

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF  
THE UNITED STATES

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FEBRUARY 24, 1926.—Referred to the House Calendar and ordered to be printed

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Mr. WHITE of Kansas, from the Committee on Election of President, Vice President, and Representatives in Congress, submitted the following

REPORT

[To accompany S. J. Res. 9]

The Committee on Election of President, Vice President, and Representatives in Congress, having had under consideration Senate Joint Resolution 9, proposing an amendment to the Constitution of the United States, report it back to the House with an amendment and recommend that the joint resolution, as amended, do pass.

Your committee proposes to strike out the Senate resolution after the resolving clause and to insert the House resolution (H. J. Res. 164) as reported by your committee on February 17, 1926. The report will explain first the House resolution and will then discuss the differences between the Senate resolution and the House resolution. For the purposes of convenient reference, the applicable provisions of the Constitution and of various statutes are printed as an appendix to the report.

PURPOSES OF THE PROPOSED AMENDMENT

The constitutional amendment which this resolution proposes will accomplish the following:

- (1) The newly elected Congress will count the electoral votes, and in case a majority has not been received, the newly elected House of Representatives will choose the President, and the Senate (including the newly elected Senators) will choose the Vice President;
- (2) The newly elected President, Vice President, and Members of Congress will take office approximately two months after their election;
- (3) The new Congress may assemble approximately two months after the election;

(4) The power of the House of Representatives to choose a President, whenever the right of choice devolves upon it, after the time fixed for the beginning of his term (in the event that it should not be able to choose a President before that time) is specifically affirmed;

(5) Congress will be given power to provide for the case where neither a President nor a Vice President has been chosen before the time fixed for the beginning of the term—a contingency not covered by any provision in the Constitution;

(6) The Vice President elect will become President, in the event that the President elect should die before the time fixed for the beginning of his term—a contingency not covered by any provision in the Constitution;

(7) Congress is given power to provide for the case of the death of (a) both the President elect and the Vice President elect, (b) one of the three highest on the list of those whom the electors voted for for President, if the election is thrown into the House, and (c) one of the two highest on the list of those whom the electors voted for for Vice President, if the election of the Vice President is thrown into the Senate—contingencies not covered by any provision in the Constitution;

(8) The "short session" of Congress will be abolished; and

(9) Congressional elections will be held after the second session of the Congress, instead of between the first and second sessions.

It is obvious that the above results can be accomplished only by constitutional amendment.

#### COUNTING ELECTORAL VOTES BY NEWLY ELECTED CONGRESS

Under the present Constitution, the old Congress counts the electoral votes, the retiring House of Representatives chooses the President whenever the right of choice devolves upon the House, and the Senate (including the retiring Senators) chooses the Vice President whenever the right of choice devolves upon the Senate.

In order that these duties may devolve upon the new Congress, the first section of the proposed amendment provides that presidential terms shall begin on January 24 and the terms of Members of Congress on January 4. This permits the new Congress to assemble and affords it 20 days, before the terms of the President and Vice President begin, in which to count the electoral votes and to make the choice if a majority has not been received. In order to provide ample notice and opportunity to attend, and to prevent any possible retroactive interpretation, it is provided, in section 5, that this section shall take effect on the 30th day of November of the year following the year in which the amendment is ratified.

These results can be obtained only by a constitutional amendment. The new Congress must meet and the term of the new Members must begin prior to the date on which the President's term begins. Consequently, terms which are fixed in the Constitution, and which now begin on March 4, must be shortened or lengthened.

#### CHANGING THE TERMS

Under our present system, the old Congress expires on the 4th day of March of the odd years, and the first meeting of the new Congress is on the first Monday of the following December. The

newly elected Members have no opportunity for 13 months even to begin to put into effect the policies on which they were elected, unless an extraordinary session of the Congress should be called by the President.

The first section of the proposed amendment provides that the terms of the newly elected President and Vice President shall begin on the 24th day of January, and that the terms of the newly elected Members of Congress shall begin on the 4th day of January. Under this provision the newly elected officers will take office and be prepared to carry out the policies on which they were elected approximately two months after their election.

