

JOINT RESOLUTION

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification.

“Section 1. In the event of an emergency, the executive authority of each state shall determine the condition of its Representatives and Senators. If the offices of a majority of the Representatives apportioned to that state or of both of the Senators are vacant or occupied by members unable to discharge the powers and duties of their office, the executive authority of that state shall issue a proclamation to that effect. [The proclamation shall be sent to the Speaker of the House, the president of the Senate and other officers that shall be specified by law.] If within a [...] -day period, executive authorities of the majority of states have issued such a proclamation, an emergency appointment authority shall commence, whereby the executive authority shall make temporary appointments to fill vacancies in the House of Representatives and make appointments of acting members to discharge the function of Representatives and Senators unable to perform their duties, while their disability persists. The emergency appointment authority shall remain in effect until the end of the next session.

“Section 2. In accordance with the emergency appointment procedure in this article, each member of the House of Representatives and each Senator shall designate in advance not fewer than 3 nor more than 7 emergency interim successors to the member's powers and duties. All designated interim successors shall meet the qualifications for the office so designated. Each member shall review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least 3 such qualified emergency interim successors. Members and Senators shall submit their lists of designated successors to the Speaker of the House, the president of the Senate and the executive authority of their state.

“Section 3. Upon commencement of the emergency authority provided for by this article, the Executive Authority of each State shall appoint Temporary Members to fill vacancies in the House of Representatives, selecting from the list of designated successors. For the period of their appointment, Temporary Members shall be Members of the House of Representatives for all purposes under this Constitution, the laws made in pursuance thereof, and the rules of the House of Representatives. The appointment of a temporary Member shall end upon the filling of the vacancy by election.

“Section 4. In the case of a vacancy in the House of Representatives under this article, the writ of election that shall issue under Article I of this Constitution shall provide for the filling of the vacancy within [...] days of its happening, except that if a regularly scheduled election for the office will be held during such period or [...] days thereafter, no special election shall be held and the Member elected in such regularly scheduled general election shall fill the vacancy upon election.

“Section 5. In the case of a Representative, who is unable to discharge his or her duties, the executive authority in each state shall, under the emergency authority of this article, appoint as an Acting Member an individual, selecting from the list of designated successors, to discharge the powers and duties of a Representative who is unable to discharge those functions. The appointment of an Acting Member shall end upon the transmission to the Speaker or other Officer designated by the House of Representatives an affirmation in writing by the Member that no inability exists. Upon the transmission of the affirmation the Member shall resume all of the powers and duties of the Office.

“Section 6. In the case of a Senator, who is unable to discharge his or her duties, the executive authority in each state shall, under the emergency authority of this article, appoint as an Acting Senator an individual, selecting from the list of designated successors, to discharge the powers and duties of a Senator who is unable to discharge those functions. The appointment of an Acting Senator shall end upon the transmission to the president of the Senate or other Officer designated by the Senate an affirmation in writing by the Senator that no inability exists. Upon the transmission of the affirmation the Senator shall resume all of the powers and duties of the Office.”