



NEVADA LEGISLATURE
LEGISLATIVE COMMISSION'S COMMITTEE TO
STUDY THE REQUIREMENTS FOR REAPPORTIONMENT
AND REDISTRICTING
(Assembly Concurrent Resolution No. 19, File No. 76, *Statutes of Nevada 2009*)

SUMMARY MINUTES AND ACTION REPORT

The fourth meeting of the Nevada Legislature's Committee to Study the Requirements for Reapportionment and Redistricting was held on December 6, 2010, at 1 p.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator William J. Raggio
Assemblyman Pete Goicoechea
Assemblywoman Debbie Smith

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Tick Segerblom, Chair
Senator Steven A. Horsford, Vice Chair
Senator Joyce Woodhouse
Assemblyman John Ocegueda

COMMITTEE MEMBERS ABSENT:

Senator Mike McGinness
Senator John J. Lee

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB)
Donald O. Williams, Research Director, Research Division
Brian L. Davie, Legislative Services Officer, Administrative Division
Michael J. Stewart, Supervising Principal Research Analyst, Research Division
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division
Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division
Kathy Steinle, Geography Information Systems (GIS) Specialist, Administrative Division
Jeanne Peyton, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Segerblom called the meeting to order and asked for approval of the minutes.

APPROVAL OF MINUTES OF THE MEETING HELD ON JULY 21, 2010, IN LAS VEGAS, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN OCEGUERA MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE JULY 21, 2010, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR WOODHOUSE AND PASSED UNANIMOUSLY.

REPORT ON PROGRESS OF COMMITTEE’S RECOMMENDATIONS CONCERNING ACQUISITION OF HARDWARE AND SOFTWARE FOR REDISTRICTING AND HIRING OF TEMPORARY STAFF

- Lorne J. Malkiewich, Director, LCB, provided a report on the acquisition of hardware and software for redistricting and the hiring of temporary staff ([Exhibit B](#)). Mr. Malkiewich noted that on August 13, 2010, the Legislative Commission approved the recommendations that were made by this Committee at its last meeting held on July 21, 2010. The recommendations consisted of approval for:
 1. Software and hardware; and
 2. Temporary staff for the 2011 Session to work with the Information Technology Services Unit of LCB on the redistricting process.

Responding to Chair Segerblom’s query about when Nevada would receive the data from the Census Bureau, Mr. Malkiewich said that by December 31, 2010, the count will be reported to the President of the United States, at which time Nevada will know how many people were counted statewide and if it received an additional congressional seat. The actual Nevada-specific data to be used for redistricting will be received sometime in March 2011.

UPDATE FROM THE CENSUS BUREAU

- Gerald L. O’Donnell, Census Bureau, United States Department of Commerce, provided a Microsoft PowerPoint presentation with an update on the 2010 Census Campaign in Nevada ([Exhibit C](#)). He indicated that:
 1. Nevada should receive its count by mid-February 2011, and it is likely that it will gain one seat;

2. This is the first time in the history of the United States where the majority of the representatives are from the south and the west based on population;
3. Throughout the last decade, Nevada was the fastest growing state in the country;
4. The final 2010 Census participation rates were 74 percent nationally and 71 percent for Nevada;
5. Nevada had a significant Hispanic population growth of 26.5 percent; and
6. The state population counts, with the number of seats in the House of Representatives must be delivered to the President no later than December 31, 2010.

In closing, Mr. O'Donnell thanked the various organizations in the State of Nevada for their help in promoting the 2010 Census campaign.

Responding to Chair Segerblom, Mr. O'Donnell said that [Exhibit C](#) lists the preliminary data from 2009 using the Census Bureau's population estimate program. He also replied that: (1) the data released in mid-February 2011 will include the voting age population by race and ethnicity; and (2) the information submitted to the President in December 2010 should be received by Nevada the same day. He noted that it will be known at that time if Nevada receives an additional congressional seat.

- Senator Raggio referred to slide 6 of [Exhibit C](#) regarding final participation rates and asked if 29 percent of Nevada's population was not counted. Responding, Mr. O'Donnell said that the 71 percent is a measure of public cooperation and means that the 29 percent who did not respond to the questionnaire were visited at home by Census Bureau staff through a process called "Non-Response Follow Up." He further explained that the 29 percent signifies the number of households that had to be visited to complete the questionnaire.

