[Printer's No., 272.

39TH CONGRESS,
1ST SESSION.

S. 414.

IN THE HOUSE OF REPRESENTATIVES.

JULY 12, 1866.

Ordered to be printed.

AN ACT

To regulate the times and manner of holding elections for senators in Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legislature of each State which shall be chosen next preceding the expiration of the time for which any senator was elected to represent said State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a senator in Congress, in the place of such senator so going out of office, in the following manner: Each house shall openly, by a viva voce of each member present, name one person for senator in Congress from said State, and the name of the person so voted for, who shall have a majority of the whole number of votes cast in each house shall be entered on the journal of each house by the clerk or secretary thereof; but if either house shall fail to give

15 such majority to any person on said day, that fact shall be
16 entered on the journal. At twelve o'clock, meridian, of the
17 day following that on which proceedings are required to take
18 place, as aforesaid, the members of the two houses shall
19 convene in joint assembly and the journal of each house shall
20 then be read, and if the same person shall have received a
21 majority of all the votes in each house, such person shall be
22 declared duly elected senator to represent said State in the
23 Congress of the United States; but if the same person shall
24 not have received a majority of the votes in each house, or if
25 either house shall have failed to take proceedings as required
26 by this act, the joint assembly shall then proceed to choose,
27 by a viva voce vote of each member present, a person for the
28 purpose aforesaid, and the person having a majority of all
29 the votes of the said joint assembly, a majority of all the
30 members elected to both houses being present and voting,
31 shall be declared duly elected; and in case no person shall
32 receive such majority on the first day, the joint assembly
33 shall meet at twelve o'clock meridian of each succeeding day
34 during the session of the legislature, and take at least one
35 vote until a senator shall be elected.

1 SEC. 2. *And be it further enacted,* That whenever, on
2 the meeting of the legislature of any State, a vacancy shall
3 exist in the representation of such State in the Senate of the
4 United States, said legislature shall proceed, on the second

5 Tuesday after the commencement and organization of its ses-
6 sion, to elect a person to fill such vacancy, in the manner
7 hereinbefore provided for the election of a senator for a full
8 term; and if a vacancy shall happen during the session of
9 the legislature, then on the second Tuesday after the legisla-
10 ture shall have been organized and shall have notice of such
11 vacancy.

1 SEC. 3. *And be it further enacted,* That it shall be the
2 duty of the governor of the State from which any senator
3 shall have been chosen as aforesaid to certify his election,
4 under the seal of the State, to the President of the Senate of
5 the United States, which certificate shall be countersigned by
6 the secretary of state of the State.

Passed the Senate July 11, 1866.

Attest: J. W. FORNEY, *Secretary.*