

108TH CONGRESS  
1ST SESSION

# H. J. RES. 83

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2003

Mr. BAIRD introduced the following joint resolution; which was referred to the Committee on the Judiciary

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# JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled*  
3 *(two-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*  
8 *States within seven years after the date of its submission*  
9 *for ratification:*



1 vidual to take the place of the Member. The chief executive  
2 shall make such an appointment as soon as practicable  
3 (but in no event later than seven days) after the date on  
4 which Member's death or incapacity has been certified. An  
5 individual appointed to take the place of a Member of the  
6 House of Representatives under this section shall serve  
7 until the Member regains capacity or until another Mem-  
8 ber is elected to fill the vacancy resulting from the death  
9 or incapacity. The State shall provide for an election to  
10 fill the vacancy at such time and in accordance with such  
11 procedures as may be provided under State law, and an  
12 individual appointed under this section may be a candidate  
13 in such an election. This section shall not apply with re-  
14 spect to any Member of the House who dies or becomes  
15 incapacitated prior to the seven-day period which ends on  
16 the date on which the event requiring appointments to be  
17 made under this section occurs.

18       “SECTION 3. During the period of an individual's ap-  
19 pointment under section 2, the individual shall be treated  
20 as a Member of the House of Representatives for purposes  
21 of all laws, rules, and regulations, but not for purposes  
22 of section 1. If an individual appointed under section 2  
23 is unable to carry out the duties of a Member during such  
24 period because of death or incapacity, the chief executive  
25 of the State involved shall appoint another individual from

1 the same list of nominees presented under section 1 from  
2 which the individual was appointed under section 2. Any  
3 individual so appointed shall be considered to have been  
4 appointed under section 2.

5       “SECTION 4. Congress may by law establish the cri-  
6 teria for determining whether a Member of the House of  
7 Representatives or Senate is dead or incapacitated, and  
8 shall have the power to enforce this article through appro-  
9 priate legislation.”.

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