A constitutional amendment is necessary to enable the newly elected officers to take office before March 4, for this necessitates a shortening or lengthening of the terms of the officers whom they succeed. Congress now has power to prescribe the day on which the Congress is to assemble. But under that power, obviously, Congress can not change the dates on which the terms begin.

#### SHORTENING THE TERMS

As indicated above, some terms must be changed in order to accomplish the results which your committee believes are heartily favored by public opinion.

Two possible alternatives have been suggested:

- (1) The terms of those in office at the time this amendment becomes effective may be shortened by approximately two months; or
- (2) The terms of those in office at such time may not be affected, but the terms of their successors may be shortened by approximately two months.

In submitting the proposed amendment your committee, after careful consideration, has adopted the first of the above plans. The reforms sought by the amendment should have the earliest possible application after its adoption. The alternative merely postpones unnecessarily the effect of the amendment.

#### ASSEMBLING OF THE NEWLY ELECTED CONGRESS

Section 2 of the proposed amendment provides that the Congress shall assemble at least once in every year and that such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

This section is similar to the second paragraph of section 4 of Article I of our present Constitution. If section 1 is adopted and the terms of Members of Congress begin on January 4, Congress should meet on that day. Furthermore, after a presidential election, it will be necessary that the new Congress meet immediately.

Under the second paragraph of section 4 of Article I of the Constitution, Congress has the power to prescribe the day of meeting, but terms must be shortened or lengthened if the newly elected Congress is to meet before March 4. It is the belief of your committee that the newly elected Congress should assemble as soon as practicable after the election. By providing for the meeting in January, it is submitted that substantially the same amount of work can be accomplished before the 1st of June as under our present

system of meeting the first Monday in December. If we relied upon our statutory power and provided for a meeting immediately after the terms of office commenced (on March 5, for example), it is very likely that the new Congress would have to remain in session during a part of the summer months. Furthermore, constant confusion between the duties of the old and the new Congress in respect of the appropriation bills for the new fiscal year, and other similar matters, would exist.

This section fixes the 4th of January for the meetings of Congress unless another date is fixed by law, and will supersede the second paragraph of section 4 of Article I of the present Constitution, which provides (as stated above) that the Congress shall assemble at least once in every year, and that such meetings shall be on the first Monday in December unless they shall by law appoint a different day. This section, under section 5, becomes effective on the 30th day of November of the year following the year in which the amendment is ratified. Inasmuch as the second paragraph of section 4 of Article I of the present Constitution will be superseded by this section, there will be no constitutional requirement that Congress meet on the first Monday in December of that year. But Congress will meet on the 4th day of the following January, unless it otherwise provides.

POWER OF HOUSE TO CHOOSE A PRESIDENT AFTER THE TIME FIXED  
FOR THE BEGINNING OF HIS TERM

The twelfth amendment provides that if the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, "before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President."

In order to ascertain what happens "in the case of the death or other constitutional disability of the President," it is necessary to refer to the sixth paragraph of section 1 of Article II. This paragraph is as follows:

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

It will be noted that there is no indication as to whether the Vice President holds office during the disability only, so that upon the removal of the disability the President would again assume the powers and duties, or whether the Vice President continues to exercise the powers and duties for the remainder of the term.

The last portion of the paragraph, relating to the case where both the President and the Vice President become disabled, states that the officer shall act as President "until the disability be removed." It does not state whether the disability refers to the President or the Vice President, but it would certainly seem that it means either, and that the provision contemplates the resumption of the office by the President if his disability is removed. Consequently, it would seem

that the same situation was contemplated if the Vice President were holding the office.

Referring again to the twelfth amendment, if the sentence quoted had ended "as in the case of the death of the President," the answer, of course, would be that the Vice President would hold office for the remainder of the term. However, the phrase "or other constitutional disability" is included. In the situation under discussion the "constitutional disability of the President" is merely that the President has not been chosen by the House. This "disability" is immediately removed upon his election by the House.

The provisions are admittedly ambiguous. Section 3 of the amendment proposed by this resolution removes the ambiguity and provides specifically that the Vice President shall act as President only until the House of Representatives chooses a President.

This provision presented one of the chief differences between the Senate resolution (S. J. Res. 22), as it passed the Senate during the last Congress, and the provisions of the House resolution (H. J. Res. 93), which was substituted for the Senate resolution. (See H. Rept. No. 513, 68th Cong., 1st sess.) The present Senate resolution has adopted the provisions of the House resolution in this respect.