TESTIMONY CONCERNING MINORITY OUTREACH AND INCREASING MINORITY PARTICIPATION IN REDISTRICTING

- Chair Segerblom asked the leaders of the minority communities in the audience to come forward to discuss how to reach out to minorities in the redistricting process.
- Luis Valera, Chairman of the Las Vegas Latin Chamber of Commerce, informed the Committee of the Chamber's intent to engage in the redistricting process directly. He noted that the Chamber would like to be informed of any hearings regarding redistricting so that it can participate in the process. He said this is an historic year for the Hispanic community with a total of eight new Hispanic members being elected to the Legislature, the first Hispanic speaker in the Assembly, and Nevada's first Hispanic governor.

Responding to Chair Segerblom's query about the number of different nationalities involved in the Latin Chamber, Mr. Valera said that close to half are from Latin American and Iberian countries of Hispanic relation. He noted that he could identify groups in those communities that would be prepared to get involved in the redistricting process. Mr. Valera further stated that the Latin Chamber will be working closely with the Urban Chamber of Commerce and the Asian Chamber of Commerce throughout the redistricting process to share ideas.

- Assemblywoman Smith requested that the groups speaking today inform the Committee about what they have done to educate their community about the redistricting process.
- Luis Valera replied that the Latin Chamber has taken advantage of its monthly breakfasts and luncheons and meetings of the board of directors to remind all the members how important reapportionment and redistricting are to the community. The Latin Chamber also has taken advantage of the opportunity to put news on its website and have included informative speakers at their luncheons. He noted that the Latin Chamber has further reached out to many business professionals who participated in the 2001 redistricting effort and has asked them to participate in the current process.
- Vida Lin, President, Asian Chamber of Commerce, noted that one of the challenges in the Asian community is the variety of different languages. She noted that the Asian Chamber would like to meet with its group to reach out to them and discuss how the community can be improved. Ms. Lin explained that the biggest problem this past year is the housing situation. She noted that working with the Latin and Urban Chambers has allowed the Asian Chamber to learn how to improve its process of reaching out to its own community.
- Chair Segerblom questioned where pockets of Asian groups reside and asked Ms. Lin to reach out to those areas and identify them for the redistricting process. Responding, Ms. Lin said the Asian Chamber will be sending people out to do a survey. She noted that Spring Mountain, Nevada, has a large Asian business community and the Chamber will be reaching out to those citizens to determine where they reside. Ms Lin further noted that there are approximately 22 different Asian groups.
- Eric James, Board Member, Urban Chamber of Commerce, indicated that the Urban Chamber's efforts are running in parallel with the other two Chambers by trying to get members more involved in the community's political aspects and redistricting through meetings, luncheons, and electronic mail. He noted that the communication between the three main chambers has been excellent over the past few years.
- Mr. Malkiewich, identified earlier, thanked the presenters and noted that he is compiling a database of contact information with electronic mail addresses and phone

numbers. He requested that the presenters today provide that information to him to be included in the database.

- Vice Chair Horsford thanked the representatives that spoke today and mentioned the importance of having a broad array of participation in the redistricting process. He asked the various speakers what method was being used to reach out in northern Nevada and rural Nevada where the communities may not be involved in specific organizations.

Responding to Vice Chair Horsford, Mr. Valera, identified earlier, said that the Latin Chamber has begun to reach out to the formal groups in the Reno-Sparks area and plans to begin dialogue with them regarding redistricting in the near future. He noted that given the history of reapportionment, the Latin Chamber understands that redrawing districts can have a direct impact on where the State is more heavily represented.

- Ms. Lin, identified earlier, noted that the Asian Chamber will be opening a Reno, Nevada, office in January 2011 and will be working closely with northern Nevada.
- Vice Chair Horsford asked if there was anything that the various Chambers would ask of the Committee as far as how to get communities to participate in the redistricting process.

Responding to Vice Chair Horsford, Mr. James asked if there was any material available to provide to the public to inform them of additional resources for people who may have access to a computer. Mr. James explained that, for member of the public, issues must be pursued personally in order to obtain information. Mr. James noted that the majority of the African-American population is located in southern Nevada.

- Mr. Valera noted that in the past, the Legislature reached out to a number of community groups and had meetings on the weekends. He suggested that some weekend meetings may increase participation.
- Ms Lynn added that it may be a good idea to meet with the various Chambers to discuss what can be done to reach out to the individual communities.
- Elwood L. Emm, Chairman, Yerington Paiute Tribe, and President of the Inter-Tribal Council of Nevada, Inc., shared information provided by the Inter-Tribal Council ([Exhibit D](#)), and noted that:

1. There are 27 recognized tribes in the State of Nevada; and
2. Information among the tribes is shared by the Inter-Tribal Council through meetings.

