

***Information regarding
Arizona Balanced Budget Amendment Planning Convention
to convene September 12, 2017 in Phoenix, Arizona***

- HCR 2022 passed the Arizona legislature on March 30, 2017. It includes the official “call” for a convention of the states to plan for an eventual convention to propose a balanced budget amendment which will be convened pursuant to Article V of the Constitution of the United States.
- Notice of the Arizona convention is presently being sent to the leadership of the several states. A formal invitation will be sent to the states in the future.
- The specific location for the convention, hotel information, and other convention particulars have yet to be determined. Information will be provided to the states when it is available.
- The convention will convene at noon on September 12, 2017. It is expected to last through September 14. However, the convention can continue until it completes its business.
- Pursuant to HCR 2022, each state is invited to send a delegation to the Arizona convention. Each state may decide the size of its delegation (not fewer than three but not more than seven is recommended) but the convention will open with each state having one vote.

Typically for a convention of the states, a legislature will pass a resolution to determine the size of its delegation, how it will be chosen, and what specific instructions the delegation will be given when representing the state. HCR 2022 provides that in the absence of a resolution, the majority leadership of both houses of the legislature may jointly select a delegation.

- The Arizona BBA Planning Convention is a “convention of the states” but not a convention to propose a balanced budget amendment. It is not being called under any provision of the Constitution. It is a formal, national convention of the states being called in the tradition established over our 300 year history beginning with colonial American stretching through the 1920’s. There have been more than 36 national and regional conventions of the states prior to and since our founding. The last national convention was called by the Virginia legislature and was held in 1861 in Washington, DC. It was called to discuss an amendment to the United States Constitution regarding

slavery. The last known convention of the states was the “Santa Fe Convention” at which seven states convened to discuss what would become the Colorado River Compact. A “convention of the states” is a formal gathering of the states. Its formality is created as a result of a state legislature (Congress in the case of an Article V amendment convention) approving legislation calling the convention for a specific subject and inviting the several states to send a delegation to participate. States are not obligated to attend. A convention of the states can only recommend or propose a future action be taken either by the states or the Federal government. It has no authority to change any law or the Constitution.

Since both the Arizona convention and a convention to propose a balanced budget amendment called pursuant to Article V of the Constitution are “conventions of the states,” the organizational structure of each is similar.

- The Arizona BBA Planning Convention is being called to prepare rules of procedure and to recommend to Congress criteria for the location of a future convention for proposing a balanced budget amendment pursuant to Article V of the Constitution. Upon receiving applications from 34 states to call a convention limited to the subject of a balanced budget amendment, Congress shall “call a convention” for such. Presently 29 states have approved the application resolution. Since there has never been a convention to propose an amendment to the Constitution, it is appropriate and necessary the states convene to discuss and recommend the rules of procedure for such a convention.
- Over the last four years, several groups and organizations have prepared suggested rules of procedures for an Article V amendment convention. While their work is appreciated, the rules created vary in content and detail and none of the groups had “official” authority to prepare such. The Arizona convention of the states will create an “official” recommendation of rules specific to a balanced budget amendment convention.
- The rules prepared at the Arizona BBA Planning Convention are not binding upon a BBA amendment convention as any convention can only recommend an action and every convention can adopt its own rules. However, since the political composition of the states attending the Arizona convention will likely be the same or similar to that at a BBA amendment convention, it is anticipated a preponderance or all of the rules created in Arizona will be adopted at the amendment convention.