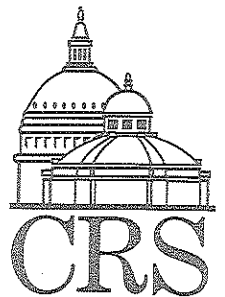


CRS Report for Congress

Special Elections and Membership Changes in the 103d Congress, First Session

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SPECIAL ELECTIONS AND MEMBERSHIP CHANGES IN THE 103D CONGRESS, FIRST SESSION

SUMMARY

This report provides information on membership changes in the first session of the 103d Congress through special elections for vacancies in the House of Representatives and appointments and special elections for vacancies in the Senate.

There were two Senate vacancies during the first session of the 103d Congress. The first was created by the resignation of Sen. Al Gore (D-TN), and was filled by appointment of Harlan Mathews (D). A special election will be held in 1994 for the balance of his term, which expires in 1996. The second was created by the resignation of Sen. Lloyd Bentsen (D-TX). It was filled initially by appointment of Bob Krueger (D), and subsequently by Kay Bailey Hutchison (R), who won a special election for the balance of the term which expires in 1994.

There were five vacancies in the House of Representatives during the first session of the 103d Congress, all of which were filled by special election. Rep. Leon Panetta (D-CA17th) resigned and was replaced by Sam Farr (D); Rep. Mike Espy (D-MS2d) resigned and was replaced by Bennie Thompson (D); Rep. Paul Henry (R-MI3d) died and was replaced by Vern Ehlers (R); Rep. Willis Gradison (R-OH2d) resigned and was replaced by Rob Portman (R); and Rep. Les Aspin (D-WI1st) resigned and was replaced by Peter Barca (D).

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SPECIAL ELECTIONS AND MEMBERSHIP CHANGES IN THE 103D CONGRESS, FIRST SESSION

INTRODUCTION

During the course of a Congress, seats in the House of Representatives that fall vacant are filled through special elections. A vacancy in a Senate seat is usually filled temporarily by appointment, followed by a special election. This report identifies these vacancies and resultant membership changes in the first session of the 103d Congress. All House vacancies filled by special election, changes in membership of the Senate and changes of party affiliation by Members of either House during the 103d Congress are recorded.

PROCEDURES GOVERNING VACANCIES

Vacancies in Congress occur due to the death, resignation, or declination (refusal to serve) of a Senator or Representative, or as the result of expulsory or exclusionary action taken by either House.

Senate

Procedures governing vacancies in the Senate were initially established by Article 1, Section 3 of the Constitution, as later amended by paragraph 2 of the 17th Amendment. The latter states:

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided* that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

Prevailing practice is for State Governors to fill Senate vacancies by appointment, with the appointee serving until a special election has been held. In the event the seat becomes vacant between the time of a general election and the expiration of the term, the appointee usually serves the balance of the term, until the next regularly scheduled general election. This practice originated with the constitutional provision which applied prior to direct election of Senators, under which Governors were directed to make temporary appointments when the State legislature was in recess. The Governor's direct authority to make interim appointments is specified in the various State laws. (Only Arizona does not allow the Governor to make interim appointments, requiring, instead, a special election to fill any Senate vacancy.)

In the event of a Senator's death, his or her staff continue to be compensated for a period not exceeding 90 days, performing duties under the direction of the Secretary of the Senate (2 U.S.C. 92e).

House of Representatives

The Constitution provides for cases in which House seats become vacant in Article I, Section 2, clause 4:

When Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The responsibility for scheduling such special elections has been vested by the *U.S. Code* (2 U.S.C. 8) with the State legislatures:

The time for holding elections in any State, District, or Territory for a Representative to fill a vacancy, whether such vacancy is caused by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

House vacancies are invariably filled by special elections if they occur during the first session of a Congress. Procedures governing vacancies occurring during the second session of a Congress differ from State to State, and are largely dependent on the amount of time intervening between the vacancy and the next general election.

If a House seat becomes vacant within six months of the expiration of the previous incumbent's term, many States, in the interest of economy and convenience, provide for a special election to be held on the regularly scheduled general election day, at the same time a regular election for the seat is held. Winners of special elections in these cases are sometimes not sworn in as members of the House, Congress having often adjourned *sine die* before election day. They are, however, accorded the status of incumbent Representatives for the purposes of seniority, office selection, and staffing. Other States, under these circumstances, do not provide for a special election, and the seat remains vacant until the new Congress convenes the following January.

