

ASSEMBLY BILL NO. 344—ASSEMBLYMAN PERKINS

MARCH 17, 2003

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Provides for special election to fill vacancy in office of Representative in Congress. (BDR 24-648)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; providing for a special election to fill a vacancy in the office of Representative in Congress; requiring that the election be held sooner in the event of certain catastrophes; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** Chapter 304 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this  
3 act.

4     **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless*  
5 *the context otherwise requires, the words and terms defined in*  
6 *sections 3 and 4 of this act have the meanings ascribed to them in*  
7 *those sections.*

8     **Sec. 3.** *“Catastrophe” means a natural or man-made event*  
9 *that causes, by death or disappearance, a vacancy in at least one-*  
10 *fourth of the total number of offices in the United States House of*  
11 *Representatives, including any number of offices representing the*  
12 *State of Nevada, or at least one-half of the total number of offices*  
13 *representing the State of Nevada.*

14     **Sec. 4.** *“Disappearance” means the inability to establish*  
15 *conclusively whether a Representative in Congress has survived a*  
16 *catastrophe.*



\* A B 3 4 4 R 1 \*

1       **Sec. 5. 1.** *In the event of a vacancy in the office of*  
2 *Representative in Congress, the Governor shall, within 7 days*  
3 *after the event giving rise to the vacancy, issue an election*  
4 *proclamation calling for a special election to fill the vacancy. The*  
5 *Governor shall specify the date of the special election in*  
6 *the proclamation. Except as otherwise provided in subsection 2,*  
7 *the election must be conducted:*

8       (a) *As soon as practicable after the issuance of the*  
9 *proclamation;*

10       (b) *On a Tuesday; and*

11       (c) *Not more than 180 days after the issuance of the*  
12 *proclamation. If the vacancy is caused by a catastrophe,*  
13 *the election must be conducted not more than 90 days after the*  
14 *issuance of the proclamation.*

15       2. *A special election required pursuant to subsection 1 may*  
16 *be consolidated with a statewide election or local election*  
17 *scheduled to be conducted within 90 days after the issuance of the*  
18 *proclamation. The special election may be consolidated with a*  
19 *local election occurring wholly or partially within the same*  
20 *territory in which the vacancy exists only if the voters eligible to*  
21 *vote in the local election comprise at least 50 percent of all voters*  
22 *eligible to vote on the vacancy.*

23       **Sec. 6. 1.** *If the Governor issues an election proclamation*  
24 *calling for a special election pursuant to section 5 of this act, no*  
25 *primary election may be held. Except as otherwise provided in this*  
26 *subsection, a candidate must be nominated in the manner*  
27 *provided in chapter 293 of NRS and must file a declaration or*  
28 *acceptance of candidacy within the time prescribed by the*  
29 *Secretary of State pursuant to NRS 293.204, which must be*  
30 *established to allow a sufficient amount of time for the mailing of*  
31 *election ballots. A candidate of a major political party is*  
32 *nominated by filing a declaration or acceptance of candidacy*  
33 *within the time prescribed by the Secretary of State pursuant to*  
34 *NRS 293.204. A minor political party that wishes to place its*  
35 *candidates on the ballot must file a list of its candidates with the*  
36 *Secretary of State not more than 46 days before the special*  
37 *election and not less than 32 days before the special election. To*  
38 *have his name appear on the ballot, an independent candidate*  
39 *must file his petition of candidacy with the appropriate filing*  
40 *officer not more than 46 days before the special election and not*  
41 *less than 32 days before the special election.*

42       2. *Except as otherwise provided in sections 2 to 7, inclusive,*  
43 *of this act:*

44       (a) *The election must be conducted pursuant to the provisions*  
45 *of chapter 293 of NRS.*



- 1       ***(b) The general election laws of this state apply to the election.***  
2       **Sec. 7.** *The Secretary of State shall adopt such regulations as*  
3 *are necessary for conducting elections pursuant to the provisions*  
4 *of sections 2 to 7, inclusive, of this act.*  
5       **Sec. 8.** NRS 304.040 is hereby amended to read as follows:  
6       304.040 ~~{Party}~~ *Except as otherwise provided in sections 2 to*  
7 *7, inclusive, of this act, party* candidates for Representative in  
8 Congress shall be nominated in the same manner as state officers are  
9 nominated.  
10       **Sec. 9.** This act becomes effective upon passage and approval.