#### FAILURE OF HOUSE TO CHOOSE A PRESIDENT AND OF SENATE TO CHOOSE A VICE PRESIDENT

Under our present Constitution there is no provision for the case where the House of Representatives fails to choose a President and the Senate fails to choose a Vice President. Section 3 of the proposed amendment authorizes Congress to provide for this situation. Power is given to Congress, however, only to declare what officer (in the constitutional sense) shall act as President, and provides that that officer shall act only until the House chooses a President, or until the Senate chooses a Vice President. If the Senate chooses a Vice President before the House chooses a President, the Vice President, under the provisions of the first clause of this section, will act as President only until the House of Representatives chooses a President.

#### DEATH OF THE PRESIDENT ELECT, VICE PRESIDENT ELECT, OR BOTH

The Senate and House resolutions of the Sixty-seventh and Sixty-eighth Congresses proposing an amendment similar to the amendment proposed by the present resolution and the present resolution as adopted by the Senate have made no provision for the case of the death of the President elect, the Vice President elect, or both. After very careful consideration, however, your committee has decided to include a provision for the cases which must be provided for by constitutional amendment. Although the contingencies are remote, a serious emergency would exist in the event of the death of the President elect, or of both the President elect and Vice President elect, for the present Constitution contains no applicable provision.

Your committee, however, did not deem it desirable to attempt to provide for the case of a resignation or inability. The possibility of a "resignation" of a President elect seems entirely too remote to demand serious consideration, and any provision applicable to his inability would not remove the existing problems under the present Constitution in respect of inability of a President. What constitutes

"inability," and who is to determine the question, under the present Constitution, will probably never be decided.

The following situations are possible:

- (1) A party nominee may die before the November elections.
  - (2) A party nominee may die after the November elections and before the electors vote.
  - (3) The President elect may die after the electors vote and before the votes are counted.
  - (4) If the election of the President is thrown into the House, one of the three highest may die before the House chooses.
  - (5) The President elect may die before the date fixed for the beginning of his term.
  - (6) The Vice President elect may die.
  - (7) If the election of the Vice President is thrown into the Senate, one of the two highest may die before the Senate chooses.
  - (8) Both the President elect and the Vice President elect may die.
- In order that the application of existing constitutional provisions and of section 4 of the proposed amendment may be explained adequately, each of the above situations will be discussed briefly.

#### DEATH OF PARTY NOMINEE BEFORE NOVEMBER ELECTIONS

A constitutional amendment is not necessary to provide for the case of the death of a party nominee before the November elections. Presidential electors, and not the President, are chosen at the November election. (See 2d par., sec. 1, Art. II.) The electors, under the present Constitution, would be free to choose a President, notwithstanding the death of a party nominee.

#### DEATH OF PARTY NOMINEE AFTER THE NOVEMBER ELECTIONS AND BEFORE THE ELECTORS VOTE

Inasmuch as the electors would be free to choose a President, a constitutional amendment is not necessary to provide for the case of the death of a party nominee after the November elections and before the electors vote. The problem in such a case would be a political one, for if the political party did not in some manner designate a person, the electors representing that political party would probably so scatter their votes that the election would be thrown into the House.

The practical difficulties which would be encountered in either of the above cases—if, for example, only a short time remained before election day or before the meeting of the electors—could be alleviated somewhat, for Congress by general statute may provide for the postponement, in any such case, of the day of the election or the day of the meeting of the electors.

#### DEATH OF THE PRESIDENT ELECT AFTER THE ELECTORS VOTE AND BEFORE THE VOTES ARE COUNTED

Two serious problems are presented in the case of the death of the person who has received a majority of the electoral votes after the electors vote and before the votes are counted:

- (1) May the votes which were cast for a person, who was eligible at the time the votes were cast but who has died before the votes are counted by Congress, be counted?

## (2) Would the Vice President elect become President?

It is the view of your committee that the votes, under the above circumstances, must be counted by Congress. An analysis of the functions of Congress indicates that no discretion is given and that Congress must declare the actual vote. The votes at the time they were cast were valid—so that the problem involved in the case of votes cast for a dead person is not here presented. Consequently, Congress would declare that the deceased candidate had received a majority of the votes.

