

103^D CONGRESS
1ST SESSION

H. J. RES. 42

Proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. SMITH of Iowa introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Con-*
5 *stitution of the United States, which shall be valid for all*
6 *intents and purposes as part of the Constitution if ratified*

1 by the legislatures of three-fourths of the several States
2 within seven years after its submission to the States for
3 ratification:

4 “ARTICLE —

5 “SECTION 1. The executive power shall be vested in
6 a President of the United States of America. He shall hold
7 his office during the term of four years and, together with
8 the Vice President, chosen for the same term, be elected
9 as provided in this Constitution.

10 “SECTION 2. The official candidates of political par-
11 ties for President shall be nominated at a primary election
12 by direct popular vote. Except with respect to qualifica-
13 tions relating to requirements of periods of residency, vot-
14 ers in each State shall have the qualifications requisite for
15 electors of the most numerous branch of the State legisla-
16 ture, but, in the primary election, each voter shall be eligi-
17 ble to vote only in the primary of the party of his reg-
18 istered affiliation.

19 “SECTION 3. No person shall be a candidate for nom-
20 ination for President except in the primary of the party
21 of his registered affiliation, and his name shall be on that
22 party’s ballot in all the States if he shall have filed a peti-
23 tion at the seat of the Government of the United States
24 with the President of the Senate, which petition shall be
25 valid only if (1) it is determined by the President of the

1 Senate to have been signed, on or after the first day in
2 January of the year in which the next primary election
3 for President is to be held, by a number of qualified voters,
4 in each of at least seventeen of the several States, equal
5 in number to at least 1 per centum of the vote cast for
6 electors for Presidential and Vice Presidential candidates
7 of his party in those several States in the most recent pre-
8 vious Presidential election; or, in the event the electors for
9 the candidates of a political party shall have appeared on
10 the ballot in fewer than seventeen of the several States
11 in the most recent previous Presidential election, it is de-
12 termined by the President of the Senate to have been
13 signed, on or after the first day in January of the year
14 in which the next primary election for President is to be
15 held, by a number of qualified voters, in any or all of the
16 several States, equal in number to at least 1 per centum
17 of the total number of votes cast throughout the United
18 States for all electors for candidates for President and
19 Vice President in the most recent previous Presidential
20 election, and (2) it is filed with the President of the Senate
21 not later than the first Tuesday after the first Monday
22 in April of the year in which the next primary election
23 for President is to be held.

24 “SECTION 4. For the purposes of this article a politi-
25 cal party shall be recognized as such if the electors for

1 candidates for President and Vice President of such party
2 received, in any or all of the several States, an aggregate
3 number of votes, equal in number to at least 10 per cen-
4 tum of the total number of votes cast throughout the Unit-
5 ed States for all electors for candidates for President and
6 Vice President in the most recent previous Presidential
7 election.

8 “SECTION 5. The time of the primary election shall
9 be the same throughout the United States, and, unless the
10 Congress shall by law appoint a different day, such pri-
11 mary election shall be held on the second Saturday after
12 the first Monday in July in the year preceding the expira-
13 tion of the regular term of President and Vice President.

14 “SECTION 6. Within fifteen days after such primary
15 election, the chief executive of each State shall make dis-
16 tinct lists of all persons of each political party for whom
17 votes were cast, and the numbers of votes for each such
18 person, which lists shall be signed, certified, and transmit-
19 ted under the seal of such State to the Government of
20 the United States directed to the President of the Senate,
21 who, in the presence of the Speaker of the House of Rep-
22 resentatives and the majority and minority leaders of both
23 Houses of the Congress, shall forthwith open all certifi-
24 cates and count the votes and cause to have published in
25 an appropriate publication the aggregate number of votes

1 cast for each person by the voters of the party of his reg-
2 istered affiliation. The person who shall have received the
3 greatest number of votes cast by the voters of the party
4 of his registered affiliation shall be the official candidate
5 of such party for President throughout the United States,
6 if such number be a plurality amounting to at least 40
7 per centum of the total number of such votes cast. If no
8 person receives at least 40 per centum of the total number
9 of votes cast for candidates for nomination for President
10 by the voters of a political party, then the Congress shall
11 provide by law, uniform throughout the United States, for
12 a runoff election to be held on the forty-second day after
13 the day on which the primary election was held between
14 the two persons who received the greatest number of votes
15 cast for candidates for the Presidential nomination by vot-
16 ers of such political party in the primary election: *Pro-*
17 *vided, however,* That no person ineligible to vote in the
18 primary election of any political party shall be eligible to
19 vote in a runoff election of such political party.

20 “SECTION 7. Each party, for which, in accordance
21 with sections 2, 3, 4, and 5, of this article, the name of
22 a Presidential candidate shall have been placed on the bal-
23 lot, shall, not less than seven nor more than thirty days
24 following the selection of a Presidential candidate for such
25 party, nominate a candidate for Vice President, who, when

1 chosen, shall be the official candidate of such party for
2 Vice President throughout the United States. No person
3 constitutionally ineligible for the Office of President shall
4 be eligible for nomination as a candidate for the Office
5 of Vice President of the United States.

6 “SECTION 8. In the event of the death or resignation
7 or disqualification of the official candidate of any political
8 party for President, the person nominated by such politi-
9 cal party for Vice President shall resign the vice-presi-
10 dential nomination and shall be the official candidate of
11 such party for President. In the event of the deaths or
12 resignations or disqualifications of the official candidates
13 of any political party for President and Vice President,
14 a national committee of such party composed of the can-
15 didates of such party for the United States House of Rep-
16 resentatives shall designate such candidates, who shall be
17 deemed the official candidates of such party, but in choos-
18 ing such candidates the vote shall be taken by States, the
19 delegation from each State having the same number of
20 votes that it has candidates for United States Representa-
21 tives in the election involved. A quorum for such purposes
22 shall consist of a delegate or delegates from two-thirds of
23 the several States, and a delegate or delegates casting
24 votes from a majority of all States shall be necessary to
25 a choice.

1 “SECTION 9. Subject to the limitation contained here-
2 in, the places and manner of holding any such primary
3 or runoff election shall be prescribed in each State by the
4 legislature thereof; but the Congress may at any time by
5 law make or alter such regulations. For purposes of this
6 article the District of Columbia shall be considered as a
7 State, and the primary elections shall be held in the Dis-
8 trict of Columbia in such manner as the Congress may
9 by law prescribe.

10 “SECTION 10. The Congress may provide by appro-
11 priate legislation for cases in which two or more can-
12 didates receive an equal number of votes, for methods of
13 properly identifying candidates in cases where more than
14 one with the same or similar name seeks the same office,
15 and for methods of determining any dispute or controversy
16 that may arise in the counting and canvassing of the votes
17 cast in elections held in accordance with sections 2, 3, 4,
18 5, 6, and 9 of this article.

19 “SECTION 11. The Congress shall have power to en-
20 force this article by appropriate legislation.”.

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