

COMPARISON OF THE THREE MAJOR ARTICLE V EFFORTS

Features	Compact Approach	COS Approach	BBA Task Force Approach
Nature of Article V Convention	The convention is limited to voting up or down the proposal of a pre-drafted amendment (first effort involves a BBA).	The convention is limited to the general subject matter of drafting and proposing any number of amendments that will limit the power and jurisdiction of the federal government.	The convention is limited to the general subject matter of drafting and proposing a balanced budget amendment.
Text of Proposed Amendment	Specified in advance in an agreement among the states (the compact).	To be determined at the convention.	To be determined at the convention.
Mechanics	<ol style="list-style-type: none"> 1. 38 states pass one bill adopting the agreement to limit the Article V convention as contemplated, which includes all elements of the Article V process that states control. 2. Congress passes 1 resolution calling the convention in accordance with the compact and pre-selecting legislative ratification of the BBA contemplated by the compact 3. Convention meets and in 24 hours either proposes or does not propose the specified amendment. 	<ol style="list-style-type: none"> 1. 34 states pass identical resolutions applying for the convention. 2. 26+ states pass laws appointing and instructing delegates to the convention. 3. Congress passes a resolution calling a convention. 4. The convention meets and either proposes or does not propose an amendment. 5. If the convention proposes one or more amendments, Congress passes a resolution referring the amendment out to the states for ratification either by legislature or in-state convention. 6. Either 38 state legislatures ratify the amendment(s) by resolution or 38 state conventions ratify the amendment by majority vote. 	<ol style="list-style-type: none"> 1. 34 states pass resolutions applying for the general topic of proposing a balanced budget amendment. 2. 26+ states pass laws appointing and instructing delegates to the convention. 3. Congress passes a resolution calling a convention. 4. The convention meets and either proposes or does not propose an amendment. 5. If the convention proposes one or more amendments, Congress passes a resolution referring the amendment out to the states for ratification either by legislature or in-state convention. 6. Either 38 state legislatures ratify the amendment(s) by resolution or 38 state conventions ratify the amendment by majority vote.
Status of efforts	<p>38 legislative actions to go before ratifying a BBA.</p> <p>2 states have joined Compact for a Balanced Budget (GA and AK), with 36 states to go to finish state-side process. Compact Commission to marshal efforts to be formed by end of summer 2014. Congress still needs to pass counterpart resolution; convention still needs to convene.</p>	<p>95+ legislative actions to go before ratifying one or more amendments.</p> <p>3 states have passed the first resolution, with 31 states to go to finish the application phase; 3 states have passed generally applicable delegate appointment/instruction laws, with at least 23 to go to ensure a quorum; congress still needs to pass resolution calling convention;</p>	<p>70+ legislative actions to go before ratifying a BBA.</p> <p>24 states have passed the first resolution, with 10 states to go to finish the application phase; 6 states have passed either generally applicable delegate appointment/instruction laws or BBA-specific laws, with at least 19 to go to ensure a quorum; congress still needs to pass resolution calling convention;</p>

		<p>convention still needs to generate a proposed amendment; congress still needs to pass a resolution referring the amendment out for ratification; 38 states must either ratify by legislative or in-state convention action.</p>	<p>convention still needs to generate a proposed amendment; congress still needs to pass a resolution referring the amendment out for ratification; 38 states must either ratify by legislative or in-state convention action.</p>
<p>Main Potential Legal/Political Issues (common issues in bold)</p>	<ol style="list-style-type: none"> 1. Whether states have the constitutional power to direct and control the Article V convention process. 2. Whether Congress will obstruct the effort. 3. Whether delegates will respect/courts will enforce limitations on convention agenda. 4. Whether a compact can be used to consolidate in advance all elements of the state-controlled Article V process using conditional enactments without prior congressional consent. 5. Whether a compact can be used to limit delegates to voting up or down a pre-specified amendment. 6. Whether the congressional resolution calling the convention in accordance with the compact and pre-selecting legislative ratification requires Presidential presentment. 7. Whether legislation adopting the compact can be kept substantively identical in 38 states. 8. Whether a lobbying campaign can be sustained and managed across 38 legislative enactments and 3 legislative stages. 	<ol style="list-style-type: none"> 1. Whether states have the constitutional power to direct and control the Article V convention process. 2. Whether Congress will obstruct the effort. 3. Whether delegates will respect/courts will enforce limitations on convention agenda. 4. Whether Courts will compel Congress to call the Convention. 5. Whether Congress will seize control over convention logistics including delegate appointments. 6. Whether any worthwhile amendment will be generated by the convention. 7. Whether Congress will set an unreasonably short sunset date for ratification of any amendment. 8. Whether a lobbying campaign can be sustained and managed across 95+ legislative enactments and 5+ legislative stages. 	<ol style="list-style-type: none"> 1. Whether states have the constitutional power to direct and control the Article V convention process. 2. Whether Congress will obstruct the effort. 3. Whether delegates will respect/courts will enforce limitations on convention agenda. 4. Whether non-identical or vaguely similar Article V BBA applications can be aggregated to trigger threshold for Congressional call. 5. Whether Courts will compel Congress to call the Convention. 6. Whether Congress will seize control over convention logistics including delegate appointments. 7. Whether any worthwhile amendment will be generated by the convention. 8. Whether Congress will set an unreasonably short sunset date for ratification of any amendment. 9. Whether a political campaign can be sustained and managed across 70+ legislative enactments and 5+ legislative stages.