But would the Vice President elect become President? The sixth paragraph of section 1 of Article II of the Constitution provides for the case of the removal, death, resignation, or inability of the President. Does this provision cover the case of the death, etc., of a President elect?

Constitutional writers say, and the wording of the paragraph supports the conclusion, that it is applicable only to those actually in office. On the other hand, if the Supreme Court were confronted with the practical application of the paragraph, it is very probable that it would decide that the Vice President elect would become President.

In order to remove all possible doubt, to render unnecessary a judicial decision, and to avoid the consequent chaos during the interim, the first clause of section 4 of the amendment proposed by this resolution provides specifically that the Vice President elect, in such case, shall become President.

It will be noted that the term "President elect" is used in its generally accepted sense, as meaning the person who has received the majority of the electoral votes, or the person who has been chosen by the House of Representatives in the event that the election is thrown into the House. Congress, after counting the electoral votes, merely declares the result, and the person who received a majority of the votes became President-elect upon the day on which the votes were cast, even though he has died before the votes are counted.

## DEATH OF ONE OF THREE HIGHEST WHERE ELECTION IS THROWN INTO HOUSE

If the election of the President is thrown into the House, the House under the twelfth amendment must proceed immediately to choose a President "from the persons having the highest numbers not exceeding three on the list of those voted for as President." If one of these persons has died after the electors vote and before the election by the House, the political party which he represented would be practically disfranchised. It seems certain that, in the election by the House, votes cast for a dead man could not legally be counted. Under the present Constitution it would, then, be necessary for that party, through political strategy, to prevent an election by the House, and risk securing favorable results in the Senate (assuming that the election of the Vice President is thrown into the Senate as would undoubtedly happen).

Section 4 of the amendment proposed by this resolution specifically gives Congress power to provide for this case. No attempt has been made to indicate what Congress should provide, for your committee did not feel that it should assume the responsibility of

selecting one of the many possible policies which might be applicable. Under some circumstances, for example, it might be advisable to provide for a substitution of a name for the name of the deceased candidate and to permit the election by the House to proceed as it otherwise would; under other circumstances it might be advisable to provide for a reconvening of the Electoral College; again it might be necessary to provide that a designated officer shall act temporarily as President until a President can be chosen in the manner prescribed by the law; and other methods might be selected by the Congress.

#### DEATH OF PRESIDENT ELECT BEFORE THE BEGINNING OF HIS TERM

If the person who received the majority of the electoral votes dies after the votes are counted, or if the person who is chosen by the House, in case the election of the President is thrown into the House, should die before the date fixed for the beginning of his term, the same question arises as to whether the Vice President would become President.

The first clause of section 4 of the proposed amendment provides that the Vice President will become President.

#### DEATH OF VICE PRESIDENT ELECT

There is no immediate emergency presented if a candidate for Vice President, or if the Vice President elect, should die, if the President elect is living upon the day fixed for the beginning of his term. Consequently, no provision is made in the amendment.

#### DEATH OF ONE OF TWO HIGHEST WHERE ELECTION IS THROWN INTO SENATE

If the election of the Vice President is thrown into the Senate, the Senate, under the twelfth amendment, must proceed to choose the Vice President "from the two highest numbers on the list." If one of these persons has died, a situation is presented similar to that discussed above in the case of the death of one of the three highest where the election is thrown into the House.

Section 4 of the amendment proposed by this resolution also gives Congress power to provide for this case.

#### DEATH OF BOTH PRESIDENT ELECT AND VICE PRESIDENT ELECT

There is no specific provision in the Constitution applicable to this case. Even assuming that the "necessary and proper" clause (the last paragraph of section 8 of Article I) would be interpreted as giving Congress power to act, a final decision of the Supreme Court would be necessary and several months or more required.

Section 4 of the amendment proposed by this resolution gives to Congress the power to provide for the case.

#### THE TWELFTH AMENDMENT

The twelfth amendment now provides that if the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, "before the 4th day of March next following,"

the Vice President shall act as President. The phrase quoted must be changed, in order to meet the proposed change in dates, and section 3 of the proposed amendment substitutes the phrase "before the time fixed for the beginning of his term."

