

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session
April 14, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:15 p.m., on Thursday, April 14, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mrs. Ellen Koivisto, Co-Chairwoman
Mr. Harry Mortenson, Co-Chairman
Mr. Marcus Conklin, Co-Vice Chairman
Mr. Bob McCleary, Co-Vice Chairman
Mrs. Sharron Angle
Mr. Mo Denis
Mrs. Heidi S. Gansert
Ms. Chris Giunchigliani
Mr. Brooks Holcomb
Ms. Kathy McClain
Mr. Harvey J. Munford
Mr. Bob Seale
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Brenda Erdoes, Legislative Counsel
Kim Guinasso, Committee Counsel

Michelle Van Geel, Committee Policy Analyst
Celeste Gunther, Committee Attaché

OTHERS PRESENT:

David Fraser, Executive Director, Nevada League of Cities and Municipalities

Lori Lynch, City Clerk, City of Elko, Nevada

Larry Lomax, Registrar of Voters, Election Department, Clark County, Nevada

Dan Musgrove, Director of Intergovernmental Relations, Office of the County Manager, Clark County, Nevada

Stacy Jennings, Executive Director, Nevada Commission on Ethics

Richard Siegel, President, American Civil Liberties Union of Nevada

Alan Glover, City Clerk-Recorder, City of Carson City, Nevada

Cathy Bradford, Member, Washoe County Election Reform Working Group, Washoe County, Nevada

Co-Chairwoman Koivisto:

[Meeting called to order and roll called.]

**Assembly Bill 185: Revises provisions governing petitions for initiative.
(BDR 24-711)**

Michelle Van Geel, Committee Policy Analyst:

All of you should have in front of you the Work Session Document ([Exhibit B](#)). The front page is a table of contents with all the bills we are going to work session today.

The first bill we are going to consider is A.B. 185. It was presented to the Committee by Assemblywoman Gansert on March 29. The bill limits an initiative petition to a single subject and requires a petition to include a brief description of the effect of the initiative. The measure would require the Secretary of State to approve the description, and it would require voters to acknowledge they were provided with the brief description.

Under Tab A ([Exhibit B](#)) is a proposed amendment from Mrs. Gansert. There was also additional discussion during the Committee meeting to require the explanation of the initiative petition to be at the top of each page for the voters

to sign. The amendment would remove the requirement in Mrs. Gansert's provisions to require a box for the voters to initial, indicating they had received the explanation of the petition.

[Michelle Van Geel, continued.] The Committee also discussed defining "single subject"; however, to my knowledge, no one offered a specific definition. That is open for the Committee's discussion.

Co-Chairwoman Koivisto:

I think Mrs. Gansert and Ms. Giunchigliani worked together, because Ms. Giunchigliani also has a bill on initiatives to clean up the areas where they overlapped. Is that correct?

Assemblywoman Gansert:

Yes, we talked about it in the Committee. Ms. Giunchigliani's bill is A.B. 497.

May I suggest we hold on to this bill and wait for Ms. Giunchigliani's bill, and work those two bills together, since they have similar ideas? Concerning the single subject, the problem was that it has to be changed by constitutional amendment in order to go further than the language I have. Ms. Giunchigliani's bill had more to do with the title matching the information in the initiative.

Assembly Bill 443: Amends certain city charters to revise timing of municipal elections. (BDR S-512)

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 443 was heard by the Committee on April 5. David Fraser, Executive Director of the Nevada League of Cities and Municipalities, presented the bill to the Committee. The measure amends the city charters of Carlin, Elko, and Wells to revise the timing of municipal elections.

Mr. Fraser has proposed an amendment, located under Tab B (Exhibit B). As the Committee will remember, there was discussion concerning doing the city of Elko differently than the other two cities. This was based on the timing of some elections and not needing to hold elections in Carlin and Wells right now, for lack of people filing for office.

David Fraser, Executive Director, Nevada League of Cities and Municipalities:

The purpose of the bill is to get all three cities—Elko, Wells, and Carlin—to have their election dates coincide with the county election dates. Because of

circumstances, we are actually taking two methods to get there. You will recall that the reason for the two methods was that Elko had more candidates than seats available, whereas Wells and Carlin at that time had no candidates. Because of that, we thought we would be able to get Wells and Carlin to the county election cycle quicker than we could Elko. We wanted to respect those candidates who had already filed. We were using those two methods already discussed in the prior hearing.

[David Fraser, continued.] There is one additional change that we would like to request today. Under Tab B ([Exhibit B](#)) is the amendment we presented last time, and if you will turn to page 5, Section 12, subsection 2, where it now reads, "On the Tuesday after the first Monday in November, 2006," we would like to propose that the date be changed to November, 2010. As you recall, when the Committee heard this bill there was a desire to wait until after their filing period closed, to see what happened to those other two communities. What happened in Carlin's case was that they did not have anyone file, so that became an issue. The method we spoke about before would work. In Wells, they had three candidates for three seats, but the wrinkle is that two of those candidates were incumbents and one was a challenger. In other words, one incumbent did not file, one new person applied, and two of the incumbents filed, so there are still three candidates for three seats. Under current election law, those three would—in the absence of any legislation—be determined the winners and awarded the seats.

We wanted to change those cities to the new election cycle as soon as possible. So, we propose to leave the Carlin language, as presented the last time, and to make this single change in date under the Wells language. We will allow these three who have filed to take their seats and then fall into the process as we outlined before, but delayed by two years. This group would come in and serve until 2008, and then the next group would serve until the year 2010. That would mean Carlin would reach their first county cycle in 2006, Wells would reach their first county cycle in 2008, and Elko would reach their first county cycle in the year 2010. That gets them there at different times but, in my estimation, gets each of the three communities to that cycle as quickly as possible without disenfranchising any candidates.

Assemblyman Conklin:

My concern is that voters elect people for a certain period of time and want them to remain elected for that period of time, but not necessarily give them a longer time. I am trying to understand the change from 2006 to 2010. Are the people who are being elected for this term to be elected in the fall of this year?

David Fraser:

They would be declared the winners between now and June, and they would take office in July. The cycle is now in June, but we are trying to move to November.

Assemblyman Conklin:

For those that take office in July, when is their term up?

David Fraser:

Their term would be up in 2010.

Assemblyman Conklin:

So that is a 5-year term for these people. Is that correct?

David Fraser:

Yes, that is correct.

Assemblyman Conklin:

In the 2008 election, is that a normal 4-year term for the people who are currently sitting in office, or has their term just been extended?

Lori Lynch, City Clerk, City of Elko, Nevada:

It takes those terms that were elected in 2003 in Wells and extends those terms for 18 months. The Carlin election in 2003 would go out to 2008.

Co-Chairwoman Koivisto:

So, this is changing Wells to the same as what you are doing in Carlin?

David Fraser:

It would be the same process, only delayed by two years. To respond to Mr. Conklin's concern, in order to move to the November cycle, it is necessary by definition to either shorten or lengthen a term. Mathematically, there is no way around that time. Again, Wells and Carlin would be getting there by the same method, but Wells would be delayed until the 2008 cycle rather than the 2006 cycle.

Assemblyman Conklin:

Assembly Bill 443 is basically changing the charters for these three cities. The purpose was to help in the cost of the election. Right now, these cities are having some elections that have relatively few people, but yet you are paying the cost for a full election. It would be easier and cheaper in these rural towns

to have them coincide with the traditional elections, presidential and legislative. Is that correct?

David Fraser:

That is correct.

Assemblywoman McClain:

There was one other thing we talked about in the Committee. In Section 4, page 3, line 29, where "shall" was removed and "may" was put in, I do not believe that was the intent. You are talking about people being able to handle, inspect, or interfere with the election returns before they are canvassed.

Kim Guinasso, Committee Counsel:

That was a change, and it is still a requirement. "No person may" is actually correct, rather than "no person shall." So it is either "a person shall not," or "no person may." That is just an LCB [Legislative Counsel Bureau] change.

In this case, the "shall" that is being changed to "must" in line 27 is because it is an election return, and "shall" indicates a legal duty, so it is not proper language. In the second section, "no person may" could also be "and a person shall not." Those terms are equal.

Assemblyman McCleary:

Ms. Lynch, were any of your incumbents elected before or during the 1996 elections?

Lori Lynch:

I can only speak for Elko, and yes, some were. I am not sure about Carlin or Wells.

Assemblyman McCleary:

If we extended this term, they would be in violation of term limits.

Lori Lynch:

The city councils are under term limits. After talking to LCB, I understand it does not affect term limits, because you are not creating a new seat.

Assemblyman McCleary:

I understood you can only serve 12 years in any one office consecutively. This is going to automatically extend some of your people by 18 months. Technically, and we could ask Legal, it is in violation of the *Nevada Constitution*.

Kim Guinasso:

Your question concerns the length of the term being in violation of term limits?

Assemblyman McCleary:

My understanding of the law is you can only serve 12 consecutive years. Term limits were passed by the people, but they did not take effect until 1996. So if you were already in office, you were grandfathered before that time. Anyone elected from 1996 on would be under the 12-consecutive-year term limits.

This is going to go to 2010. Anyone that held office before or during 1996 would have served longer than 12 years and would be in violation of the *Nevada Constitution*. I am not saying I am a lawyer, but it seems like too long.

Kim Guinasso:

I believe that these terms will have some extended by 18 months, but there is still not a single term that would be continued longer than 12 years. It will depend on the individual holding the office and if that individual has held the office for longer than is allowed by the *Constitution*. All we are doing is extending a single term. The single term is not going beyond the 12 years. It will depend on whether the candidate is eligible for the office pursuant to term limits.

Assemblyman McCleary:

Suppose there has been an incumbent who is up this time for reelection and he has served ten years, and now he will get another five-year term. I thought there might be a problem in that situation.

Assemblywoman Giunchigliani:

I know some of the city charters have asked in the past to start paralleling in the election law. If we are going to do it, then maybe we should be looking at all cities across the state. We should have all of the cities on the same side as far as election dates. It will save everyone money—counties, cities, Las Vegas—and I guess they are holding elections now.

Sometimes, I thought you did the reverse. The term ends and you run for the one year. At least the voters are properly involved in what they are seeking rather than us statutorily extending. Is that a possibility to look at, language-wise, here? Maybe instead of extension, we should make it a shorter term. I do not know why we do not do this in all the city charters.

Assemblyman Conklin:

Since the constitutional amendment passed in 1996, the first election was in 1998. If you had a two-term incumbent running this time, their term would constitutionally be up in 2011. Technically, they should not be running this time due to term limits.

David Fraser:

While I appreciate the mental exercise, I just received information that of the two incumbents in question, the more experienced of the two was elected in 1999. I think in this case, it is a non-issue.

I would like to respond to Ms. Giunchigliani. Maybe this is a good point to apologize to the Committee. We thought bringing these three together in one bill would make it much simpler and would take up less of your time. We have been able to, with the amendments we are suggesting, work it out in this bill so all three cities can get there and can do so as quickly as possible. In doing so, we have had to get there in three different ways. In terms of the statewide suggestion, this may be evidence of why it ought to be taken on a case-by-case basis instead of statewide.

