



The Compact for a Balanced Budget's Seventeen Safeguards

The Compact for a Balanced Budget fully structures, codifies and regulates the state-initiated constitutional amendment process under Article V of the U.S. Constitution to ensure the process efficiently, safely and exclusively advances a specific Balanced Budget Amendment (“BBA”) proposal—much like a ballot measure directed to state legislators, governors and Congress.

Safeguard #1: Overwhelming Political Will. The Compact for a Balanced Budget ensures the convention for proposing the BBA will be organized **only if** 38 states join the compact, **only if** Congress calls the convention in accordance with the Compact, and **only if** the convention is organized within one year of the effective date of the convention call. This ensures that nothing happens until a supermajority of states and a majority of federal representatives line up and manifest overwhelming, contemporaneous political will behind its rules and limited BBA agenda in advance. Deviating from the Compact would be political suicide for anyone who tried.

Safeguard #2: Convention Processes and Logistics are Fully Codified and Regulated. The Compact specifies the convention location, agenda, committee structure, and rules; codifying them to ensure the Compact advances solely the BBA it specifies.

Safeguard #3: The CBB is Constitutionally-Protected Binding State and Federal Law. On its face, the Compact has the status of state law and also that of a binding contract among Member States, the obligation of which will be guaranteed under the Constitution’s Contracts Clause under current U.S. Supreme Court precedent. Even if courts incorrectly rule that Congress has power over the logistics of an Article V convention, the Compact’s rules and limited agenda will obtain the status of federal procedural law because the convention is not organized until Congress calls it in accordance with the Compact. Any deviation from the Compact will be, on its face, illegal and unconstitutional unless proponents of the deviation succeed in overturning decades and centuries-old legal precedent.

Safeguard #4: Political Ambition of Aspiring Governors. As a default setting, the Compact designates sitting governors as sole delegates for member states and requires governor-delegates who attend the convention to take a temporary leave of absence from their gubernatorial office while at the convention, leaving their likely political rivals in charge of the state and able to direct efforts to enforce the Compact as needed.

Safeguard #5: Convention Cannot Proceed Unless Agenda Limited to BBA. The Compact designates and instructs member state delegates from 38+ states to vote into place its rules and limited BBA agenda for the convention **as the first order of business** or else they will automatically forfeit their legal authority to represent their Member State.

Safeguard #6: Nullification of Unauthorized Delegate and Member State Actions. The Compact deems *void ab initio* any action by any member state delegate or member state at the convention that deviates from its rules and agenda.

Safeguard #7: Automatic Recall of Rogue Delegates. The Compact automatically terminates and recalls any member state delegate who deviates from its rules and agenda.

Safeguard #8: Automatic Disqualification of Rogue States. The Compact automatically disqualifies the vote of any member state whose delegates deviate from its rules and agenda.

Safeguard #9: State Legislatures Can Recall Rogue Delegates. The Compact empowers state legislatures to recall delegates for good cause.

Safeguard #10: Time Limited Convention. The Compact limits the convention to a single 24 hour session.

Safeguard #11: Prohibition on Advancing Unauthorized Proposals. The Compact prohibits every member state and all of its residents from materially advancing any unauthorized proposal.

Safeguard #12: Nullification of Unauthorized Convention Proposals. The Compact deems *void ab initio* any convention activity or proposal that deviates from its limited agenda and rules.

Safeguard #13: Prohibition on Ratification of Unauthorized Proposals. The Compact bars every member state from ratifying any convention proposal other than the BBA it specifies.

Safeguard #14: Mandatory Compact Enforcement by State Attorney Generals. The Compact empowers and requires attorneys general in all 38+ member states to secure an injunction to enforce its terms if the Compact is violated. Delegates who violate the Compact serve up a political opportunity on a silver platter.

Safeguard #15: Competent Venue Selected for Compact Litigation. The Compact requires all litigation to take place in the U.S. Court of Appeals for the 5th Circuit or in Texas state courts.

Safeguard #16: Commission Intervention. The Compact empowers an interstate commission populated by the states to relocate the convention upon request by the Convention Chair if it deviates from the Compact.

Safeguard #17: Sunset on April 12, 2021. The Compact self-repeals on April 12, 2021, ensuring that the political will and policy judgments it manifests remain contemporaneous to the organization of any Article V convention.