

## Testimony Opposing HB443 (Art V selecting delegates)

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Good morning Chairman and Committee members. My name is Becky Gerritson and I'm the Executive Director for Eagle Forum of Alabama. For more than 50 years, Eagle Forum has opposed calls for an Article V Convention.

HB443 attempts to establish procedures for selecting delegates to an Article V convention, but the Constitution does not give state legislatures the authority to create rules for delegates or restrict their actions.

Article V states that Congress shall call the convention. Thus, the convention is the product of the federal government, not the states.

Since the convention is called by federal authority, delegates are participating in a *federal process*. Since Congress calls the convention, Congress determines the means of delegate selection. There is no guarantee that the states will even have delegates let alone that they will be selected by state legislators or that they will be apportioned on a one-state, one-vote basis.

There are troubling sections in the bill:

**Section 5** requires appointed commissioners to follow specific instructions at an Article V convention, including:

- preserving a one-state-one-vote rule (yet that is not under Alabama's control-that will be determined by congress.)
- The bill limits their actions to the subject of Alabama's convention application. Yet an Article V convention may not even consider the topic in Alabama's application.

- The bill requires Commissioners to swear an oath to follow these instructions
- and the delegates can be penalized for violating those instructions.

Yet, states have not been given the authority to require ANY of these things.

**Section 6** provides that commissioners would be paid the same compensation and expense allowances as members of the Alabama House of Representatives, prorated for their time of service.

**Section 8** gives the advisory committee authority to hire staff.

**Section 9** makes it a class C felony if a commissioner is guilty of exceeding the scope of his or her authority.

Simply put, this bill attempts to regulate a convention that has not been called and that the states have no authority to control, making its provisions premature, unnecessary, and unworkable. Please do not give HB443 a favorable report.