

HM 215

2010

## House Memorial

A memorial to the Congress of the United States, urging Congress to adopt and submit to the states for ratification an amendment to the Constitution of the United States to provide that no person shall serve as a United States Senator from a state unless the person has been elected by the people of that state and that, when vacancies occur in the representation of any state in the United States Senate, the executive authority of the state shall issue writs of election to fill the vacancies.

WHEREAS, in 1789, after the Constitution of the United States was ratified and Congress met for the first time, members of the United States Senate were not elected by the popular vote of the people but were chosen by the members of each state's legislature, and

WHEREAS, in 1913, the ratification of the 17th Amendment to the Constitution of the United States provided for the direct election of members to the United States Senate and further gave each state the option of filling vacancies in such office by direct election or by a temporary appointment of the governor, and

WHEREAS, since 1913, there have been at least 186 men and women appointed to fill vacancies in the United States Senate with 5 of those appointments occurring after the 2008 general election, and

WHEREAS, no vacancy may be filled in the United States House of Representatives by gubernatorial appointment, but each

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29 | person seeking such office must be elected by the voters of that  
 30 | state to the office, and

31 |       WHEREAS, in order to have a government that is  
 32 | representative of the people and responsive to the people, the  
 33 | practice of allowing gubernatorial appointments to fill  
 34 | vacancies in the United States Senate must end, NOW, THEREFORE,

35 |  
 36 | Be It Resolved by the Legislature of the State of Florida:

37 |  
 38 |       That the Congress of the United States is requested to  
 39 | adopt and submit to the states for ratification an amendment to  
 40 | the Constitution of the United States which contains the  
 41 | following provisions:

42 |       1. No person shall be a Senator from a State unless such  
 43 | person has been elected by the people thereof. When vacancies  
 44 | happen in the representation of any State in the Senate, the  
 45 | executive authority of such State shall issue writs of election  
 46 | to fill such vacancies.

47 |       2. This amendment shall not be so construed as to affect  
 48 | the election or term of any Senator chosen before it becomes  
 49 | valid as a part of the Constitution.

50 |       BE IT FURTHER RESOLVED that copies of this memorial be  
 51 | dispatched to the President of the United States, to the  
 52 | President of the United States Senate, to the Speaker of the  
 53 | United States House of Representatives, and to each member of  
 54 | the Florida delegation to the United States Congress.