Bill as Introduced

HB 1226 - AS INTRODUCED

2000 SESSION

00-2025

03/01

HOUSE BILL ***1226***

AN ACT relative to vacancies in the office of United States senator.

SPONSORS: Rep. Wendelboe, Belk 2

COMMITTEE: Election Law

ANALYSIS

This bill requires the consent of the council for a temporary appointment by the governor to fill a vacancy in the office of United States senator.

Explanation: Matter added to current law appears in ***bold italics.***

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2025

03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to vacancies in the office of United States senator.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Elections; Vacancies Among Public Officers; United States Senator; Consent of the Council Added. Amend RSA 661:5 to read as follows:

661:5 United States Senator. If a vacancy occurs in the office of United States

senator, the governor, ***with the consent of the council,*** shall fill the vacancy by temporary appointment until the next state general election, when a senator shall be elected for the unexpired term.

2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB1226 Date 1/6/2000

Committee E/LAW

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
HOWARD L. WILSON	PO B91, ANDOVER	775-5427	LIBERTARIAN PARTY	Y	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB1226

BILL TITLE: relative to vacancies in the office of United States senator

DATE: January 06, 2000

LOB ROOM: 308 **Time Public Hearing Called to Order:** 10:30am

Time Adjourned: 10:45am

(please circle if present)

Committee Members: Reps. Arndt, T. Horton, F. Davis, Flanagan, Stritch, Gibbons, Desrosiers, Clegg, Letourneau, Young, M. Nowe, Keeves, Desmarais, J. Clemons, Buckley, G. Brown, Konys, D. Cote, Rollo, Splaine, Rodrigue and Weatherspoon

Bill Sponsors: Rep. Wendelboe

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Wendelboe** spoke in support of the bill. She described methods used in several other states, and answered questions.

Respectfully submitted,

Francis W. Davis

Francis W. Davis, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB1226

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Bill Sponsors: Rep. Wendelboe

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* REP. WENDELBOE SPOKE IN SUPPORT OF THE BILL. SHE DESCRIBED METHODS USED IN SEVERAL OTHER STATES, AND ANSWERED QUESTIONS.

Testimony

STATE OF NEW HAMPSHIRE

DIRECTOR
RICHARD E. AMIDON

DEPUTY DIRECTOR
CAROL HOLAHAN

OFFICE OF LEGISLATIVE SERVICES

STATE HOUSE
107 NORTH MAIN STREET, ROOM 109
CONCORD, NEW HAMPSHIRE 03301-4951

September 2, 1999

Honorable Francine Wendelboe
PO Box 244
New Hampton, NH 03256-0244

Dear Representative Wendelboe:

You recently requested the laws relative to vacancies in the offices of governor and United States representatives and senators. I have attached a copy of RSA 661:5 through 661:7 relative to vacancies among public officers. I have also attached New Hampshire Constitution Part II, Articles 49 and 49-a relative to a vacancy in the office of governor.

I have attached the laws of the other New England states, as well as those from a few other states, relative to vacancies for U.S. representatives and senators. I contacted the National Conference of State Legislatures hoping to obtain a 50-state chart. They have not yet responded.

I hope this is helpful. Please feel free to contact me if you have any questions.

Sincerely,

Anne C. Bickford

Anne C. Bickford
Senior Researcher

TDD Access: Relay NH 1-800-735-2964
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CONSTITUTION OF THE STATE OF NEW HAMPSHIRE

PART II
FORM OF GOVERNMENT

Art. 49. President of Senate, etc., To Act as Governor When Office Vacant; Speaker of House To Act When Office of President of Senate Is Also Vacant.

In the event of the death, resignation, removal from office, failure to qualify, physical or mental incapacity, absence from the state, or other incapacity of the governor, the president of the senate, for the time being, shall act as governor until the vacancy is filled or the incapacity is removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives, for the time being, or in the case of the like incapacity of the speaker, upon the secretary of state, or in case of his like incapacity, upon the state treasurer, each of whom, in that order, shall act as governor, as hereinabove provided, until the vacancy is filled or the incapacity removed. Whenever a vacancy for the duration or remainder of the governor's term of office occurs before the commencement of the last year of such term, a special election for governor shall take place to fill the vacancy, as provided by law. Whenever the speaker of the house acts as governor, he shall act as such only until such time as the vacancy is filled or the incapacity removed in either the office of governor or of president of the senate, whichever occurs first. Whenever either the secretary of state or the treasurer acts as governor, he shall act as such only until such time as the vacancy is filled or the incapacity removed in the offices of governor, of president of the senate or of speaker of the house, whichever occurs first. While acting as governor under this article, the president of the senate, speaker of the house, secretary of state or state treasurer, as the case may be, shall be styled Acting Governor, shall not be required to take an additional oath of office, shall have and exercise all the powers, duties and authorities of, and receive compensation equal to that of the office of governor; and the capacity of each such officer to serve as president of the senate as well as senator, speaker of the house of representatives as well as representative, secretary of state, or state treasurer, as the case may be, or to receive the compensation of such office, shall be suspended only. While the governor or an acting governor is absent from the state on official business, he shall have the power and authority to transact such business.

Amendments--1984. Amended article generally.

--1968. Inserted the fourth through eighth sentences.

--1956. Added the last sentence.

--1889. Inserted the second and third sentences.

Annotations

Analysis

0.5. Absence of governor.

1. Acting governor.

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0.5. Absence of governor.
For purposes of this article, governor is absent when he crosses the state line; the length or nature of the absence is irrelevant, except that the governor retains the authority to speak for the state on state business that is transacted out-of-state. 1987 Op. Atty. Gen. 8

The New Hampshire Constitution makes no provision for notification of the senate president when the governor is out-of-state. 1987 Op. Atty. Gen. 8

1. Acting governor.
This article's provision that when president of the senate is acting governor he "shall not hold his office in the senate" prevents him from occupying both his office as senator and his position as president of the senate; but not every brief or temporary absence of the governor from the state would necessarily disqualify the president of the senate from holding his office as a member of the senate, and when the president of the senate is required to act as governor pro tem, he may exercise ceremonial, routine, signatory, proclamatory, ministerial and similar gubernatorial functions without losing his right to act as a member of the senate. Opinion of the Justices, 115 N.H. 44, 332 A.2d 165 (1975).

The senate president, while acting as governor in the governor's absence, should act only where it is necessary to do so; any matter which is other than ceremonial or which does not require immediate action should be deferred until the governor returns. 1987 Op. Atty. Gen. 8

Cited. Attorney General v. Taggart, 66 N.H. 362, 29 A. 1027 (1890); Opinion of the Justices, 87 N.H. 489, 177 A. 655 (1935); Opinion of the Justices, 101 N.H. 541, 133 A.2d 790 (1957); Opinion of the Justices, 110 N.H. 359, 266 A.2d 823 (1970); Opinion of the Justices, 118 N.H. 582, 392 A.2d 125 (1978).

Library References

CJS States §§ 88, 89.

Art. 49-a. Prolonged Failure to Qualify; Vacancy in Office of Governor Due to Physical or Mental Incapacity, etc.

Whenever the governor transmits to the secretary of state and president of the senate his written declaration that he is unable to discharge the powers and duties of his office by reason of physical or mental incapacity and until he transmits to them a written declaration to the contrary, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth. Whenever it reasonably appears to the attorney general and a majority of the council that the governor is unable to discharge the powers and duties of his office by reason of physical or mental incapacity, but the governor is unwilling or unable to transmit his written declaration to such effect as above provided, the attorney general shall file a petition for declaratory judgment in the supreme court requesting a judicial determination of the ability of the governor to discharge the powers and duties of his office. After notice and hearing, the justices of the supreme court shall render such judgment as they find warranted by a preponderance of the evidence; and, if the court holds that the governor is unable to discharge the powers and duties of his office, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth, until such time as the disability of the governor is removed or a newly elected governor is inaugurated. Such disability, once determined by the supreme court, may be removed upon petition for declaratory judgment to the supreme court by the governor if the court finds, after notice and hearing, by a preponderance of the evidence that the governor is able to discharge the powers and duties of his office. Whenever such disability of the governor, as determined by his

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written declaration or by judgment of the supreme court, has continued for a period of 6 months, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. Whenever the governor-elect fails to qualify by reason of physical or mental incapacity or any cause other than death or resignation, for a period of 6 months following the inauguration date established by this constitution, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. The provisions of article 49 shall govern the filling of such vacancy, either by special election or continued service of an acting governor. If the general court is not in session when any such 6-month period expires, the acting governor, upon written request of at least 1/4 of the members of each house, shall convene the general court in special session for the sole purpose of considering and acting on the question whether to declare a vacancy in the office of governor under this article.

Amendments--1984. Added this article.

Library References

CJS States §§ 88, 91.

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Vermont Statutes Annotated

Chapter 53. Vacancies

SECTION

2621. Vacancy in office of United States senator or representative.

2622. Interim appointment of United States senator.

2623. Vacancies in offices within this state.

§ 2621. Vacancy in office of United States senator or representative

If a vacancy occurs in the office of United States senator or United States representative, the governor shall call a special election to fill the vacancy. His proclamation shall specify a day for the special election and a day for a special primary, pursuant to section 2352 of this title. The special election shall be held not more than three months from the date the vacancy occurs, except that if the vacancy occurs within six months of a general election, the special election may be held the same day as the general election.—Added 1977, No. 269 (Adj. Sess.), § 1.