There is also an ambiguity in the twelfth amendment, in that it does not state whether it is the retiring Vice President or the newly elected Vice President who is to act as President if the House of Representatives fails to choose a President before March 4. Section 3 of the proposed amendment specifically provides, in accordance with the generally accepted interpretation, that in such case the newly elected Vice President shall act.

#### THE PROPOSED AMENDMENT

The amendment proposed by this resolution is as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:*

#### "ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the twenty-fourth day of January, and the terms of Senators and Representatives at noon on the fourth day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall be on the fourth day of January, unless they shall by law appoint a different day.

"SECTION 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

"SECTION 4. If the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President; and the Congress may by law provide for the case of the death both of the President elect and Vice President elect before the time fixed for the beginning of the term, for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"SECTION 5. Sections 1 and 2 shall take effect on the thirtieth day of November of the year following the year in which this article is ratified.

#### COMPARISON OF SENATE AND HOUSE RESOLUTIONS

Although your committee proposes to strike out all the Senate resolution and to substitute the House resolution therefor, the following comparative print has been prepared to show the specific differences between the Senate resolution as it passed the Senate and the resolution as reported by your committee:

Joint resolution proposing an amendment to the Constitution of the United States ~~fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.~~

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby, is, proposed to the States, to become valid as a part of said article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States as provided by the Constitution:*

“ARTICLE —.

“SECTION 1. The terms of the President and Vice President in office at the time this amendment takes effect shall end at noon on the third Monday in January twenty-fourth day of January, and the terms of Senators and Representatives then in office at noon on the first Monday in fourth day of January, of the year in which such terms would have ended if this article had not been ratified; *ratified*; and the terms of their successors shall then begin.

“~~SEC.~~ SECTION 2. The Congress shall assemble at least once in every year year, and such meeting shall be on the first Monday in January fourth day of January, unless they shall by law appoint a different day.

“~~SEC.~~ SECTION 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress shall *may* by law provide ~~that in the event for the case where~~ the Vice President has not been chosen before the time fixed for the beginning of his term, *declaring* what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

“SECTION 4. *If the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President; and the Congress may by law provide for the case of the death both of the President elect and Vice President elect before the time fixed for the beginning of the term, for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.*

“~~SEC.~~ 4. This amendment shall take effect on the fifteenth day of October after its ratification.”<sup>2</sup>

“SECTION 5. Sections 1 and 2 shall take effect on the thirtieth day of November of the year following the year in which this article is ratified.”

DIFFERENCES BETWEEN SENATE AND HOUSE RESOLUTIONS

There are three essential differences between the Senate and the House resolutions:

- (1) Differences in the dates fixed for the beginning of the terms.
- (2) Differences in the dates on which the amendment will become effective.
- (3) As explained above, the House resolution includes a provision for the case of the death of the President elect, of both the President

elect and the Vice President elect, one of the three highest on the list where the election of President is thrown into the House, and of one of the two highest on the list where the election of Vice President is thrown into the Senate. The Senate resolution contains no provision covering these cases.

#### DIFFERENCES IN DATES FIXED FOR BEGINNING OF TERMS

The House resolution provides that the terms of the newly elected President and Vice President shall begin on the 24th day of January, and that the terms of newly elected Members of Congress shall begin on the 4th day of January. The Senate resolution fixes the third Monday in January and the first Monday in January, respectively, as the dates on which the terms should begin.

Under the Senate resolution there would be but two weeks for Congress to count the electoral votes, for the House of Representatives to elect a President in case the election is thrown into the House, and for the Senate to elect a Vice President in case the election of the Vice President is thrown into the Senate. Under the House resolution a period of 20 days is afforded. Your committee believes that a 20-day period is preferable and in many instances may be necessary.

Under the Senate resolution the President, Senators, and Members of the House of Representatives would be elected for varying terms, commencing on a Monday and ending on a Monday, instead of for four years, six years, and two years, respectively. Your committee believes that considerable confusion would be occasioned by this provision.

