

112TH CONGRESS
1ST SESSION

H. J. RES. 26

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2011

Mr. ROHRBACHER 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 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 and been elected together with an Alter-
4 nate Representative. Alternate Representatives shall serve
5 during the term of their Representative, and their tenure
6 shall end when a new Representative and Alternate Rep-
7 resentatives are elected for the same constituency. Such
8 new Representative and Alternate Representative shall as-
9 sume office immediately upon election whenever there is
10 a vacancy in the office of Representative.

11 “SECTION 2. Upon the death, resignation, or expul-
12 sion of a Representative, or if at the time fixed for the
13 beginning of the term of the Representative-elect, the Rep-
14 resentative-elect shall have died or failed to qualify, the
15 duties and powers of the office of Representative shall be
16 discharged by his Alternate as Acting Representative until
17 the Representative-elect shall have qualified or until a new
18 Representative and Alternate Representative are elected.

19 “SECTION 3. Whenever the House of Representatives
20 declares that a Representative is unable to discharge the
21 powers and duties of his office, or a Representative trans-
22 mits to the Speaker of the House of Representatives his
23 written declaration that he is unable to discharge such
24 powers and duties, such powers and duties shall be dis-
25 charged by his Alternate as Acting Representative. There-

1 after, when the Representative transmits to the Speaker
2 of the House of Representatives his written declaration
3 that no such inability exists, he shall immediately resume
4 the powers and duties of the office of Representative.

5 “SECTION 4. No person shall be a Senator who has
6 not selected and been elected together with an Alternate
7 Senator. Alternate Senators shall serve during the term
8 of their Senator, and their tenure in office shall end when
9 a new Senator and Alternate Senator are elected for the
10 same state and class of Senators. Such elected Senator
11 and Alternate Senator shall assume office immediately
12 upon election whenever there is a vacancy in the office
13 of Senator.

14 “SECTION 5. Upon the death, resignation, or expul-
15 sion of a Senator, or if at the time fixed for the beginning
16 of the term of the Senator-elect, the Senator-elect shall
17 have died or failed to qualify, the duties and powers of
18 the office of Senator shall be discharged by his Alternate
19 as Acting Senator until the Senator-elect shall have quali-
20 fied, or until a new Senator and Alternate Senator are
21 elected.

22 “SECTION 6. Whenever the Senate declares that a
23 Senator is unable to discharge the powers and duties of
24 his office, or a Senator transmits to the President pro
25 tempore of the Senate his written declaration that he is

1 unable to discharge such powers and duties, such powers
2 and duties shall be discharged by his Alternate as Acting
3 Senator. Thereafter, when the Senator transmits to the
4 President pro tempore of the Senate his written declara-
5 tion that no such inability exists, he shall immediately re-
6 sume the powers and duties of the office of Senator.

7 “SECTION 7. No one who has not been elected Sen-
8 ator or Alternate Senator may be or act as Senator, except
9 that the legislature of any state may empower the execu-
10 tive thereof to appoint an Acting Senator in the absence
11 of a qualified Alternate when there is a vacancy in the
12 office of Senator, or when, pursuant to section 6 or section
13 9 of this article, the Senator has been declared unable to
14 discharge the powers and duties of his office.

15 “SECTION 8. Alternate and Acting Senators and Rep-
16 resentatives shall have the qualifications of Senators and
17 Representatives, respectively, and each House may punish
18 its Alternates for disorderly behavior, and with the concur-
19 rence of two thirds, expel an Alternate.

20 “SECTION 9. In the absence of a quorum for three
21 days or more, each House may declare all of its members
22 who have not recorded their presence during such period
23 to be unable to discharge the powers and duties of their
24 offices. In such a case, such powers and duties of each

1 such member shall be discharged by the member's Alter-
2 nate until such member records his presence.

3 “SECTION 10. The Congress shall have power to en-
4 force this article by appropriate legislation.

5 “SECTION 11. This article shall take effect at noon
6 on the next date established by this Constitution for the
7 beginning and ending of the terms of Senators and Rep-
8 resentatives one year after the ratification of this article,
9 except that qualification to be Senator in section 4 of this
10 article shall not apply to any person who had begun his
11 current term of office prior to the effective date of this
12 article.”.

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