

1 **CONCURRENT RESOLUTION ENCOURAGING CONGRESS TO**
2 **PROPOSE AN AMENDMENT TO THE CONSTITUTION OF**
3 **THE UNITED STATES**

4 2018 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Steve Eliason**

7 Senate Sponsor: Curtis S. Bramble

8
9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution of the Legislature and the governor petitions the Congress of
12 the United States to propose an amendment to the United States Constitution, for
13 submission to the states for ratification, to provide that the legislature of any state may
14 empower the executive of the state to make temporary appointments to fill a vacancy in
15 the United States House of Representatives for that state until the people fill the
16 vacancy by election as the legislature may direct.

17 **Highlighted Provisions:**

18 This resolution:

19 ▶ recognizes that the United States Constitution, by not permitting a temporary
20 appointment to fill a vacancy in the United States House of Representatives, leaves
21 a state without its full representation in Congress until the vacancy can be filled by a
22 special election;

23 ▶ recognizes that the United States Constitution provides that, for a vacancy in the
24 Senate, a state legislature "may empower the executive thereof to make temporary
25 appointments until the people fill the vacancies by election as the legislature may
26 direct"; and

27 ▶ petitions the Congress of the United States to propose an amendment to the United



28 States Constitution, for submission to the states for ratification, to provide that the legislature
29 of any state may empower the executive of the state to make temporary appointments to fill a
30 vacancy in the United States House of Representatives for that state until the people fill the
31 vacancy by election as the legislature may direct.

32 **Special Clauses:**

33 None



35 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

36 WHEREAS, United States Constitution, Article I, Section 2, Clause 4, provides that
37 "When vacancies happen in the Representation from any State, the Executive Authority thereof
38 shall issue Writs of Election to fill such vacancies";

39 WHEREAS, in 1913, the Seventeenth Amendment to the United States Constitution
40 was ratified, providing for the popular election of senators and providing that, for a Senate
41 vacancy, "the legislature of any State may empower the executive thereof to make temporary
42 appointments until the people fill the vacancies by election as the legislature may direct";

43 WHEREAS, the United States Constitution does not provide for a temporary
44 appointment to fill a vacancy in the United States House of Representatives;

45 WHEREAS, when a vacancy occurs in the United States House of Representatives, the
46 state represented by the person who vacated the office is left without representation in that
47 office until a special election is held to fill the vacancy; and

48 WHEREAS, United States Constitution, Article V, provides, in part, that "Congress,
49 whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this
50 Constitution . . . which . . . shall be valid to all Intents and Purposes, as Part of this
51 Constitution, when ratified by the Legislatures of three fourths of the several States . . .":

52 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
53 Governor concurring therein, hereby petitions the Congress of the United States to propose an
54 amendment to the Constitution of the United States, for submission to the states for ratification,
55 to provide that the legislature of any state may empower the executive of the state to make
56 temporary appointments to fill a vacancy in the United States House of Representatives for that
57 state until the people fill the vacancy by election as the legislature may direct.

58 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of

59 the United States Senate, the Speaker of the United States House of Representatives, members
60 of Utah's congressional delegation, and the state legislators of the other 50 states, requesting
61 their cooperation.

Legislative Review Note
Office of Legislative Research and General Counsel