The only objection which has been urged against the fixing of definite dates, so far as your committee is aware, is that occasionally the date would fall on a Sunday, and that, consequently, the President would be inaugurated and the Congress would meet on a Sunday. Your committee is of the opinion that this objection is not well founded. Under the present Constitution, whenever the 4th of March falls on Sunday, the inauguration is postponed until the following day. In some instances, the oath of office has been taken on the 4th of March, as in the case of President Hayes, and in others the oath has been taken on the following day, as in the cases of President Taylor and President Wilson (in 1917). The same procedure may be followed under the proposed amendment. And Congress may by law provide that when the 4th of January falls on Sunday it will meet on the following day. Furthermore, inauguration day will fall on Sunday but once (in 1937) during the next 30 years, under the proposed amendment, and will fall on Sunday once (in 1945) under the present Constitution.

#### DIFFERENCES IN THE EFFECTIVE DATES OF THE AMENDMENT

The Senate resolution postponed the effective date of the entire amendment until the 15th day of October after its ratification. Under section 5 of the amendment proposed by your committee, sections 3 and 4 will become effective immediately upon the ratification of the amendment, and sections 1 and 2 will become effective on the 30th day of November of the year following the year in which

the amendment is ratified. Sections 3 and 4 should become effective immediately in order to be applicable to the first situation which might arise after the amendment is ratified. The effective date of sections 1 and 2, however, must be postponed, in order to give adequate notice of the ending of the terms, to afford ample opportunity to attend the first session of the new Congress, and to provide a sufficient period within which Congress may enact certain necessary amendments to the existing statutes.

#### CHANGES IN PHRASEOLOGY

The House resolution omits the phrase in section 1 of the Senate resolution "in office at the time this amendment takes effect." This phrase is unnecessary, as section 1 of the House resolution will apply to those in office at the time the amendment takes effect. Furthermore, section 1 should be of permanent application and should fix the time for the ending of the terms of all successors, as well as the time for the beginning of the terms.

The changes in section 3 of the Senate resolution (except the substitution of the word "may" for "shall") are necessary to correct its grammatical construction.

#### LEGISLATIVE HISTORY OF THE PROPOSED AMENDMENT

Although amendments proposing to change the terms of Congress, or to meet the emergencies resulting from the death of the President elect and Vice President elect, have been introduced frequently almost since the beginning of the Government, it is unnecessary at this time to attempt to collect or refer to them. However, for purposes of reference, it seems advisable to refer to the proposals immediately preceding the present resolution.

During the fourth session of the Sixty-seventh Congress the Senate passed a resolution (S. J. Res. 253), which had been substituted for a concurrent resolution previously reported (S. Con. Res. 29; S. Rept. No. 933), proposing only to change the beginning of the terms of the President, Vice President, Senators, and Representatives, elected after the adoption of the amendment, and to provide for the meeting of Congress. On February 22, 1923, this committee reported this resolution to the House (H. Rept. No. 1690, 67th Cong., 4th sess.), striking out all after the resolving clause and inserting a new resolution. The following print shows the Senate resolution as reported by the House, with the resolution as it passed the Senate in stricken-through type and the amendment substituted by this committee in italic:

Joint resolution proposing an amendment to the Constitution of the United States, fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitu-*

tion be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

ARTICLE -

SECTION 1. That the terms of the President and Vice President of the United States, elected after the adoption of this amendment, shall commence at noon on the third Monday in January following their election.

SEC. 2. That the terms of Senators and Representatives, elected after the adoption of this amendment, shall commence at noon on the first Monday in January following their election.

SEC. 3. That the Congress shall assemble at least once in every year and such meeting shall be on the first Monday in January, unless they shall by law appoint a different day. That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —.

"SECTION 1. The terms of the President and Vice President shall end at noon on the twenty-fourth day of January, and the terms of Senators and Representatives at noon on the fourth day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin. This section shall take effect on the fifteenth day of December following the ratification of this article.

"SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall be on the fourth day of January unless they shall by law appoint a different day.

"SECTION 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President."

Amend the title so as to read: "Joint Resolution proposing an amendment to the Constitution of the United States."

Passed the Senate February 13, 1923.

Attest:

GEORGE A. SANDERSON,  
Secretary.