Staff of a deceased or resigned Representative are compensated until a successor is elected to fill the vacancy, performing duties under the direction of the Clerk of the House (2 U.S.C. 92 b,c).

SPECIAL ELECTIONS AND MEMBERSHIP CHANGES IN THE 103D CONGRESS, FIRST SESSION

This section provides a tabular summary of changes in party lineup in the first session of the 103d Congress, as well as detailed information on special elections and membership changes in both Houses. Data on each special

election, seat change, or change in party affiliation include: background information, election dates, candidates, means of selection, primary (where appropriate) and general election results, and swearing-in dates for new Members of either House.

Changes in Party Lineup in the First Session, 103d Congress		
	Senate	House
Party Lineup as of 01/05/93		
Democratic	56	258
Republican	43	176
Independent	0	1
Vacant	1	0
Party Lineup as of 12/31/93		
Democratic	56	258
Republican	44	175
Independent	0	1
Vacant	0	1*
Vacancies Filled	2	5

* This figure includes Rep.-elect Vern Ehlers (R-MI-3rd), who was sworn in January 25, 1994.

SENATE

Tennessee

Senator Albert (Al) Gore, Jr. (D), resigned from the Senate on January 2, 1993; he was elected Vice President of the United States in 1992 and was inaugurated on January 20, 1993. Sen. Gore was first elected to the House of Representatives in 1976 (95th Congress). In 1984 (99th Congress), he was elected to the Senate, and served continuously until his resignation.

The *Tennessee Election Code* (ss. 2-16-101) authorizes the Governor to fill Senate vacancies by appointment until a special election is held at the next regularly scheduled November election. Governor Ned McWherter (D) appointed Harlan Mathews (D) to fill the vacancy created by Sen. Gore's resignation. Sen. Mathews was sworn in on January 5, 1993, and will serve until the special election is held on November 8, 1994. The winner of that election will serve the balance of the term, which expires in 1996. On February 15, 1994 Sen. Mathews announced he would not be a candidate for the special election.

Texas

Senator Lloyd Bentsen (D), resigned from the Senate on January 20, 1993, to assume the office of Secretary of the Treasury. Sen. Bentsen was first elected to the House of Representatives in 1948 (81st Congress), and served until 1955, when he declined to run for reelection. He was elected to the Senate in 1970 (92nd Congress), and served continuously until his resignation.

Texas Election Laws (204.002,5) authorize the Governor to fill Senate vacancies by appointment, and further require that a vacancy be filled by special election if it falls during an odd-numbered year. Texas also requires a majority vote for election in special elections (203.003); if no candidate receives a majority, then the two receiving the most votes contest a runoff. All candidates meeting State requirements (an application, a filing fee of \$2,500, and petitions including the valid signatures of at least 5000 registered voters) appear on the first-round ballot.

Governor Ann W. Richards (D) appointed Bob Krueger (D) to fill the vacancy until the special election, which was scheduled for May 1, 1993. Sen. Krueger had previously been elected to the House of Representatives in 1974 (94th Congress) and served until 1979. Sen. Krueger was sworn in on January 21, 1993.

A total of 24 candidates qualified for the ballot in the special election, including five Democrats, ten Republicans, six independents, and one representative each of the People's, Libertarian, and Socialist Workers' Parties. Sen. Krueger (who received 593,239 votes) and Republican challenger Kay Bailey Hutchison, Texas State Treasurer, (who received 593,338 votes) qualified for the runoff election. Each received 29 percent of votes, with the remainder spread among the 22 other candidates. Governor Richards scheduled the runoff for June 5, 1993.¹

Kay Bailey Hutchison (R) won the June 5 runoff for the balance of the term (which expires in 1994) with 67.3 percent of the vote. Official returns were as follows:

¹ Official returns by Office of the Secretary of State, Texas.

Kay Bailey Hutchison (R)
Bob Krueger (D)

1,188,716(elected)
576,538²

Sen. Hutchison was sworn in on June 14, 1993.

HOUSE OF REPRESENTATIVES

California—17th District

Representative Leon Panetta (D) resigned from the House on January 21, 1993 in order to assume the position of Director of the Office of Management and Budget. Rep. Panetta was first elected to the House in 1976 (95th Congress), and served continuously until his resignation.

