

109TH CONGRESS  
1ST SESSION

# H. J. RES. 26

Proposing an amendment to the Constitution of the United States relating  
to Congressional succession.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. ROHRBACHER (for himself and Mr. BAIRD) introduced the following  
joint resolution; which was referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United  
States relating to Congressional succession.

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 “ARTICLE —

2 “SECTION 1. No person shall be a Representative who  
3 has not selected in ranked order, and been elected together  
4 with, three Alternate Representatives. Alternate Rep-  
5 resentatives shall serve during the term of their Rep-  
6 resentative, and their tenure in office shall end upon the  
7 resignation or expulsion of their Representative, or when  
8 a new Representative and Alternate Representatives are  
9 elected for the same constituency. Such new Representa-  
10 tive and Alternate Representatives shall assume office im-  
11 mediately upon election whenever there is a vacancy in the  
12 office of Representative.

13 “SECTION 2. Upon the death of a Representative, or  
14 if at the time fixed for the beginning of the term of the  
15 Representative-elect, the Representative-elect shall have  
16 died, the duties and powers of the office of Representative  
17 shall be discharged by his highest-ranking Alternate as  
18 Acting Representative until a new Representative is elect-  
19 ed.

20 “SECTION 3. Whenever a Representative transmits to  
21 the Speaker of the House of Representatives his written  
22 declaration that he is unable to discharge the powers and  
23 duties of his office, and until he transmits a written dec-  
24 laration to the contrary, such powers and duties shall be

1 discharged by his highest-ranking Alternate as Acting  
2 Representative.

3       “SECTION 4. Whenever a majority of the elected Al-  
4 ternates of a Representative transmit to the Speaker of  
5 the House of Representatives their written declaration  
6 that such person is unable to discharge the powers and  
7 duties of the office of Representative, that person’s high-  
8 est-ranked Alternate shall immediately assume the powers  
9 and duties of that office as Acting Representative. There-  
10 after, when the Representative transmits to the Speaker  
11 of the House of Representatives his written declaration  
12 that no such inability exists, he shall assume or resume  
13 the powers and duties of the office of Representative.

14       “SECTION 5. No person shall be a Senator who has  
15 not selected in ranked order, and been elected together  
16 with, three Alternate Senators. Alternate Senators shall  
17 serve during the term of their Senator, and their tenure  
18 in office shall end upon the resignation or expulsion of  
19 their Senator, or when a new Senator and Alternate Sen-  
20 ators are elected for the same state and class of Senators.  
21 Such elected Senator and Alternate Senators shall assume  
22 office immediately upon election whenever there is a va-  
23 cancy in the office of Senator.

24       “SECTION 6. Upon the death of a Senator, or if at  
25 the time fixed for the beginning of the term of the Sen-

1 ator-elect, the Senator-elect shall have died, the duties and  
2 powers of the office of Senator shall be discharged by his  
3 highest ranked Alternate as Acting Senator until a new  
4 Senator is elected.

5 “SECTION 7. Whenever a Senator transmits to the  
6 President pro tempore of the Senate his written declara-  
7 tion that he is unable to discharge the powers and duties  
8 of his office, and until he transmits a written declaration  
9 to the contrary, such powers and duties shall be dis-  
10 charged by his highest ranked Alternate as Acting Sen-  
11 ator.

12 “SECTION 8. Whenever a majority of the elected Al-  
13 ternates of a Senator transmit to the President pro tem-  
14 pore of the Senate their written declaration that such per-  
15 son is unable to discharge the powers and duties of the  
16 office of Senator, that person’s highest ranked Alternate  
17 shall immediately assume the powers and duties of that  
18 office as Acting Senator. Thereafter, when the Senator  
19 transmits to the President pro tempore of the Senate his  
20 written declaration that no such inability exists, he shall  
21 assume or resume the powers and duties of the office of  
22 Senator.

23 “SECTION 9. No one who has not been elected Sen-  
24 ator or Alternate Senator may be or act as Senator, except  
25 that the legislature of any state may empower the execu-

1 tive thereof to appoint an Acting Senator when a Senator  
2 from that state dies in office without a qualified Alternate.

3 “SECTION 10. Alternate Senators and Representa-  
4 tives shall have the qualifications of Senators and Rep-  
5 resentatives, respectively, and each House may punish its  
6 Alternates for disorderly behavior, and with the concur-  
7 rence of two thirds, expel an Alternate.

8 “SECTION 11. The Congress shall have power to en-  
9 force this article by appropriate legislation.

10 “SECTION 12. This article shall take effect at noon  
11 on the next date established by this Constitution for the  
12 beginning and ending of the terms of Senators and Rep-  
13 resentatives one year after the ratification of this article,  
14 except that qualification to be Senator in section 5 of this  
15 article shall not apply to any person who had been elected  
16 to their current term of office prior to such time and  
17 date.”.