Mr. Emm noted that the Inter-Tribal Council would like to be involved as much as possible throughout the reapportionment and redistricting process. He said that most of the tribes provide information to their membership through regular newsletters.

- Sherry Rupert, Executive Director, State of Nevada Indian Commission, provided a summary of the Indian Commission and noted that:

1. The Commission was established in 1965;
2. Its mission is to ensure the well-being of American Indian and Alaska Native citizens statewide through development and enhancement of the relationship between the State of Nevada and the Indian tribes;
3. The Commission is the liaison to the Governor and to the 27 federally recognized tribes; and
4. According to the 2001 Census, there were over 40,000 American Indian and Alaska Natives residing in Nevada, with just under one-half residing in Clark County.

Ms. Rupert stated that the Nevada Indian Commission meets regularly and directly with Nevada's tribal leadership to share information. She noted that the Indian Commission has sent out information and will continue to do so throughout the redistricting process. Ms. Rupert concurred with Mr. Valera of the Latin Chamber that weekend meetings would increase participation, and she also suggested videoconferencing meetings to the rural communities.

- Lonnie Feemster, Nevada State Director, Reno-Sparks National Association for the Advancement of Colored People (NAACP), indicated he has served on the Minority Affairs Commission for the past two years. He noted that he has also served in three statewide election efforts as a Nevada State Director for the NAACP National Voter Fund. Mr. Feemster mentioned a website called redistrictinggame.org where areas can be redistricted by race or political party. He noted how complicated the redistricting process is for most people to understand and expressed the need for a comprehensive database that would provide information to all the groups that are trying to reach the same ethnic minority populations.
- Chair Segerblom said one of the goals of the Committee is to identify the minority communities so they are not split in the redistricting process. He asked if anyone in the audience had information relative to these communities to leave it with the committee secretary.
- Vice Chair Horsford said that many groups interested in reapportionment and redistricting are either nonprofit or community organizations and are membership driven, which would make it difficult for the Committee to obtain information.

Therefore, he recommended putting a link on the legislative website where citizens could add their contact information to receive information on the redistricting process.

- Mr. Malkiewich replied that it would not be difficult for the Legislature to add a link to its website since it already has similar links for the interim committees.
- Chair Segerblom added that the Legislature will have public terminals in both northern and southern Nevada for the redistricting process. He explained that with the technology available, when lines are drawn around an area, the percentage of different minorities in each community will be displayed for that district.
- Artie Blanco, Community Organizer, Las Vegas, Nevada, testified on the reapportionment and redistricting process. She thanked Assemblywoman Lucy Flores (D-Las Vegas) for inviting her to participate in today's meeting. Ms. Blanco said that for the past year she has worked as the State Director for the Hispanic Institute in Las Vegas and is presently working as the State Director for Mi Familia Vota, which is a similar organization. She indicated that the goal of her organization is to:
 1. Increase the political and civic engagement of Latinos as a community;
 2. Work closely with the community by helping residents to register to vote and to convey the importance of the census; and
 3. Educate the community through Microsoft PowerPoint presentations explaining the basics of the Legislative process and duties of the federal government, county tax assessors, and public administrators.

Ms. Blanco stressed the importance of keeping communities together during the redistricting process. She also suggested that simplifying materials are passed on to the community and additional public service announcements (PSAs) would be helpful in educating the community on redistricting. She asked if a Hispanic legislator would have a seat on the legislative committee hearing the redistricting issues.

Responding to Ms. Blanco, Vice Chair Horsford questioned whether her organization would be paying for PSAs or if she was asking if the Legislature had the resources to run these announcements.

- Chair Segerblom added that funding is limited, but maybe the press could reach out to the broadcasters and other groups to ensure that the redistricting meetings held in the rural communities are publicized.

Discussion ensued between Chair Segerblom, Vice Chair Horsford and Ms. Blanco regarding the best approach to take in reaching out to the public to inform them about the redistricting process. Ms. Blanco mentioned the possibility of donations.

- Chair Segerblom informed the Committee and the public that Assemblywoman Lucy Flores is the Vice Chair of the Assembly Committee on Legislative Operations and Elections, the Committee that will be working on redistricting.
- Assemblywoman Smith said that there are many new legislators within the two bodies who will require more education. She noted that a concerted effort will have to be made to convey the issues to all the legislators since many of them have not been through the redistricting process before.

