

AMENDMENT XVII.⁸

§ 236. Election of
Senators by direct
vote.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until

⁸See article I, section 3 of the Constitution. The 17th amendment to the Constitution was proposed to the legislatures of the several States by the 62d Congress on May 15, 1912, and was declared, in a proclamation by the Secretary of State dated May 31, 1913, to have been ratified by the legislatures of 36 of the 48 States. The dates of ratification were: Massachusetts, May 22, 1912; Arizona, June 3, 1912; Minnesota, June 10, 1912; New York, January 15, 1913; Kansas, January 17, 1913; Oregon, January 23, 1913; North Carolina, January 25, 1913; California, January 28, 1913; Michigan, January 28, 1913; Iowa, January 30, 1913; Montana, January 30, 1913; Idaho, January 31, 1913; West Virginia, February 4, 1913; Colorado, February 5, 1913; Nevada, February 6, 1913; Texas, February 7, 1913; Washington, February 7, 1913; Wyoming, February 8, 1913; Arkansas, February 11, 1913; Maine, February 11, 1913; Illinois, February 13, 1913; North Dakota, February 14, 1913; Wisconsin, February 18, 1913; Indiana, February 19, 1913; New Hampshire, February 19, 1913; Vermont, February 19, 1913; South Dakota, February 19, 1913; Oklahoma, February 24, 1913; Ohio, February 25, 1913; Missouri, March 7, 1913; New Mexico, March 13, 1913; Nebraska, March 14, 1913; New Jersey, March 17, 1913; Tennessee, April 1, 1913; Pennsylvania, April 2, 1913; Connecticut, April 8, 1913. Ratification was completed on April 8, 1913. The amendment was subsequently ratified by Louisiana, June 11, 1914; Alabama, April 16, 2002. The amendment was rejected by Utah, February 26, 1913; Delaware, March 18, 1913. Florida, Georgia, Rhode Island, and South Carolina did not complete action.

the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Senator Rebecca L. Felton, appointed during the recess of the Senate on October 3, 1922, to fill a vacancy, was the first woman to sit in the Senate (VI, 156). Senator Walter F. George was elected to fill the vacancy on November 7, 1922. Mrs. Felton took the oath of office on November 21, 1922, and Senator George took the oath November 22, 1922 (VI, 156). Discussion as to the term of service of a Senator appointed by a State executive to fill a vacancy (VI, 156).

The right of an elector to vote for a Senator is fundamentally derived from the United States Constitution (*United States v. Aczel* 219 F.2d 917 (1915)) and may not be denied in a discriminatory fashion (*Chapman v. King*, 154 F.2d 460 (1946), cert. denied, 327 U.S. 800 (1946); *Forssenius v. Harman*, 235 F. Supp. 66 (1964), aff'd., 380 U.S. 529 (1965)).

AMENDMENT XVIII.⁹

SECTION 1. [After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors.

§ 239. Prohibition of intoxicating liquors.

⁹See amendment XXI, repealing this amendment. The 18th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 65th Congress on December 18, 1917, and was declared in a proclamation by the Secretary of State dated January 29, 1919, to have been ratified by the legislatures of 36 of the 48 States. The dates of these ratifications were: Mississippi, January 8, 1918; Virginia, January 11, 1918; Kentucky, January 14, 1918; North Dakota, January 25, 1918; South Carolina, January 29, 1918; Maryland, February 13, 1918; Montana, February 19, 1918; Texas, March 4, 1918; Delaware, March 18, 1918; South Dakota, March 20, 1918; Massachusetts, April 2, 1918; Arizona, May 24, 1918; Georgia, June 26, 1918; Louisiana, August 3, 1918; Florida, December 3, 1918; Michigan, January 2, 1919; Ohio, January 7, 1919; Oklahoma, January 7, 1919; Idaho, January 8, 1919; Maine, January 8, 1919; West Virginia, January 9, 1919; California, January 13, 1919; Tennessee, January 13, 1919; Washington, January 13, 1919; Arkansas, January 14, 1919; Kansas, January 14,