

SENATE JOINT RESOLUTION NO. 7

INTRODUCED BY D. BROWN

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO ALLOW GOVERNORS TO MAKE A TEMPORARY APPOINTMENT TO FILL A VACANT SEAT IN THE UNITED STATES HOUSE OF REPRESENTATIVES.

WHEREAS, Montana is currently one of seven states that is apportioned only one member of the United States House of Representatives; and

WHEREAS, Article I, section 2, of the United States Constitution provides that the people of each state must select the state's United States representatives; and

WHEREAS, this clause has been interpreted to mean that a governor of a state may not appoint a temporary replacement to a vacant seat in the United States House of Representatives; and

WHEREAS, a vacancy in office of the United States House of Representatives in a state with only one representative leaves that state without a voice in one chamber of the United States Congress and amounts to taxation without representation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature of the State of Montana requests that Congress propose an amendment to the United States Constitution to allow the governor of a state to make a temporary appointment of a person from the same political party to fill a vacant seat in the United States House of Representatives until the people of the state can elect a replacement.

BE IT FURTHER RESOLVED, that the Secretary of State is directed to send copies of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the Montana Congressional Delegation, and to the presiding officers of both houses of the state legislatures of Alaska, Delaware, North Dakota, South Dakota, Vermont, and Wyoming.

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