Assemblyman McCleary:

Let us say the person was elected in 1999. Would that disqualify them from running again, even though they have not served 12 years? If they get reelected this time and then come back 4 years later and run, even though they haven't served 12 years, they would exceed the term limit. Am I right? They would not be eligible to run again. Are they aware of what you are doing?

David Fraser:

We are actually communicating with them right now, and they are on the Intranet.

Assemblyman Mortenson:

Maybe they could serve two years.

David Fraser:

I think the simple answer to the question would be if they were termed-out midterm and then legally resigned. Then an appointment would be made for the rest of the term. I will defer to Legal.

Co-Chairwoman Koivisto:

We have someone who is looking that up and will let us know.

Assemblywoman Gansert:

It seems like your options are a three-and-a-half-year or a five-year term. If you go with the three-and-a-half-year term and you do not have a problem with term limits, then you do not have a problem with someone having to quit in the middle of a term. In my opinion, that may be an alternative that would work for everyone. They would also know in advance that there would be the shorter term when they file for candidacy.

Lori Lynch:

Elko has that in their proposal. The next two terms are for three-and-a-half years.

Co-Chairwoman Koivisto:

If we followed Mrs. Gansert's suggestion, how would the three-and-a-half-year term work in this situation?

Kim Guinasso:

The issue with term limits only applies at the time you are filing for office. Again, if you are going to be reaching your 12 years in the middle of your four-year term and then will have served a total of 14 years by the end of your term, it is permissible. As long as you have not served the total of the 12 years when you file for the office, there is no problem with your qualifications as a candidate.

Co-Chairwoman Koivisto:

Mr. Fraser, let us go back to Section 12. Would you tell us what it is you want to do for Wells?

David Fraser:

The change would be in Section 12, subsection 2, where it says November of 2006. We would change the date to November, 2010. That is the only change other than what was in the previous amendment.

Co-Chairwoman Koivisto:

How long will that make the terms?

David Fraser:

That would make the aforementioned five-and-a-half-year term to those individuals.

Co-Chairwoman Koivisto:

Does everyone understand, and are there any other questions?

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS ASSEMBLY BILL 443, WITH THE FOLLOWING AMENDMENTS:

- ALLOWING FOR A THREE-AND-A-HALF-YEAR TERM CONCEPT IN THE CITY OF ELKO
- ALLOWING FOR A FIVE-AND-A-HALF-YEAR TERM CONCEPT FOR THE CITY OF WELLS ELECTION IN THE YEAR 2010

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Co-Chairwoman Koivisto:

Let us go back to A.B. 185.

**Assembly Bill 185: Revises provisions governing petitions for initiative.
(BDR 24-711)**

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 185 was Mrs. Gansert's bill concerning initiative petitions. Her amendment proposal is under Tab A (Exhibit B). I received an email communication from Ms. Giunchigliani. She suggested that the single-subject matter be taken care of in this bill. She will leave the issue of the title for the initiative petitions and address those in A.B. 497. If the Committee is comfortable with the single-subject language proposed by Mrs. Gansert, then that is what is out there for the Committee.

Assemblywoman Gansert:

I am fine with that, and I am also fine with the amendment that was proposed. We would put the summary at the top of the initiative petition page and eliminate having to check the box in order to acknowledge the petition was explained to them.

Assemblywoman Angle:

I just need to understand how this is going to read. I am looking at these recommended amendments. In Section 3, the amendment is completely going

away. There is not going to be any initialing, and there is only going to be the explanation at the top.

Co-Chairwoman Koivisto:

That is correct.

Assemblywoman Angle:

Does Section 2 also go away?

Co-Chairwoman Koivisto:

Yes, subsection 2 of Section 3. Subsection 1 also.

Assemblywoman Gansert:

We add the language in that the 200-word summary will appear at the top of the signature pages.

Co-Chairwoman Koivisto:

Correct.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 185.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

**Assembly Bill 497: Revises provisions relating to initiatives and referendums.
(BDR 24-442)**

Michele Van Geel, Committee Policy Analyst:

Since we are on the topic of initiative petitions, we will do A.B. 497 next. It is located on page 4 of your Work Session Document ([Exhibit B](#)). The bill was presented to the Committee by Assemblywoman Giunchigliani on April 12. It makes numerous changes to initiatives and referendums. Under Tab D ([Exhibit B](#)) is Ms. Giunchigliani's proposed amendment in the form of a bill mockup. Also, Alan Glover, the Carson City Clerk, had proposed an additional amendment that is on the yellow sheet of paper behind Tab D.

Assemblywoman Giunchigliani:

I went ahead and changed the time from two days to three days and excluded weekends and holidays. That way they have the time to turn the registration forms in once they sign. In addition, each petition subject must be clearly delineated within the title. It removes all of the other verbiage that was there. The same is repeated again in Section 4. In Section 5, the procedure for the receipt of the petition is laid out. Also, if someone who is the sponsor does not agree with the title that was approved, they can refer it to the Attorney General's Office for a decision. After that, it would go to court with an expedited hearing if nothing were resolved. I undeleted the brackets.

Just go back to the original statute, which says that a copy of the petition or referendum must be posted in the Secretary of State's Office. The rest of it was current. The primary election was eliminated, making the petitions go to the general election for a vote. In Section 4(b), Mr. Lomax suggested go from 1 day to 145 days in item (b) in both places for the county. The city would have 150 days. We backed up everything to give them a little more flex time on the days. Page 4 is just transitory language.

On page 5, I went back to undeleting all of the brackets where the 40,000 population and the 10,000 population were impacted. Page 7 is transitory language regarding the 3-day court expedited hearing, if one needs to take place. Page 9 parallels cities with the county language. I did the same thing again on page 10 and changed it from 130 days to 145 days before the election. I just went back and restored everything to current language for the smaller local governments.

I have no objection with Mr. Glover's amendment. I forgot to put that in the mockup.

Assemblywoman Gansert:

In Section 4 on page 2, where there are some bracket marks, is that entire paragraph in the bill, and is that to remain whole at the top of the page?

Assemblywoman Giunchigliani:

No. It would read, "Each petition for referendum must be clearly indicated in the title," and then everything else was gone. Just strike "embrace but one subject" and anything that dealt with that on the second line, up to the word "must" on line 3. So, it would read, "Each petition for referendum must be clearly indicated in the title." Then you would delete, "In all cases where the subject of the measure is not so expressed, the measure shall be void." That all goes away in both places, because that is in Section 3 and Section 4.

Assemblywoman Gansert:

When I talked with the Secretary of State and the Attorney General's Office, they both had me use the word "accurately."

Assemblywoman Giunchigliani:

Okay, that is fine with me. We will use "accurately" instead of "clearly."

Assemblywoman Angle:

Are we taking out the language that says "must embrace but one subject"?

Co-Chairwoman Koivisto:

Yes, because that is in Mrs. Gansert's bill.

Assemblywoman Angle:

I have some real difficulty with "embrace but one subject," because I do not know what "one subject" means. We use that same terminology here in the Legislature. Do we ever get that clearly defined anyplace?

Assemblywoman Giunchigliani:

I took that out of my bill. I felt it was more appropriate for Mrs. Gansert's bill to let her do the subject and the initiative petition signatures. I just divided mine up to deal with the title, the elimination of the primary elections, and then paralleling that throughout the cities and the counties. I do not deal with subject in this piece. We should still come back to deal with the issue of single subject.

We can do an amend and do pass on these and still bring them back. That gives us an extra week and a half to add further amendments or cleanup language. You can add them on the Floor or in Committee, whichever you need. You might want to read the California language.

Michelle Van Geel:

This was some research from the National Conference of State Legislatures (NCSL). This was a proposed amendment in the State of California to their *Constitution*, but it has not yet been enacted. [Read from the NCSL document.]

All of the measure's provisions must be both functionally related and reasonably germane to each other. The Attorney General may not prepare a title and summary for any measure not meeting these requirements but shall permit a proponent to submit separate initiatives for each subject. The determination as to whether the "single subject" rule has been complied with shall be subject to expedited independent judicial review.

[Michelle Van Geel, continued.] It looks like part of their language is whether it is functionally related and reasonably germane.

Assemblywoman Gansert:

In my discussion with Legal, it sounded like it had to be a constitutional amendment. As far as California goes, that is what that is. I am wondering if the intent can be clarified through the Legislative Counsel Digest portion of the bill, if we cannot change it right now, given that it is a constitutional amendment.

Kim Guinasso, Committee Counsel:

I do not believe this bill could have a Digest added. What might be more helpful would be a Legislative Declaration, in which the Committee's intent would be indicated in terms of the subject of the petition and the subject matter. Are we going to put that back into A.B. 497?

Assemblywoman Giunchigliani:

To clarify, that would go in A.B. 185, and that one does have a Digest. You could properly insert the intent into A.B. 185 as to what "single subject" might be.

Kim Guinasso:

I am not sure that intent is something that is appropriate to be placed in the Digest. A Legislative Declaration might go toward that, and I would like to check in terms of the constitutional necessity in this particular section, with respect to the petitions for initiative.

Co-Chairwoman Koivisto:

Let us close the hearing on A.B. 497 until we get further information and go to A.B. 500.

**Assembly Bill 500: Makes various changes relating to public officers.
(BDR 24-127)**

Michelle Van Geel, Committee Policy Analyst:

The next bill we are going to take up is A.B. 500, which is located on page 6 of your Work Session Document ([Exhibit B](#)).

Assembly Bill 500 was presented to the Committee on April 12 by Assemblywoman Giunchigliani. The bill makes various changes to public

officers, including requiring a committee to select polling places for early voting. It also requires the Secretary of State and county and city clerks to maintain certain information on their websites. It also revises provisions relating to voting rights of a person convicted of a felony. In addition, it revises provisions relating to the filing of campaign finance reports. Lastly, it revises the number of requests for bill drafts made by newly elected legislators.

[Michelle Van Geel, continued.] Again, there is a proposed bill mockup from Assemblywoman Giunchigliani located behind Tab F of your Work Session Document ([Exhibit B](#)).

Assemblywoman Giunchigliani:

After the hearing, I tried to take into consideration some of the discussion from the clerks. In talking with some of our leadership and others, I felt it was still important to leave the language to create the committee. The committee would be for the purpose of assisting with the selection of early voting sites, so that they could ensure polling places are distributed equitably and are accessible. They would also ensure equitable hours and availability of days. That is located on page 2(b). I think I left it broad enough that they could work with Larry Lomax, Dan Burk, and the groups. At least the committee would have some advisement as to where the locations, hours, and times of those polling places would be.

I changed the Secretary of State's website to show "... which may include the voter's rights," and I took out the ballots, as well as the compilation of reports. They already put the reports on their website, and my intent was not to have to have them compile them. I left the abstract of votes and reports on campaign finances—but again, not the compilation—and then a site that becomes user-friendly for search ability. I changed the same thing for the county clerk as I did for the Secretary of State's Office, as far as what would be published on the site. I included the locations of polling places, if that was feasible. I know they also print those in the newspaper. I thought that way, if they had web access, they could add that to it if they could. I forgot to delete the compilation report at lines 21 and 22 on page 3.

