

# Union Calendar No. 233

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2844

[Report No. 108–404, Parts I and II]

To require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. SENSENBRENNER (for himself, Mr. DREIER, Mrs. MILLER of Michigan, Mr. COLE, Mr. CHABOT, and Mr. PAUL) introduced the following bill; which was referred to the Committee on House Administration.

DECEMBER 8, 2003

Reported from the Committee on House Administration with amendments; referred to the Committee on the Judiciary for a period ending not later than January 31, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

JANUARY 28, 2004

Additional sponsors: Mr. CONYERS, Mr. BARTLETT of Maryland, Mr. COX, and Mr. BERMAN

JANUARY 28, 2004

Reported from the Committee on the Judiciary with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on July 24, 2003]

---

## A BILL

To require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Continuity in Represen-*  
 5 *tation Act of 2003”.*

6 **SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO**  
 7                    **FILL VACANCIES IN HOUSE IN EXTRAOR-**  
 8                    **DINARY CIRCUMSTANCES.**

9        *Section 26 of the Revised Statutes of the United States*  
 10 *(2 U.S.C. 8) is amended—*

11                    *(1) by striking “The time” and inserting “(a) IN*  
 12 *GENERAL.—Except as provided in subsection (b), the*  
 13 *time”; and*

14                    *(2) by adding at the end the following new sub-*  
 15 *section:*

16        **“(b) SPECIAL RULES IN EXTRAORDINARY CIR-**  
 17 **CUMSTANCES.—**

1           “(1) *IN GENERAL.*—*In extraordinary cir-*  
2           *cumstances, the executive authority of any State in*  
3           *which a vacancy exists in its representation in the*  
4           *House of Representatives shall issue a writ of election*  
5           *to fill such vacancy by special election.*

6           “(2) *TIMING OF SPECIAL ELECTION.*—*A special*  
7           *election held under this subsection to fill a vacancy*  
8           *shall take place not later than 45 days after the*  
9           *Speaker of the House of Representatives announces*  
10          *that the vacancy exists, unless a regularly scheduled*  
11          *general election for the office involved is to be held at*  
12          *any time during the 75-day period which begins on*  
13          *the date of the announcement of the vacancy.*

14          “(3) *NOMINATIONS BY PARTIES.*—*If a special*  
15          *election is to be held under this subsection, not later*  
16          *than 10 days after the Speaker announces that the va-*  
17          *cancy exists, the political parties of the State that are*  
18          *authorized to nominate candidates by State law may*  
19          *each nominate one candidate to run in the election.*

20          “(4) *EXTRAORDINARY CIRCUMSTANCES.*—

21                  “(A) *IN GENERAL.*—*In this subsection, ‘ex-*  
22                  *traordinary circumstances’ occur when the*  
23                  *Speaker of the House of Representatives an-*  
24                  *nounces that vacancies in the representation*  
25                  *from the States in the House exceed 100.*

1           “(B) *JUDICIAL REVIEW.*—*If any action is*  
2 *brought for declaratory or injunctive relief to*  
3 *challenge an announcement made under sub-*  
4 *paragraph (A), the following rules shall apply:*

5           “(i) *Not later than 2 days after the an-*  
6 *ouncement, the action shall be filed in the*  
7 *United States District Court having juris-*  
8 *isdiction in the district of the Member of the*  
9 *House of Representatives whose seat has*  
10 *been announced to be vacant and shall be*  
11 *heard by a 3-judge court convened pursuant*  
12 *to section 2284 of title 28, United States*  
13 *Code.*

14           “(ii) *A copy of the complaint shall be*  
15 *delivered promptly to the Clerk of the House*  
16 *of Representatives.*

17           “(iii) *A final decision in the action*  
18 *shall be made within 3 days of the filing of*  
19 *such action and shall not be reviewable.*

20           “(iv) *The executive authority of the*  
21 *State that contains the district of the Mem-*  
22 *ber of the House of Representatives whose*  
23 *seat has been announced to be vacant shall*  
24 *have the right to intervene either in support*  
25 *of or opposition to the position of a party*

1                   to the case regarding the announcement of  
2                   such vacancy.”.

