

108TH CONGRESS
1ST SESSION

H. J. RES. 77

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2003

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

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 7 days) after the date on which
4 member's death or incapacity has been certified. An indi-
5 vidual 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 7-day period which ends on the
16 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 shall have the power to en-
6 force this article through appropriate legislation, including
7 the adoption of rules by the House of Representatives to
8 establish the criteria for determining whether a member
9 is dead or incapacitated.”.

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