

104TH CONGRESS
2D SESSION

S. 1997

To clarify certain matters relating to Presidential succession.

IN THE SENATE OF THE UNITED STATES

JULY 26, 1996

Mr. SIMON introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To clarify certain matters relating to Presidential succession.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Succession
5 Clarification Act”.

6 **SEC. 2. SENSE OF THE CONGRESS ON THE MEANING OF**

7 **PRESIDENT-ELECT AND VICE PRESIDENT-**
8 **ELECT.**

9 For purposes of the 20th Amendment of the Con-
10 stitution:

11 (1) A candidate for whom a majority of electors
12 have cast their votes for President shall be deemed

1 to be “President-elect” from the time that the votes
2 are cast, whether or not the candidate is living at
3 the time the votes are counted in Congress.

4 (2) A candidate for whom a majority of electors
5 have cast their votes for Vice-President shall be
6 deemed to be “Vice-President-elect” from the time
7 that the votes are cast, whether or not the candidate
8 is living at the time the votes are counted in Con-
9 gress.

10 **SEC. 3. TIME OF APPOINTING ELECTORS.**

11 (a) IN GENERAL.—The text of section 1 of title 3,
12 United States Code, is amended to read as follows:

13 “(a) Except as provided in subsection (b), the electors
14 for President and Vice President shall be appointed in
15 each State, on the Tuesday next after the first Monday
16 in November, in every fourth year succeeding every elec-
17 tion of President and Vice President.

18 “(b) If a major party candidate for the office of
19 President dies 14 or fewer days prior to the date specified
20 in subsection (a), the electors of President and Vice Presi-
21 dent shall be appointed in each state 14 days after the
22 death of such candidate.

23 “(c) For purposes of this section, the term ‘major
24 party’ means, with respect to a Presidential election, a po-
25 litical party whose candidate for office of President in the

1 preceding Presidential election received, as a candidate for
2 such party, 25 percent or more of the total number of
3 popular votes received by all candidates for such office.”.

4 **SEC. 4. TIME OF MEETING OF ELECTORS.**

5 The text of section 7 of title 3, United States Code,
6 is amended to read as follows:

7 “(a) Except as provided in subsection (b), the electors
8 of President and Vice President of each State shall meet
9 and give their votes on the first Monday after the second
10 Wednesday in December next following their appointment
11 at such place in each State as the legislature of such State
12 shall direct.

13 “(b) If a leading candidate for the office of President
14 dies 14 or fewer days prior to the date specified in sub-
15 section (a), the electors of President and Vice President
16 shall meet and give their votes 14 days after the death
17 of such candidate.

18 “(c) For purposes of this section—

19 “(1) the term ‘leading candidate’ means—

20 “(A) with respect to a Presidential elec-
21 tion, a candidate for the office of President
22 who, on the basis of the popular votes received
23 by such candidate in the several States, has
24 presumptively won a majority of electoral votes
25 in that election; or

1 “(B) if there is no such candidate who
 2 meets the description in subparagraph (A), any
 3 of the three candidates, who, on the basis of the
 4 popular vote received by such candidates in the
 5 several States, have presumptively won the
 6 three highest totals of electoral votes; and

7 “(2) a candidate has ‘presumptively won’ an
 8 electoral vote when that candidate receives a plural-
 9 ity or more of the popular vote in the district or
 10 state represented by the elector.”.

11 **SEC. 5. DEATH OF A CANDIDATE PRIOR TO CONSIDER-**
 12 **ATION BY THE HOUSE OF REPRESENTATIVES**
 13 **OR THE SENATE.**

14 (a) IN GENERAL.—Chapter 1 of title 3, United
 15 States Code, is amended by adding after section 18 the
 16 following:

17 **“§ 18A. Death of a candidate**

18 “(a) In the case of the death of any of the persons
 19 from whom the House of Representatives may choose a
 20 President after the right of choice has devolved upon
 21 them, the House of Representatives may consider the des-
 22 ignated running mate of the deceased candidate as the
 23 candidate’s replacement for purposes of choosing a Presi-
 24 dent.

1 “(b) In the case of the death of any candidate from
2 whom the Senate may choose the Vice-President after the
3 right of choice has devolved upon them, the Senate may
4 consider a candidate designated by the deceased can-
5 didate’s political party as the candidate’s replacement for
6 purposes of choosing a Vice-President.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 chapter 1 of title 3, United States Code, is amended by
9 adding after the item for section 18 the following:

“18A. Death of a candidate.”.

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