SELECTION OF ELECTIONS FOR DATABASE

- Brian L. Davie, Legislative Services Officer, Administrative Division, LCB, referred to a memorandum addressed to the Chairman and Members of the Committee, which provides recommendations for the election information to be used in the redistricting process ([Exhibit E](#)). Mr. Davie explained that:
 1. This is the third cycle that an elections database will be used for the redistricting effort;
 2. The lowest level of accurate information from the Census Bureau will be at the block level; and
 3. When using elections and voter registration databases for redistricting, the most accurate information is at the precinct level, and when taken down lower to the block level, the information becomes less accurate and more of an estimate.

Mr. Davie noted that during the 1991 redistricting, only one race from each election was chosen to use, however, during the 2001 redistricting cycle the Committee elected to use two races from the 2000 Election as well as one race each from 1998 and 1996. He explained that the system being used could handle all the races recommended from the past three election cycles for the 2011 redistricting or the Committee can choose from other elections of its choice.

Responding to Chair Segerblom's query whether the Committee was limited in the number of elections to be used in the redistricting process, Mr. Davie said that the system should not be overloaded because the more elections that are used, the slower the software might operate. He noted that the staff did not use the 2004 Election since it only went back three election cycles to select the elections recommended to the Committee (please see [Exhibit E](#)); however, the 2004 Presidential race could be used if that is the Committee's desire.

- Kathy Steinle, GIS Specialist, Information Technology Services Unit, LCB, clarified that any or all of the information recommended by staff could be put into the database without having a significant reduction in performance. However, every time a boundary is moved the table has to be updated and the more information put into the

computer, the more heavily it will have to operate. Ms. Steinle noted that she did not think there would be a huge difference in choosing any one of the three elections cycles recommended.

Responding to Chair Segerblom, Kathy Steinle said that she did not see a problem if the 2004 Presidential race was chosen by the Committee other than it may be more difficult to collect the data. She indicated that she is working closely with the Office of the Secretary of State, and it started a new database in 2006. Ms. Steinle noted that each individual county would have to be contacted to obtain information from 2004.

Discussion ensued between Chair Segerblom, Assemblyman Goicoechea, Mr. Malkiewich, Mr. Davie, and Ms. Steinle regarding the breakdown of the system, how the districts are calculated, and the best races to be used. Mr. Malkiewich noted that if all three congressional district races from the last election were used, it would equal one statewide race.

Following discussion among the Committee, Chair Segerblom noted that the races recommended are the Governor from 2006, Presidential from 2008, the United States Senate from 2010, and either the State Treasurer or State Controller from 2010.

ASSEMBLYMAN GOICOECHEA MOVED TO USE THE FOLLOWING ELECTIONS FOR THE REDISTRICTING PROCESS: (1) 2006 GOVERNOR, (2) 2008 PRESIDENTIAL, (3) 2010 STATE SENATE, AND (4) THE 2010 STATE TREASURER. THE MOTIONED WAS SECONDED BY ASSEMBLYMAN OCEGUERA AND PASSED UNANIMOUSLY.

RECOMMENDATIONS FOR ADOPTION OF RULES FOR REDISTRICTING

- Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, provided a review of the possible rules for reapportionment and redistricting for use during the 2011 Legislative Session ([Exhibit F](#)). He noted that:
 1. The rules listed were adopted by the 2001 Legislature; and
 2. Rule No. 13 lists the committees that are designated as the redistricting committees. Mr. Stewart explained that Rule No. 13.6 allows for public participation and subsection 4 provides for holding at least one meeting in the rural areas and one in the southern portion of the State. He mentioned another option to subsection 4, utilizing the videoconferencing capabilities of the Legislature, which would reduce costs.

In reply to Chair Segerblom about videoconferencing to the rural areas, Assemblyman Goicoechea said he would like at least one personal visit to a rural area.

- Mr. Malkiewich, previously identified, noted that if these rules are adopted, it would not limit the videoconferencing or the number of rural meetings that are held.

Regarding Rule No. 13.1, subsection 2, Chair Segerblom queried if this means that a legislative district must be substantially equal and cannot go over 5 percent.

