

Assembly Resolution No. 9–Assemblyman Yeager

FILE NUMBER.....

ASSEMBLY RESOLUTION—Accepting and adopting the report and recommendation of the Assembly Committee on Election Contests regarding the contest of the 2020 General Election for Assembly District 21; declaring that the contestant shall be deemed to have abandoned or withdrawn the contest; declaring that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice.

WHEREAS, Section 6 of Article 4 of the Nevada Constitution states that “[e]ach House shall judge of the qualifications, elections and returns of its own members”; and

WHEREAS, Section 6 of Article 4 of the Nevada Constitution “expressly reserves to the Senate and Assembly the rights to extend, withhold and withdraw membership status” (*Heller v. Legislature*, 120 Nev. 456, 466 (2004); *Laxalt v. Cannon*, 80 Nev. 588, 590-91 (1964)); and

WHEREAS, Section 6 of Article 4 of the Nevada Constitution ensures that “[e]ach house of a state legislature is the sole judge of the elections of its members” (*Mason’s Manual of Legislative Procedure* § 560(5) (2020)); and

WHEREAS, Under Section 6 of Article 4 of the Nevada Constitution, the Assembly adopted Rule No. 46 of the Standing Rules of the Assembly to govern the review of any contest of the 2020 General Election for any seat in the Assembly; and

WHEREAS, Under Rule No. 46, the Committee on Election Contests was appointed to review the contest of the 2020 General Election for Assembly District 21 delivered to the Assembly pursuant to NRS 293.427; and

WHEREAS, Under Rule No. 46, at its meeting on May 20, 2021, the Committee on Election Contests voted to approve its report and recommendation regarding the contest of the 2020 General Election for Assembly District 21; and

WHEREAS, Under Rule No. 46, it is the report and recommendation of the Committee on Election Contests that the contestant shall be deemed to have abandoned or withdrawn the contest and that the Assembly shall not take further action on the contest and that the Assembly shall dismiss the contest with prejudice; now, therefore, be it



RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly accepts and adopts the report and recommendation of the Committee on Election Contests; and be it further

RESOLVED, That the Assembly declares that the contestant shall be deemed to have abandoned or withdrawn the contest; and be it further

RESOLVED, That the Assembly declares that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution and the report and recommendation of the Committee on Election Contests to the Governor, the Secretary of State and the Board of County Commissioners of Clark County; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