If I may ask Larry Lomax from Clark County, do you also publish the campaign reports, or is that entirely done through the Secretary of State?

Larry Lomax, Registrar of Voters, Election Department, Clark County, Nevada:
We do.

Assemblywoman Giunchigliani:

Continuing on, page 4 and 5 is just the transitory language. Page 6 is the next place where there was a change. I took Larry's advice and added a sentence that the voter card distributed by the election department does not count as a form of identification.

On page 7, I tried to narrow this language to say, "Notwithstanding that a political party may not nominate a candidate for a nonpartisan office." They would indicate this in local races only, so only in counties with populations of 400,000 could they indicate on a nonpartisan race what party they were.

On page 9, I took that language out, because I really did not know what it did, and I did not ask for it. I think Larry made it clear that he does not sell sites and he was sensitive to people that wanted to donate, because it put him in an awkward position. I think they can handle that internally. In Section 2, which now has a new subsection 3, I tried to parallel what I did in that front section, and I will have to hear from the clerks on whether that will work correctly.

On Section 19, the only thing I did not have a chance to do was verify the NRS [*Nevada Revised Statutes*] that referenced the stalking laws, which allowed an individual to have their personal information made confidential. On page 13, Section 19, I think it is more appropriate to insert "in response to an inquiry received by a clerk pursuant to NRS ..." and it should go in number 1. I wanted it to say in response to an inquiry received by the county clerk pursuant to the NRS that deals with the stalking. The rest stays as it is, and the deletion is in that section. It makes it clear that it is a public record.

Page 14 is just transitory language that picks up for the cities what it did in the counties. All the changes that I suggested in the front would be applied. I did not have enough time to make all of the deletions and changes in the cities, but the intent is that all of that language would be the same as the language in the first set I went through. This has to do with all city clerks.

The next major changes are on page 21. After discussion from the Committee at the hearing, local government candidates would have a campaign, time to raise money, and would also cease raising funds so they are not taking campaign contributions throughout their career. I am not tied to this, and I picked six months prior to the election. I removed the filing portion and then ended with the 45-day cutoff after the election to retire their debt. I went to 45 days because some people argued about commission and city council races raising a lot more money. If they do have to retire a campaign debt, it gave them a little bit more time. I struck some of the other language because it did

not flow correctly. In Section 34, we kept the same contribution threshold of \$100. That is current law, and they are already subject to that threshold. I am assuming Legal put that in the bill because we are telling local government candidates that they have a time period to comply with campaign contribution filings. It just parallels what we do, and that was the intent. The same law would apply for PACs [political action committees], which is already in statute. The same language would be picked up throughout the bill.

[Assemblywoman Giunchigliani, continued.] On page 28, Section 45, I am changing the definition to read, "... means an officer of a governing body of any county, school district, political subdivision, public corporation, public-private corporation or other state or local entity." This excludes public-private foundations where a chief administrator exists. Those are the main changes there, and it lays out when they file and how they file.

The key piece that is different than what we do, because we only meet every two years, is that local government officials might change their jobs within their time period. If this happens after they have done their financial disclosure, you want to know their income stream, so they would then do an amended financial disclosure within 30 days. That should be a reasonable amount of time to be notified they have made a change.

Co-Chairwoman Koivisto:

Did you pick up the part about the part-time people that work for the polls? There was concern about the language in Section 47.

Assemblywoman Giunchigliani:

I took out the compensation, the \$6,000 thresholds, to mirror A.B. 64. If you look at Section 47, I took out the term "chief administrator" as defined in Section 45. They are entitled to receive annual compensation of \$6,000, and that is what we took out in A.B. 64. I do not think I captured them again. Maybe upon reprint we can check that part to make sure.

Assemblywoman McClain:

Did the original bill have the additional BDRs for newly elected legislative people?

Assemblywoman Giunchigliani:

Assemblywoman Buckley and I tried to restrict how many bill drafts people were allowed to present. Assemblymen always get 10 and Senators had always received 20. We divided it, so bill drafting staff would receive five in this period and five after the election, and it was staggered. Unintentionally, that only let

first-time legislators have five bill drafts. Their constituents are entitled to the same access. You do not have to use all ten bill drafts, but this puts you back on that same threshold. We may want to give everyone just ten and then they can have ten for the next part of their term. To have 20 does skew it. We inadvertently put our new freshman legislators at a disadvantage to bring forth additional legislation.

Assemblyman Conklin:

Legislators will get five before the next election, but they may lose their election and not be able to serve the term to support those. Did you give any thought to legislators that do not finish their term losing those five and replacing those with five bill drafts of the newly elected? They were elected on a platform, and they should have the right to put all their bill drafts in and have an opportunity to pursue them legislatively in the term which they are elected.

Assemblywoman Giunchigliani:

Interesting viewpoint; however, you are elected for a term and you are still a legislator until November of the election. Therefore, they have every right to put in their first five even if they do not seek reelection or were not reelected. We get twelve because you get two more when session begins, and the new legislators only have seven. I think Ms. McClain is correct in that the Senate receives 20 BDRs, but not just because of a four-year term. Their districts are also double the size. That was the logic at that time.

Assemblyman Conklin:

Right now, all legislators get the exact same amount. Everyone gets to turn in five after they are elected. Then they get two during the opening two weeks of the session, and then every legislator gets five more. It really depends on where you count the year to begin with as to whether they get them or not.

Assemblyman Giunchigliani:

It has never been a year. It is a legislative session.

Assemblyman Conklin:

Precisely, so we get elected in November and that is when it starts. You get five bill drafts, and then you get two more.

Assemblywoman Giunchigliani:

No, it is not when the year starts. The year starts in September for bill draft purposes, so you lock out anyone who did not become reelected.

Assemblyman Conklin:

Right. It starts in September, but the deadline is in late November. You get that because you have been elected and it is in September. If you are elected in November, you get five.

Assemblywoman Giunchigliani:

We were trying to give Drafting time to stagger bill draft requests, but in doing that, we inadvertently said, "Too bad. You are a freshman who was just elected," because you get locked out of the first five bill drafts. Truthfully, they are discriminated against. They get seven and we get twelve, but we are both elected for the same term of office.

Assemblyman Mortenson:

I agree that if you are elected in November you have five, and then you get two more during the session, and you get five afterwards. You are dividing the year in one place and I am dividing it somewhere else. In effect, you get twelve bill drafts each time you are elected. If you lose an election, those five can still go to any legislator to process in the following session. So in a way, I do not see the unfairness of the way the situation works now.

Assemblyman McCleary:

There are two parts of this bill that I have a lot of problems with. The first one is the polling place committee. Larry Lomax does a great job of running a nonpartisan election. I think our elections are great, and I do not see anything broken. I do not understand why we are bringing partisan people into a Committee to bicker over locations of polling places.

The other thing I cannot support is turning our municipal elections into partisan races. I do not see the benefit in that. I listened to the debate, and the only thing I heard in the debate was that "we want it." I never heard why it is good public policy or what good it is going to do. It will just continue the political bickering, and I cannot support those two items.

There are a lot of things I like about the bill, but I cannot support those two items.

Assemblyman Conklin:

On page 7, Section 7, subsection 2, you talk about the political party. I assume you would envision this not to be a primary by party, but just rather a notation. It is still an open primary, so anyone can win.

Assemblywoman Giunchigliani:

The language came back broader than what I wanted. I was really trying to accommodate some individuals that testified before the Committee and tried to find a resolution.

Assemblyman Sibley:

I had a concern with the campaign contributions. I believe the Speaker has a bill in the Committee on Government Affairs that talked about elected officials taking contributions. It was using 30 days before filing your declaration of candidacy and 30 days after receiving your certificate of election. I do not know whether they would contradict.

Assemblywoman Giunchigliani:

I spoke with Speaker Perkins, and he said the language in the bill came back incorrectly, as it did in mine. We wanted more time on the front end and less on the other end. They were planning on changing it.

Co-Chairwoman Koivisto:

On page 9, when you are talking about the times and places for early voting, what about the malls, since much of our early voting takes place in the malls? This precludes that, because they do not open until 10 a.m.

Assemblywoman Giunchigliani:

I did not make any changes in the times. I thought that was current language. I think Drafting was picking up polling places rather than the term "permanent." It says 10:00 a.m. on page 10, and any Saturday that falls within the early voting period would have their hours between 10:00 a.m. and 6:00 p.m.

I have no problem changing the makeup of the committee. There was a belief that we needed to make sure that accessibility and equitability for access in various parts of town were there. I do not care if you have a committee of X, so at least there is some public participation. They had committees in the past, and I know Larry has groups and organizations that give him recommendations. In North Las Vegas, there were temporary polling areas for maybe one or two days. At the Galleria Mall or out in Henderson or Spring Valley, the polls were open the whole two weeks. Mr. Lomax is justified in saying that they did not have a lot of people who voted, but you will never find out how to drive that number up if you do not have some longer duration to make sure.

In your own district, Mr. McCleary, the early voting sites were not all open the same amount of time. That is all I was trying to do with this part. If we can take care of it some other way, I think the issue is more strongly served. If you look

at the language on page 2, subsection 6, "the polling places for early voting by personal appearance must be distributed throughout the county to ensure that each registered voter has equitable access to a polling place," and they "assure equitable hours and availability of days." We could keep Sections 6 and 7 and eliminate a special committee, as long as he still has open access. We could go in and argue we need longer time at this or that place. Mr. Lomax pointed out that we lost Von's across from the Nucleus Plaza, but maybe that is a place where we could put up a trailer and leave it there for a while. We should then have people in the community push to make sure the people actually use it, so the numbers are there to justify the time periods.

Co-Chairwoman Koivisto:

Mr. McCleary, I was wondering if you have a better idea.

Assemblyman McCleary:

I do not have a better idea. I think Larry has done a great job now. I also think he does take input from the public. In primaries, the same people vote every time. I understand you are trying to get more people to vote, but we are trying so hard to get these folks involved in the vote, and they are still not voting. I think we should continue to do what we can. I do not think tying Larry's hands and then bringing partisans in to bicker about where they can get the better turnout for this or that party is going to help. I think it is going in the wrong direction.

Assemblywoman Giunchigliani:

I do not care if it is partisan, but I think Sections 6 and 7 are very important to make sure the message is clear. Mr. Munford, Mr. Denis, and you can argue whether or not you felt minorities had access, but I remember the discussions and the complaints that were brought forth.

Assemblyman Denis:

I think we had more people vote in my district this time than we have ever had. I think it was a good start. As people get used to the fact, you had to really look hard to see where you could go to vote. When I went and voted at one of the early voting sites, the line was in a grocery store, and it weaved through the entire store. If we had more sites available, the public might not have had to wait for two hours to vote. I think we are making progress, at least in my district, and more people are voting than ever before.

