

CS FOR HOUSE JOINT RESOLUTION NO. 45(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 4/22/04
Referred: Judiciary

Sponsor(s): HOUSE JUDICIARY COMMITTEE

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 some states 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 some states, even temporarily, can have

1 serious adverse consequences, particularly because of the important role the federal
2 government plays for those states with small delegations in the United States House of
3 Representatives; and

4 **WHEREAS**, for the same reasons, the lack of temporary representation for any
5 congressional district can have serious consequences, not only for that district, but for that
6 part of the state or for the entire state, even in states with medium or large delegations to the
7 United States House of Representatives; and

8 **WHEREAS** having a method of quickly filling vacancies in the United States House
9 of Representatives would be beneficial to the nation in the event of a large number of
10 vacancies due to the occurrence of a disaster or terrorist attack; and

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

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

18 **FURTHER RESOLVED** that the Alaska State Legislature urges other states to join
19 this effort to secure this constitutional amendment, which will affect all states and ensure that
20 vacancies in the United States House of Representatives are filled as quickly as possible.

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