

# San Jose Mercury News

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## In disaster, who replaces lawmakers?

ASSEMBLY, CONGRESS MEMBERS LOOK AT WAYS TO SPEED UP PROCEDURE

By **Chuck Carroll**  
*Mercury News*

State and federal lawmakers are pushing proposals that would allow for rapid replacement of members of Congress killed in a disaster or terrorist attack.

Under procedures outlined in the U.S. Constitution, it can take up to six months to elect successors to the House of Representatives when members die.

A bill by Assemblyman Joe Simitian, D-Palo Alto, is moving through the California Legislature with bipartisan support. It would fill California's empty seats within two months.

Few other states are working on similar legislation, but Jenny Bowser of the National Conference of State Legislatures said they would probably do so if California passes Simitian's bill.

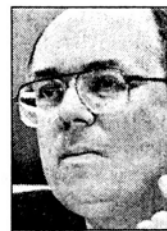
Simitian said the United States may not have the luxury of waiting six months to fill empty seats in Congress because there is important work to do after a crisis. His plan is in keeping with the spirit of the U.S. Constitution, which requires successor House members to be elected, not appointed.

Governors appoint replacements to the Senate.

The anthrax attacks on Congress and the events of Sept. 11 suggest the possibility of mass deaths in Congress is less farfetched than once thought.

Simitian's bill to address that concern moved through the Assembly Election Law Committee with the support of

Republican Secretary of State Bill Jones. It is awaiting action in the Assembly Appropriations Committee, where Simitian will argue that it will save money because a primary election would be eliminated.



**Simitian**

procedures in place before there's a catastrophe," Simitian said.

Under AB 2760, the governor would have seven days after a catastrophe that kills at least one-fourth of the members of the U.S. House — including at least one from California — or one-fourth of the California House delegation to call special elections to fill the vacant state seats.

Those elections would have to take place within 60 days. The highest vote-getter would win, dispensing with the traditional primary system.

Congress is working on the succession issue, too, but changes would probably take much longer. The U.S. Constitution requires that successors of deceased House members be elected in a special election.

Under a constitutional amendment proposed by Rep. Brian Baird, D-Wash., governors would appoint new House members for a 90-day maximum term after an attack or disaster that killed at least

25 percent of members. In that time, states would organize emergency special elections to permanently replace members. Sen. Arlen Specter, R-Pa., has introduced a similar plan in the Senate.

Constitutional amendments require ratification by two-thirds of the states, a process that can take years.

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## INTERNAL AFFAIRS

POLITICS IN THE BAY AREA

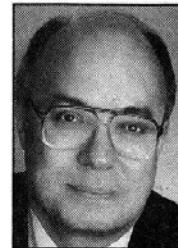
### State enacts plan to replace lawmakers after a disaster

California last week became the first state to enact a law speeding up the election of replacements for its federal lawmakers in case several die in a natural catastrophe or terrorist attack.

Instead of taking the usual six months, new members could be sworn in within two months.

Assemblyman **Joe Simitian** of Palo Alto, the measure's author, said the law would help a shaken state and nation get back to normal as soon as possible.

"I thought that the Sept. 11 anniversary was a reminder that what we once thought was unthinkable is now something we have to not only consider, but to plan for," he says.



**Simitian**