

# ALASKA STATE LEGISLATURE

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## House Judiciary Committee

### Sponsor Statement HJR 45

**"Requesting the United States Congress to propose an amendment to the Constitution of the United States to provide that a vacancy in the office of United States Representative may be filled by appointment until an election can be held."**

Under art. 1, sec. 2 of the United States Constitution, vacancies in the office of U.S. Representative may only be filled by a special election or at the next regular election. The procedure to fill vacancies in the United States Senate is different. Under the Seventeenth Amendment to the United States Constitution, the legislature of any state may provide for the executive to fill a vacancy in the Senate through a temporary appointment until an election can be held. [HJR 45](#) urges Congress to propose an amendment to the United States Constitution to authorize state legislatures to adopt legislation enabling the executive to temporarily fill by appointment vacancies in the state's delegation to the United States House of Representatives.

Since 1977 there have been 105 vacancies in the U.S. House of Representatives. There were some situations in which the vacancy had been announced in advance and the incumbent continued to hold office until the election of a successor. In most cases, however, the length of time to fill a vacancy ran from two to four months with an average of 96 days. During that time, the districts with the vacancies went unrepresented. This can be particularly problematic for single member states like Alaska. South Dakota, another single member state, has been unrepresented in the House since December 8, 2003 and the election to fill its vacancy will not take place until June 1, 2004. Passage of a constitutional amendment to allow for a temporary appointment to fill a vacancy would minimize the amount of time that congressional districts go unrepresented.

Another potential problem that the resolution addresses is the possibility that a large number of representatives might be killed or incapacitated in an accident, natural disaster or terrorist attack. Under such circumstances, the legislative branch of government could be brought to a standstill pending the many special elections that might be necessary to fill the vacancies. Giving the states authority to fill vacancies by temporary appointment would enable Congress to recover more quickly.

Passage of this resolution would encourage Congress to allow for the adoption of a process that promotes adequate representation for a district in the event of a single vacancy and the prompt recovery of the Congress in the event of many vacancies.