ANNOTATIONS

1. Prior law. For decisions under prior provisions relating to the subject matter of this section, see annotations under former §§ 1501 and 1701 of this title.

§ 2622. Interim appointment of United States senator

The governor may make an interim appointment to fill a vacancy in the office of the United States senator, pending the filling of the vacancy by special election.—Added 1977, No. 269 (Adj. Sess.), § 1.

ANNOTATIONS

1. Prior law. For decisions under prior provisions relating to the subject matter of this section, see annotations under former § 1502 of this title.

§ 2623. Vacancies in offices within this state

In the event of a vacancy in any state, county, or legislative office, the governor may request the political party of the person whose death or resignation created the vacancy to submit one or more recommendations as to a successor. The proper committee to which a request for recommendation shall be directed shall be:

(1) for state officers, the state committee;

(2) for county officers, except justices of the peace and probate judges, the county committee;

since the judicial adjudication contemplated under these sections was subject to revision or reversal by the General Assembly. Kennedy v. Chittenden (1983) 142 Vt. 397, 457 A.2d 626.

Chapter 53. Vacancies

§ 2621. Vacancy in office of United States senator or representative

ANNOTATIONS

Cited. Cited in Op. Atty. Gen. 94-2F.

§ 2622. Interim appointment of United States senator

ANNOTATIONS

Cited. Cited in Op. Atty. Gen. 94-2F.

§ 2623. Vacancies in offices within this state

ANNOTATIONS

Cited. Cited in Op. Atty. Gen. 94-2F.

Chapter 55. Local Elections

SUBCHAPTER 2. TOWN MEETINGS AND LOCAL ELECTIONS IN GENERAL

SECTION

2640. Annual meetings.
2641. Warning and notice required; publication of warnings.
2645. Charters, amendment, procedure.
2646. Town officers; qualification; election.
2647. Incompatible offices.
2651a. Constables; appointment; removal.
2651b. Elimination of office of auditor; appointment of public accountant.
2661. Reconsideration or rescission of vote.
2667. Access to annual meeting.

SUBCHAPTER 3. LOCAL ELECTIONS USING THE AUSTRALIAN BALLOT SYSTEM

2680. Australian ballot system; general.
2681. Nominations, petitions.
2681a. Local election ballots.
2687. Appeal to superior court.

Subchapter 2. Town Meetings and Local Elections in General

§ 2640. Annual meetings

* * *

(b) When a town so votes, it may thereafter start its annual meeting on any of the three days immediately preceding the first Tuesday in March at

such time as it elects and may transact involving voting by Australian ballot or ballot and to be held on the first Tuesday shall be adjourned until the first Tuesday

(c) In a town which starts its annual m Tuesday in March and which uses the discussion of ballot issues and all other other than election of candidates, sha Amended 1991, No. 118 (Adj. Sess.), § 1

HISTOR

Amendments—1991 (Adj. Sess.). Subsection immediately preceding the first Tuesday in March in the afternoon of the day before the first Tuesd sentence, "in" for "of" preceding "March" at the March" for "following day" following "until the"

Subsection (c): Substituted "any" for "the" foll following "permitted on that" at the end of the

ANNOTA

1. Construction. Provision that meeting of election of officers and transaction of other bu officers shall be chosen, are positive legislative how often they shall hold an election. Jenney under prior law.)

2. Failure to hold meeting. Adjournment transacting the business warned amounts to "a of this section. Jenney v. Alden (1906) 79 Vt.

3. Powers of town meeting. Town meetin their duties or to instruct them to disregard p Royalton Taxpayers Protective Association v. (Decided under prior law.)

Alteration or amendment of town grand ta substitution of a body other than the listers purposes, was beyond power of town meetin refused to warn special town meeting sought to mandamus to compel selectmen to warn ation v. Wassmansdorf (1969) 128 Vt. 153, 2

4. Mandamus. Where voters without ele specified in warning, adjourned the meet resident voter and taxpayer, directing sel election of officers. Jenney v. Alden (1906)

5. Opportunity for discussion. Where discussion, was used at school district m express approval or disapproval by m

General Laws of Rhode Island

sentatives found no candidate to have been elected. Opinion of Judges, 15 R.I. 621, 9 A. 222 (1887).

17-4-8. Special election to fill vacancy in office of representative. — Whenever any person elected a representative in congress from either district shall at any time between the day of his or her election and the beginning of his or her term of office refuse to serve and so declare to the secretary of state, or die, become insane, remove from the state, or be otherwise incapacitated, or whenever a vacancy shall happen in the representation of this state in congress as contemplated in the second section of the first article of the Constitution of the United States, the governor shall forthwith issue his or her writ of election directed to the several city and town clerks, or local boards as the case may be, ordering a new election of the representative in congress to be held in that district to fill the vacancy, at as early a date, to be stated in the writ, as will admit of compliance with the provisions of law in relation to these elections, but no election provided for by this section shall be held on Saturday; provided, however, that whenever a vacancy occurs between the first day of April and the first day of October in any even numbered year, the governor shall, unless in his or her opinion the public good requires an earlier special election, issue his or her writ for a special election to fill the vacancy to be held with the general election on the Tuesday next after the first Monday in November of that year.

History of Section.
P.L. 1901, ch. 838, § 8; G.L. 1909, ch. 16, § 8; P.L. 1914, ch. 1048, § 6; G.L. 1923, ch. 15, § 8; P.L. 1930, ch. 1529, § 1; P.L. 1936 (s. s.), ch. 2455, § 1; G.L. 1938, ch. 322, § 7; G.L. 1956, § 17-3-9; G.L. 1956, § 17-4-8; P.L. 1958, ch. 18, § 1.

NOTES TO DECISIONS

1. Effect of Federal Determination.
Where the general assembly declared a candidate elected but the federal house of representatives determined that he was not elected, the governor had power to issue writ ordering election. Opinion of Judges, 15 R.I. 621, 9 A. 222 (1887).

17-4-9. Special election to fill senatorial vacancy — Temporary appointment. — Whenever a person elected a senator in congress shall at any time between the day of that person's election and the beginning of his or her term of office refuse to serve and so declare to the secretary of state, or die, become insane, remove from the state, or be otherwise incapacitated, or whenever a vacancy shall happen in the representation of this state in the United States senate, the governor shall issue his or her writ of election directed to the several city and town clerks, or local boards as the case may be, ordering a new election of senator to fill the vacancy to be held in the state at the next general election after the expiration of seventy (70) days from the date of the occurrence of the vacancy; provided, however, that pending the election the governor shall appoint some per-

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History of Se
G.L., ch. 16,
ch. 1048, § 6;
1930, ch. 1529,
P.L. 1936 (s. s.),

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History of Sec
P.L. 1901, ch.
§ 1; P.L. 1917,
16, § 1; G.L. 19
§ 17-4-1; G.L. 1
18, § 1.

1. Constitution
2. Eligibility a

1. Constitutio
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Const., Art. II,
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son to fill the vacancy and the person so appointed shall serve until the election and qualification of the person duly elected to fill the vacancy.

History of Section.
G.L., ch. 16, § 8, as enacted by P.L. 1914, ch. 1048, § 6; G.L. 1923, ch. 15, § 8; P.L. 1930, ch. 1529, § 1; G.L. 1936, ch. 15, § 9; P.L. 1936 (s. s.), ch. 2455, § 2; G.L. 1938, ch. 322, § 8; G.L. 1956, § 17-3-10; G.L. 1956, § 17-4-9; P.L. 1958, ch. 18, § 1.

Cross References. Constitutional provisions as to filling of vacancies, U.S. Const., Amend. XVII.

17-4-10. Presidential electors — Time and manner of voting — Election by plurality. — The people of this state, qualified by law to vote for general offices, shall elect so many electors of president and vice-president of the United States as the state is or shall be entitled to at town, ward, and district meetings on the Tuesday next after the first Monday in November, in every fourth (4th) year, commencing in 1960, in accordance with the provisions of chapter 19 of this title, and the several candidates having a plurality of the legal votes given in at the election shall be elected.

History of Section.
P.L. 1901, ch. 827, § 1; G.L. 1909, ch. 17, § 1; P.L. 1917, ch. 1507, § 1; G.L. 1923, ch. 16, § 1; G.L. 1938, ch. 323, § 1; G.L. 1956, § 17-4-1; G.L. 1956, § 17-4-10; P.L. 1958, ch. 18, § 1.

Cross References. Election of delegates to national conventions, § 17-12-14.
Town meetings not to interfere, § 45-4-2.

NOTES TO DECISIONS

Analysis
1. Constitutionality.
2. Eligibility as elector.

1. Constitutionality.
Rhode Island statute carried out U. S. Const., Art. II, § 1, by providing that those eligible to vote for general offices shall be eligible to vote for presidential electors. In re Qualification of Voters, 19 R.I. 614, 35 A. 147 (1896).

2. Eligibility as Elector.
Commissioner of United States centennial commission was ineligible to serve as presidential elector. In re Corliss, 11 R.I. 638, 23 Am. Rep. 538 (1876).
Resignation of federal officer after election as presidential elector would not render him eligible as elector. In re Corliss, 11 R.I. 638, 23 Am. Rep. 538 (1876).

