

2001 ASSEMBLY JOINT RESOLUTION 14

January 23, 2001 – Introduced by Representatives BLACK, BOYLE, BERCEAU, MORRIS-TATUM, CARPENTER and LASSA. Referred to Committee on Campaigns and Elections.

- 1 **Relating to:** requesting appropriate action by the U.S. Congress to propose an
 2 amendment to the federal constitution for the direct election by the people of
 3 the U.S. president and vice president.

Analysis by the Legislative Reference Bureau

Currently, the U.S. president and vice president are chosen, pursuant to article II, section 1, article 12, and article 23 of the U.S. Constitution, by the presidential electors. Those provisions are set forth at the end of this analysis.

This joint resolution applies to the U.S. Congress to submit to the states, for ratification, an amendment to the U.S. Constitution “providing for the direct, popular, joint election of the U.S. president and vice president.”

The joint resolution also proposes that the legislatures of each of the states apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution similar in subject matter to the amendment proposed in this joint resolution.

An amendment submitted to the states by the Congress becomes part of the constitution when ratified by three-fourths of the states (38).

4

U.S. CONSTITUTION

Article II, section 1 (part), article 12, and article 23 of the U.S. Constitution state:

“**Article II, Section 1.** The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years,

and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.” (The next clause, not set forth here, was superseded by Amendment XII.)

“The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.” (The remaining clauses are not set forth here.)

“Amendment XII The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;

The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.”

“Amendment XXIII

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled

if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.”

1 Whereas, currently, the U.S. President and Vice President are chosen,
2 pursuant to article II, section 1, article 12, and article 23 of the U.S. Constitution,
3 by the presidential electors; and

4 Whereas, under article V of the Constitution of the United States, the Congress,
5 whenever two-thirds of both houses shall deem it necessary, shall propose
6 amendments to the federal constitution; now, therefore, be it

7 ***Resolved by the assembly, the senate concurring, That*** the legislature of
8 the state of Wisconsin proposes to the Congress of the United States that procedures
9 be instituted in the Congress to add a new article to the Constitution of the United
10 States, and that the state of Wisconsin requests the Congress to prepare and submit
11 to the several states an amendment to the Constitution of the United States,
12 providing for the direct, popular, joint election of the U.S. President and Vice
13 President; and, be it further

14 ***Resolved, That*** this application by the legislature of the state of Wisconsin
15 constitutes a continuing application in accordance with article V of the Constitution
16 of the United States until the Congress has submitted to the several states an
17 amendment to the Constitution of the United States similar in subject matter to the
18 amendment proposed in this joint resolution; and, be it further

19 ***Resolved, That*** the legislature of the state of Wisconsin also proposes that the
20 legislatures of each of the several states comprising the United States apply to the

1 Congress requesting the enactment of an appropriate amendment to the federal
2 constitution similar in subject matter to the amendment proposed in this joint
3 resolution; and, be it further

4 ***Resolved, That*** a duly attested copy of this joint resolution be immediately
5 transmitted to the president and secretary of the Senate of the United States, to the
6 speaker and clerk of the House of Representatives of the United States, to the Office
7 of the Federal Register, to the Library of Congress, to each member of the
8 congressional delegation from this state, to the National Conference of State
9 Legislatures, to the Council of State Governments, and to the presiding officer of
10 each house of each state legislature in the United States, attesting the adoption of
11 this joint resolution by the 2001 legislature of the state of Wisconsin.

12 (END)