Assemblyman Munford:

I think the same thing happened in my district. The early voting site was Doolittle Recreation Center, and the turnout was pretty good. We had two days

to vote. I do not know if we needed three or four days, but for those two days it was well served and was a centrally appropriate location.

Assemblywoman Giunchigliani:

I will try one more time, and I will suggest we delete subsections 2 through 5 of Section 3. The meat is in Sections 6 and 7, as far as the disbursement, and it gives Larry some guidance. Then Section 8 probably would not be needed, but I do think they should be public as far as how they make their decision.

Mr. Lomax, does the county commissioner approve the sites?

Larry Lomax:

We offer to brief every county commissioner on the sites. We show them that, by number of voters and days in a district, everyone is served equally. Remember, some commission districts have as few as 40,000, and other commission districts have over 120,000. The bottom line is that they are all briefed.

Assemblywoman Giunchigliani:

Does the public get notified or agendized?

Larry Lomax:

No. Briefing a commissioner would be different than briefing the advisory committees. We tried to be as inclusive in that regard as we could. We tried to invite everyone we could think of inviting.

I do have one comment I need to emphasize. If you eliminate temporary sites, that would be 55 of the 63 sites we used. The way we are able to serve the community is with eight teams, which we can support by moving them around the communities two or three days at a time.

Assemblywoman Giunchigliani:

I was not trying to eliminate temporary sites.

Larry Lomax:

You deleted them on the last page of your bill.

Assemblywoman Giunchigliani:

I did not delete them. When this bill was drafted, the temporary sites were deleted.

Larry Lomax:

I ask you to amend this portion of the bill, because otherwise, we would have to have 63 independent teams. Plus, grocery stores will not let us in for two weeks straight.

Assemblywoman Giunchigliani:

They may not, Larry, but that is not part of the discussion at this point.

Let me make it clear that "temporary" and "permanent" were drafting language, because I did not ask anything about that part. I do think the final determination should not just be a briefing with the county commission behind closed doors. Just make it public, and then we are fine with it.

Co-Chairwoman Koivisto:

Does that clear up your concerns, Mr. McCleary?

Assemblyman McCleary:

I think it does. Instead of the language of telling when to do it or where to do it, we could tell them that the proposal for the plan has to be submitted to a board in a public, agendaized meeting. Is that acceptable?

Assemblywoman Giunchigliani:

I think by deleting the committees and deleting Section 8, all Sections 6 and 7 say is, by regulation, the clerk establishes how he or she will select sites. They should assure that the sites are equitably distributed. Then, also add the language you just suggested about publicly agendaizing.

Assemblyman McCleary:

That would make sense to me anyway. That way we could have input from the public. If someone is concerned and if a minority is not getting the representation they should, they can go to that meeting and make their case. My whole concern was tying the clerks' hands and making their jobs more cumbersome, and also that partisan issues might take over.

Assemblywoman Giunchigliani:

Then the understanding is that "temporary," wherever that was deleted, goes back into the bill.

Co-Chairwoman Koivisto:

I think we have to take out subsection 1 of Section 3 too, or make changes to it.

Assemblywoman McClain:

Also, you have to go to page 9 and take out "upon recommendation of the committee." I am also concerned about requiring all polling places for early voting to remain open until 8 p.m.

Assemblywoman Giunchigliani:

I think going back to "temporary" will make the language revert back to the old language.

Assemblyman Denis:

I want to make sure I understand "equitable." When we are talking about equitable, are we talking about by eligible voters or by people that vote?

Co-Chairwoman Koivisto:

I think it has to be eligible voters.

Assemblyman Denis:

My concern would be if we make the decision of where we put polling sites based on just who votes, that will not help our effort to try and get more people to vote. We may not be able to get them out there.

Assemblywoman Giunchigliani:

I would agree; it has to be eligible voters.

Assemblyman McCleary:

I am 95 percent there. If we could just take out Section 7, I could make a motion to amend and do pass. It is page 7, lines 29 and 30 in particular. I do not feel good about bringing partisan politics to the local level. At the community level, it is not something they should be bickering over, and if we start putting attachments to their titles, it will just bring up a whole can of worms. It is going to change the whole landscape.

Co-Chairwoman Koivisto:

All politics are local.

Assemblywoman McClain:

I think if you were talking about local politics in terms of a small town, that is one thing, but in a place like Las Vegas Valley, it is the equivalent of people running for a statewide office. I think it is important to the voters that they know the candidates' affiliations. We receive calls asking if someone is a Democrat or Republican, because they are not going to vote for them if they are

one or the other. I think it is important at this level, and it does say in the bill, counties over 400,000.

Assemblyman McCleary:

In the testimony that we received, we were told that out of the 60 biggest cities in America, only 17 hold partisan races. The rest were nonpartisan, so we are going against the trend. I cannot philosophically handle that one issue, although I like many parts of the bill.

Assemblywoman McClain:

In the same vein, county commissioners run partisan, so why is that different?

Assemblyman McCleary:

I am willing to amend in that we make them nonpartisan as well.

Assemblyman Conklin:

I like this, because I think it is a good compromise. I understand where my colleague, Mr. McCleary, is coming from. In some of the rural counties where you have city elections, we are talking about an entire county of less than 40,000. I have more voters in my district alone. I think, in rural counties, to make it nonpartisan makes sense because they know each other, and most people have lived their entire lives in the community and have a sense of who they are voting for. We live in Clark County. It is the only county affected by this bill. It has a transient population, and in many cases, these people have not even met their elected representative. The only way they can know them or have some sense of identity with them is by being able to affiliate with a party that represents their ideas and their values. For me, this is actually localizing the election. It is a compromise and would be only in the largest county in the state. I think it is a good compromise, and I like it.

Assemblyman Denis:

I would tend to agree. I think we are getting so large now, it gets very hard. The other thing is that the candidates are already providing the information in their materials and campaign posters. We are starting to see that in every election cycle. This would just give people the information and provide additional help when they go to vote.

Assemblywoman Giunchigliani:

Do you feel comfortable enough dealing with the ten and the five bill draft requests? Do you want me to work on additional language for a possible amendment, if we were to move this bill?

Assemblyman Denis:

I just want to know if I am going to get my other five bill drafts the next time.

Assemblywoman Giunchigliani:

Not now, but next year, you will.

Co-Chairwoman Koivisto:

I think ten are good for the sake of fairness.

Assemblyman Mortenson:

If you give a new legislator ten bill drafts and the incumbent has five during the legislative biennium, then no matter how long that incumbent serves, he will never catch up and get the five extra that the new person received.

Co-Chairwoman Koivisto:

The incumbent starts out with ten bill drafts. He only gets those five at a time, but he has ten bill drafts.

Assemblyman Mortenson:

The way it stretches out, the incumbent will never get as many votes as the new person did. Just work it out on paper. It is true, and it is unconstitutional.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 500.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION CARRIED, WITH ASSEMBLYMAN McCLEARY
VOTING NO. (Assemblyman Seale abstained from the vote.)

[Assemblyman Conklin made a request to see the language for A.B. 500 after it came back from Drafting before it was to be sent to the Floor.]

**Assembly Bill 530: Makes various changes regarding ethics in government.
(BDR 23-325)**

Michelle Van Geel, Committee Policy Analyst:

We are going to move on to A.B. 530, on page 7 of your Work Session Document ([Exhibit B](#)). Assembly Bill 530 was presented to the Committee on April 5 by Mike Alastuey, representing Clark County. The bill proposes numerous changes to ethics in government, which include revising the definition of “willful violation.” It also authorizes the Commission on Ethics to investigate and take appropriate action for certain alleged violations of county or city ethical standards. Additionally, it revises provisions governing abstention and disclosure relating to conflicts of interest, and it also revises the requirements relating to the reporting of gifts on financial disclosure statements.

Under Tab G ([Exhibit B](#)) is a proposed amendment from Cheri Edelman, representing the City of Las Vegas.

Dan Musgrove, Director of Intergovernmental Relations, Office of the County Manager, Clark County, Nevada:

Mike Alastuey helped me out by presenting this bill for me, because I was in another Committee at the time.

I am open to any questions. We hope the bill will pass, and we do not have any major reservations about the City of Las Vegas’ amendment. There are certain provisions I know the Committee had a great deal of discomfort over. These were recommendations that came from our Citizen Task Force. I know Dr. [Craig] Walton discussed to a great degree the merits of why some of the items were chosen.

The one section that is truly important is the first part. It allows the State Ethics Commission to serve as our enforcement body. Clark County Commission has chosen to enact some ordinances that are above and beyond what the state requires involving—as an example, a cooling-off period involving elected officials. They cannot lobby the county commission one year after leaving office. If there was something we needed handled in an investigatory manner, we would ask the State Ethics Commission to do that.

The gift provision is another section that would apply to this Committee as well. It would be something you would have to deliberate on yourselves. Also, the discussion of the willful violation is important.

Assemblywoman Giunchigliani:

In the last session, we said no more double jeopardy. We will have one Ethics Commission, and in some people’s minds, that is one too many. We changed the whole funding structure so the local governments that participate pay,

because of the increased number and volume of ethical complaints generated from the local governments.

[Assemblywoman Giunchigliani, continued.] What I am reading in here is that you want to recreate another ethics commission. It seems to me you are going to have double standards. I would rather have it equitable, and I am discomforted that we are creating another bifurcated system.

Dan Musgrove:

When I was with the City of Las Vegas, the City empanelled a separate ethics commission along with the State Ethics Commission. The City of Las Vegas voluntarily disbanded their commission, so there would only be one investigative body handling ethics complaints. That is our intent with this bill.

We do now help support funding of the Ethics Commission. Local governments have always had the ability to enact something that was more stringent than the state, and we chose our own cooling-off period. If one of our elected officials violated that period, we needed a body to investigate the violation. That is why we thought it would be appropriate. Rather than empanelling our own, we would have the State take it on. In speaking with Ms. Jennings, she did not feel it would be an additional fiscal impact on them if they had the resources. Granted, if it went beyond what we think it might, then there might be something that you would have to do. We most likely would end up paying for that as local governments.

Assemblywoman Giunchigliani:

Is the cooling-off period contained in here?

Dan Musgrove:

It is something that Clark County has done.

Assemblywoman Giunchigliani:

Once you leave the term of office, you may not lobby, similar to what we do for the Gaming Control Board. Why could that not be at the state level? It could be used for the purpose of local governments establishing a cooling-off period.

Dan Musgrove:

We did not want to push something on other local governments. Brenda Erdoes might be able to tell us what ability we would have under our ordinance procedures. The Clark County Commission chose to enforce this upon themselves, and they did not want this to extend to other local governments.

Assemblywoman Giunchigliani:

Did you just make a policy decision that would only apply to you?

Dan Musgrove:

You are exactly right.

Assemblywoman Giunchigliani:

We tried to get one place where a person could ask questions and get an answer that would apply to everyone. That has to be the threshold and should apply to everybody, regardless of where they are housed.