- Eileen O’Grady, Chief Deputy Legislative Counsel, Legal Division, LCB, responded that Rule No. 13.1, subsection 2, provides for the 10 percent rule, which meets the constitutional guidelines, and if a district population was over the 10 percent, it would almost certainly be challenged.
- Senator Woodhouse agreed that a combination of weekend meetings in southern Nevada and the use of videoconferencing meetings are an important consideration for the Committee when moving forward with the redistricting rules.
- Mr. Stewart clarified that having at least one rural meeting and utilizing videoconference capabilities could be put into the rules.

Responding to Chair Segerblom, Mr. Malkiewich indicated that having one hearing in southern Nevada and one in a rural community of Nevada would not be cost prohibitive. He noted that the concern would be if numerous rural meetings were necessary.

SENATOR WOODHOUSE MOVED TO ADOPT THE RECOMMENDATIONS INCLUDING THAT AT LEAST ONE HEARING BE HELD IN THE SOUTHERN PORTION OF THE STATE AND ONE HELD IN A RURAL PORTION OF THE STATE AND TO FULLY UTILIZE THE LEGISLATURE’S AVAILABLE VIDEOCONFERENCING CAPABILITIES. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED UNANIMOUSLY.

PUBLIC COMMENT

- Woody Stroupe, a private citizen, based his comments on the 2001 redistricting where the requirement in Rule No. 13.1.1 provided that the overall range of deviation should not be in excess of 10 percent or a relative deviation in excess of plus or minus 5 percent of the ideal population would not be allowed. Mr. Stroupe referred to a newspaper article that indicated that the largest assembly district was greater than the combined total of the eight smallest assembly districts, which did not comply with the requirement of Rule No. 13.1.1. Mr. Stroupe recommended including language in the new recommendation of Rule No. 13.1.2 stating “. . .state legislative districts must be substantially equal.” In Mr. Stroup’s opinion, as the Nevada Legislature moves forward in the redistricting process, it should be done in a manner to benefit the citizens and not the politicians.

- Chair Segerblom pointed out that Rule No. 13.1 applies to when the lines are created. The problem in Nevada where tremendous growth has occurred is that there is no way to predict the future population.
- Mr. Malkiewich explained that the wording of the rules may be confusing; however, it states that if the range is 10 percent or more, or if the difference from the ideal population is in excess of plus or minus 5 percent, it will not be considered. Mr. Malkiewich added that even getting close to the 10 percent could have legal issues.

Responding to Mr. Stroup, Mr. Malkiewich explained if the total population of the state is 2.8 million, then the statistical average or ideal population for a 42-member Assembly would be 66,666 people.

- Lonnie Feemster, NAACP, previously identified, commented that it is critical to get the public to participate in the redistricting process, which may help strengthen Nevada's communities.
- Subsequent to the meeting, Forrest Darby, a private citizen, sent via electronic mail a recommended proposal for the drawing of Congressional district boundaries to be used for the redistricting process, dated January 25, 2011, to Committee members and LCB staff ([Exhibit G](#)).

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:06 p.m.

Respectfully submitted,

Jeanne Peyton
Senior Research Secretary

Lorne J. Malkiewich
Director

APPROVED BY:

Assemblyman Tick Segerblom, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a presentation handout titled “Report on Progress of Committee’s Recommendations Concerning Acquisition of Hardware and Software for Redistricting and Hiring of Temporary Staff,” provided by Lorne J. Malkiewich, Director, LCB.

[Exhibit C](#) is a Microsoft PowerPoint presentation provided by Gerald L. O’Donnell, Census Bureau, United States Department of Commerce, titled “2010 Census Campaign in NEVADA: What’s Next?”

[Exhibit D](#) is an informational packet from the Inter-Tribal Council of Nevada, Inc., submitted by Elwood L. Emm, Chairman, Yerington Paiute Tribe, and President of the Inter-Tribal Council of Nevada, Inc.

[Exhibit E](#) is memorandum addressed to the chair and members of the Legislative Commission’s Committee to Study Requirements for Reapportionment and Redistricting, titled “Elections Database for 2011 Redistricting,” dated December 6, 2010, from Brian Davie, Legislative Services Officer, Administrative Division, LCB.

[Exhibit F](#) is memorandum addressed to Chair Segerblom and members of the Legislative Commission’s Committee to Study Requirements for Reapportionment and Redistricting, titled “Work Session Recommendation—Legislative Rules for Reapportionment and Redistricting for Use During the 2011 Legislative Session,” dated December 6, 2010, from Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit G](#) is an electronic mail addressed to Assemblyman Tick Segerblom and Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, from Forrest Darby, a private citizen, dated January 25, 2011, addressing a recommended proposal to be used for the redistricting process.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.