Immediately after the beginning of the next Congress, the House resolution was again introduced (H. J. Res. 93, 68th Cong., 1st sess.). After exhaustive hearings your committee reported this resolution to the House on February 19, 1924 (H. Rept. No. 211). A resolution somewhat similar to the House resolution had been introduced in the Senate (S. J. Res. 22, 68th Cong., 1st sess.), was favorably reported (S. Rept. No. 170), passed the Senate, and was

referred to this committee on March 19, 1924. On April 15, 1924, the Senate resolution was reported by this committee with an amendment striking out all after the resolving clause and substituting the House resolution therefor. The differences existing at that time between the Senate and House resolutions were fully discussed and explained in the report made to the House (H. Rept. No. 513, 68th Cong., 1st sess.).

Somewhat the same procedure has occurred this Congress. The House resolution was again introduced (H. J. Res. 56) immediately after the convening of Congress, was reintroduced in order to add the new section 4 (H. J. Res. 164), and was reported by this committee on February 17 of this year. The present resolution, as introduced in the Senate and as passed by the Senate, conforms much more nearly to the provisions of the House resolution.

#### NECESSARY STATUTORY AMENDMENTS

If the proposed amendment is ratified, certain amendments to existing statutes will be necessary. Upon the adoption of the resolution submitting the amendment for ratification, a bill will be introduced proposing the necessary changes.

### APPENDIX A

#### EXISTING PROVISIONS OF THE CONSTITUTION

##### I. THE PRESIDENT AND VICE PRESIDENT

###### TERM

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected as follows. (Art. II, Sec. 1.)

###### APPOINTMENT OF ELECTORS

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. (Art. II, Sec. 1.)

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. (Art. II, Sec. 1.)

###### ELECTION

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having

the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. (Amendment XII.)

#### REMOVAL, DEATH, RESIGNATION, AND INABILITY

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected. (Art. II, Sec. 1.)

#### II. SENATORS

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; \* \* \* (Amendment XVII.)

#### III. REPRESENTATIVES

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, \* \* \* (Art. I, Sec. 2.)

#### IV. TIME FOR HOLDING ELECTIONS OF SENATORS AND REPRESENTATIVES

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators. (Art. I, Sec. 4.)

#### V. SESSIONS OF CONGRESS

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day. (Art. I, Sec. 4.)

#### VI. NECESSARY AND PROPER CLAUSE

The Congress shall have Power \* \* \*

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. (Art. I, Sec. 8.)

## APPENDIX B

## EXISTING STATUTORY PROVISIONS

## I. THE PRESIDENT AND VICE PRESIDENT

## BEGINNING OF TERM

The term of four years for which a President and Vice President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the electors have been given. (R. S. sec. 152.)

## ELECTORS—NUMBER

The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives. (R. S. sec. 132.)

## ELECTORS—DATE OF APPOINTMENT

(1) Except in case of a presidential election prior to the ordinary period, as specified in sections one hundred and forty-seven to one hundred and forty-nine, inclusive, when the offices of President and Vice President both become vacant, the electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President. (R. S. sec. 131.)

(2) Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct. (R. S. sec. 134.)

## ELECTORS—FILLING OF VACANCIES

Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote. (R. S. sec. 133.)

## ELECTORS—DATE OF MEETING AND VOTING

That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct.

[Section 1 of the act entitled "An act to fix the day for the meeting of the electors of President and Vice President, and to provide for and regulate the counting of the votes for President, and Vice President, and the decision of questions arising thereon," approved February 3, 1887 (24 Stat. 373).]

## ELECTORS—MANNER OF VOTING

The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution. (R. S. sec. 137.)

## ELECTORS—CERTIFICATE OF VOTES

(1) The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State. (R. S. sec. 138.)

(2) The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice President, are contained therein. (R. S. sec. 139.)

## ELECTORS—DISPOSITION OF CERTIFICATES

The electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

Two. They shall forthwith forward by the post office to the President of the Senate, at the seat of Government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble. (R. S. sec. 140.)

## ELECTORS—DATE FOR FORWARDING CERTIFICATES

That the certificates and lists of votes for President and Vice President of the United States, mentioned in chapter one of title three of the Revised Statutes of the United States, and in the act to which this is a supplement, shall be forwarded, in the manner therein provided, to the President of the Senate forthwith after the second Monday in January, on which the electors shall give their votes.

