

### § 2b. Number of Representatives from each State in 78th and subsequent Congresses

Each State shall be entitled, in the Seventy-eighth and in each Congress thereafter until the taking effect of a reapportionment under a subsequent statute or section 2a of this title, to the number of Representatives shown in the statement transmitted to the Congress on January 8, 1941, based upon the method known as the method of equal proportions, no State to receive less than one Member.

(Nov. 15, 1941, ch. 470, §2(a), 55 Stat. 762.)

#### CERTIFICATES TO EXECUTIVES OF STATES

Section 2(b) of act Nov. 15, 1941, required Clerk of House of Representatives, within 15 days of Nov. 15, 1941, to send a new certificate of entitlement of a State to Representatives, if such a certificate had been sent prior to Nov. 15, 1941, under provisions of section 2a of this title.

### § 2c. Number of Congressional Districts; number of Representatives from each District

In each State entitled in the Ninety-first Congress or in any subsequent Congress thereafter to more than one Representative under an apportionment made pursuant to the provisions of section 2a(a) of this title, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established, no district to elect more than one Representative (except that a State which is entitled to more than one Representative and which has in all previous elections elected its Representatives at Large may elect its Representatives at Large to the Ninety-first Congress).

(Pub. L. 90-196, Dec. 14, 1967, 81 Stat. 581.)

### §§ 3, 4. Omitted

#### CODIFICATION

Section 3, act Aug. 8, 1911, ch. 5, § 3, 37 Stat. 14, which related to election by districts, expired by its own limitation on enactment of Reapportionment Act of June 18, 1929, ch. 28, § 22, 46 Stat. 21 (section 2a of this title). It was not restated in act June 18, 1929, providing for reapportionment under Fifteenth Census, and hence it was not applicable thereto. See *Wood v. Brown*, 1932 (53 S. Ct. 1, 287 U.S. 1, 77 L. Ed. 131).

Section 4, act Aug. 8, 1911, ch. 5, § 4, 37 Stat. 14, which related to additional Representatives at large, expired by its own limitation on enactment of Reapportionment Act of June 18, 1929, ch. 28, § 22, 46 Stat. 21 (section 2a of this title). It was not restated in act June 18, 1929, providing for reapportionment under Fifteenth Census, and hence it was not applicable thereto. See *Wood v. Brown*, 1932 (53 S. Ct. 1, 287 U.S. 1, 77 L. Ed. 131).

### § 5. Nominations for Representatives at large

Candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

(Aug. 8, 1911, ch. 5, § 5, 37 Stat. 14.)

### § 6. Reduction of representation

Should any State deny or abridge the right of any of the male inhabitants thereof, being twen-

ty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

(R.S. § 22.)

#### CODIFICATION

R.S. § 22 derived from act Feb. 2, 1872, ch. 11, § 6, 17 Stat. 29.

### § 7. Time of election

The Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January next thereafter.

(R.S. § 25; Mar. 3, 1875, ch. 130, § 6, 18 Stat. 400; June 5, 1934, ch. 390, § 2, 48 Stat. 879.)

#### CODIFICATION

R.S. § 25 derived from act Feb. 2, 1872, ch. 11, § 3, 17 Stat. 28.

The second sentence of this section, which was based on section 6 of the act Mar. 3, 1875 and made this section inapplicable to any State that had not yet changed its day of election and whose constitution required an amendment to change the day of election of its State officers, was omitted.

#### AMENDMENTS

1934—Act June 5, 1934, substituted “3d day of January” for “fourth day of March”.

#### CONSTITUTIONAL PROVISIONS

The first section of Amendment XX to the Constitution provides: “The terms of Senators and Representatives [shall end] at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.”

Time for election of Representatives, see Const. Art. I, § 4, cl. 1.

### § 8. Vacancies

The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

(R.S. § 26.)

#### CODIFICATION

R.S. § 26 derived from act Feb. 2, 1872, ch. 11, § 4, 17 Stat. 28.

#### CONSTITUTIONAL PROVISIONS

Vacancies in the House of Representatives, see Const. Art. I, § 2, cl. 4.

### § 9. Voting for Representatives

All votes for Representatives in Congress must be by written or printed ballot, or voting ma-