17-4-11. Meeting of electors — Vacancies. — Presidential electors elected pursuant to this chapter shall meet in the state house in the city of Providence on the first Monday after the second Wednesday in December after their election, at the hour of 12 o'clock noon of that day, and if there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill, by roll call and by a plurality of votes, the vacancy in the electoral college; and when the electors shall appear, or the vacancy shall be filled as above provided, they shall proceed to perform the duties required of electors by the Constitution and laws of the United States.

Annotated Laws of Massachusetts

§ 139. Failure to Elect, or Vacancy; Senator in Congress.

Upon failure to choose a senator in congress or upon a vacancy in said office, the vacancy shall be filled for the unexpired term at the following biennial state election provided said vacancy occurs not less than seventy days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy. (1913, 835, § 336; 1922, 57; 1943, 49.)

Federal Aspects—

Elections of senators and representatives, US Const Art I § 4 cl 1.

Total Client-Service Library® References—

63A Am Jur 2d, Public Officers and Employees §§ 135 et seq.

77 Am Jur 2d, United States § 25.

§ 140. Failure to Elect, or Vacancy; Representative in Congress.

Upon failure to choose a representative in congress or upon a vacancy in said office, the governor shall cause precepts to be issued to the aldermen in every city and the selectmen in every town in the district, directing them to call an election on the day appointed therein for the election of such representative.

If at the time a representative is elected at the biennial state election, there exists a vacancy in said office, said representative shall also be deemed to have been elected to serve out such vacancy. (1833, 68, § 4; RS 6, § 6; 1851, 40, § 1; GS 9, § 5; PS 9, §§ 5, 6; 1890, 423, §§ 167, 168; 1893, 417, § 216; 1898, 548, § 272; RL 11, § 275; 1907, 560, §§ 304, 456; 1913, 835, §§ 337, 503; 1973, 268.)

Editorial Note—

The 1973 amendment added a paragraph to provide that an elected representative in Congress serve out an existing vacancy.

Federal Aspects—

Electors of representatives, US Const Art I § 2 cl 1.

Elections of senators and representatives, US Const Art I § 4 cl 1.

Election to fill vacancies in office of representative or delegate to Congress, 2 USCS § 8.

Total Client-Service Library® References—

63A Am Jur 2d, Public Officers and Employees §§ 135 et seq.

77 Am Jur 2d, United States § 25.

CASE NOTES

Where representative had been elected to Ninety-Second Congress on November 3, 1970, any vacancy in his office prior to end of his term would occur in district in which he had been elected to office; boundaries of district would be boundaries in effect on November 3, 1970, even though reapportionment statute had been enacted, since reapportionment statute was intended to establish districts applicable to Ninety-Third Congress and subsequent congressional sessions. Opinion of Justices to Governor (1972) 361 Mass 897, 282 NE2d 629.

Under this section it is within power of governor to appoint day of election; he may either direct special election to be held, or direct that it shall be held upon day of annual state election. 1 Op AG 242, 243.

Governor can have no official knowledge of resignation of any representative in Congress, or of any purpose of such member to retire, until official notice of resignation has been received; formal notice from sitting member, either of his actual resignation or of his definite and fixed purpose to resign, stating time when such resignation should take effect, is condition precedent to any action taken by governor in providing for or filling such vacancy. 2 Op AG 340.

§ 141. Failure to Elect, or Vacancy; Representative in General Court.

Upon a vacancy in the office of representative in the general court or upon failure to elect, the speaker of the house of representatives shall issue precepts to the aldermen of each city and the selectmen of each town comprising the district or any part thereof, appointing such time as the house of representatives may order for an election to fill such vacancy; provided, that if such vacancy occurs during a recess between the first and second annual sessions of the same general court, the speaker may fix the time for an election to fill such vacancy. All such elections shall be held on a Tuesday. Upon receipt of such precepts, the aldermen or the selectmen shall call an election, which shall be held in accordance with the precepts. (1874, 376, §§ 32, 33; PS 8, §§ 16, 17; 1890, 423, §§ 157, 158; 1893, 417, § 217; 1898, 548, § 273; RL 11, § 276; 1907, 560, §§ 305, 456; 1913, 835, §§ 338, 503; 1919, 269, § 1; 1922, 142; 1931, 426, § 177; 1939, 508, § 16; 1945, 38, § 7; 1946, 20, § 1; 1946, 130, § 5.)

Editorial Note—

The 1945 amendment struck out "after the regular session of the general court" formerly appearing in the proviso to the first sentence and inserted in place thereof "during a recess between the first and second annual sessions of the same general court."

The first 1946 amendment inserted the requirement that elections be held on Tuesday.

The second 1946 amendment struck out the former first paragraph.

Total Client-Service Library® References—

26 Am Jur 2d, Elections § 196.

63A Am Jur 2d, Public Officers and Employees §§ 135-137.

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§ 18; 159
548, §§ 2
1913, 835

Editorial
The 19

Main Revised Statutes Annotated

§ 391. United States Senators

A vacancy in the office of United States Senator is governed by the following provisions.

1. **Interim appointment.** Within a reasonable time after the vacancy occurs, the Governor shall appoint a qualified person to fill the vacancy until his successor is elected and qualified.

2. **Vacancy 60 days before primary.** If the vacancy occurs 60 days or more before a regular primary election, nominees must be chosen at the primary and a successor elected for the remainder of the term at the general election.

3. **Vacancy less than 60 days before primary.** If the vacancy occurs less than 60 days before a regular primary election, nominees must be chosen at the next regular primary following the one in question, and a successor elected for the remainder of the term at the general election.

1985, c. 161, § 6.

Historical and Statutory Notes

Derivation:

R.S.1954, c. 3-A, § 189.
Laws 1961, c. 360, § 1.
Laws 1975, c. 771, § 204-A.
Laws 1985, c. 161, § 5.
Former § 1531 of title 21.

Library References

American Digest System

U.S. Congress; regulation of elections of Senators and Representatives, see United States ⇐11.

Encyclopedias

U.S. Congress; appointment, election, and qualification of members, see C.J.S. United States § 11.

WESTLAW Research

United States cases: 393k[add key number].

United States Code Annotated

Each House as judge of qualifications and elections of its members, see U.S.C.A. Const. Art. I, § 5, cl. 1.
Election of Senators and Representatives, see 2 U.S.C.A. § 2a et seq.
Qualifications of members of United States Senate, see U.S.C.A. Const. Art. I, § 3, cl. 3.

§ 392. Representatives to Congress

When there is a vacancy in the office of Representative to Congress, the Governor shall issue a proclamation declaring the vacancy and ordering a special primary election followed by a special election to fill the vacancy as provided in section 366.

1.[1] **Congress in session.** If Congress is in session, the elections must be held as soon as reasonably possible. If Congress is not in session, the elections must be held before the next regular or called session.

1985, c. 161, § 6.

[1] No subsec. 2 was enacted.

Historical and Statutory Notes

Derivation:

R.S.1954, c. 3-A, § 188.

Laws 1961, c. 360, § 1.
Laws 1985, c. 161, § 5.
Former § 1532 of title 21.

Library References

American Digest System

U.S. Congress; regulation of elections of Senators and Representatives, see United States ⇐11.

Encyclopedias

U.S. Congress; appointment, election, and qualification of members, see C.J.S. United States § 11.

WESTLAW Research

United States cases: 393k[add key number].

United States Code Annotated

Each House as judge of qualifications and elections of its members, see U.S.C.A. Const. Art. I, § 5, cl. 1.
Election of Senators and Representatives, see 2 U.S.C.A. § 2a et seq.
House of Representatives: qualifications, elections and vacancies, see U.S.C.A. Const. Art. 2.

§ 393. Presidential electors

Except as provided in section 804, when there is a vacancy in the office of presidential elector, the Governor shall issue a proclamation under section 362 ordering the appropriate state committee to choose a qualified person to fill the vacancy. The procedure outlined in section 363 shall be followed.

1985, c. 161, § 6.

Historical and Statutory Notes

Derivation:

R.S.1954, c. 3-A, § 190.

Laws 1961, c. 360, § 1.
Laws 1985, c. 161, § 5.
Former § 1533 of title 21.

Library References

American Digest System

U.S. government and officers; presidential electors, see United States ⇐25.

Encyclopedias

U.S. government; elections; presidential electors, see C.J.S. United States § 28.

WESTLAW Research

United States cases: 393k[add key number].

United States Code Annotated

Presidential elections and vacancies, see 3 U.S.C.A. § 1 et seq.
Vacancy in offices of both President and Vice President, see 3 U.S.C.A. § 19.

General Statutes of Connecticut (1999)

Sec. 9-210. Incompatible town offices. No selectman shall hold the office of town clerk, town treasurer or collector of town taxes during the same official year, nor that of judge of probate for the district within which such town is located; no town treasurer shall hold the office of collector of town taxes during the same official year; nor shall any town clerk or selectman be elected a registrar of voters; and no registrar of voters shall hold the office of town clerk. No assessor shall act as a member of the board of assessment appeals. No member of the board of finance of any town shall hold any salaried town office unless otherwise provided by special act. If any registrar of voters is elected to the office of town clerk or selectman and accepts the office, he shall thereupon cease to be a registrar; and, if any town clerk or selectman is elected registrar of voters, the election shall be void; and in either of said cases the selectmen shall forthwith appoint another registrar by a writing signed by them and filed with the town clerk; but the person so appointed shall be a member of the same political party as that to which the person so elected belongs.

(1949 Rev., S. 773; 1953, S. 691d; 1959, P.A. 130, S. 1; 1961, P.A. 517, S. 9; P.A. 95-283, S. 29, 68.)