[Section 1 of the act entitled "An act supplementary to the act approved February third, eighteen hundred and eighty-seven, entitled 'An act to fix the day for the meeting of the electors of President and Vice President, and to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereon,'" approved October 19, 1888 (25 Stat. 613).]

## ELECTORS—DATE FOR SENDING FOR CERTIFICATES NOT RECEIVED

Whenever a certificate of votes from any State has not been received at the seat of Government on the fourth Monday of the month of January in which their meeting shall have been held, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government.

[R. S. sec. 141, as amended by section 2 of the act of October 19, 1888 (25 Stat. 613).]

## ELECTORS—DELIVERY OF CERTIFICATES

Section 1 of the act of October 19, 1888 (above), provides that the certificates shall be forwarded to the President of the Senate.

## ELECTORS—DELIVERY OF CERTIFICATES TO SECRETARY OF STATE

In case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate. (R. S. sec. 143.)

## ELECTORS—TRAVEL ALLOWANCE OF MESSENGERS

Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of Government of the United States. (R. S. sec. 144.)

## PENALTY FOR FAILURE TO DELIVER CERTIFICATES

Every person who, having been appointed, pursuant to subdivision one of section one hundred and forty or to section one hundred and forty-one, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of one thousand dollars. (R. S. sec. 145.)

## COUNTING OF ELECTORAL VOTES

The act entitled "An act to fix the day for the meeting of the electors of President and Vice President, and to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereon," approved February 3, 1887:

"That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the legislature of such State shall direct.

"SEC. 2. That if any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

"SEC. 3. That it shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the Seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive to deliver to the electors of such State, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the State; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice President; and section one hundred and thirty-six of the Revised Statutes is hereby repealed; and if there shall have been any final determination in a State of a controversy or contest as provided for in section two of this act, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made; and the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full; and at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

"SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of one o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state

clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section three of this act from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section two of this act to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section two of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the Executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

"SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

"SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

"SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of ten o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House." (24 Stat. 373.)

## SUCCESSION TO OFFICE

The act entitled "An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice President," approved January 19, 1886:

"That in case of removal, death, resignation, or inability of both the President and Vice President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice President is removed or a President shall be elected: *Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

"Sec. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them, respectively.

"Sec. 3. That sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty of the Revised Statutes are hereby repealed." (24 Stat. 1.)

## II. SENATORS—DATE OF ELECTION AND COMMENCEMENT OF TERMS

Section 1 of the act entitled "An act providing a temporary method of conducting the nomination and election of United States Senators," approved June 4, 1914:

"That at the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the fourth day of March next thereafter." (38 Stat. 384.)

## III. MEMBERS OF HOUSE OF REPRESENTATIVES—DATE OF ELECTION AND COMMENCEMENT OF TERMS

(1) The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter. (R. S. sec. 25.)

(2) That section twenty-five of the Revised Statutes prescribing the time for holding elections for Representatives to Congress, is hereby modified so as not to apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State.

[Section 6 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes," approved March 3, 1875 (18 Stat. 400).]

(3) The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively. (R. S. sec. 26.)

## IV. SESSIONS OF CONGRESS

The first sentence of section 4 of the act entitled "An act to fix the day for the meeting of the electors of President and Vice President, and to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereon," approved February 3, 1887:

"That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors." (24 Stat. 373.)

## V. RESIDENT COMMISSIONERS

(1) The first sentence of section 20 of the Act entitled "An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916:

"SEC. 20. That at the first meeting of the Philippine Legislature created by this Act and triennially thereafter there shall be chosen by the legislature two Resident Commissioners to the United States, who shall hold their office for a term of three years beginning with the fourth day of March following their election, and who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor General of said islands." (39 Stat. 552.)

(2) The first two sentences of section 36 of the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917:

"SEC. 36. That the qualified electors of Porto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Porto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the fourth of March following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Porto Rico." (39 Stat. 963.)

[Note: The statutes relating to the election of a delegate for the Territory of Alaska (37 Stat. 512, 517; 34 Stat. 169, 170), and a delegate for the Territory of Hawaii (34 Stat. 550), do not prescribe a specific date for the beginning of the term.]

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