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RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

April 3, 2003

-
- ☐ Assembly Bill 344 _____
 - ☐ Assembly Joint Resolution No. 4 _____

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ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 4-3-03 ROOM: 3138 EXHIBIT C
SUBMITTED BY: Michelle Van Geet



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WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

April 3, 2003

The following measures will be considered for action by the Assembly Committee on Elections, Procedures, and Ethics during a work session on Thursday, April 3, 2003:

ASSEMBLY BILL 344

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

Sponsored by: Assembly Speaker Richard D. Perkins

Discussion

Assembly Bill 344 was heard by the Committee on March 27, 2003. Assembly Speaker Richard D. Perkins presented the bill to the Committee. The bill provides for a special election to fill a vacancy in the office of Representative in Congress in the event of a catastrophe.

Proposed Conceptual Amendments

Amend the bill as a whole using the proposed mock-up of A.B. 344 under Tab A (proposed by Brian Woodson, Speaker Perkins' Intern) and considering the following additional amendments:

1. Page 2, Section 6, line 8, add the phrase "as soon as practicable" after the word "conducted" (proposed by Brian Woodson, Speaker Perkins' Intern);
2. Page 2, Section 6, line 11, add the phrase "as soon as practicable" after the word "conducted" (proposed by Brian Woodson, Speaker Perkins' Intern); and
3. Page 2, Section 7, line 27, add the phrase "which can comply with mailing out of state ballots" after the words "NRS 293.204" (proposed by Alan Glover, Carson City Clerk/Recorder).

ASSEMBLY JOINT RESOLUTION NO. 4

Urges President of United States and Congress to support free trade agreement between Republic of China on Taiwan and United States. (BDR R-1213)

Sponsored by: Assembly Committee on Elections, Procedures, and Ethics

Discussion

Assembly Joint Resolution No. 4 was heard by the Committee on March 11, 2003. David Chien, Assistant to the Director General of the Taipei Economic Cultural Office, presented the measure to the Committee. The resolution urges the President of the United States and Congress to support a free trade agreement between the Republic of China on Taiwan and the United States.

Proposed Conceptual Amendments

No amendments offered.

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 344

PREPARED FOR ASSEMBLYMAN RICHARD D. PERKINS
MARCH 21, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) *green bold dashed underlining* is deleted language in the original bill that is proposed to be retained in this amendment.

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 thereto
2 the provisions set forth as sections 2 to 8, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3, 4*
5 *and 5 of this act have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *"Catastrophe" means a natural or man-made event that*
7 *causes a vacancy in at least one-fourth of the total number of offices in*
8 *the United States House of Representatives, including any number of*
9 *offices representing the State of Nevada, or at least one-half of the total*
10 *number of offices representing the State of Nevada.*

11 **Sec. 4.** *"Disappearance" means the inability to establish*
12 *conclusively whether a Representative in Congress has survived a*
13 *catastrophe.*

14 **Sec. 5.** *"Vacancy" means the death, resignation or declination of a*
15 *Representative in Congress, or the death or disappearance, as a result of*
16 *a Representative in Congress of a resulting from a catastrophe, of a*
17 *Representative in Congress as defined in Section 3 of this act.*

PROPOSED AMENDMENT TO AB344

1 **Sec. 6.** In the event of a ~~catastrophe~~ vacancy in the office of
2 Representative in Congress, the Governor shall issue an election
3 proclamation within seven calendar days of the event giving rise to the
4 vacancy calling for a special election to fill the vacancy in the office of
5 Representative in Congress. The Governor shall specify the date of the
6 special election in the proclamation. If the vacancy is caused by the
7 death, resignation, or declination of a Representative in Congress, the
8 election must be conducted on a Tuesday ~~at least~~ not more than
9 180 calendar days following the issuance of the election proclamation.
10 If the vacancy is caused by a catastrophe as defined in Section 5 of this
11 act, the election must be conducted on a Tuesday ~~56 days, but~~ not more
12 than ~~63~~ 90 calendar days, following the issuance of the election
13 proclamation, except that Under either circumstance, the special
14 election may be conducted within 90 calendar days following the
15 issuance of the election proclamation in order to consolidate the special
16 election with the next regularly scheduled:

17 1. Statewide election; or
18 2. Local election occurring wholly or partially within the same
19 territory in which the vacancy exists, if the voters eligible to vote in the
20 local election comprise at least 50 percent of all the voters eligible to vote
21 on the vacancy.

22 **Sec. 7.** 1. If the Governor issues an election proclamation calling
23 for a special election pursuant to section 6 of this act, no primary
24 election may be held. Except as otherwise provided in this subsection, a
25 candidate must be nominated in the manner provided in chapter 293 of
26 NRS and must file a declaration or acceptance of candidacy within the
27 time prescribed by the Secretary of State pursuant to NRS 293.204. A
28 candidate of a major political party is nominated by filing a declaration
29 or acceptance of candidacy within the time prescribed by the Secretary of
30 State pursuant to NRS 293.204. A minor political party that wishes to
31 place its candidates on the ballot must file a list of its candidates with the
32 Secretary of State not more than 46 days before the special election and
33 not less than 32 days before the special election. To have his name
34 appear on the ballot, an independent candidate must file his petition of
35 candidacy with the appropriate filing officer not more than 46 days
36 before the special election and not less than 32 days before the special
37 election.

38 2. Except as otherwise provided in sections 2 to 8, inclusive, of this
39 act:

40 (a) The election must be conducted pursuant to the provisions of
41 chapter 293 of NRS.

42 (b) The general election laws of this state apply to the election.

43 **Sec. 8.** The Secretary of State shall adopt such regulations as are
44 necessary for conducting elections pursuant to the provisions of sections
45 2 to 8, inclusive, of this act.

- 1 **Sec. 9.** NRS 304.040 is hereby amended to read as follows:
2 304.040 ~~{Party}~~ *Except as otherwise provided in sections 2 to 8,*
3 *inclusive, of this act, party* candidates for Representative in Congress shall
4 be nominated in the same manner as state officers are nominated.
5 **Sec. 10.** This act becomes effective upon passage and approval.

H