History: 1959 act added prohibition against town treasurer or town clerk holding office of trial justice; 1961 act eliminated same; P.A. 95-283 replaced board of tax review with board of assessment appeals, effective July 6, 1995.

Selectman may not by his own vote appoint himself collector. 66 C. 294. Selectman may be appointed collector, but cannot remain selectman. Id. What constitutes office within purview of statute. 121 C. 242.

PART III*

VACANCIES

*See Sec. 9-169e re voting districts in special elections held to fill vacancies in district or municipal offices.

Sec. 9-211. United States senator; vacancy. In case of a vacancy in the office of senator in Congress, the Governor is empowered to fill such vacancy by appointment as herein provided. If such vacancy occurs sixty or more days prior to a state election, the appointee shall serve until the third day of January following such election, and at such election there shall be elected a senator in Congress to serve for the remaining portion, if any, of the term vacated. If such vacancy occurs within less than sixty days of a state election and the term vacated does not expire on the third day of January following such election, the appointee shall serve until the third day of January following the next such election but one, and at such next election but one there shall be elected a senator in Congress to serve for the remaining portion, if any, of the term vacated. If such vacancy occurs within less than sixty days of a state election and the term vacated expires on the third day of January following, the appointee shall serve until such third day of January.

(1949 Rev., S. 1109; 1953, S. 692d; November, 1955, S. N112.)

Cited. 41 CS 267, 270.

Sec. 9-212. Representative in Congress. In case of a vacancy in the office of representative in Congress from any district, the Governor, except as otherwise provided by law, shall issue writs of election directed to the town clerks or assistant town clerks, in such district, ordering an election to be held on a day named, other than a Saturday or Sunday, to fill such vacancy, and shall cause them to be conveyed to the sheriffs of the county or counties composing such district, who shall forthwith transmit an attested copy thereof to such clerks or assistant clerks. Such clerks or assistant clerks, on receiving such writs, shall warn elections to be held on the day appointed therein in the same

manner as state elections are w
as are state elections, and the
turned and transmitted in the

(1949 Rev., S. 1101, 1110; 1953, S. 6

History: 1964 act deleted provisions p
elections from being held on Saturdays o

Sec. 9-213. Secretary, T
office of Secretary of the Stat
Assembly, if in session, shall
bly is not in session or if the
vacancy, it shall be filled by th
shall be filled by appointmen

(1949 Rev., S. 211, 1090; 1953, S. 69

Former statute cited. 87 C. 553.
Cited. 41 CS 267, 270.

Sec. 9-214. State repre

(1949 Rev., S. 1086; 1953, S. 695d;
S. 3.)

Sec. 9-215. Member o
member or member-elect of t
the Secretary of the State of
General Assembly dies, the
the Secretary of the State of hi
in this section, the Governo
election, directed to the town
district in which the vacancy
sixth day after the issue of suc
to such town clerks or assista
or Sunday. If such a vacancy
forty-ninth day before the da
any year, the Governor shall
of such regular election, or
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state election but before the
next-succeeding year, the G
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section. Such clerks or assis
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certified, directed, deposited
election. The registry lists
provided in sections 9-172a
assembly district composed
by political parties shall be
section 9-390, and filed wit
selection by delegates and
posed of a single town, the

manner as state elections are warned, which elections shall be organized and conducted as are state elections, and the vote shall be declared, certified, directed, deposited, returned and transmitted in the same manner as at a state election.

(1949 Rev., S. 1101, 1110; 1953, S. 693d; April, 1964, P.A. 2, S. 2; P.A. 93-154, S. 1, 5.)

History: 1964 act deleted provisions pertaining to vacancy in office of representative-at-large; P.A. 93-154 prohibited elections from being held on Saturdays or Sundays, effective July 1, 1993.

Sec. 9-213. Secretary, Treasurer, Comptroller and Attorney General. If the office of Secretary of the State, Treasurer or Comptroller becomes vacant, the General Assembly, if in session, shall fill it; but, if the vacancy occurs when the General Assembly is not in session or if the General Assembly fails to make an appointment to fill the vacancy, it shall be filled by the Governor. Any vacancy in the office of Attorney General shall be filled by appointment by the Governor for the unexpired portion of the term.

(1949 Rev., S. 211, 1090; 1953, S. 694d.)

Former statute cited. 87 C. 553.
Cited. 41 CS 267, 270.

Sec. 9-214. State representative. Section 9-214 is repealed.

(1949 Rev., S. 1086; 1953, S. 695d; 1957, P.A. 119, S. 2; 1959, P.A. 475, S. 1; 1963, P.A. 17, S. 84; 1967, P.A. 557, S. 3.)

Sec. 9-215. Member or member-elect of the General Assembly. When any member or member-elect of the General Assembly resigns, he shall resign by notifying the Secretary of the State of his decision, and if any member or member-elect of the General Assembly dies, the town clerk from the town in which he resides shall notify the Secretary of the State of his death. When any such vacancy occurs, except as provided in this section, the Governor shall within ten days after its occurrence, issue writs of election, directed to the town clerks or assistant town clerks in the several towns in the district in which the vacancy exists, ordering an election to be held therein on the forty-sixth day after the issue of such writs to fill such vacancy, and cause them to be conveyed to such town clerks or assistant town clerks. No such election shall be held on a Saturday or Sunday. If such a vacancy occurs between the one hundred twenty-fifth day and the forty-ninth day before the day of a regular state or municipal election in November of any year, the Governor shall so issue such writs on the forty-sixth day before the day of such regular election, ordering an election to be held on the day of such regular election. If such a vacancy occurs after the forty-ninth day before the day of a regular state election but before the Wednesday following the first Monday of January of the next-succeeding year, the Governor shall not issue such writs and no election shall be held under this section, unless the position vacated is that of member-elect, in which case the Governor shall issue such writs and an election shall be held as provided in this section. Such clerks or assistant clerks, on receiving such writs, but not earlier than the date of issuance of such writs, shall warn elections to be held on the day appointed therein, in the same manner as state elections are warned, which elections shall be organized and conducted in the same manner as a state election. The vote shall be declared, certified, directed, deposited, returned and transmitted in the same manner as at a state election. The registry lists used at such elections shall be the last-completed lists, as provided in sections 9-172a and 9-172b. (1) If such vacancy exists in a senatorial or assembly district composed of a single town or part of a single town, such nominations by political parties shall be made as the rules of such parties provide, in accordance with section 9-390, and filed with the town clerk; except that (A) if such rules provide for selection by delegates and the vacancy exists in a senatorial or assembly district composed of a single town, the delegates to the convention held for the nomination of a

INDIANA CODE

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IC 3-13-3
Chapter 3. Vacancies in Federal Offices

IC 3-13-3-1

Sec. 1. (a) A vacancy that occurs, other than by resignation, in the United States Senate shall be certified to the governor by the secretary of state.

(b) The governor shall immediately fill a vacancy in the United States Senate by appointing a person possessing the qualifications required under Article 1, Section 3, Clause 3 of the Constitution of the United States. The person appointed holds office until the next general election, when the vacancy shall be filled by the election of a Senator in a special election to hold office for the unexpired term.

(c) If a vacancy in the United States Senate occurs after the last day on which notice of the special election can be published under IC 3-10-8-4, the person appointed under subsection (b) holds office until the vacancy is filled in a special election held at the time of the next general election for which notice can be published under IC 3-10-8-4.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.428; P.L.10-1989, SEC.18.

IC 3-13-3-2

Sec. 2. (a) A vacancy that occurs, other than by resignation, in the United States House of Representatives shall be certified to the governor by the circuit court clerk of the county in which the Representative resided.

(b) A special election shall be held to fill a vacancy in the United States House of Representatives in accordance with IC 3-10-8.

As added by P.L.5-1986, SEC.9. Amended by P.L.3-1987, SEC.429.

CHAPTER 304

ELECTION OF UNITED STATES SENATORS AND REPRESENTATIVES IN CONGRESS

ELECTION OF UNITED STATES SENATORS

NRS 304.010 Nomination and election.CH. 304

NRS 304.030 Governor to appoint qualified person upon vacancy in office.

ELECTION OF REPRESENTATIVES IN CONGRESS

NRS 304.040 Nomination of candidates.

NRS 304.050 Election.

NRS 304.060 Congressional districts.

NRS 304.070 Copies of maps of congressional districts: Duties of director of legislative counsel bureau.

NRS 304.080 Copies of maps of congressional districts: Duties of secretary of state.

CHAPTER 304

ELECTION OF UNITED STATES SENATORS AND REPRESENTATIVES IN CONGRESS

CROSS REFERENCES

Absent ballot, voter residing outside United States, NRS 293.3155, 293.501

Canvass of vote by supreme court, Const. Art. 5 § 4

General election defined, NRS 293.060

Opposition to all candidates, provision to register, NRS 293.269, 293B.075

Registered voter defined, NRS 293.090

Representatives elected, NRS 281.010

Senators elected, NRS 281.010

Tie vote, legislature to elect one person by joint vote, Const. Art. 5 § 4

Voting district defined, NRS 293.121

ELECTION OF UNITED STATES SENATORS

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United States ! 11.

WESTLAW Topic No. 393.

C.J.S. United States §§ 11, 13 to 15.

ATTORNEY GENERAL'S OPINIONS.