Assemblywoman Angle:

I do not see in this bill a definition of what a gift is, and I am having some difficulty there because campaign contributions are way over \$50. Are those considered gifts? I want to make some distinctions. Sitting here in the Legislature we get these little gifts that are \$2 apiece, and then we have to list them out in the aggregate. I wonder how this all works together.

Brenda Erdoes, Legislative Counsel:

When you are talking about gifts, what you are looking at is subsection 11 of Section 3, on page 4. It says that a public officer should not accept gifts in excess of an aggregate value of \$50 from any donor unless he can demonstrate that the gifts were not offered to him because of his position as a public officer. There is no definition of gift contained in this group of sections, so it would mean the common dictionary meaning of the word "gift." My interpretation would be that it might include flowers or things like that. You would have to determine, when you receive those flowers or that big box of cookies, whether the value was over \$50 or whether, if you got a second box of cookies, you needed to aggregate. You would then have to determine whether you received those because of your position or not.

As a legislator, if you receive them in your office in the Legislative Building, you would have a hard time showing this gift was not offered to you because of your position as a public officer. Unless you can justify they were given to you personally, I would suggest the standard is high enough and you would have a hard time proving otherwise. There is no definition that I know of in A.B. 530, so my suggestion would be to give the word "gift" its broadest meaning under the dictionary. The standard set here is that you are not able to accept it unless you can suggest it was not offered to you because of your position.

[Brenda Erdoes, continued.] If you are also asking how that fits with financial disclosure, the limit is \$200, and these gifts would also be reportable under the financial disclosure form if they were over \$200.

There is another standard that applies to you, and that is the lobbyist law in the back of Chapter 218. There is a definition there of gift. It does not include some things like entertainment and other items. If it fell within that, it would also be subject to the requirements of what you can accept—\$100—from lobbyists.

So, there would be a three-tiered system of \$50, \$100 gifts from lobbyists, and \$200 for financial disclosure. The second two are simply reporting requirements. The \$50 gift cannot be accepted unless you can show it was not a gift given because of your position as a public officer.

Assemblyman Conklin:

I think Mrs. Angle is talking about subsection 11 on page 4, and that is significantly different than current practice, is it not? That lists this as a violation, where currently in Nevada statutes, it is in a different section. Is that correct?

Brenda Erdoes:

Yes, it is in the Code of Ethics, NRS 281.481, and it says you cannot accept a gift that might inappropriately influence you in carrying out your duties. That is a much different standard, as it is not a monetary threshold, and the determination is based on improperly influencing you carrying out your duties.

Assemblyman Conklin:

I have other questions about this bill. I would like to turn your attention to page 6, starting on line 39, and proceeding to page 7. I have a tough time trying to interpret this one. I am an elected official, so how would you advise me regarding that section of the bill?

Brenda Erdoes:

I would have to tell you that because the language says, on the very first line, "If a public officer or employee is in doubt as to whether a commitment in a private capacity to the interest of others exists, the public officer or employee shall either ..." and (b) is "abstain from voting." I would tell you that if you came and asked me about this, you probably were in doubt, and you should abstain.

As you recall, the current standard is, if you have a commitment in a private capacity through the interest of others, the determination is then by social

presumption. The commitment should not materially influence your voting if you were not influenced differently than the group you are in. That is a very commonly used disclosure in this area. This would change that materially because you would have to be certain that all the others in your group had the same exact—or at least a similar—interest. Additionally, this does not say “in doubt.” It just says as to whether a commitment in a private capacity to the interest of others exists. So if you are not certain of it, I would say, under this law, “Don’t vote.” In most of these cases, I would be advising you as your legal counsel to not vote if you have any doubt.

Assemblyman Denis:

On page 10, line 13, I circled the word “proof.” It says, “Proof that the gift was not offered” because of the position in the public. What does that really mean? If you were not here in your office, how do you offer proof that some gift given to you was not because of your position?

Brenda Erdoes:

I would suggest we would counsel you under this provision. Maybe you exchanged gifts for your birthdays with this person for years before you became elected or had prior relationships with that person. If you just met this person, had no preexisting relationship and no history with the person, and no reason why you received the gift, I would advise you not to take it.

Co-Chairwoman Koivisto:

That suggests to me that when you get the potatoes in the fall from Winnemucca Farms, you would have to return them. It could be an aggregate because you do not have a relationship with them. You are getting it because of who you are.

Dan Musgrove:

Those of us in Clark County have adopted a policy where, when we receive those types of gifts, we turn them over to charity, or if we get food baskets, we make them available to everyone on the floor. We do not incur personal benefit from them, and so a lot of times we tell people not to provide them. We do not necessarily take that gift basket back to our house if it is worth more than \$50.

Assemblywoman Giunchigliani:

That may be very true, but no proof exists that it has been done, so who knows? It is like when we try to report something. I do not even know the value of certain items at times. Someone gave me a cigar box. I guess they were sent out arbitrarily to all the legislators. I did not ask for it, nor did I know the value

of it. Part of this is judgment, but I think we have to be very cautious on what verbiage we use whenever we are dealing with some of this. Unless he can demonstrate that the gifts were not offered to him ... how do you do that? Do you include your family members? Some of this is incumbent upon us to say no, but if we are going to follow the law, let us make sure we are not putting people in double jeopardy.

[Assemblywoman Giunchigliani, continued.] I want to have more discussion on the willful portion. Was that portion added in here?

Assemblyman Conklin:

We have been talking about gifts, and it just caught my attention that there is no time frame for that \$50 gift, so if I walk the same neighborhood three times in an election and the same person offers me a bottle of water each time, by the time I get elected three times, I have to report I received over \$50 worth of bottled water. That is the way I read it, because there is no time frame. Is that how you read subsection 11 on page 4?

Stacy Jennings, Executive Director, Nevada Commission on Ethics:

There is not a time frame there. In financial disclosures, we are always talking about the preceding calendar year. True, there is no aggregate value here, so if you are in office for 20 years, I suppose you could have a lot of issues with that statute and the way it is structured.

How do you prove they were not offered to you for your position? I think even if it is someone you may have had some kind of preexisting relationship with, you do not really know what was in their mind when they gave you the gifts. I think it is very difficult to be able to prove that it was not offered to you because of your position.

Assemblyman Conklin:

I had a discussion with Ms. Jennings about page 8, Section 6, which has since been stricken. In that discussion we also talked about "willful," because it was my understanding people are getting off because of the "willful" terminology. It is not necessarily because of the way "willful" is defined, but because the interpretation of subsection 6 is that any one of those satisfies the "not a willful violation." In fact, my read—and possibly Legal's interpretation—is that you must satisfy all three. My suggestion is to leave Section 6 in the bill, also leave "willful," and make it very clear that you cannot just satisfy one of the three, but must satisfy all three criteria. I think anything less than that would be a willful violation. I think we will start getting a few more people who should have

been found with ethics violations in the first place but, because of the loose interpretation, were not.

Stacy Jennings:

I think what we discussed is saying something is not a willful violation if all three of these criteria are not met.

Assemblywoman Giunchigliani:

I would agree with Mr. Conklin. It is semicolons, and usually that is supposed to be this; and this; and this; which means they are bound together. Maybe if they are not interpreting it that way, there are legitimate times when someone was not willful and did meet these three standards. However, there are many times where in the first one they were, and they should have been nailed with the violation. Maybe we could undo the deletion but have a preface that says, "... shall be deemed not to be willful if A, B, and C are met in Section 6." I think that might get us closer to where most of us wanted to go. You should not get a free car by just violating the law and then having someone say, "I am sorry, you just did not understand."

I agree with Ms. Erdoes. If you are in doubt, you probably should not be voting on that issue. However, if you feel comfortable with it and it does not treat you differently, then you should be voting. What bothered me most about abstaining is that it is a game often played here in the Legislature. They get to abstain and the thing passes anyway, or it forces the vote to be a narrow decision. If a person has that many conflicts, they should not be running for office, as far as I am concerned.

I am still uncomfortable about creating two different scenarios. I like the concept of the cooling-off period, and it was important to southern Nevada. Maybe we should just say, "All jurisdictions shall establish a cooling-off period." I think it has to be consistently applied.

Dan Musgrove:

Absolutely, and concerning your discussion of "willful," I think it was the intent of our Ethics Task Force to help people get to the position where they can make good decisions and vote. I would suggest, "... may establish cooling-off periods." Again, we do not want to speak on behalf of any other jurisdiction except Clark County.

Assemblywoman McClain:

If we put this language back in, when we go to define what is not a willful violation, we should change the way it is laid out in the statute. Maybe if it is

not laid out in three things, but rather a flowing sentence to incorporate all three, it might work better. If you start listing things, you set up the loopholes.

Co-Chairwoman Koivisto:

I think people who have to abstain from so many things are not representing the people who elected them. Those people are being cheated.

Dan Musgrove:

I would like to mention the uniqueness of county government. In local government we have issues, especially zoning issues. This Body, the Legislature, sets policy for the entire state. We might have a commissioner who lives on property and may need to make a zoning decision on the property next door to him. His decision might financially benefit him if he had the ability to disclose and vote and had that freedom. We have established this kind of position where relationships engaged with a specific entity, or business relationships, preclude the individual from advocating or voting. These are part-time commissioners and they have other jobs, just as you do. We have folks that are attorneys on our board who, because of their law firm, have to disclose and abstain, or disclose and vote. They follow the law to the degree to make sure there is no appearance of impropriety on their behalf. It is unique on the local level because you are dealing with specific relationships, where there is more of a one-to-one situation. However, here at the Legislature, your representation is one of many constituents.

Assemblywoman Giunchigliani:

In order to try and see if we can bring some conclusion to this, I would suggest we use A.B. 530. We can delete the new language that dealt with creating this ethical standard adopted by the local governing body. Then, where appropriate, insert, "local jurisdictions are encouraged or may establish a cooling-off period" for their officials.

We should also remove the language on gifts. In A.B. 500, we just tightened up gifts—actually defined it—and it includes family members as well. If we are moving forward to where the local governments report their campaign contributions just like we do on a yearly basis, you can capture the gift issue at that time. At least we have that threshold already, based on the vote we took last time, so we may not need this additional language.

Then I would suggest we go back and undelete "willful." We should do what Mr. Conklin suggested and say it is all three, and if you do all three you are not in violation, but everything else is a willful violation subject to the ethics penalties.

Brenda Erdoes:

I want to point out something overlooked in Section 1. The change in the definition of "willful" may conflict with taking out the other. You will end up with two different standards for "willful." I am not sure exactly how I would apply those if you leave that in.

Assemblyman Conklin:

It is not the definition of willful that needs changing, but rather the enforcement of the definition that needs changing. If that is the case, then why wouldn't we delete Section 1 from the bill altogether and deal with the willful issue on the enforcement side? What we are talking about here is changing the standard. We should really be talking about enforcing the standard we already have, which apparently is not being enforced.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 530, STRIKING SECTION 1.