The *California Election Codes* (ss.1773) authorize the Governor to order a special primary election to fill any vacancy in the office of Representative in Congress. Governor Pete Wilson (R) set June 8, 1993 for the special election. For such special elections, all qualified candidates compete in a special primary, regardless of party affiliation (ss. 7201). Nomination is by petition signed by not less than 40 nor more than 60 registered voters. Any candidate receiving more than 50 percent of the vote in the primary is elected. If no candidate receives the required majority, the candidates of each party receiving the most popular votes compete in a special general election.

Democratic State Senator Sam Farr, Republican Bill McCampbell, and the following minor party candidates qualified for inclusion on the ballot: Kevin G. Clark, Green (Grn); Jerome McCready, American Independent (AI); and Richard J. Quigley, Libertarian (Lbt). In addition, two Independent (Ind) candidates Peter James and James Ogle, also qualified for ballot inclusion. A write-in candidate, Tom Shannon, also received votes.

Sam Farr (D) was elected on the first round with 52.3 percent of the vote. Official returns were as follows:

Sam Farr (D)	53,675 (elected)
Bill McCampbell (R)	43,774
Jerome McCready (AI)	1,689
Kevin G. Clark (Grn)	1,226
Richard J. Quigley (Lbt)	948
Peter James (Ind)	943
James Ogle (Ind)	444
Tom Shannon (Write-in)	33 ³

Rep. Farr was sworn in on June 16, 1993.

² Official returns provided by Office of the Secretary of State, Texas.

³ Official returns provided by Elections Division, Office of the California Secretary of State.

Michigan—3rd District

Representative Paul B. Henry (R) died July 31, 1993. Rep. Henry was first elected to the House in 1984 (99th Congress), and served continuously until his death.

Michigan Compiled Laws (168.631,633) authorize the Governor to order special primary and general elections to fill any vacancy in the office of Representative in Congress. Plurality vote is sufficient to nominate or elect. Governor John M. Engler (R) scheduled the primary for November 2, 1993, and the general election for December 7. Major party candidates for the primary are required to submit nominating petitions signed by registered voters equal in number to not less than one percent nor more than four percent of the votes cast for the party's candidate for Secretary of State at the preceding general election (163.133). Minor party and independent candidates do not appear on the primary ballot.

The following candidates were accorded ballot status for the primary: Dale R. Sprik (D) (who was unopposed for the nomination), and Marge Byington, Richard P. Dean, Vern Ehlers, Thomas W. Heintzleman, Michael G. Maxfield, Ken Sikkema, and Dave Ver Meulen, all Republicans. State Senator Vern Ehlers joined Democrat Sprik on the general election ballot, winning the Republican nomination with 32.7 percent of the vote. In addition, Independent candidate (Ind) Dawn Ida Krupp qualified for inclusion on the general election ballot.⁴

Vern Ehlers won the December 7 general election with 66.6 percent of the vote. Official returns were as follows:

Vern Ehlers (R)	57,484 (elected)
Dale R. Sprik (D)	19,993
Dawn Ida Krupp (Ind)	8,759
Write-in	50 ⁵

Rep. Ehlers was sworn in on January 25, 1994.

Mississippi—2nd District

Representative Mike Espy (D) resigned from the House on January 22, 1993 to assume the office of Secretary of Agriculture. Rep. Espy was first elected to the House in 1986 (100th Congress), and served continuously until his resignation.

⁴ Voters Place Ehlers on Track to Succeed Henry in House. *Congressional Quarterly Weekly Report*, v. 51, Nov. 6, 1993. p. 3069.

⁵ Official returns provided by Office of Director of Elections, Office of the Michigan Secretary of State.

The *Mississippi Code* (ss. 23-15-853 Suppl.) requires the Governor to order an election to fill any vacancy in the office of Representative in Congress not more than 60 days after the vacancy occurs. The election must be scheduled for not later than 40 days after the order is issued. Candidates gain ballot access by submitting petitions including the valid signatures of not less than 1,000 registered voters who reside in the district. All candidates who qualify for ballot position contest the special election, in which a majority is required to elect. If no candidate receives the requisite majority, then the two receiving the most popular votes contest a runoff election, held two weeks later. Governor Kirk Fordice (R) set March 30, 1993 for the special election and April 13 for the runoff.

Seven Democratic candidates—Unita Blackwell, Henry Espy, David M. Halbrook, James H. Meredith, Brian H. Neely, Steve Richardson, and Bennie Thompson, and one Republican—Hayes Dent, qualified for the first round election. Although no candidate received a majority, Dent (with 34.2 percent of the vote) and Thompson (with 28.4 percent) qualified for the runoff.

