

From: Powers, Kevin
Sent: Monday, December 11, 2006 8:46 PM
To: 'glrocha@clan.lib.nv.us'; Bowers, Nan; Clift, Claire Jesse
Subject: CASTING VOTE OF LIEUTENANT GOVERNOR

Guy, Nan and Claire:

I have been undertaking research regarding the historical use of the casting vote by the Lieutenant Governor, as the President of the Nevada Senate, to break a tie in the Senate when the vote is equally divided. See Nev. Const. art. 5, § 17 (providing that the Lieutenant Governor “shall be President of the Senate, but shall only have a casting vote therein.”) Using the indexes in each Senate Journal from 1864-2003, I have identified several occurrences of the use of the casting vote as set forth below. However, with regard to the Senate Journals before 1971, I have some doubts as to the comprehensiveness and reliability of the indexes for those Journals. Therefore, please let me know whether you are aware of any occurrences of the use of the casting vote in the Nevada Senate which are not set forth below, and whether you are aware of any prior research projects regarding the subject and where I may be able to obtain the results of any such research. I already have prior opinions from the LCB Legal Division (Feb. 17, 1975 and Oct. 19, 1976) and the Attorney General (May 3, 1983), but those opinions provide only a few examples of the historical use of the casting vote in Nevada. Thank you for your assistance in this matter.

Use of the casting vote on the final passage of a bill or joint resolution:

1915: A.B. 45 (Senate Journal at 159, Lt. Gov. votes “yea”).
1977: S.J.R. 5 (Senate Journal at 132-38, involving ratification of the federal Equal Rights Amendment, Lt. Gov. votes “yea”).
1977: A.J.R. 45 (Senate Journal at 801, Lt. Gov. votes “yea”).
1979: S.B. 30 (Senate Journal at 315-16, Lt. Gov. votes “nay”).
1979: A.B. 107 (Senate Journal at 585, Lt. Gov. votes “nay”).
1981: A.B. 110 (Senate Journal at 1336, Lt. Gov. votes “nay”).
1981: A.B. 572 (Senate Journal at 1506, Lt. Gov. votes “nay”).

Use of the casting vote on other matters:

1879: motion to lay original motion on the table (Senate Journal at 222, Lt. Gov. votes “yea”).
1881: S.J.R. 3-motion to lay on the table (Senate Journal at 151, Lt. Gov. votes “nay”).
1966: S.C.R. 1-motion to refer to committee (Senate Journal at 14, Lt. Gov. votes “nay”).
1973: S.B. 392-motion to reconsider passage (Senate Journal at 425, Lt. Gov. votes “yea”).
1979: A.B. 11-motion to re-refer to committee (Senate Journal at 227-28, Lt. Gov. votes “nay”).
1979: S.B. 26-motion to adopt amendment (Senate Journal at 343, Lt. Gov. votes “yea”).
1979: S.J.R. 27-question of sustaining ruling of chair (Senate Journal at 1082, Lt. Gov. votes “yea”).
1981: S.B. 392-motion to give bill no further consideration (Senate Journal at 298-99, Lt. Gov. votes “yea”).
1981: A.B. 346-motion to reconsider passage (Senate Journal at 1105, Lt. Gov. votes “nay”).
1981: A.B. 491- motion to reconsider vote whereby bill failed (Senate Journal at 1157, Lt. Gov. votes “yea”).
1983: S.B. 179-motion to place on desk (Senate Journal at 367, Lt. Gov. votes “yea”).

1983: S.B. 136-motion to adopt amendment (Senate Journal at 858, Lt. Gov. votes “yea”).
1991: A.B. 424-motion to adopt amendment (Senate Journal at 1097, Lt. Gov. votes “yea”).
1997: S.B. 488-motion to adopt amendment (Senate Journal at 1998, Lt. Gov. votes “yea”).
2003: S.B. 216-motion to adopt amendment (Senate Journal at 1248, Lt. Gov. votes “yea”).

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