Dan Musgrove:

I would just ask that you again look at Section 2. I do not know if there are things that our local governing body has already done that are above and beyond what is being taken care of in this chapter. I am afraid by just talking about the cooling-off period, you have already tied our hands on trying to be stricter. Hopefully, it is not a conflict or more restrictive, so I am just asking you to reconsider Section 2. We do have the ability to go above and beyond what this Legislature has determined.

Assemblywoman Giunchigliani:

Do you want the commission to now be the investigatory body for all governments? I thought that was what we wanted to do.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 530, WITH THE FOLLOWING
AMENDMENTS:

- STRIKE SECTIONS 1, 2, 3, SUBSECTION 11 IN SECTION 3, AND SECTION 4, EXCEPT SUBSECTION 9 ON PAGE 7
- CHANGE SECTION 5 BACK TO THE CURRENT LANGUAGE OF "WILLFUL," BUT DEFINE IT SO THAT IT IS CLEAR TO THE COMMISSION THAT IF SECTION 6 (A),(B), AND (C)

ALL OCCUR, THEN THEY ARE NOT GUILTY OF A WILLFUL ACT AND IN EVERY OTHER CIRCUMSTANCE THEY ARE GUILTY

- DELETE SECTION 6

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

Assemblyman Conklin:

Regarding subsection 9 on page 7, there is some real merit here. I think the big concern is whether this is really clear enough. Does a donor include a campaign contributor? All of us run for office, and most of us turn in campaign contribution and expense forms. It just needs to be tightened up so you can still run your campaign and do those necessary things on your campaign. Currently, you cannot have a consulting contract with someone who has an interest up here in the Legislature. If you have a legal or fiduciary arrangement, then maybe Brenda could give us her interpretation. Stacy would be the prosecuting body, so how would you interpret this section?

Brenda Erdoes:

I would tell you this is very broad. If I were advising you under this provision, there is not anything in here that says a donor would include a campaign contributor, and therefore, I would be inclined to include it. There are other places in this chapter where campaign contributions are excluded, and I would have to draw that analogy. I would also say that number 4 and the example of consulting arrangements needs to determine whether you had a commitment or relationship. In that case, it would substantially affect a reasonable person's judgment. You would have to know those people you consult with and who their other clients are. Otherwise, you are not going to know whether you are having an effect that would attribute to this section.

The same is true for legal or fiduciary arrangements. If you have a legal arrangement with someone, a contractual arrangement, or some other type of arrangement, this would set a standard where you are going to need to be completely informed about everybody you have this type of relationship with. If you can do that, and you are able to define those commitments or relationships, then it will work. Otherwise, when you say, "Can I vote?" I will look at this and need to ask you if you are certain that there is nothing to cause conflict. If you are not certain, then I will need to advise you not to vote. If you get enough of these, my concern is that you will have a committee, like this one, with not enough people to vote. On the Assembly side, that is probably less likely to

happen; however, in the Senate, where you have five or seven committee members, I am not quite sure what would happen.

Assemblywoman Giunchigliani:

I think that made my mind up. I would suggest we include the deletion of that in the motion. I would like to ask Stacy if we have had any problems with people not declaring a commitment in a private capacity. Has that been a problem?

Stacy Jennings:

Most of the complaints we receive relate to disclosure and abstention. They are because people feel someone did not disclose something, such as a property ownership or a relationship. From my perspective, this does spell it out for people more specifically. However, from an enforcement perspective, a consulting arrangement is a substantial and continuing business relationship. A business investment is a legal and fiduciary arrangement, and would fit. Debtors and creditors are relationships. If somebody owes you money or you owe me money, then we have a business deal going on, and I want to collect on that. How I would view it as a violation is all covered under number 4. However, a layperson may not think of all those things, so there may be some merit to leaving it in. Possibly be more specific about your relationship with that consultant.

I looked at donors and donees and thought you would certainly want to exclude campaigns, because you would have to report those. Other than that, I did not know what kind of donors and donees you were talking about. I was confused.

Assemblywoman Giunchigliani:

If you look at current law or language—"with whom he has a substantial business investment arrangement or consulting arrangement and a continuing business..."—you could actually tighten that up.

Stacy Jennings:

Right. I think if you put some of that language right into line 18, you are specifically saying, "with whom that person has that relationship," not with whom that other person has other relationships. That would be more detailed and would tailor it more.

Assemblywoman Giunchigliani:

Financial disclosure forms are really loose. Could the forms be redesigned so people do not get set up? The form does not lend itself to make people think that they need to put down types of arrangements, such as being a member of a bank board. Maybe that is a modification that could be changed. We have

long been criticized in national studies about what kind of information we really have. I think the public wants disclosure. They want us to be able to vote, but not on something that benefits yourself or your family members. I think they think disclosure should be the threshold, then make your determination, but not use that as an excuse to not vote on something.

Stacy Jennings:

We have a lot of opinions, and that is the philosophy of everyone on the Commission: disclose, disclose, disclose, and if it is not materially going to affect you or your judgment, you need to participate. You need to make a good disclosure so people know why you are participating. You are there to represent people, and you are not doing it if you are continually abstaining.

Assemblywoman Giunchigliani:

What would a legal or fiduciary arrangement be? We tighten up loans in A.B. 500, which to me might be a fiduciary arrangement.

Brenda Erdoes:

A legal arrangement is a very broad term. It could be contractual, or it could be just about anything. Fiduciary would be any kind of press-type relationship, and I would point out there is a dichotomy here. When you look at what was (d) and is now 4, "with whom he has a substantial and continuing business relationship," that puts the emphasis on that relationship in this commitment. When you get down to number 1—and it may be an unfortunate consequence of the way this is worded—you are now focused on whether it is a consulting arrangement that would cause this relationship, and that is a different standard. I would suggest you look more towards whether you have a substantial and continuing business relationship, which could be fiduciary, legal, or any of these things.

Assemblywoman Giunchigliani:

We probably do not need it at this stage, but maybe we could ask Stacy to mock up some new financial disclosure forms that would parallel what we are trying to target. We could take a look at the forms as a Committee, and if we have a comfort level, we could add that someplace else to tighten that piece up. That would be my suggestion, if the Committee would be comfortable with that. My amendment still stands to delete that language.

Assemblyman McCleary:

I will support the motion. I want to make one comment. We keep making things so complicated and hard to understand, and yet right now, we are moving a bill that is going to say any three ethical violations and you are out of office. You

spoke about the cigar box. I threw the thing away and did not report it. It was not worth anything to me. It was garbage. It seems to me we really ought to look to the future and simplify this so it is not so complicated. With the current ethics laws, I think someone could probably go back and find three unintentional ethical violations made by any person who worked long enough in their career.

Co-Chairwoman Koivisto:

We are trying to clarify this bill and, hopefully, make it a little easier to understand.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE
VOTING NO.

Dan Musgrove:

I want to thank this Committee for the debate and deliberation it took in its hearings on this bill. This was a Citizen Task Force empanelled by our Clark County Commission to look over these issues.

Chairwoman Koivisto:

I think this is one of those bills that will have to come back to the Committee to be looked over when the amendments are completed.

**[Assembly Bill 538](#): Makes various changes relating to ethics in government.
(BDR 23-272)**

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 538 is located on page 8 of your Work Session Document ([Exhibit B](#)). It was presented to the Committee on April 5 by Stacy Jennings with the Ethics Commission. The bill makes various changes to ethics in government, including revising restrictions upon the association of a former Commissioner of the Public Utilities Commission of Nevada with the public utility, revising the date for submission of a disclosure of representation or counseling of a private person for compensation before a State agency, revising provisions governing abstention from voting for members of a county or city planning commission in larger counties, providing a time limitation for the submission of certain requests for opinions by the Commission on Ethics, and revising the penalty for the acceptance or receipt of an honorarium.

[Michelle Van Geel, continued.] Ms. Jennings has provided an amendment under Tab H ([Exhibit B](#)).

Stacy Jennings, Executive Director, Nevada Commission on Ethics:

I have a short amendment for you to add to our bill. I will go through the last two of the three provisions first. They are the amendments to Section 7 and Section 17 that I proposed, because you put those amendments into A.B. 64. That bill was passed out of the Assembly and is now in the Senate. I do not want to duplicate those efforts.

The third amendment is the first one listed in my handout, on Section 4, page 4. As you may recall in testimony, the League of Cities presented some concerns about creating the second definition of "public officer."

Section 1 of the bill is not a proposed amendment, but it creates a definition of public officer that is the same one in statute today. It is for the purposes of filing a financial disclosure statement and means no one new would have to file that statement.

In Section 4 of the bill, it proposed to have put an "or" in the criteria of the definition of a "public power trust or duty." You can see that change on page 4, line 18 of the bill. I did discuss this several times with the League of Cities. It is my position that the people had concerns about what might be included in the definition of a public officer under this change. They are not public officers, but are public employees, and are already covered under statute. There are a limited number of public officers to whom this would apply; however, it is our position that the group of people to whom it would apply would be people you would want to be accountable.

The amendment says that the public officer employee would have to do a minimum of two of the following three functions. The two that I see most often are those people who are enforcing the laws or rules of the state, city, or county. They are also setting policy of the state, city, or county, and what is kicking them out of our investigation process and our advisor opinion process is the fact that they do not have a budget. I do not think you should exclude having a budget, because spending public money is very important. When you have the ability to enforce laws and set policy, you should be held accountable.

I stand by the fiscal note that states there is no fiscal impact to this agency, nor does it require local governments to do anything else. If we received a complaint on one of those people, we could not accept the complaint. If they

wanted to come to us for advice on staying out of trouble, they could do that. Right now, this group of people is in limbo.

Assemblywoman Giunchigliani:

Why is a justice or a judge not subject to this? Is it because of their canons?

Stacy Jennings:

They are subject to discipline under the Commission on Judicial Discipline.

Assemblywoman Giunchigliani:

Assembly Bill 500 includes filing of financial disclosure forms by the types of public officers you are describing. Our definition was a little different, so we need to make sure they will work in if we move this bill forward.

A public officer would not be a member of a board, commission, or other body whose function is advisory. Would the planning commission come under this definition?

Stacy Jennings:

That is one of the areas I frequently see. The charter of the City of Las Vegas is structured so that they are public officers. In the City of North Las Vegas they are not, so it just depends on what the county or city charters say. The enforcements are oftentimes very detailed, and there are long analyses to figure out whether these people are public officers. That would be fixed in Section 4 of A.B. 538 with the amendment.

I also want to point out that the counties are neutral on this bill. They did not have a problem with it as introduced or as amended. It is an administration bill, so it is supported by the Governor's Office.

Assemblyman Mortenson:

What about town advisory board members?

Stacy Jennings:

Those are people that would be included now under this bill, as they are elected to office. Currently a lot of them do not have a budget, which knocks them out of our jurisdiction. Either they are elected or appointed, but I do not believe a lot of them have a budget. If we have a complaint on them right now, they are not in our jurisdiction. If they have a budget, that would be the criteria.

