108TH CONGRESS
1ST SESSION
H. R. 2844

To require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. SENSENBRENNER (for himself, Mr. DREIER, Mrs. MILLER of Michigan, Mr. COLE, Mr. CHABOT, and Mr. PAUL) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Continuity in Rep-

5 resentation Act of 2003".

1 **SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO**

2   **FILL VACANCIES IN HOUSE IN EXTRAOR-**

3   **DINARY CIRCUMSTANCES.**

4   Section 26 of the Revised Statutes (2 U.S.C. 8) is

5 amended—

6   (1) by striking "The time" and inserting "(a)

7   IN GENERAL.—Except as provided in subsection (b),

8   the time"; and

9   (2) by adding at the end the following new sub-

10   section:

11   "(b) SPECIAL RULES IN EXTRAORDINARY CIR-

12 CUMSTANCES.—

13   "(1) IN GENERAL.—In extraordinary cir-

14   cumstances, the executive authority of any State in

15   which a vacancy exists in its representation in the

16   House of Representatives shall issue a writ of elec-

17   tion to fill such vacancy by special election.

18   "(2) TIMING OF SPECIAL ELECTION.—A special

19   election held under this subsection to fill a vacancy

20   shall take place not later than 21 days after the

21   Speaker of the House of Representatives announces

22   that the vacancy exists, unless a regularly scheduled

23   general election for the office involved is to be held

24   at any time during the 51-day period which begins

25   on the date of the announcement of the vacancy.

1 ''(3) NOMINATIONS BY PARTIES.—If a special
2 election is to be held under this subsection, not later
3 than 14 days after the Speaker announces that the
4 vacancy exists, the political parties of the State that
5 are authorized to nominate candidates by State law
6 may each nominate one candidate to run in the elec-
7 tion.

8 ''(4) EXTRAORDINARY CIRCUMSTANCES.—

9 ''(A) IN GENERAL.—In this subsection,
10 'extraordinary circumstances' occur when the
11 Speaker of the House of Representatives an-
12 nounces that vacancies in the representation
13 from the States in the House exceed 100.

14 ''(B) NO APPEALS IN HOUSE.—An an-
15 nouncement made under subparagraph (A)
16 shall not be subject to appeal in the House. In
17 the case of a death, the Speaker may lay before
18 the House such documentation from Federal,
19 State, or local officials as he deems pertinent.

20 ''(C) JUDICIAL REVIEW.—If any action is
21 brought for declaratory or injunctive relief to
22 challenge an announcement made under sub-
23 paragraph (A), the following rules shall apply:

24 ''(i) Not later than 2 days after the
25 announcement, the action shall be filed in

1 the United States District Court having ju-

2 risdiction in the district of the Member of

3 the House of Representatives whose seat

4 has been announced to be vacant and shall

5 be heard by a 3-judge court convened pur-

6 suant to section 2284 of title 28, United

7 States Code.

8 "(ii) A copy of the complaint shall be

9 delivered promptly to the Clerk of the

10 House of Representatives.

11 "(iii) A final decision in the action

12 shall be made within 3 days of the filing

13 of such action and shall not be reviewable.

14 "(iv) The executive authority of the

15 State that contains the district of the

16 Member of the House of Representatives

17 whose seat has been announced to be va-

18 cant shall have the right to intervene either

19 in support of or opposition to the position

20 of a party to the case regarding the an-

21 nouncement of such vacancy.".

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