Permissible candidacy of justices of supreme court and district judges. Justices of supreme court and district judges may not be candidates for any other state office during term for which elected, but may be candidates for U.S. Senator or Representative in Congress. AGO 897 (3-29-1950)

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NRS 304.010 Nomination and election. At the primary and general election next preceding the expiration of the time for which any United States Senator was elected or appointed to represent the State of Nevada in the United States Senate, candidates for United States Senator may be nominated and elected in the same manner as provided by law for the nomination and election of state officers.

(Added to NRS by 1960, 281)

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WESTLAW Topic No. 393.

C.J.S. United States §§ 11, 13 to 15.

NRS 304.030 Governor to appoint qualified person upon vacancy in office. In case of a vacancy in the office of United States Senator caused by death, resignation or otherwise, the governor may appoint some qualified person to fill the vacancy, who shall hold office until the next general election and until his successor shall be elected and seated.

(Added to NRS by 1960, 281)

NEVADA CASES.

Temporary appointment continues to ensuing biennial election rather than election at expiration of term. U.S. 17th amendment provides that vacancy in office of U.S. Senator shall be filled by election of people but governor of state may make temporary appointment until such election is had, and NCL § 2593 (cf. NRS 304.030), providing that person so appointed shall hold office until next general election must be interpreted to mean ensuing biennial election rather than election at expiration of term. Brown v. Georgetta, 70 Nev. 500, 275 P.2d 376 (1954)

ATTORNEY GENERAL'S OPINIONS.

Death of incumbent U.S. Senator after reelection and before new term creates two vacancies; governor should fill both. Death of incumbent U.S. Senator after reelection but before commencement of new term creates two vacancies-one for remainder of current term and another beginning on first day of new term. Such vacancies should be filled by appointments by governor, first such appointment being for

remainder of unexpired term and second for period from commencement of new term until next general election and the election and qualification of a successor. AGO B-20 (11-25-1940)

U.S. Senator appointed by governor may serve only until ensuing general election. Phrase "next general election" in NCL § 2593 (cf. NRS 304.030), when construed in conjunction with U.S. 17th amendment, refers to next ensuing general election held in state, and not to next general election at which U.S. Senator would regularly be elected. Thus, U.S. Senator appointed by governor is authorized to serve only temporarily and until such election. AGO 350 (10-1-1954)

Candidate winning next general election after vacancy immediately qualifies to take office. Where vacancy occurs in senatorial office, candidate winning next general election immediately qualifies to take such office regardless of whether Congress is in session or not. AGO 350(a) (12-1-1954)

ELECTION OF REPRESENTATIVES IN CONGRESS

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United States ! 10, 11.

WESTLAW Topic No. 393.

C.J.S. United States §§ 11 to 15.

NRS 304.040 Nomination of candidates. Party candidates for Representative in Congress shall be nominated in the same manner as state officers are

nominated.

(Added to NRS by 1960, 282)

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United States ! 11.

WESTLAW Topic No. 393.

C.J.S. United States §§ 11, 13 to 15.

NRS 304.050 Election.

1. At the general election in each even-numbered year, there shall be elected the number of Representatives in the Congress of the United States to which the State of Nevada is entitled.

2. Representatives in Congress shall be elected by the registered voters of their respective districts.

(Added to NRS by 1960, 282)

NRS 304.060 Congressional districts. The following congressional districts are hereby created:

1. Congressional district 1 consisting of all of Clark County except those census voting districts in Clark County listed in paragraph (b) of subsection 2.

2. Congressional district 2 consisting of:

(a) All counties in the state except Clark County; and

(b) In Clark County, census voting districts 0005, 0045, 0075, 0090, 0125, 0170, 0195, 0285, 0320, 0395, 0410, 0415, 0445, 0595, 0615, 0625, 0655, 0670, 0705, 0715, 0745, 0805, 0860, 0870, 0875, 0900, 0930, 0950, 0980, 0985, 0990, 1020, 1050, 1055, 1060, 1065, 1095, 1185, 1195, 1615, 1620, 1625, 1630, 1635, 1640, 1645, 1650, 1655, 1660, 1665, 1675, 1680, 1685, 1690, 1695, 1750, 1925, 1940, 1955, 2075, 2090, 2335, 2340, 2345, 2350, 2360, 2365, 2370, 2380, 2385, 2390, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2475, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2530, 2535, 2540, 2545, 2555, 2565, 2745, 2950, 2960, 2965, 2975, 2980, 2990, 3175, 3180, 3185, 3190, 3210 and 3255.

3. As used in this section, "census voting district" means the voting district:

(a) Based on the geographic and population data bases compiled by the Bureau of the Census of the United States Department of Commerce as validated and incorporated into the geographic information system by the legislative counsel bureau for use by the Nevada legislature; and

(b) Designated in the maps filed with the office of the secretary of state pursuant to subsection 3 of NRS 304.070.

(Added to NRS by 1981, 926; A 1991, 1046)

WEST PUBLISHING CO.

United States ! 10.

WESTLAW Topic No. 393.

C.J.S. United States § 12.

NRS 304.070 Copies of maps of congressional districts: Duties of director of legislative counsel bureau. The director of the legislative counsel bureau shall:

1. Retain in an office of the legislative counsel bureau, copies of maps of the congressional districts described in NRS 304.060.

2. Make available copies of the maps to any interested person for a reasonable fee, not to exceed the actual costs of producing copies of the maps.

3. File a copy of the maps with the secretary of state.

(Added to NRS by 1991, 1046)

NRS 304.080 Copies of maps of congressional districts: Duties of secretary of state. The secretary of state shall:

1. Provide to the clerk of each county and the clerk of Carson City, copies of the maps filed pursuant to subsection 3 of NRS 304.070.

2. Make available copies of the maps to any interested person for a reasonable fee, not to exceed the actual costs of producing copies of the maps.

(Added to NRS by 1991, 1046)

ELECTIONS CODE
SECTION 10700-10707

10700. The Governor shall call all statewide special elections by issuing a proclamation pursuant to Section 12000. In the case of a vacancy in a congressional or legislative office the Governor shall issue a proclamation, within 14 calendar days of the occurrence of the vacancy, calling a special election in accordance with Section 10703. A copy of the proclamation shall be sent to the board of supervisors of every affected county.

10701. (a) When a vacancy occurs in a congressional office after the close of the nomination period in the final year of the term of office, the Governor may decline to issue an election proclamation at his discretion.

(b) When a vacancy occurs in a legislative office after the close of the nomination period in the final year of the term of office, no special election shall be held.

10702. Candidates at any special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly shall be nominated as provided in this chapter.

10703. (a) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that any special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy.

(b) In no event may a special election or a primary election be conducted on the day after a state holiday.

10704. (a) A special primary election shall be held in the district in which the vacancy occurred on the eighth Tuesday or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 63 days before the primary election, shall be left with the county elections official for examination not less than 43 days before the primary election, and shall be filed with the Secretary of State not less than 39 days before the primary election.

(b) Notwithstanding Section 3001, applications for absent voter ballots may be submitted not more than 25 days before the primary

election, except that Section 3001 shall apply if the special election or special primary election is consolidated with a statewide election. Applications received by the elections official prior to the 25th day shall not be returned to the sender, but shall be held by the elections official and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.

10705. (a) All candidates shall be listed on one ballot and, except as provided in subdivision (b), if any candidate receives a majority of all votes cast, he or she shall be declared elected, and no special general election shall be held.

(b) If only one candidate qualifies to have his or her name printed on the special general election ballot, that candidate shall be declared elected, and no special general election shall be held, even if that candidate received less than a majority of the votes cast.

10706. (a) If no candidate receives a majority of votes cast, the name of that candidate of each qualified political party who receives the most votes cast for all candidates of that party shall be placed on the special general election ballot as the candidate of that party. The name of a write-in candidate shall not be placed on the ballot unless he or she also meets the requirements of subdivision (a) of Section 8605.

(b) In addition to the candidates referred to in subdivision (a), each candidate who has qualified for the ballot by reason of the independent nomination procedure pursuant to Part 2 (commencing with Section 8300) of Division 8 shall be placed on the special general election ballot as an independent candidate. However, if two or more of these candidates are recorded on their affidavits of registration as being affiliated with the same political body, only the candidate with the greatest number of votes shall be placed on the special general election ballot.

10707. Notwithstanding any other provisions of this code, whenever a special general election, or a special primary election, to fill a vacancy in Congress or the State Legislature is consolidated with a statewide election, the candidates to fill the vacancy shall appear on the consolidated ballot immediately preceding the candidates for that same seat in Congress or the seat in the Legislature that most nearly encompasses the same geographical area at the statewide election, or the elections official at his or her option may print a separate and distinct ballot.

ELECTIONS CODE
SECTION 10720

10720. If a vacancy occurs in the representation of this state in the Senate of the United States, the Governor may appoint and commission an elector of this state who possesses the qualifications for the office to fill the vacancy until his or her successor is elected and qualifies and is admitted to his or her seat by the United States Senate. However, whenever a vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, the person so appointed shall hold office for the remainder of the unexpired term unless the vacancy is filled at a special election held prior to the general election, in which case the person elected at the special election shall hold office for the remainder of the unexpired term. An election to fill a vacancy in the term of a United States Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 10. Conditions and Time of Filling Vacancy By Appointment and Special Election

previous: Chapter 40. Special Elections and Appointments.
next: Section 20. Qualification of Appointee. [Repealed, Sec. 1 Ch 139 SLA 1967].