Bennie Thompson (D) won the April 13 runoff with 55.2 percent of the vote. Official returns were as follows:

Bennie Thompson (D)	72,561 (elected)
Hayes Dent (R)	58,995 ⁶

Rep. Thompson was sworn in on April 20, 1993.

Ohio—2nd District

Representative Willis Gradison, Jr. (R), resigned from the House on January 31, 1993. Rep. Gradison was first elected to the House in 1974 (94th Congress), and served continuously until his resignation.

The *Ohio Revised Code, Annotated* (ss.3521.03) requires the Governor to order a special election to fill any vacancy in the office of Representative in Congress. Procedures for special elections are the same as those for regular elections, including both primary and general elections. A plurality is sufficient to nominate and elect. Major party candidates for nomination gain primary ballot access by submitting a declaration of candidacy, a filing fee, and petitions including the valid signatures of not less than 150 registered voters who are party members. Independent candidates do not contest the primary, but may qualify for ballot access by submitting a declaration of candidacy, a filing fee, and petitions including the valid signatures of a number of registered voters which varies according to the vote for governor in the district in the last election. Governor George V. Voinovich (R) scheduled the primary for March 16, 1993, and the general election for May 4.

⁶ Official returns provided by Elections Bureau, Office of the Mississippi Secretary of State.

Five Democrats qualified for the primary ballot: Ralph A. Applegate, Thomas R. Chandler, Lee Hornberger, Robert Dale McDilda, Sr., and Ray Mitchell. Hornberger won the primary with 46.0 percent of the vote. Seven Republicans contested the primary: Jay Buchert, Ken Callis, Garland Eugene Crawford, Robert W. Dorsey, Van Darnell Loman, Bob McEwen, and Rob Portman. Portman won the primary with 35.6 percent of the vote.⁷

Rob Portman (R) won the May 4 general election with 70 percent of the vote. Official returns were as follows:

Rob Portman (R)	53,020 (elected)
Lee Hornberger (D)	22,652 ⁸

Rep. Portman was sworn in on May 5, 1993.

Wisconsin—1st District

Representative Les Aspin, Democrat, resigned from the House on January 20, 1993 to assume the office of Secretary of Defense. Rep. Aspin was first elected to the House of Representatives in 1970 (92nd Congress), and served continuously until his resignation.

The *Wisconsin Statutes Annotated* (8.50 (1),(4)) requires the Governor to order a special election, and, if necessary, a special primary, to fill any vacancy in the office of Representative in Congress which occurs prior to the second Tuesday in May in a year in which general elections are scheduled. A plurality is sufficient to nominate or elect. Candidates for nomination are required to file a statement of candidacy accompanied by petitions signed by not less than 1,000 nor more than 2,000 electors who reside in the congressional district (8.15 (6)(b)). Independent and other party candidates do not participate in the primary, but qualify for general election ballot access by meeting the same requirements as candidates for the primary election, as cited previously (8.20). Governor Tommy G. Thompson (R) scheduled the special primary for April 6, 1993, and the general election for May 4.

Five Democrats qualified for the primary ballot: Peter W. Barca, Jeffrey Neubauer, Samuel Platts, Jeffrey C. Thomas, and Wayne W. Wood. Barca won the April 6 primary with 50.3 percent of the vote. Two Republicans, Charles W. Coleman and Mark W. Neumann contested the primary, which Neumann won with 78.9 percent of the vote.⁹ In addition, Libertarian (Lbt) candidate Edward J. Kozak, and two Independent (Ind) candidates Gary W. Thompson and Karl Huebner, also qualified for the general election ballot.

⁷ Moore, Thomas H. Portman Wins the Inside Lane in Republican 2nd District. *Congressional Quarterly Weekly Report*, v. 51, Mar. 20, 1993. p. 687.

⁸ Official returns provided by Office of the Ohio Secretary of State.

⁹ Cook, Rhodes. Neumann, Barca Are Finalists for the 1st District. *Congressional Quarterly Weekly Report*, v. 51, Apr. 10, 1993. p. 924.

Democrat Peter W. Barca won the May 4 general election with 49.9 percent of the vote. Official returns, after a recount, were as follows:

Peter W. Barca (D)	55,605 (elected)
Mark W. Neumann (R)	54,930
Edward J. Kozak (Lbt)	375
Gary W. Thompson (Ind)	327
Karl Huebner	203
Scattering	36 ¹⁰

Rep. Barca was sworn in on June 8, 1993.

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THN/ds

¹⁰ Official returns provided by Wisconsin State Elections Board.