

111TH CONGRESS
1ST SESSION

H. J. RES. 52

Proposing an amendment to the Constitution of the United States to temporarily fill mass vacancies in the House of Representatives and the Senate and to preserve the right of the people to elect their Representatives and Senators in Congress.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2009

Mr. BAIRD (for himself and Mr. ROHRABACHER) 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 to temporarily fill mass vacancies in the House of Representatives and the Senate and to preserve the right of the people to elect their Representatives and Senators in Congress.

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*

1 States within seven years after the date of its submission
2 for ratification:

3 “ARTICLE —

4 “SECTION 1. Immediately after taking the oath of of-
5 fice, an individual who is elected to serve as a Senator
6 or Representative in Congress shall provide the applicable
7 House of Congress a list of at least three designees,
8 ranked in order of preference, to take the individual’s
9 place in the event the individual dies, becomes incapaci-
10 tated, or disappears prior to the expiration of the individ-
11 ual’s term of office. The individual shall ensure that the
12 list only contains the names of designees who meet the
13 qualifications for service as a Senator or Representative
14 in Congress. The individual may present revised versions
15 of the list at any time during the Congress.

16 “SECTION 2. In the event a catastrophe results in the
17 death, incapacity, or disappearance of a significant num-
18 ber of Representatives, the Speaker of the House shall im-
19 mediately fill the vacancies with individuals from the most
20 recent lists of designees (in the order so provided on the
21 lists) presented by the Representatives whose seats are
22 now vacant, as provided by section 1. In the event that
23 a catastrophe results in the death, incapacity, or dis-
24 appearance of a significant number of Senators, the Vice
25 President or President Pro Tempore of the Senate shall

1 immediately fill the vacancies with individuals from the
2 most recent lists of designees (in the order so provided
3 on the lists) presented by the Senators whose seats are
4 now vacant, as provided by section 1. An individual des-
5 ignated to take the place of a Senator or Representative
6 shall serve until the Senator or Representative regains ca-
7 pacity, is located, or until another Member is elected to
8 fill the vacancy.

9 “SECTION 3. During the period of an individual’s
10 service under section 2, the individual shall be treated as
11 a Senator or Representative in Congress for purposes of
12 all laws, rules, and regulations, but not for purposes of
13 section 1. If an individual designated under section 2 is
14 unwilling to carry out the duties of a Senator or Rep-
15 resentative during such period, or is unable to do so be-
16 cause of death, incapacity, or disappearance, the Vice
17 President or President Pro Tempore of the Senate or the
18 Speaker of the House shall designate another individual
19 from the same list of designees (in the order so provided
20 on that list) presented under section 1 from which the in-
21 dividual was designated. Any individual so designated
22 shall be considered to have been designated under section
23 2.

24 “SECTION 4. If an individual is designated to fill a
25 vacancy in an office of a Senator or Representative under

1 section 2, the executive authority of the State involved
2 shall issue a writ of election for such office. The special
3 election shall be held as soon as possible after the indi-
4 vidual is designated under section 2.

5 “SECTION 5. Congress shall by law establish the cri-
6 teria for determining whether a Senator or Representative
7 in Congress is dead, incapacitated, or has disappeared,
8 and shall have the power to enforce this article through
9 appropriate legislation.

10 “SECTION 6. This article shall take effect at the be-
11 ginning of the first Congress that convenes after its ratifi-
12 cation.”.

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