

IC 2-8.2-5

Chapter 5. Article V Convention Delegate Advisory Group

IC 2-8.2-5-1

"Advisory group"

Sec. 1. As used in this chapter, "advisory group" refers to the Article V convention delegate advisory group established by section 2 of this chapter.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-2

Article V convention delegate advisory group established

Sec. 2. The Article V convention delegate advisory group is established.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-3

Advisory group membership

Sec. 3. The advisory group consists of the following members:

- (1) The chief justice of the supreme court.
- (2) The chief judge of the court of appeals.
- (3) The judge of the tax court.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-4

Chair

Sec. 4. The chief justice of the supreme court is the chair of the advisory group.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-5

Time of meeting

Sec. 5. The advisory group shall meet at the call of the chair.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-6

Policies and procedures

Sec. 6. The advisory group shall establish the policies and procedures that the advisory group determines necessary to carry out this chapter.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-7

Duty to advise upon request of delegate or alternate delegate

Sec. 7. (a) Upon request of a delegate or alternate delegate, the advisory group shall advise the delegate or alternate delegate whether there is reason to believe that an action or an attempt to take an action by a delegate or alternate delegate would:

- (1) violate the instructions established by a joint resolution adopted under IC 2-8.2-4-1; or
- (2) exceed the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group may render an advisory determination under this section in any summary manner considered appropriate by the advisory group.

(c) The advisory group shall render an advisory determination under this section within twenty-four (24) hours after receiving a request for a determination.

(d) The advisory group shall transmit a copy of an advisory determination under this section in the most expeditious manner possible to the delegate or alternative delegate who requested the advisory determination.

(e) If the advisory group renders an advisory determination under this section, the advisory group may also take an action permitted under section 8 of this chapter.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-8

Oversight of delegates with respect to instructions

Sec. 8. (a) On its own motion or upon request of the speaker of the house of representatives, the president pro tempore of the senate, or the attorney general, the advisory group shall advise the attorney general whether there is reason to believe that a vote or an attempt to vote by a delegate or alternate delegate has:

- (1) violated the instructions established by a joint resolution adopted under IC 2-8.2-4-1; or
- (2) exceeded the limits placed by the general assembly in a joint resolution that calls for an Article V convention for the purpose of proposing amendments to the Constitution of the United States on the subjects and amendments that may be considered by the Article V convention.

(b) The advisory group shall issue the advisory determination under this section by one (1) of the following summary procedures:

- (1) Without notice or an evidentiary proceeding.
- (2) After a hearing conducted by the advisory group.

(c) The advisory group shall render an advisory determination under this section within twenty-four (24) hours after receiving a request for an advisory determination.

(d) The advisory group shall transmit a copy of an advisory determination under this section in the most expeditious manner possible to the attorney general.

As added by P.L.205-2013, SEC.52.

IC 2-8.2-5-9

Advisory determination concerning a vote outside the scope of instructions

Sec. 9. Immediately, upon receipt of an advisory determination under section 8 of this chapter that finds that a vote or attempt to vote by a delegate or alternate delegate is a violation described in section 8(a)(1) of this chapter or in excess of the authority of the delegate or alternate delegate, as described in section 8(a)(2) of this chapter, the attorney general shall inform the delegates, alternate delegates, the speaker of the house of representatives, the president pro tempore of the senate, and the Article V convention that:

- (1) the vote or attempt to vote did not comply with Indiana law, is void, and has no effect; and
- (2) the credentials of the delegate or alternate delegate who is the subject of the determination are revoked.

As added by P.L.205-2013, SEC.52.