AS 15.40.010. Conditions and Time of Filling Vacancy By Appointment and Special Election.

When a vacancy occurs in the office of United States senator, the governor, within 30 days after the date of the vacancy, shall

(1) appoint a qualified person who, if the predecessor in office was nominated by a political party, has been, for the six months before the date of the vacancy and is on the date of appointment, a member of the same political party as that which nominated the predecessor in office to fill the vacancy temporarily until the vacancy is filled permanently by election; and

(2) by proclamation and subject to this chapter, call a special primary election and a special election to fill the vacancy for the remainder of the term of the predecessor in office if the predecessor's term would expire more than 30 calendar months after the date of the vacancy.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 50. Date of Special Primary Election and Special Election

previous: Section 30. , 15.40.040. Conditions For Full, Unexpired Term Appointment; Conditions For Part-Term Appointment and Special Election. [Repealed, Sec. 6 Ch 30 SLA 1998].
next: Section 60. Proclamation of Special Election.

AS 15.40.050. Date of Special Primary Election and Special Election.

(a) The special primary election to determine a candidate who represents a political party in a special election shall be held on the date of the first primary election that is held more than 30 days after the vacancy occurs.

(b) The special election to fill the vacancy shall be held on the date of the first general election that is held after the first primary election that is held more than 30 days after the vacancy occurs.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 60. Proclamation of Special Election

previous: Section 50. Date of Special Primary Election and Special Election.
next: Section 70. Term of Elected Senator.

AS 15.40.060. Proclamation of Special Election.

The governor shall issue the proclamation calling the special election at least 80 days before the election.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 70. Term of Elected Senator

previous: Section 60. Proclamation of Special Election.
next: Section 75. Determination of Candidates; Date of Nominations.

AS 15.40.070. Term of Elected Senator.

At the special election, a United States senator shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States senate first meets, convenes, or reconvenes following the certification of the results of the special election by the director.

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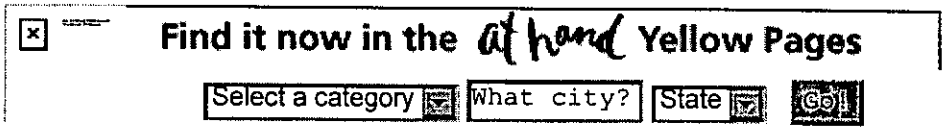
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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 75. Determination of Candidates; Date of Nominations

previous: Section 70. Term of Elected Senator.
next: Section 80. - 15.40.120. Selection of Nominees in Manner Provided For General Election; Designation of Nominees By Petition; Requirements of Petition For No-Party Candidates and By Political Parties; Selection of Political Party Nominees. [Repealed, Sec. 6 Ch 30 SLA 1998].

AS 15.40.075. Determination of Candidates; Date of Nominations.

(a) Subject to (b) - (d) of this section, candidates for the special election shall be nominated as provided in AS 15.25.

(b) Notwithstanding AS 15.25.040, the declaration of a member of a political party who seeks to become a candidate of the party in the special primary election under AS 15.40.010 is filed by either the actual physical delivery (1) of the declaration in person or by mail at or before 5:00 p.m., prevailing time, on the third day following the proclamation; or (2) by telegram or other reliable electronic means of a copy in substance of the statements made in paragraphs (1) - (5) of the declaration as required by AS 15.25.030(a) at or before 5:00 p.m., prevailing time, on the third day following the proclamation and also the actual physical delivery of the declaration containing paragraphs (1) - (16) as required by AS 15.25.030(a) to the United States Postal Service for delivery by the most expeditious means possible. If the declaration is not received within seven calendar days, the candidate shall be notified of nonreceipt. The candidate shall have the opportunity to refile the declaration with proof that a previous declaration has been filed in a timely manner and in accordance with law.

(c) Notwithstanding AS 15.25.150, an individual who will not be representing a political party shall be nominated by petition transmitted to the director before the 21st day after the vacancy occurs by

(1) the actual physical delivery of the petition in person;

(2) mail postmarked not later than midnight of that date; or

(3) telegram of a copy in substance of the statements made in the petition.

(d) The director shall place on the special election ballot the name of the individual receiving the greatest number of votes by a political party in the special primary election under AS 15.40.010. For purposes of placement of the names of nominees on the special election ballot under this section, all candidates who properly file nominating petitions without designating a political group name shall be treated as candidates of the same political group.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 130. General Provision For Conduct of Special Election

previous: Section 80. - 15.40.120. Selection of Nominees in Manner Provided For General Election; Designation of Nominees By Petition; Requirements of Petition For No-Party Candidates and By Political Parties; Selection of Political Party Nominees. [Repealed, Sec. 6 Ch 30 SLA 1998].
next: Section 135. Definition.

AS 15.40.130. General Provision For Conduct of Special Election.

Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of United States senators, and all provisions regarding the conduct of the primary election shall govern the conduct of the special primary election of United States senators, including, but not limited to, provisions concerning voter qualifications; provisions regarding the duties, powers, rights and obligations of the director, of other election officials, and of cities and organized boroughs; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 135. Definition

previous: Section 130. General Provision For Conduct of Special Election.
next: Section 140. Condition and Time of Calling Special Election.

AS 15.40.135. Definition.

In AS 15.40.010 - 15.40.135, "special primary election" means an election under AS 15.40.010 for the purpose of determining who will represent a political party in a special election to fill a vacancy of United States senator.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 140. Condition and Time of Calling Special Election

previous: Section 135. Definition.
next: Section 150. Condition For Holding Special Election With Primary.

AS 15.40.140. Condition and Time of Calling Special Election.

When a vacancy occurs in the office of United States representative, the governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy occurs. However, if the vacancy occurs on a date that is less than 60 days before or is on or after the date of the primary election in general election years, the governor may not call a special election.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 150. Condition For Holding Special Election With Primary

previous: Section 140. Condition and Time of Calling Special Election.
next: Section 160. Proclamation.

AS 15.40.150. Condition For Holding Special Election With Primary.

If the vacancy occurs on a date not less than 60, nor more than 90, days before the date of the primary election, the governor shall, by proclamation, call the special election to be held on the date of the primary election.

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AS 15.40.160. Proclamation.

The governor shall issue the proclamation at least 50 days before the election.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 170. Term of Elected Representative

previous: Section 160. Proclamation.
next: Section 180. Date of Nominations.

AS 15.40.170. Term of Elected Representative.

At the special election, a United States representative shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States house of representatives meets, convenes, or reconvenes following the certification of the results of the special election by the director.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 180. Date of Nominations

previous: Section 170. Term of Elected Representative.
next: Section 190. Requirements of Petition For No-Party Candidates.

AS 15.40.180. Date of Nominations.

Candidates for the special election shall be nominated by petition transmitted by (1) the actual physical delivery of the petition in person; (2) by mail postmarked not later than midnight of the filing date; or (3) by telegram of a copy in substance of the statements made in the petition to the director before the 21st day after the vacancy occurs.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 190. Requirements of Petition For No-Party Candidates

previous: Section 180. Date of Nominations.
next: Section 200. Requirements of Party Petition.

AS 15.40.190. Requirements of Petition For No-Party Candidates.

Petitions for the nomination of candidates not representing a political party shall be signed by qualified voters of the state equal in number to at least one percent of the number of voters who cast ballots in the preceding general election and shall state in substance that which is required for nomination petitions by AS 15.25.180.

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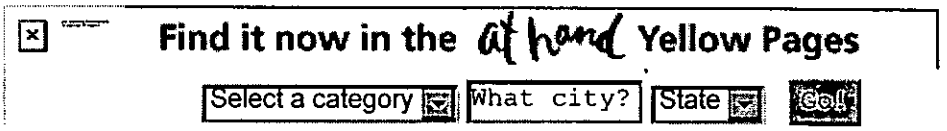
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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 200. Requirements of Party Petition

previous: Section 190. Requirements of Petition For No-Party Candidates.
next: Section 210. Selection of Party Nominees.

AS 15.40.200. Requirements of Party Petition.

Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidate for the office of United States representative at the special election and requests that the name of the candidate nominated be placed on the ballot.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 210. Selection of Party Nominees

previous: Section 200. Requirements of Party Petition.
next: Section 220. General Provisions For Conduct of Special Election.

AS 15.40.210. Selection of Party Nominees.

The nominees of political parties may be selected by the state convention or in any other manner prescribed by the party bylaws, and the petition shall be signed by the chairman and secretary of the state convention, or if the nominees are selected by the party central committee, the petition shall be signed by the chairman of the central committee or in any other manner prescribed by the party bylaws.

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Alaska Statutes.
Title 15. Elections
Chapter 40. Special Elections and Appointments
Section 220. General Provisions For Conduct of Special Election

previous: Section 210. Selection of Party Nominees.
next: Section 230. Condition and Time of Calling Special Election.

AS 15.40.220. General Provisions For Conduct of Special Election.

Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of the United States representative, including, but not limited to, provisions specifically referred to in AS 15.40.130.

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Sponsor Statement for HB 377

An Act Relating to Filling a Vacancy in the Office of the United States Senator or in an Office in the State Legislature

In the past, vacancies which occurred between normal election cycles, the political party representing the predecessor made "recommendations" for appointment to that seat and the Governor usually made the appointments from that list of recommendations.

Recent history has shown that, at least in some states, this standard of partisan neutrality is being ignored. A governor from Ohio even went so far as to appoint himself to the senate seat. Although this may fall within the boundaries of law, clearly, it is inappropriate to advance your own political career by appointing yourself to higher office.