David Fraser, Executive Director, Nevada League of Cities and Municipalities:

We have discussed this several times, and I want to make clear to the Committee that the League's opinion has not changed from our former testimony. We felt this cast a net too wide, and we are concerned about how many other people might be defined as public officers. I would be happy to elaborate on our previous testimony, but I do not know if I need to be repetitive. I wanted to make clear to the Committee: our opinion remains the same.

Assemblywoman Angle:

You mentioned that you could name some of these boards that it would include. If you could name the ones that you want to go after, could we put them in the bill? I think that is the problem with this bill. The net is too wide, and we need to be more specific about who you are thinking you want to capture.

Stacy Jennings:

Planning commissions are big. Some of the other local boards, like library boards or park boards, we could potentially receive complaints about. If they are not actually administering the budget, they would be excluded. On the other hand, if those boards are truly advisory and cannot make a decision, they would not be covered under any version of this bill or existing statute. Advisory boards are always excluded, no matter what.

Some examples of others are appellate boards and state and county government boards. Those boards are hearing appeals, interpreting statutes, and enforcing laws, yet they do not have a budget, so they are excluded. We had a complaint against one of the State workforce appeals boards, where an employee thought they were treated unfairly. We could not do anything about it, because the board did not have a budget. Their budget was handled by that State agency, and they were just an appeals board.

All of your State boards and commissions, including ours, usually have an executive director who is vested with spending the money and doing the budget. I do not believe my bosses meet the definition of public officers. Unless they approve the budget, I do not believe they are public officers. Probably all of your occupational licensing boards, like the State Medical Board or the Pharmacy Board, had complaints against them, but we would have to analyze if their budget authorities are delegated to someone like me. Those are the types of people we are talking about, and they are making big decisions. The State Board of Health makes a lot of decisions, but they do not have a budget. The Health Division does, and they are excluded. It is not that we go out and initiate complaints. We have only done that twice against people.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 538.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Assembly Bill 546: Repeals certain provisions relating to Commission on Ethics and increases civil penalty for failing to file certain campaign contribution or expenditure reports. (BDR 23-899)

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 546 is on page 9 of your Work Session Document ([Exhibit B](#)). This bill repeals provisions prohibiting a person from making a false statement of fact concerning a candidate or a question on a ballot. The bill also repeals provisions prohibiting certain persons from willfully impeding the success of a campaign of a candidate or the campaign for the passage or defeat of a question on a ballot. Finally, the bill increases the civil penalty for failing to file campaign contribution and expense reports.

Under Tab I ([Exhibit B](#)) is a proposed amendment in a mockup form from Assemblywoman Giunchigliani.

Co-Chairwoman Koivisto:

A short time ago, the district court found the "truth squad" to be unconstitutional. This law deals with bringing the statute into compliance.

Michelle Van Geel:

I believe Ms. Giunchigliani's proposed amendment is deleting the language that was added to the bill. An example is on page 7, lines 18, 22, and 23, where the language "directly or indirectly" was inserted. Questions were raised as to what exactly "indirectly" meant. Her amendment is proposing to delete that language. To clarify, the language is in more locations than just page 7. I was just pointing that out as an example.

Co-Chairwoman Koivisto:

On page 14 of your mockup on the truth squad bill, which amount of penalty is correct? Is it \$5,000 or \$10,000?

Assemblywoman Giunchigliani:

I went back to the original \$5,000 amount. All you have is just the truth squad, and everything else went away. I could not figure out how to define "direct" and "indirect," so I did not want to jeopardize people trying to make that decision.

Michelle Van Geel:

I just noticed a couple of things as I was quickly looking through the mockup. I think it would be appropriate to delete everything in lines 33 through 36 on page 4. The one other thing I wanted to bring to your attention is that on page 5, starting at line 32, you are going to undo what we just put back in with A.B. 530.

Co-Chairwoman Koivisto:

So we want to leave subsection 5 in the bill?

ASSEMBLYMAN McCLEARY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 546, ACCEPTING THE RECOMMENDATIONS OF
THE MOCKUP WITH THE FOLLOWING EXCEPTIONS:

- PAGE 4, DELETING LINES 33 THROUGH 36 AS PROPOSED BY THE DIRECTOR OF THE ETHICS COMMISSION
- PAGE 5, LEAVING THAT SUBSECTION IN THE BILL

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO RECONSIDER
ASSEMBLY BILL 185, FOR THE PURPOSES OF DISCUSSING THE
DEFINITION OF THE SUBJECT MATTER.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Co-Chairwoman Koivisto:

We are going to reopen the hearing on A.B. 185.

**Assembly Bill 185: Revises provisions governing petitions for initiative.
(BDR 24-711)**

Kim Guinasso, Committee Counsel:

Regarding the single subject in Section 2, of A.B. 185, Mrs. Gansert made a remark concerning the Legal Division amending the bill any further. Should they embrace only one subject? I believe what we were trying to communicate in regard to this issue is that we currently have a one-subject rule per legislation. There was concern that if the language were amended for something else, it would call into question the one-subject rule for legislation. I do not believe that this is necessarily of tremendous weight. With respect to the language that Michelle Van Geel read into the record from California, if it is the Committee's desire to further amend the concept of one subject for an initiative petition, I think it would be within the purview of the Committee to choose.

Co-Chairwoman Koivisto:

Would the Committee like to hear the language again from California? [Michelle Van Geel read the testimony from the National Conference of State Legislatures again.]

Assemblywoman Angle:

Who will enforce this, and who will make that decision? Will it be the Secretary of State?

Co-Chairwoman Koivisto:

Eventually, it could go to the district court.

Assemblywoman Gansert:

In my discussions with the Attorney General and the Secretary of State, it sounded as though if there were issues, they would go directly to the court.

Assemblywoman Giunchigliani:

If you look at page 3, it says that the Secretary of State would initially review the language. Your point when we heard this was that the person may appeal the rejection to the Attorney General. We wanted to take that out and move it over to the court for a decision. Am I right?

Assemblywoman Gansert:

Yes. The Secretary of State, through the amendments, does not actually review it. He accepts it, and if someone has a problem with it, they are able to go straight to the courts.

Assemblywoman Giunchigliani:

That definition is tighter, has far more clarity, and, with that process, will flow better for everyone. You do not get one elected officer trying to make a judgment call on another one.

Co-Chairwoman Koivisto:

To refresh the Committee's memory, this all happens before the signature gathering begins. People are not going to be challenged after they have started gathering signatures. It is a cleaner way to do it.

Assemblywoman Giunchigliani:

With the extra days we added, if something is challenged, it provides a little more time for the county clerks.

Assemblywoman Angle:

Let me do the timeline. If we have a petition that we are able to file on September 1, does that mean we should go to the Secretary of State and file that petition on August 1, so we can have it reviewed for challenge before the date the signatures are allowed to be gathered? The timeline now is, if you want to gather signatures for a petition, you begin that process on September 1. Do we back that out then to August 1 to tell everyone to get their petitions in before beginning on September 1, or do you wait to gather signatures until October 1?

Kim Guinasso:

It is my understanding that the petition must be initially filed with the Secretary of State before circulating for signatures. At that point, these provisions would be applied. First, you file a copy with the Secretary of State, and I believe the same timeline will apply. The Secretary of State accepts the petition and reviews the petition for any false statement of fact.

Assemblywoman Gansert:

I thought we had another bill that backed up the timeframe. I thought we backed everything up by a month.

Kim Guinasso:

Under the old version of the bill, this process would take place up front rather than after the signatures are gathered. I do not know how the amendment would affect that.

Assemblywoman Giunchigliani:

I think that is still the intent. I suggest we do amend and do pass the bill with the definition of single subject. The intent would be that all of this would be done up front, with dates adjusted accordingly, if necessary. Then we could at least move forward with the amendment. We can double-check with Renee Parker from the Secretary of State's Office. The intent is very clear, and you need to back that period up so you have a time period for approval, acceptance, and challenge, and then move forward on signature gathering.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS ASSEMBLY BILL 185 WITH THE LANGUAGE AND INTENT CHANGES DISCUSSED.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Co-Chairwoman Koivisto:

We will go back to A.B. 497.

Assembly Bill 497: Revises provisions relating to initiatives and referendums. (BDR 24-442)

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS ASSEMBLY BILL 497.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

Assemblywoman Giunchigliani:

I just want to clarify: we changed the word "clearly" to "accurately."

THE MOTION CARRIED UNANIMOUSLY.

Assembly Bill 455: Makes various changes related to elections. (BDR 24-1334)

Michelle Van Geel, Committee Policy Analyst:

The next bill is located on page 3 of your Work Session Document ([Exhibit B](#)). Assembly Bill 455 is the Committee's omnibus election bill. It was presented on April 12 by Vice Chairman Conklin. It makes numerous changes, including changing the primary election date, extending the time a voter may be away from work to vote on election day, revising provisions governing areas at public buildings for gathering signatures on a petition, amending the voter registration form, and changing the period for early voting. The bill also makes changes concerning election board members and the failure to file campaign finance reports or financial disclosure reports.

There is a proposed amendment from Assemblyman Conklin under Tab C ([Exhibit B](#)). In addition, there is a long list on page 3 of your Work Session Document of little amendments that have come forward.

Assemblyman Conklin:

This was the Committee's bill that several of us have been working on for some time. The proposed amendments in the Work Session Document and the one under Tab C ([Exhibit B](#)) are the same ones presented to the Committee during testimony. It would allow candidates to report cash on hand at the beginning of a reporting period for both that period and the year.

As I reviewed the bill, I noticed that there needs to be language that would clarify that absentee ballots can be submitted in person by someone other than the voter. A person has the option to mail in their ballot, and there is no reason why they cannot have it delivered as well. If you are an 89-year-old person at home, confined to a wheelchair and unable to deliver your ballot, you may have missed the mail pickup. If your son wants to deliver it for you, he ought to be able to do so.

Assemblywoman Giunchigliani:

I think you are absolutely correct, because they come sealed. You have to seal it and sign it on the back, so that is a protection. I would say a "sealed" ballot.

Co-Chairwoman Koivisto:

I wanted to clarify that requests for absentee ballots can be turned in to the clerks by someone other than the requestor.

Larry Lomax, Registrar of Voters, Election Department, Clark County, Nevada:

Just to clarify what the current law is now, all we need for a request is your written signature on a piece of paper saying you want a mail ballot. Requesting an absentee ballot is not an issue.

Co-Chairwoman Koivisto:

When I wanted to turn one in for a lady during the last election, I was told it either had to be faxed or mailed. I was told I could not bring it in.

Larry Lomax:

You were given incorrect information. We just have to have something signed, but it does not matter how it gets to us.

I want to clarify one other thing about the law. It currently states that a member of the family may bring in a mail ballot for another member of that family. It used to be you had to bring it in yourself, and then a session or two ago it was changed so a family member could bring it in. We do not try and interpret "family member." We have a stamp we put on the envelope, and if you sign that you are a member of the family, then we accept it. That is the way it currently is being done.

Assemblywoman Giunchigliani:

I had a constituent who became ill on election day and wrote out a handwritten note that authorized the person to pick up the ballot, bring it to her, and return it. Is that still acceptable?

