

**HOUSE JOINT RESOLUTION NO. 45**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Introduced: 4/5/04**

**Referred: State Affairs, Judiciary, Finance**

**A RESOLUTION**

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

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS**, under the Seventeenth Amendment to the Constitution of the United  
6 States, the legislature of any state may provide for a temporary appointment by the executive  
7 to fill a vacancy in that state's delegation to the United States Senate until an election can be  
8 held to fill the seat; and

9 **WHEREAS**, under art. I, sec. 2, Constitution of the United States, a vacancy in the  
10 office of the United States House of Representatives may be filled only by election, which  
11 will leave a vacancy in the position until an election can be held; and

12 **WHEREAS** vacancies in a state's delegation in the United States House of  
13 Representatives can leave a small state without any representation at all or with severely  
14 curtailed representation until the election is held to fill the vacancy; and

15 **WHEREAS** the lack of representation for small states, even temporarily, can have

1 serious adverse consequences, particularly because of the important role the federal  
2 government plays for small states; and

3 **WHEREAS**, for the same reasons, the lack of temporary representation for any  
4 congressional district can have serious consequences, not only for that district, but for that  
5 part of the state or for the entire state, even in medium-sized and larger states; and

6 **WHEREAS**, under art. V, Constitution of the United States, the United States  
7 Congress may propose an amendment to the constitution;

8 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the United  
9 States Congress to propose an amendment to the Constitution of the United States to enable  
10 the legislature of each state to authorize the executive to temporarily fill by appointment a  
11 vacancy in that state's delegation to the United States House of Representatives until an  
12 election can be held to fill the seat; and be it

13 **FURTHER RESOLVED** that the Alaska State Legislature urges other states to join  
14 this effort to secure this constitutional amendment, which will affect all states and ensure that  
15 congressional vacancies are filled as quickly as possible.

16 **COPIES** of this resolution shall be sent to the Honorable J. Dennis Hastert, Speaker  
17 of the U.S. House of Representatives; the Honorable Bill Frist, Majority Leader of the U.S.  
18 Senate; to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and  
19 the Honorable Don Young, U.S. Representative, members of the Alaska delegation in  
20 Congress; to all other members of the 108th United States Congress; and to the presiding  
21 officers of all houses in the state legislatures of all other states.