3 **SECTION 1. SHORT TITLE.**

4           **This Act may be cited as the “Continuity**  
5 **in Representation Act of 2004”.**

6 **SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO**  
7                   **FILL VACANCIES IN HOUSE IN EXTRAOR-**  
8                   **DINARY CIRCUMSTANCES.**

9           **Section 26 of the Revised Statutes of the**  
10 **United States (2 U.S.C. 8) is amended—**

11                   **(1) by striking “The time” and insert-**  
12                   **ing “(a) IN GENERAL.—Except as provided**  
13                   **in subsection (b), the time”; and**

14                   **(2) by adding at the end the following**  
15                   **new subsection:**

16                   **“(b) SPECIAL RULES IN EXTRAORDINARY CIR-**  
17 **CUMSTANCES.—**

18                   **“(1) IN GENERAL.—In extraordinary**  
19                   **circumstances, the executive authority of**  
20                   **any State in which a vacancy exists in its**  
21                   **representation in the House of Rep-**  
22                   **resentatives shall issue a writ of election**  
23                   **to fill such vacancy by special election.**

24                   **“(2) TIMING OF SPECIAL ELECTION.—A**  
25                   **special election held under this sub-**

1 section to fill a vacancy shall take place  
2 not later than 45 days after the Speaker  
3 of the House of Representatives an-  
4 nounces that the vacancy exists, unless a  
5 regularly scheduled general election for  
6 the office involved is to be held at any  
7 time during the 75-day period which be-  
8 gins on the date of the announcement of  
9 the vacancy.

10 “(3) **NOMINATIONS BY PARTIES.**—If a  
11 special election is to be held under this  
12 subsection, not later than 10 days after  
13 the Speaker announces that the vacancy  
14 exists, the political parties of the State  
15 that are authorized to nominate can-  
16 didates by State law may each nominate  
17 one candidate to run in the election.

18 “(4) **EXTRAORDINARY CIRCUMSTANCES.**—

19 “(A) **IN GENERAL.**—In this sub-  
20 section, ‘extraordinary circumstances’  
21 occur when the Speaker of the House  
22 of Representatives announces that  
23 vacancies in the representation from  
24 the States in the House exceed 100.

1           **“(B) JUDICIAL REVIEW.—If any ac-**  
2           **tion is brought for declaratory or in-**  
3           **junction relief to challenge an an-**  
4           **ouncement made under subpara-**  
5           **graph (A), the following rules shall**  
6           **apply:**

7                   **“(i) Not later than 2 days after**  
8                   **the announcement, the action**  
9                   **shall be filed in the United States**  
10                  **District Court having jurisdiction**  
11                  **in the district of the Member of**  
12                  **the House of Representatives**  
13                  **whose seat has been announced**  
14                  **to be vacant and shall be heard**  
15                  **by a 3-judge court convened pur-**  
16                  **suant to section 2284 of title 28,**  
17                  **United States Code.**

18                  **“(ii) A copy of the complaint**  
19                  **shall be delivered promptly to the**  
20                  **Clerk of the House of Representa-**  
21                  **tives.**

22                  **“(iii) A final decision in the**  
23                  **action shall be made within 3**  
24                  **days of the filing of such action**  
25                  **and shall not be reviewable.**

1                   **“(iv) The executive authority**  
2                   **of the State that contains the dis-**  
3                   **trict of the Member of the House**  
4                   **of Representatives whose seat has**  
5                   **been announced to be vacant**  
6                   **shall have the right to intervene**  
7                   **either in support of or opposition**  
8                   **to the position of a party to the**  
9                   **case regarding the announcement**  
10                   **of such vacancy.”.**

Amend the title so as to read: “A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.”.





**Union Calendar No. 233**

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2844**

**[Report No. 108-404, Parts I and II]**

---

---

**A BILL**

To require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

---

---

JANUARY 28, 2004

Reported from the Committee on the Judiciary with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed