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Thank you Madam Chair O'Connell and other members of the Government Affairs Committee. For the record, my name is Brian Woodson, senior at the University of Nevada, Las Vegas, and intern to Speaker Richard Perkins (Assemblyman from District 23 in Clark County).

On behalf of Speaker Perkins, I am pleased to present to you Assembly Bill 344.

As you all may know... Federal, state, and local governments are all too often criticized for taking a reactive approach to formulating public policy. Assembly Bill 344, however, essentially provides a proactive approach to formulating policy relating to Nevada's representation within the United States House of Representatives.

Specifically, this bill provides provisions and procedures to fill vacancies within Nevada's seats in the House of Representatives. It provides for two separate instances where vacancies may be created.

In the first instance, the bill imposes provisions and procedures to conduct a special election in the event of a natural vacancy of one of Nevada's seats in the House of Representatives.

To provide a little background... In 1915, as a result of the 17th Amendment passed in 1913, and as a reactionary response to the sudden death of Senator George Nixon in 1912, the Nevada Legislature passed a law to specifically address vacancies within the Office of United States Senator.

Although a similar provision was included in Article 4, Sec. 34 of the 1864 Nevada Constitution, it was never formally drafted into the Nevada Revised Statutes until 1915. Currently, Chapter 304, Sec. 30 of the Nevada Revised Statutes states that, "In case of a vacancy in the Office of United States Senator caused by death, resignation or otherwise, the Governor may appoint some qualified person to fill the vacancy, who shall hold that office until the next general election and until his successor shall be elected and seated."

There have been five occasions when Nevada's Governor has filled a vacancy by appointment in the Office of United States Senator. However, in the 139 years of Nevada's history as a state, there have been no vacancies among Nevada's delegates in the United States House of Representatives.

Since 1985, at least 40 members of the House have died while in office, at least 30 members have resigned from office, and at least 40 special elections have been held to fill Congressional vacancies within the House.

Members within the House of Representatives pride themselves on the fact that no member of their House has ever been appointed to a seat. Every member to ever be seated to the House of Representatives has been elected.

This reason is due to Article 1, Section 2 of the U.S. Constitution where it states, "When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such vacancies."

Because Nevada has never had a vacancy within the House, Nevada does not have any statute providing procedures to fill one.

Should one of Nevada's Representatives within the House suddenly die or resign from office, our Governor would currently do one of two things:

Either he would leave the seat vacant until the next general election; or, he would issue a writ of election, and then formulate the necessary procedures for a special election to be conducted.

Because no procedures have been formulated in Nevada statutes, this reactionary response could take some time, thereby prolonging the amount of time one of Nevada's seats would remain vacant.

This bill would save that time, and officially authorize a special election to fill the natural vacancy. The special election would be conducted as soon as practicable, but no more than 180 days after the issuance of an election proclamation by the Governor. The election proclamation must be issued no more than seven days after the date of the vacancy.

If a state or local election happens to fall within that 180-day period, the special election may be consolidated into that election, thereby making the special election unnecessary.

In the second instance a vacancy may be created, this bill provides provisions and procedures for a special election to be conducted in the event of a catastrophe.

As you all may know, Speaker Perkins was selected to sit on the National Conference of State Legislatures' Task Force on Protecting Democracy.

Due to the tragic events of September 11, 2001, and the possibility of future attacks upon America, the Task Force suggested that each state, create distinct provisions and procedures, to call for special elections to fill vacancies within the U.S. House of Representatives, caused by a catastrophe.

On September 11, passengers on United Flight 93 heroically took matters into their own hands by preventing terrorists from striking a target in Washington, D.C. Although we do not know specifically of which target they were aiming, the White House and the Capitol Building were very good possibilities.

On that morning, it is believed the House floor at the Capitol Building was quite busy. If that flight took off on time, instead of 41 minutes late, and that plane was headed for the Capitol Building, it is possible hundreds of members of Congress, along with their staff, could have been killed or severely injured. Therefore, it is critical each state create distinct provisions and procedures to conduct special elections in an extremely timely manner so that Congress will be able to continue as soon as possible.

Within Assembly Bill 344, a catastrophe is defined in two ways. First, a catastrophe occurs when at least one-half of Nevada's Representatives in the House are killed or severely injured to the point they cannot perform their Congressional duties.

Second, a catastrophe occurs when a natural or man-made event causes at least one-fourth of the total number of seats in the U.S. House of Representatives, including any Representatives of Nevada, to become vacant.

In either of these catastrophic instances, a special election to fill the vacancies would be conducted as soon as practicable, but no more than 90 days after the issuance of an election proclamation by the Governor. Again, the election proclamation must be issued within seven days after the event.

If a state or local election happens to fall within that 90-day period, the special election may be consolidated into that election, again making the special election unnecessary.

While Nevada remains one of the last states yet to provide procedures to fill even a natural vacancy, Nevada could be one of the first states to provide procedures to fill vacancies as a result of a catastrophe.

This bill is critically important in respect to sustaining our state's representation in Congress, as well as sustaining the continuity of Congress as a whole. In recognition of Nevada's lack to ever provide procedures to fill a vacancy in the House of Representatives, and in recognition of the ongoing possibility of future terrorist attacks, I strongly urge this committee to consider Assembly Bill 344.

Thank you all very much for your time. I would be happy to try and answer any questions the committee may have.