HB 377 states that the Governor shall make the appointment from a list of at least three qualified nominees submitted by the state organization that represents the political party of the predecessor.

HB 377 ensures that in the event a vacancy occurs in the United States Senate or in the state legislature, the citizens of Alaska who elected the predecessor to office, will continue to have there political philosophy represented by someone of their choosing.

Did not pass

HOUSE BILL NO. 377
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION
BY REPRESENTATIVE HODGINS
Introduced: 2/4/98
Referred: State Affairs

A BILL
FOR AN ACT ENTITLED
"An Act relating to filling a vacancy in the office of United States senator or in an office in the state legislature."

BE IT ENACTED BY THE STATE OF ALASKA:
* Section 1. AS 15.40.010 is amended to read:
Sec. 15.40.010. Conditions and time of filling vacancy by appointment. When a vacancy occurs in the office of United States senator, the governor, within 30 days after the vacancy occurs, shall appoint, under (b) of this section, an individual [A QUALIFIED PERSON] to fill the vacancy. However, if the remainder of the term of the predecessor in office will expire or if the vacancy will be filled by a special election before the United States senate will next meet, convene, or reconvene, the governor may not fill the vacancy.
* Sec. 2. AS 15.40.010 is amended by adding a new subsection to read:
(b) If the predecessor in the office of United States senator was a member of a political party when the predecessor was elected or appointed, the appointee shall be a member of the same political party. The governor shall make the appointment from a list of at least three qualified nominees submitted by the state organization that represents the political party of the predecessor when the predecessor was elected or appointed. The list of nominees shall be submitted to the governor within 15 days after the vacancy occurs. If the predecessor was not a member of a political party or the appropriate political party organization fails to submit at least three qualified nominees within the required time period, the governor may appoint any qualified individual.
* Sec. 3. AS 15.40.320 is amended to read:
Sec. 15.40.320. Condition and time for filling vacancy by appointment. When a vacancy occurs in the state legislature, the governor, within 30 days after the vacancy occurs, shall appoint, under AS 15.40.330 , an individual [A QUALIFIED PERSON] to fill the vacancy. However, if the remainder of the term of the predecessor in office will expire or if a vacancy in the state senate will be filled by a special election before the legislature will next meet, convene, or reconvene, the governor may not fill the vacancy.
* Sec. 4. AS 15.40.330 (a) is repealed and reenacted to read:
(a) The appointee to a vacant office in the state legislature shall meet the qualifications of a member of the legislature under art. II, sec. 2, Constitution of the State of Alaska. If the predecessor in office was a member of a political party when the predecessor was elected or appointed, the appointee shall be a member of the same political party and shall be subject to confirmation by a majority of the members of the house in which the vacancy occurs who are members of the same political party. The governor shall make the appointment from a list of at least three qualified nominees submitted by the party district committee that represents, in the predecessor's district, the political party of the predecessor when the predecessor was elected or appointed or, if there is not a party district committee, by the state organization that represents that political party. The list of nominees shall be submitted to the governor within 15 days after the vacancy occurs. If the predecessor was not a member of a political party or the appropriate political party organization fails to submit at least three qualified nominees within the required time period, the governor may appoint any qualified individual. If the appointee is not a member of a political party or there are no other members of the appointee's political party in the house in which the vacancy occurs, the appointment is not subject to confirmation.

* Sec. 5. AS 15.40.330 is amended by adding new subsections to read:
(c) When a vacancy occurs in an office in the state legislature during the interim between sessions, confirmation under (a) of this section may be conducted in a public meeting of those members of the legislature entitled to vote on the question. A report of the meeting shall be mailed or delivered to the governor and presiding officer of the appropriate house within 10 days after the meeting. The report must include the names of the members voting on the confirmation question and a record of the vote. A copy of the report made under this subsection to the presiding officer shall be published in the journal. If the appointee is confirmed, the presiding officer shall, within 10 days after receipt of the report, administer the oath of office to the confirmed appointee.
(d) When confirmation under this section occurs during a session of the legislature, the vote may be taken during a floor session of the appropriate house by roll call of those members entitled to vote on the question or in the manner provided in (c) of this section. If the appointee is confirmed by roll call, the presiding officer shall immediately thereafter administer the oath of office to the confirmed appointee. If the appointee is confirmed in the manner provided under (c) of this section, the presiding officer shall administer the oath of office during the first floor session held after receipt of the report.
* Sec. 6. AS 15.40.340 is amended to read:
Sec. 15.40.340. Date of office of appointee. The [IF THE APPOINTMENT IS NOT SUBJECT TO CONFIRMATION, THE] term of the appointee begins when [SHALL BEGIN ON THE FIRST DAY] the appointee is given the oath of office [PRESENT WHEN THE LEGISLATURE MEETS, CONVENES, OR RECONVENES AFTER THE DATE OF THE APPOINTMENT. IF THE APPOINTMENT IS SUBJECT TO CONFIRMATION, THE TERM OF THE APPOINTEE SHALL BEGIN ON THE DATE THE APPOINTMENT IS CONFIRMED].
* Sec. 7. AS 15.40.350 is amended to read:
Sec. 15.40.350. Procedure upon rejection. If the appointee is subject to confirmation and the [AN] appointment is rejected, the governor, within 10 days after receiving the report of rejection, shall appoint another [QUALIFIED] person as provided in AS 15.40.330 , who shall also be subject to confirmation, as provided in that section. If the first appointment was made from a list of nominees, the governor shall appoint another nominee from the same list. If the second or a subsequent appointment is rejected, the governor, within 10 days, shall appoint another person. The third or a subsequent appointee must be a member of the same political party as the predecessor in office and is subject to confirmation as provided in AS 15.40.330 , but need not be nominated by the party district committee or state political party organization.
* Sec. 8. AS 24.05.170 is amended to read:
Sec. 24.05.170. Organization of second and special sessions; new members. On the day set for the assembly of the second regular session or a special session of the legislature, the presiding officer elected at the first regular session shall [ADMINISTER THE OATH OF OFFICE TO NEW MEMBERS AND] proceed with the business of the house in accordance with the rules of the legislature.

Current Status: (H) RLS Status Date: 2/27/98
Jrn-Date Jrn-Pg Action
2/04/98 2217 (H) READ THE FIRST TIME - REFERRAL(S)
2/04/98 2218 (H) STATE AFFAIRS
2/19/98(H) STA AT 9:05 AM CAPITOL 102
2/26/98(H) STA AT 8:00 AM CAPITOL 102
2/27/98 2452 (H) STA RPT 4DP
2/27/98 2452 (H) DP: JAMES, DYSON, VEZEY, HODGINS
2/27/98 2453 (H) ZERO FISCAL NOTE (GOV)
2/27/98 2453 (H) REFERRED TO RULES

SOUTH CAROLINA GENERAL ASSEMBLY
1997 Code of Laws
(unannotated

CHAPTER 19.
SPECIAL PROVISIONS APPLICABLE TO FEDERAL ELECTIONS

SECTION 7-19-10. Election of United States Senators.

A United States Senator shall be elected at the general election next preceding the expiration of the term of any United States Senator from this State.

SECTION 7-19-20. Filling vacancies in office of United States Senator.

In case of a vacancy in the office of United States Senator from death, resignation or otherwise, the Governor may fill the place by appointment which shall be for the period of time intervening between the date of such appointment and January third following the next succeeding general election. But in the event any such vacancy shall occur less than one hundred days prior to any general election, the appointment shall be for the period of time intervening between the date of such appointment and January third following the second general election next succeeding. The Governor shall within five days after any such appointment order an election to be held in connection with and at the time of the general election immediately preceding the expiration date of such appointment if at the expiration of such appointment an unexpired term shall remain.

SECTION 7-19-30. Election of Representatives in Congress.

Representatives in the House of Representatives of the Congress of the United States shall be chosen at each general election in the several congressional districts by the qualified voters thereof.

HOUSE COMMITTEE RESEARCH OFFICE
New Hampshire House of Representatives
4th Floor, Legislative Office Building
Concord, New Hampshire 03301
TDD Access: Relay NH
1-800-735-2964

603-271-3600

To: Rep. David E. Cote, House Election Law Committee

From: Pam Smarling, Committee Researcher
House Committee Research

Date: January 24, 2000

RE: Process for Filling Vacancies in the Office of U.S. Senator

---

You asked:

How is a vacancy in the office of United States Senator filled in other states?

SUMMARY

Amendment XVII of the U.S. Constitution permits states to grant their governors the authority to make an interim appointment to fill a vacancy in the U.S. Senate. An examination of the laws of 30 states revealed that each of these states have adopted laws granting this authority to their governors.

Under the 17th Amendment to the United States Constitution (proposed by Congress in 1912, ratified by NH 2/19/13, declared ratified 1913), when a vacancy occurs in the office of U.S. Senator, the executive authority of the state that the Senator represented must "issue writs of election" to fill the vacancy. The provision further permits the state legislatures to empower the executive to make a temporary appointment to fill the vacancy until the election takes place.

An examination of the laws of 30 randomly selected states has revealed that each of these states grant the governor sole authority to make a temporary appointment to fill a vacancy in the Senate. The temporary appointee holds office until a successor is elected. None of these laws require confirmation or approval from another body. Laws in this area often specify the timing and duration of the temporary appointment. Some states, such as New Hampshire, simply allow the Governor's appointee to hold office until the next general election. Some state laws include provisions for special elections if the vacancy occurs either too close or too far from the next general election. These different specifications are detailed in the attached chart.

