

IC 2-8.2-3

Chapter 3. Qualifications and Appointment of Delegates and Alternate Delegates

IC 2-8.2-3-1

Qualifications; delegates

Sec. 1. (a) An individual must satisfy the following to be appointed as a delegate to an Article V convention:

- (1) The individual must reside in Indiana.
- (2) The individual must be a registered voter in Indiana.
- (3) The individual must be at least eighteen (18) years of age.
- (4) The individual is not registered or required to be registered as a lobbyist under IC 2-2.1, IC 4-2-7, IC 4-2-8, 2 U.S.C. 1603, or rules or regulations adopted under any of these laws.

(b) An individual may not be appointed as a delegate if the individual holds a federal office.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-2

Qualifications; alternate delegates

Sec. 2. An individual appointed as an alternate delegate must have the same qualifications as an individual appointed as a delegate under section 1 of this chapter.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-3

Appointment by general assembly

Sec. 3. (a) Whenever an Article V convention is called, the general assembly shall appoint:

- (1) the number of delegates allocated to represent Indiana; and
- (2) an equal number of alternate delegates;

under rules adopted jointly by the house of representatives and the senate. Unless established otherwise by the rules and procedures of an Article V convention, it shall be assumed that Indiana has two (2) delegates and two (2) alternate delegates designated to represent Indiana.

(b) If the general assembly is not in session during the time during which delegates to an Article V convention must be appointed, the governor shall call the general assembly into special session under Article 4, Section 9 of the Constitution of the State of Indiana for the purpose of appointing delegates and alternate delegates.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-4

Appointment by majority vote of each chamber; pairing of delegates and alternative delegates

Sec. 4. (a) To be appointed a delegate or an alternate delegate, an individual must receive, in each chamber, the vote of a majority of all

the members elected to that chamber.

(b) At the time of appointment, each alternate delegate must be paired with a delegate as provided in a joint resolution adopted by the general assembly.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-5

Recall; filling a vacancy

Sec. 5. (a) The general assembly may recall any delegate or alternate delegate and replace that delegate or alternate delegate with an individual appointed under this article at any time.

(b) The general assembly may fill a vacancy in the office of delegate or alternate delegate with an individual appointed under this article at any time. If the general assembly is not in session during a time in which a vacancy has occurred with respect to both a delegate and the paired alternate delegate of a delegate, the governor shall call the general assembly into special session under Article 4, Section 9 of the Constitution of the State of Indiana for the purpose of appointing a delegate and an alternate delegate to fill the vacancies.
As added by P.L.183-2013, SEC.1. Amended by P.L.205-2013, SEC.50.

IC 2-8.2-3-6

Joint resolution; method of appointment and recall

Sec. 6. The general assembly shall appoint or recall delegates or alternate delegates by joint resolution.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-7

Reimbursement of expenses

Sec. 7. (a) A delegate or an alternate delegate is:

- (1) entitled to receive the same mileage and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council; and
- (2) not entitled to receive a salary or a per diem instead of salary for serving as a delegate or alternate delegate.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, the position of delegate or alternate delegate is not a lucrative office.

(c) All funds necessary to pay expenses under subsection (a) shall be paid from appropriations to the legislative council and the legislative services agency.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-8

Oath

Sec. 8. Each delegate and alternate delegate shall, after appointment and before the delegate or alternate delegate may exercise any function as delegate or alternate delegate, execute an

oath in writing that the delegate or alternate delegate will:

- (1) support the Constitution of the United States and the Constitution of the State of Indiana;
- (2) faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the general assembly and as may be amended by the general assembly at any time; and
- (3) otherwise faithfully discharge the duties of delegate or alternate delegate.

As added by P.L.183-2013, SEC.1.

IC 2-8.2-3-9

Filing of oath

Sec. 9. (a) A delegate's or alternate delegate's executed oath shall be filed with the secretary of state.

(b) After a delegate's or alternate delegate's oath is filed with the secretary of state, the governor shall issue a commission to the delegate or alternate delegate as provided in IC 4-3-1-5(2).

As added by P.L.183-2013, SEC.1.