you develop a coalition of delegates which will form a supermajority (76 votes) in favor of the proposed amendment?
6. Has an amendment such as yours ever been proposed? Examining the history of the success or failure of previous attempts at amending the Constitution will give you a sense of what has worked in the past and what might or might not work now (see [The Amendments Project](#) as a guide).