

PROVIDING FOR CONSIDERATION OF H.R. 2844,  
CONTINUITY IN REPRESENTATION ACT OF 2004

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APRIL 21, 2004.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 602]

The Committee on Rules, having had under consideration House Resolution 602 by a record vote of 6 to 3, reports the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2844, the Continuity in Representation Act of 2004, under a structured rule. The rule provides 60 minutes of general debate with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives points of order against consideration of the bill for failure to comply with clause 3(c)(4) of rule XIII (relating to a statement of general performance goals and objectives in the report of the Committee on the Judiciary). The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as an original bill for the purpose of amendment, which shall be considered as read. The rule makes in order only those amendments printed in this report, and provides that those amendments may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for

a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report. Finally, the rule provides one motion to recommit with or without instructions.

PART A—SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Provides that to the extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters not later than 15 days after the Speaker announces the vacancy exists.

PART B—SUMMARY OF AMENDMENTS MADE IN ORDER

1. Larson: Strikes out the bill's overall 45-day time frame to conduct special elections and substitutes 75 days. (20 minutes)

2. Larson: Strikes out paragraph 3 and adds language providing that candidates seeking to run in a special election would meet requirements for getting on the ballot subject to state law, and that states could extend the overall time deadline in the bill to accomplish that result. This would also ensure that minority party or independent candidates who must qualify by petition or other methods retain the right to participate in the election. The amendment would strike the existing provision in the bill providing a 10-day deadline for political parties to nominate candidates. (20 minutes)

3. Skelton/Maloney: States shall accept and process any otherwise valid ballot or other election material from absent uniformed services voters or overseas voters so long as the ballot or other election material is received by the appropriate state election official not later than 45 days after the State transmits the ballot or other material to the voter. (20 minutes)

4. Jackson-Lee: Changes section of the bill that deals with the time in which a person may file a lawsuit arising out of the Speaker's announcement of vacancies in the House in excess of 100. Expands ability of an aggrieved party to file suit for either declaratory or injunctive relief from just 2 days to 7 days. Also extends the right to appeal decisions on the 45-day special state election called for under the Act, and it expands the right to sue to citizens, including political party representatives. (10 minutes)

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee record vote No. 245*

Date: April 21, 2004.

Measure: H.R. 2844, Continuity in Representation Act of 2004.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Larson which provides that nothing in the bill may be construed to affect the application to special elections of a series of enumerated laws relating to civil rights and voting rights. These are the Voting Rights Act of 1965, the Voting Accessibility for the Elderly

and Handicapped Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act of 1993, the Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

*Rules Committee record vote No. 246*

Date: April 21, 2004.

Measure: H.R. 2844, Continuity in Representation Act of 2004.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the following amendments offered en bloc: Sherman No. 2; Sherman No. 3; Baird No. 11; Baird No. 13; Hooley No. 10; Larson No. 9.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

*Rules Committee record vote No. 247*

Date: April 21, 2004.

Measure: H.R. 2844, Continuity in Representation Act of 2004.

Motion by: Mr. McGovern.

Summary of motion: To provide an additional 60 minutes of general debate.

Results: Defeated 3 to 6.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Dreier—Nay.

*Rules Committee record vote No. 248*

Date: April 21, 2004.

Measure: H.R. 2844, Continuity in Representation Act of 2004.

Motion by: Mr. Goss.

Summary of motion: To report the resolution.

Results: Agreed to 6 to 3.

Vote by Members: Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Frost—Nay; Slaughter—Nay; McGovern—Nay; Dreier—Yea.

**PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED**

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

“(5) DEADLINE FOR TRANSMITTAL OF ABSENTEE BALLOTS FOR ABSENT MILITARY AND OVERSEAS VOTERS.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Vot-

ing Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.”.

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PART B—TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARSON OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 26(b)(2) of the Revised Statutes of the United States, as proposed to be added by the bill, strike “45 days” and insert “75 days”.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LARSON OF CONNECTICUT, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Amend paragraph (3) of section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, to read as follows:

“(3) ELIGIBILITY OF CANDIDATES.—

“(A) IN GENERAL.—A candidate shall be eligible to run in a special election held in a State under this subsection if the candidate meets such requirements as may apply under State law.

“(B) EXTENSION OF DEADLINE FOR ELECTION.—A State may extend the deadline provided under paragraph (2) for a special election to the extent the State considers necessary to prepare balloting materials and distribute absentee ballots which include the names of all eligible candidates, and to otherwise ensure that all eligible candidates are given sufficient time to prepare for and participate in the election.”.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

In section 26(b) of the Revised Statutes of the United States, as proposed to be added by the bill, add at the end the following new paragraph:

“(5) PERIOD FOR BALLOT TRANSIT TIME FOR ABSENT MILITARY AND OVERSEAS VOTERS.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.”.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-  
LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 26(b)(4)(C)(i) of the Revised Statutes of the United States, as proposed to be added by the bill, strike “2 days” and insert “7 days”.

In section 26(b)(4)(C)(iii) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after “the action” the following: “(taking into account an opportunity for an expedited appeal of the initial decision)”.

In section 26(b)(4)(C)(iv) of the Revised Statutes of the United States, as proposed to be added by the bill, insert after “vacant” the following: “any citizen of the district and any political party of the State”.

