

ELECTIONS: Beginning of terms of Senator and Congressmen elect.

11-24

November 15, 1934.

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Honorable Dwight H. Brown
Secretary of State
Jefferson City, Missouri

Dear Mr. Brown:

This is to acknowledge receipt of your request for an opinion, dated November 14th, 1934, which letter of request is as follows:

"Referring to recent conversation, will you please furnish us a written opinion regarding the date on which our United States Senator and Congressmen will take office."

Your inquiry necessarily refers to the Twentieth Amendment to the Constitution of the United States, which amendment was proposed to the legislatures of the several states by the seventy-second Congress on the 3d day of March, 1932, and was declared in a Proclamation by the Secretary of State, dated the 6th day of February, 1933, to have been ratified by the legislatures of the requisite number of states, to-wit, three-fourths of the whole number of states in the United States; which Twentieth Amendment, as found in United States Statutes at Large, 72d Congress, 1931-1933, Vol. 47, Part 2, page 2569, is as follows:

"Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives 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.

"Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

"Sec. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

"Sec. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

"Sec. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

"Sec. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

Hon. Dwight H. Brown

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Nov. 15, 1934.

It is, therefore, our opinion that the terms of the United States Senator elect and the Representatives elect, will begin at noon on the 3d day of January, A. D. 1935.

Very truly yours,

COVELL R. HEWITT
Assistant Attorney-General.

APPROVED:

ROY McKITTRICK
Attorney-General.

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