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CHAPTER 1—ELECTION OF SENATORS AND REPRESENTATIVES

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§ 1. Time for election of Senators

At the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 3d day of January next thereafter.

(June 4, 1914, ch. 103, § 1, 38 Stat. 384; June 5, 1934, ch. 390, § 3, 48 Stat. 879.)

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 in part: ''* * * 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 Senators, see Const. Art. I, § 4, cl. 1.

Vacancies in the Senate, see Const. Amend. XVII.

§ 1a. Election to be certified by governor

It shall be the duty of the executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

(R.S. § 18.)

CODIFICATION

R.S. § 18 derived from act July 25, 1866, ch. 245, § 3, 14 Stat. 244.

§ 1b. Countersignature of certificate of election

The certificate mentioned in section 1a of this title shall be countersigned by the secretary of state of the State.

(R.S. § 19.)

CODIFICATION

R.S. § 19 derived from act July 25, 1866, ch. 245, § 3, 14 Stat. 244.

§ 2. Omitted

CODIFICATION

Section, act Aug. 8, 1911, ch. 5, §§ 1, 2, 37 Stat. 13, 14, fixed composition of House of Representatives at 435 Members, to be apportioned to the States therein enumerated. For provisions dealing with reapportionment of Representatives and manner of election, etc., see sections 2a and 2b of this title.

§ 2a. Reapportionment of Representatives; time and manner; existing decennial census figures as basis; statement by President; duty of clerk

(a) On the first day, or within one week thereafter, of the first regular session of the Eighty-second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives by the method known as the method of equal proportions, no State to receive less than one Member.

(b) Each State shall be entitled, in the Eighty-third Congress and in each Congress thereafter until the taking effect of a reapportionment under this section or subsequent statute, to the number of Representatives shown in the statement required by subsection (a) of this section, no State to receive less than one Member. It shall be the duty of the Clerk of the House of Representatives, within fifteen calendar days after the receipt of such statement, to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the Sergeant at Arms of the House of Representatives.

(c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; (3) if there is a decrease in the number of Representatives but the number of districts in such State is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large.

(June 18, 1929, ch. 28, § 22, 46 Stat. 26; Apr. 25, 1940, ch. 152, 54 Stat. 162; Nov. 15, 1941, ch. 470, § 1, 55 Stat. 761; Pub. L. 104–186, title II, § 201, Aug. 20, 1996, 110 Stat. 1724.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–186 struck out at end "; and in case of vacancies in the offices of both the Clerk and the Sergeant at Arms, or the absence or inability of both to act, such duty shall devolve upon the Doorkeeper of the House of Representatives".

1941—Act Nov. 15, 1941, provided for reapportionment based on seventeenth and subsequent decennial censuses.

1940—Act Apr. 25, 1940, provided for reapportionment based on sixteenth decennial census.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the report required by subsec. (a) of this section is listed on page 17), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

CONSTITUTIONAL PROVISIONS

Apportionment of Representatives among the several States, see Const. Art. I, § 2, cl. 3, and Amend. XIV, § 2.

TEMPORARY INCREASE IN MEMBERSHIP

Representation of States of Alaska and Hawaii in House of Representatives as not affecting basis of apportionment established by this section, see section 9 of Pub. L. 85–508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions, and section 8 of Pub. L. 86–3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 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