



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

February 24, 2005

### **H.R. 841** **Continuity in Representation Act of 2005**

*As ordered reported by the Committee on House Administration on February 17, 2005*

#### **SUMMARY**

H.R. 841 would provide for the continuity of the House of Representatives in the wake of a catastrophic event. The legislation would require states to hold special elections to fill vacancies in the House of Representatives within 45 days after an announcement by the Speaker of the House of “extraordinary circumstances”—effectively 100 or more vacancies in the House of Representatives. The bill also would provide for judicial review of challenges to the announcement of extraordinary circumstances. CBO estimates that enacting H.R. 841 would have no significant impact on the federal budget.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that certain provisions of H.R. 841 would fall within that exclusion because it would protect the rights of overseas and military voters to cast a ballot. Other provisions of the bill contain no private-sector mandates as defined in UMRA. However, by requiring states to hold elections within 45 days of an announcement of “extraordinary circumstances,” H.R. 841 would contain an intergovernmental mandate as defined in UMRA. CBO estimates that the annual cost of the mandate over the next five years would not exceed the threshold established in that act (\$62 million in 2005, adjusted annually for inflation).

#### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

CBO estimates that enacting H.R. 841 would have no significant impact on the federal budget over the next few years. Although the bill could affect the timing and amounts spent on Members’ salaries (which are classified as mandatory) and office expenses (which are subject to appropriation), CBO expects that any such impact is unlikely to occur and would be minor in any event.

## **INTERGOVERNMENTAL AND PRIVATE-SECTOR MANDATES CONTAINED IN THE BILL**

H.R. 841 would require states to hold elections within 45 days after an announcement by the Speaker of the House that there are extraordinary circumstances—effectively 100 or more vacancies in the House of Representatives—unless a regularly scheduled general election would occur within 75 days. This intergovernmental mandate would require 40 states to adopt a quicker time frame than they currently have for holding general elections in the event of a vacancy that does not coincide with a regularly scheduled election; some states also would need to amend their constitutions. Further, the bill likely would prohibit states from holding primaries—as required by law in some states—because the short time frame for the general election would logistically prohibit the holding of a primary.

Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 2(5) of H.R. 841 would fall within that exclusion because it would protect the voting rights of citizens living overseas, including members of the armed forces. Therefore, CBO has not reviewed this section for mandates. Other provisions of the bill contain no private-sector mandates as defined in UMRA.

## **ESTIMATED DIRECT COSTS OF THE MANDATES TO STATE AND LOCAL GOVERNMENTS**

Based on information from state and local election professionals, CBO estimates that the cost to run a special election ranges from \$200,000 to \$500,000 per district (in 2004 dollars), depending on the circumstances and location of the special election, the total number of special elections being held nationwide, and other factors. In the absence of the bill, states would hold elections and fill vacancies, but CBO estimates that the new requirements and short time frame required by the bill would likely generate significant additional costs for states. The likelihood is small that, over the next five years, events would occur triggering the provisions in H.R. 841; therefore, CBO estimates that the cost of mandates contained in the bill would not exceed the threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation). Further, even in the event of extraordinary circumstances, it is unlikely that the additional requirements would generate extra costs to states that would exceed that threshold.

**ESTIMATE PREPARED BY:**

Impact on State, Local, and Tribal Governments: Sarah Puro

Federal Costs: Matthew Pickford

Impact on the Private Sector: Paige Piper/Bach

**ESTIMATE APPROVED BY:**

Peter H. Fontaine

Deputy Assistant Director for Budget and Analysis