

117TH CONGRESS
1ST SESSION

S. 2460

To establish a panel of constitutional experts to recommend to Congress an appropriate process for providing for the case of the death of a candidate in a contingent presidential or vice-presidential election.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2021

Mr. PORTMAN (for himself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish a panel of constitutional experts to recommend to Congress an appropriate process for providing for the case of the death of a candidate in a contingent presidential or vice-presidential election.

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 “Solving an Overlooked
5 Loophole in Votes for Executives (SOLVE) Act”.

1 **SEC. 2. ESTABLISHMENT OF A PANEL.**

2 (a) ESTABLISHMENT.—There is established the
3 “Twentieth Amendment Section Four Panel” (in this Act
4 referred to as the “Panel”).

5 (b) MEMBERSHIP.—

6 (1) IN GENERAL.—The Panel shall be composed
7 of 6 constitutional experts, of whom—

8 (A) 1 shall be appointed by the majority
9 leader of the Senate;

10 (B) 1 shall be appointed by the minority
11 leader of the Senate;

12 (C) 1 shall be appointed jointly by the ma-
13 jority and minority leader of the Senate;

14 (D) 1 shall be appointed by the Speaker of
15 the House of Representatives;

16 (E) 1 shall be appointed by minority leader
17 of the House of Representatives; and

18 (F) 1 shall be appointed jointly by the
19 Speaker of the House of Representatives and
20 the minority leader of the House of Representa-
21 tives.

22 (2) DATE.—The appointments of the members
23 of the Panel shall be made not later than 180 days
24 after the date of enactment of this Act.

25 (3) VACANCY.—Any vacancy occurring in the
26 membership of the Panel shall be filled in the same

1 manner in which the original appointment was
2 made.

3 (4) CHAIRPERSON AND VICE CHAIRPERSON.—

4 The Panel shall select a Chairperson and Vice
5 Chairperson from among the members of the Panel.

6 (c) PURPOSE.—The purpose of the Panel shall be to
7 recommend to Congress model legislation, which shall pro-
8 vide for an appropriate process, pursuant to section 4 of
9 the Twentieth Amendment to the United States Constitu-
10 tion, to resolve any vacancy created by the death of a can-
11 didate in a contingent presidential or vice-presidential
12 election.

13 (d) REPORTS.—

14 (1) INITIAL REPORT.—Not later than 1 year
15 after the date on which all of the appointments have
16 been made under subsection (b)(2), the Panel shall
17 submit to Congress an interim report containing the
18 Panel's findings, conclusions, and recommendations.

19 (2) FINAL REPORT.—Not later than 6 months
20 after the submission of the interim report under
21 paragraph (1), the Panel shall submit to Congress a
22 final report containing the Panel's findings, conclu-
23 sions, and recommendations.

24 (e) MEETINGS; INFORMATION.—

1 (1) IN GENERAL.—Meetings of the Panel shall
2 be held at the Law Library of Congress.

3 (2) INFORMATION.—The Panel may secure
4 from the Law Library of Congress such information
5 as the Panel considers necessary to carry out the
6 provisions of this section.

7 (f) FUNDS.—

8 (1) COMPENSATION OF MEMBERS.—Members of
9 the Panel shall receive no compensation.

10 (2) OTHER FUNDING.—No amounts shall be
11 appropriated for the purposes of this Act, except for
12 any amounts strictly necessary for the Law Library
13 of Congress to execute its responsibilities under sub-
14 section (e).

15 (g) TERMINATION.—

16 (1) IN GENERAL.—The panel established under
17 subsection (a) shall terminate 90 days after the date
18 on which the panel submits the final report required
19 under subsection (d)(2).

20 (2) RECORDS.—Upon termination of the panel,
21 all of its records shall become the records of the Sec-
22 retary of the Senate and the Clerk of the House of
23 Representatives.

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