The laws in Alaska and Arizona require the Governor to appoint a person of the same party as the person who vacated the office.

Constitutional Provisions - US and NH Constitution

Amendment XVII of the US Constitution:

> "The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.
>
> This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

New Hampshire Constitution

> **Art. 41. Governor; Supreme Executive Magistrate.**
>
> There shall be a supreme executive magistrate, who shall be styled the Governor of the State of New Hampshire, and whose title shall be His Excellency. The executive power of the state is vested in the governor. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right, by any officer, department or agency of the state. This authority shall not be construed to authorize any action or proceedings against the legislative or judicial branches.

Art. 60. Councilors; Mode of Election, etc.

> There shall be biennially elected, by ballot, 5 councilors, for advising the governor in the executive part of government. The freeholders and other inhabitants in each county, qualified to vote for senators, shall some time in the month of November, give in their votes for one councilor; which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the senate and house of representatives on the first Wednesday following the first Tuesday of January.

If I can provide further information on this, please let me know.

State Laws Relative to Filling Vacancies in the Office of U.S. Senator

State	Cite	Gov's temporary appointee holds office until:			
		Next GE	*If vacancy occurs:*	*SE*	*If vacancy occurs:*
Alabama	§36-9-7 and 36-9-8 Ala. Code	✓	60 days – 4mos. before next GE	✓	<60 days, >4 mos. before GE
Alaska	§15.40.010 Alas. Stat.	✓	<30 mos before end of term	✓	30+ mos. before end of term
Arizona	§16-222 A.R.S.	✓			
Arkansas	§7-8-102 A.C.A.	✓	60 days – 12 mos before GE	✓	12+ mos before next GE
California	§10720 Cal. Elec. Code	✓		✓	SE may be held
Connecticut	§9-211 C.G.S.A.	✓	60+ days before next GE*		
Delaware	§7321 Del. Code	✓			
Florida	§100.161 F.S.A.	✓			
Georgia	§21-2-542 GA Code	✓	40+ days before next GE*		
Illinois	10 I.L.C.S. 5/25-8	✓			
Indiana	§3-10-8-7 & §3-13-3-1 Ind. Code	✓	70+ days before PE*		
Iowa	Iowa Code Ann. §69.13	✓	89+ days before the next GE with 70+ days in term		
Kansas	KSA § 25-318	✓			

State	Cite	Gov's temporary appointee holds office until:			
		Next GE	*If vacancy occurs:*	*SE*	*If vacancy occurs:*
Kentucky	KRS §63.200	✓			
Louisiana	LSA §18:1278	✓	With less than 1 yr in term	✓	With more than 1 yr in term
Maine	21-A MRSA § 391	✓	60+ days before PE*		
Mass.	Ann. Laws of MA 54§139	✓	70+ days before PE*		
Mississippi	Miss. Code Ann §23-15-855	✓	With less than 1 yr in term	✓	With more than 1 yr in term
Nevada	NRS §304.030	✓			
N. H.	NH RSA 661:5	✓			
New Jersey	NJSA §19:3-26	✓	30+ days before next GE		
New York	McKinney's Cons Laws NY 47§ 42	✓			
Ohio	Ohio Stat. §3521.02	✓	With less than 1 yr in term	✓	With more than 1 yr in term
Oklahoma	OSA §12-101	✓	After 3/1 of even year if term expires in following year		
Penn.	PA Stat. 25§2776	✓	90 days before GE		
Rhode Island	Gen. Laws of RI §17-4-9	✓			

State	Cite	Gov's temporary appointee holds office until:			
		Next GE	*If vacancy occurs:*	*SE*	*If vacancy occurs:*
South Carolina	SC Code §7-19-20	✓	100+ days before next GE	✓	Less than 100 days*
Texas	V.T.C.A. §204.003 and 204.005	✓			
Vermont	VSA § 2621	✓	Within 6 mos. of next GE	✓	More than 6 mos. before next GE
Virginia	VA Stat. § 24.2-207	✓	120+ days before GE*		

Notes:

GE = General Election; SE = Special Election; PE = Primary Election

Alaska – if the previous office holder was nominated by a political party, the appointee must be in the same political party
Arizona – person appointed by Governor must be in the same political party as the person who vacated the office

*in these states, if there is less than the designated time before the next GE, then the vacancy is filled at the *subsequent* GE

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB1226

BILL TITLE: **relative to vacancies in the office of United States senator**

DATE: February 22, 2000

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Reeves

Seconded by Rep. Nowe

Vote: 3-12 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, (ITL) Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Reeves

Seconded by Rep. Splaine

Vote: 15-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Francis W. Davis

Rep. Francis W. Davis, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB1226

BILL TITLE: **relative to vacancies in the office of United States senator**

DATE: 2-22-2000

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

(1) **Motions:** (OTP) OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. REGUBS

Seconded by Rep. NOWE

Vote: 3-12 (Please attach record of roll call vote.)

(2) **Motions:** OTP, OTP/A, (ITL) Re-Refer, Interim Study (Please circle one.)

Moved by Rep. REGUES

Seconded by Rep. SPLAINE

Vote: 15-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) 15-0

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Francis W. Davis
Rep. Francis W. Davis, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

ELECTION LAW

Bill #: HB 1226 **Title:** _____

PH Date: ____/____/____ (1) **Exec Session Date:** 2 / 22 / 2000

Motion: OTP **Amendment #:** _____

MEMBER	YEAS	NAYS
Arndt, Janet S, Chairman		
Horton, Lynn C, V Chairman		✓
Flanagan, Natalie S		✓
Stritch, C Donald		
Gibbons, Paul A		✓
Desrosiers, William J		✓
Clegg, Robert E	✓	
Letourneau, Robert J		
Davis, Francis W, Clerk		✓
Young, David A		
Nowe, Mary Lou	✓	
Reeves, Sandra J	✓	
Desmarais, Vivian J		✓
Clemons, Jane A		
Buckley, Raymond		✓
Brown, George F		
Weatherspoon, Jackie K		✓
Konys, Christine M		✓
Cote, David E		✓
Rollo, Michael S		✓
Splaine, James R		✓
Rodrigue, Robert R		
Ouellette, Mary M		
	3-12	
TOTAL VOTE:		

Printed: 2/15/2000

OFFICE OF THE HOUSE CLERK

2000 SESSION

ELECTION LAW

Bill #: HB 1226 Title: _____

PH Date: ___/___/___ (2) Exec Session Date: 2/22/2000

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Arndt, Janet S, Chairman		
Horton, Lynn C, V Chairman	✓	
Flanagan, Natalie S	✓	
Stritch, C Donald		
Gibbons, Paul A	✓	
Desrosiers, William J	✓	
Clegg, Robert E	✓	
Letourneau, Robert J		
Davis, Francis W, Clerk	✓	
Young, David A		
Nowe, Mary Lou	✓	
Reeves, Sandra J	✓	
Desmarais, Vivian J	✓	
Clemons, Jane A		
Buckley, Raymond	✓	
Brown, George F		
Weatherspoon, Jackie K	✓	
Konys, Christine M	✓	
Cote, David E	✓	
Rollo, Michael S	✓	
Splaine, James R	✓	
Rodrigue, Robert R		
Ouellette, Mary M		
	15-0	

TOTAL VOTE:

Printed: 2/15/2000

Committee Report

COMMITTEE REPORT

COMMITTEE: **Election Law**

BILL NUMBER: **HB 1226**

TITLE: relative to vacancies in the office of United States senator

DATE: February 22, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill requires the consent of the council for temporary appointment by the governor to fill a vacancy in the office of US senator. The committee felt that the current system has been in effect since 1912 and has been sufficient. For example, Governor Gallen appointed Warren Rudman to the Senate after (Sen.) John Durkin resigned his position. No other state has this provision, the committee feels the system has worked well and there is no need for a change at this time.

Vote 15-0.

Rep. Sandra J. Reeves
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Election Law

HB 1226, relative to vacancies in the office of United States senator INEXPEDIENT TO LEGISLATE

Rep. Sandra J. Reeves for Election Law: This bill requires the consent of the council for temporary appointment by the governor to fill a vacancy in the office of US senator. The committee felt that the current system has been in effect since 1912 and has been sufficient. For example, Governor Gallen appointed Warren Rudman to the Senate after (Sen.) John Durkin resigned his position. No other state has this provision, the committee feels the system has worked well and there is no need for a change at this time. Vote 15-0.

COMMITTEE REPORT

COMMITTEE: **Election Law**

BILL NUMBER: **HB 1226**

TITLE: relative to vacancies in the office of Unitd States senator

DATE: CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☑ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 15-0

Rep.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

HB1226

From the desk of
Janet S. Arndt
Chairman, Election Law
Legislative Office Building
Concord, NH 03301
(603) 271-3319

Sandra Rees

This Bill requires the consent of the COUNCIL for temporary appointment by the governor to fill a vacancy in the office of ~~The~~ U.S. senator. The committee felt ~~that~~ that the current system has been ~~effect since 1912~~ in effect since 1912 and has been sufficient. For example ~~when~~ Gov Callen appointed Warren Rudman to the senate after (Sen) John Durkin resigned his position. ~~Also~~ No other state has this provision, the committe feels the system has worked well and there is no need for a change at this time.

Jan