

September 2, 2010

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: Senate Bill 211 – Continuity of Congress

Dear Governor Schwarzenegger:

This letter is to respectfully request your signature on Senate Bill 211 relative to expedited Congressional elections.

In 2002, I introduced and Governor Davis signed into law Assembly Bill 2760 (Chapter 658, Statutes of 2002, Simitian) which established procedures for holding expedited elections in order to fill vacancies in the United States House of Representatives due to a catastrophic event such as a natural disaster, terrorist attack, or act of war.

Subsequently, in 2005 Congress passed the Legislative Branch Appropriations Act which included Representative Sensenbrenner's (R-Wis) H.R. 841, the Continuity of Representation Act. This Act codified federal laws for filling vacancies in the House of Representatives if there are 101 or more vacancies due to such a catastrophe. With the passage of the Legislative Branch Appropriations Act, the timeline to hold elections provided by Assembly Bill 2760 became divergent from federal law.

Senate Bill 211 simply conforms state law to federal law. Senate Bill 211 provides that if either 101 Members of the House of Representatives or a quarter of the

California Congressional delegation are killed or unaccounted for due to a catastrophe, then the Speaker of the House or the Governor of California, respectively, are to issue a proclamation calling for a special election to take place within 49 days of the announcement in order to fill the vacant seats. However, Senate Bill 211 does allow for the special election to be consolidated if there is already a previously scheduled special or general election for the offices involved taking place within 75 days of the proclamation declaring the vacancies.

These tight timelines reflect the necessity for prompt action should a catastrophe of this nature occur. One of the lessons learned as a result of the September 11th terrorist attacks is that, in the aftermath of a catastrophic event, having established processes in place to ensure the continuity of government can help maintain order, allow for a quick response and sustain public confidence.

Senate Bill 211 has received broad bipartisan support and to my knowledge there is no opposition to the bill.

I respectfully request your signature on Senate Bill 211.

Sincerely,

S. Joseph Simitian
State Senator, Eleventh District

cc: Michael Prosio, Legislative Secretary and Deputy Chief of Staff
Jacque Roberts, Assistant Legislative Secretary

SJS:tg