



CIVICS IN REAL LIFE

Special Elections

Civics is all around us. There is a lot to know about the government and how “We the People” interact with the government and each other. Let’s help each other expand our civic literacy.

The United States House of Representatives is the “People’s House.” As such, all who serve in it are elected by the people from the respective states. Regardless of whether a U.S. representative is from Florida or Alaska, the time, place, and manner under which they are elected is the same. This is also true if a vacancy should arise because of death or resignation. When these circumstances arise, and they do, [Article I, Section 2, Clause 4](#) of the U.S. Constitution, requires that a state’s governor issue a writ of election for the people to fill the vacancy. When this happens, it is called a [special election](#).

So far, the [117th Congress has undergone six special elections](#), with a seventh occurring in January 2022, and an eighth one looming later in 2022. Three of these special elections occurred because members of the House resigned to join the Biden Administration as either cabinet members or presidential advisors. Three occurred because of deaths. The remaining two occurred because they resigned to join business ventures.

As the Constitution grants the governor of each state the power to issue a writ of election, it is solely in their power to decide when the special election is scheduled, and its timing may have political implications.

For example, the most recent special elections to take place will occur in the states of Florida and California. Florida is led by Republican Governor Ron DeSantis and California is led by Democratic Governor Gavin Newsom.

In Florida, the special election taking place on January 11, 2022 is to fill the vacancy in the 20th congressional district due to the passing of [Rep. Alcee Hastings](#) (D) on April 6, 2021. Governor DeSantis decided his writ of election would order a special primary election to coincide with Election Day, which was November 2, 2021. The winners of the primary elections would then face one another in a special general election two months later. Consequently, the Democratic majority in the US House of Representatives has had one fewer vote for the last nine months, despite the narrow Democratic majority.



In California, [Rep. Devin Nunes](#) (R) announced his resignation from Congress on December 6, 2021 which will go into effect at the end of the year. This means that Governor Newsom can issue a writ of election in the very near future for the people of California’s 22nd congressional district to elect their next member of the U.S. House of Representatives. As the 22nd District leans Republican in heavily Democratic California, Governor Newsom may act similarly to Governor DeSantis by acting in a way that supports his party in Congress.



Under [California law](#), the governor must issue a writ of election within 14 days of the congressional resignation taking effect. This means Governor Newsom could wait until January 14 to issue his writ. This is important because the special election countdown begins from the date the writ of election is issued. [California law](#) also allows the governor to consolidate elections if a regularly scheduled election occurs within 200 days of the issuance of the writ. This means if a regularly scheduled election is to happen within 200 days of the issuance of the writ, the governor may order the special election to be held then.

California has a regularly scheduled primary election on June 7, 2022. Since this date falls within the 200 day time frame, Governor Newsom could order the special congressional primary election to take place then, with a special general election to follow no earlier than 60 days later. Consequently, the earliest Rep. Nunes’ seat could be filled is the end of August, leaving the Republican minority in the House with one fewer vote until then.

Congressional elections are a central tenet of our republic, so no matter the circumstances under which they occur, or the politics that may be played, it is because of constitutional guarantees that the people of the respective states always elect their representatives.

To Think and To Do: Go to your [Secretary of State’s website](#) (scroll down to select your state) and research the election laws for your state. How do special elections for congressional seats work in your state? Do the election statutes of your state set parameters under which the governor must call a special election? Explain.

LEARN MORE:

[History, Art & Archives: United States House of Representatives](#)



Lou Frey Institute