

107TH CONGRESS
1ST SESSION

S. J. RES. 30

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of death or incapacity.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 18), 2001

Mr. SPECTER introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of death or incapacity.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Con-*
5 *stitution of the United States, which shall be valid to all*
6 *intents and purposes as part of the Constitution when*
7 *ratified by the legislatures of three-fourths of the several*

1 States within 7 years after the date of its submission by
2 the Congress:

3 “ARTICLE —

4 “SECTION 1. If at any time 50 percent or more of
5 the Members of the House of Representatives are unable
6 to carry out their duties because of death or incapacity,
7 each Governor of a State represented by a Member who
8 has died or become incapacitated shall appoint a qualified
9 individual to take the place of the Member as soon as prac-
10 ticable, but no later than 7 days, after the Member’s death
11 or incapacity has been certified.

12 “An individual appointed to take the place of a Mem-
13 ber of the House of Representatives under this section
14 shall be a member of the same political party as the Mem-
15 ber of the House of Representatives who is being replaced.

16 “SECTION 2. An individual appointed to take the
17 place of a Member of the House of Representatives under
18 section 1 shall serve until an individual is elected to fill
19 the vacancy resulting from the former Member’s death or
20 incapacity.

21 “A Member shall be elected to fill the vacancy in a
22 special election to be held at any time during the 90-day
23 period which begins on the date the individual is appointed
24 under section 1, in accordance with the applicable election
25 laws of the State involved. However, if a regularly sched-

1 uled general election for the office will be held during such
2 90-day period, or 30 days thereafter, no special election
3 shall be held and the Member elected in such regularly
4 scheduled general election shall fill the vacancy upon elec-
5 tion.

6 “An individual appointed under section 1 may be a
7 candidate in such a special election or in such a regularly
8 scheduled general election.

9 “SECTION 3. During the period of an individual’s ap-
10 pointment under section 1, the individual shall have all
11 the powers and duties of a Member of the House of Rep-
12 resentatives.

13 “SECTION 4. Congress shall have the power to en-
14 force this article by appropriate legislation.”.

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