Larry Lomax:

That is what we call an emergency provision. For seven days prior to the election, you can request that someone bring you the ballot, and then they bring it back to us.

Assemblyman Conklin:

Item number 3 on the proposed conceptual amendments was discussed, but I think there is another item in number 3 that needs to be very clear. You can request an absentee ballot for one year. If you request to be an absentee voter on January 1, we are trying to make sure your absentee counts for both the primary and the general elections and any subsequent election for that whole year of voting. You will not have to resubmit your request for an absentee ballot over and over again. We are still not allowing someone to have a permanent absentee status.

Larry Lomax:

The law currently allows for that. Our request asks whether the person wants it for this specific election or for all elections during the year. You do not have to be disabled, handicapped, or anything else. Anybody can request it for a year, but we do not have what is referred to as permanent requests.

Assemblyman Conklin:

Is that just Clark County, or is that statutory?

Larry Lomax:

It is statutory.

Assemblyman Conklin:

Item number 4 is to delete, on page 2, lines 16 and 17: "The County Clerk shall respond to each such request by mailing the number of forms within five working days." We are asking them to respond to each request for voter registrations. Currently the statute says "mail," and someone might walk into the office and request the form in person. I think it is best to leave that line out. If someone walks in and needs 100, then give out 100. If they call in and say, "Please mail me 100 registration forms," then mail them. I would imagine it would take less than five days. Do we want to put a cap on the mailing portion?

Assemblywoman Giunchigliani:

I would be concerned about mailing. I question how many can get verified. I never anticipated you mailing 500 registration forms to some group requesting them.

Larry Lomax:

I do not think we have ever had them request them by mail. Right now, if they want more than 50 registration forms, they are required to come in and pick them up. The law requires them to fill out a plan as to what they are going to do with all of them. We talk to them and may suggest and advise them on how not to waste them. That works fine.

Assemblyman Conklin:

Right now, nobody can request more than 50 be mailed to them?

Larry Lomax:

They have to come in and fill out the form stating what they are going to do with them. This has never been an issue in Clark County. We do not charge anyone for forms in Clark County. It depends on the organization. If it is the Democratic Party or the Republican Party, they might request 5,000. If it is an individual coming in, they might request 50.

Assemblyman Conklin:

So, deleting that line is a good thing.

[Assemblyman Conklin, continued.] In Section 5, on page 4, we talk about where the First Judicial Court determines whether a public officer employee violated Sections 1 and 2. This is where people have not been allowed to petition on public property. We need to make sure they are reporting the violation right away. The longer they wait, the longer it pushes back all the other work in the election cycle. We are not trying to limit their ability to say, "I was denied." We want to make sure that if you go to county X and you are denied access to do a petition, you report that right away so the court can correct it immediately. There was testimony from Mr. Lomax that if we wait too long, we cannot get everything done before the election. If people feel they have been violated, there should be some statute of limitation. Then it would allow them to go right away to receive justice for that violation. We have recommended three days after the violation, and it is similar to other statutes.

Also in Section 5, who would they go to first? Would it be the Secretary of State, or do they have to go to both the court and the Secretary of State when this happens?

Michelle Van Geel:

It says that if the party thinks that they were denied access to a location to gather those petitions, a person has three days to file a grievance with the Secretary of State. Once the Secretary of State makes the determination that the person either was or was not denied access, then that person would have an additional three days. Once he receives the decision from the Secretary of State, if he disagrees, he can appeal that decision to the district court. It is a two-step process. You go to the Secretary of State when the possible violation occurred, and if he rules against your claim, then you can go on to the district court.

Assemblyman Conklin:

Item number 7 deletes the language for the early voting period. It was never our intention to shorten the early voting period. Early vote would remain statutorily the same as it is today. That is just one section, but it is in several sections. The language in the bill needs to be amended so that it is the same statutory language we have currently.

In Section 30 of the bill, it sounds like you have added an amendment to remove the requirement for a duplicate copy of the voter registration form and added language requiring tracking information to be on the receipt that can be detached and torn off for the voter. It sounds like it is to track the actual card the person has to the actual voter registration form that is apparently missing.

Co-Chairwoman Koivisto:

That is so the name of the person who did the registration—possibly someone with a group—would be indicated.

Larry Lomax:

That would be an enormous help to us if someone says, “I am going to turn this form in for you.” If they were required to give you a stub with their name on it, then it would really help us when we try to track down claims of missing forms.

Assemblyman Conklin:

We were originally asking for an NCR [no carbon required] form, which has a duplicate copy; however, Clark County testified they had done away with NCR forms a long time ago and now use a perforated form. They are requesting allowing a perforated form where both sides have information to connect them in case of a problem. There is also a significant financial savings doing it that way, because it is one piece of paper instead of three.

Item number 9 is the last one that I have and is in the original request for the bill. We intended to change the language for changing party affiliation from September preceding the election to December preceding the election. It allows more time for candidate recruitment and allows a longer time for parties to find good candidates.

Assemblywoman Giunchigliani:

By moving the primary date to June, the filing date would be April 1 for filing for office.

Assemblyman Conklin:

I believe it is not earlier than the first Monday in April and no later than 5:00 p.m. on the second Friday after the first Monday in April.

Assemblywoman Giunchigliani:

It is still a two-week period, but it backs up to April.

Assemblywoman Angle:

I was very happy with A.B. 541 when the registrars brought their logical arguments to play on the primary. I was wondering how that fit in. Since I do not see it here on our work document, we could roll that bill into A.B. 455 and put the registrar’s request, as far as the primary goes, in there. It backs all those dates out and gives us the same intervals. I think it takes care of a lot of the problems. I think if we do not do the interval things, we are going to see unintended consequences. That is my problem with the June/April situations.

Co-Chairwoman Koivisto:

I think they wanted to move the primary to May, and that would make it very difficult for the minor parties. That is why we left June in our bill.

Larry Lomax:

I have a couple of comments. One is that June is all right with us. I talked to the Clark County School District, and they recommend, rather than the first Tuesday in June, the third Tuesday in June. The first Tuesday in June is finals week and graduation week, and those conflict. If we go to the third week in June, apparently the schools are still winding down, but the air conditioning is on and all of those issues are not as drastic. If that is acceptable to you, then that certainly is acceptable to us and resolves the party issue.

The other issue you need to be aware of is that you really cannot have candidate filing two months before the election. Remember, after candidate filing there is a seven-working-day period where you can withdraw. So in reality, that comes out to be ten days. Then there is a five-day period where someone can challenge you. Also, there is a five-day period for the district attorney to respond. If you add all that up, that takes you into the eighth or ninth day of May, which is 23 days before the actual election, and we still have not gone to court yet for the people who have been challenged. As you know, in Clark County we have had challenges in all of the last elections. We are then supposed to have sample ballots mailed to our overseas soldiers 45 days before the election, and here we are 20 days before the election. You need to keep the candidate filing date at least four months prior to the election, just like it is right now. It is about the minimum right now in order to get through all these processes.

Assemblywoman McClain:

I think the third week of June sounds reasonable to me. How does the Committee feel about having one week of filing?

Assemblyman McCleary:

I liked May. Making it the third Tuesday seems so odd to me. Everything is so consistent otherwise. That will just be an oddball date. What was the problem with May and the filing dates for the minor parties?

Co-Chairwoman Koivisto:

They are required to have a convention to nominate, and it is in statute. It would put the minor parties way back in December to have this process. I actually like the third week in June.

Assemblywoman Giunchigliani:

I think it is important for planning purposes, and whether you agree or disagree, it is such a short period to jump from the primary into the general election. Backing it up makes some sense. Maybe the third week of June makes some sense, because any later date would run into the Fourth of July. Year-round schools would not be affected, because you generally only have one track in school. Make your filing date, maybe, a one-week period and include Saturdays or something like that, but then that means they will be campaigning from April on. We would all agree to sign a document when we file for office that our campaign signs would not go up prior to filing for office. Your signs still go up, but at least there is some acknowledgement that we will not constantly be in people's faces.

Keep it at the April date. Minor parties could have their convention by March with no problem, and then they could get their names on the ballot for the April time period. That would not interrupt or disenfranchise them.

Assemblyman Conklin:

What if we kept the first Monday in April and then limited it to one week, and then give a week back to the registrars? Then we move it back even one week in June. My fear for moving it too late in June is that people leave on vacation, and we miss out on giving some voters an opportunity. Where is the middle ground there?

Assemblywoman Giunchigliani:

The reason the third week works better—and not just for Clark County, but also for Washoe County—is that Washoe schools always go later and always end by the second week of June. Sometimes they have a snow day, and they have to make up the day missed during the regular school year. You do not want to run into that last week of testing where they are trying to set up and use the multipurpose room for a lot of other things, including exams. That is exactly the space the clerks need to access for the election. That is why I thought the third week made better sense. At least it is the week prior to hitting July Fourth, so you do not interrupt that, and everyone will be ready to relax for a week.

Co-Chairwoman Koivisto:

If people are going to go away on vacation, then that is what absentee ballots are used for.

Assemblywoman McClain:

I think that sounds workable. I personally will take the oath to not campaign in July and August and leave people alone.

Richard Siegel, President, American Civil Liberties Union of Nevada (ACLU):

I think we have raised a real First Amendment issue with this, from what I have heard so far. I do have to speak in terms of an issue with number 6. The ACLU represented Janine Hansen on the petition issue. We cannot do a filing at the district court in three days. We have never done anything, including the right of public employees to be in the Legislature, in three days. We need a week to prepare and have a decent written complaint to the court. I am thinking more in terms of seven days.

Assemblyman Conklin:

I have a First Amendment question. Would it be your interpretation that I could put any size sign in front of my house that I want?

Richard Siegel:

The ACLU is very strong about the right of putting signs on your own house, even if you are in a closed condominium. That goes for flags also. We believe in maximizing all of that, and I cannot tell you how the judges would rule, but we have won some very strong decisions on that. There is a major case out of San Diego that we won on that point. We are anxious to take up sign cases and even more so on flag cases.

Assemblyman Conklin:

I put a road sign in front of my house, and it came up missing. I know it was not my competition, because it was not just ripped from the post and the post left. It was neatly removed from my house. The sticks were nicely removed, and the rocks were put back in place. I do not have any CC&Rs [covenants, conditions, and restrictions], and I believe the city has a code that says you cannot put a road sign in front of your house.

Assemblywoman Giunchigliani:

I would like to clarify item number 3. It says a ballot for one year, and Mr. Lomax made it clear that a voting request by mail is good for a year. Is that only good for the year in the county, and if you happen to reside in the city, would you have to do a secondary request? The form is different in the city and county. Many filled out forms for the county races but did not realize they had to fill one out for the mayor and city council races.

I think if we could work out that issue, I would even say a two-year period would be fine with me, but not much longer than that. You want them to verify that they are really still the person who resides at that residence and is getting that ballot. I do not want to hold up the bill for that. We could go ahead and do what you need to do, and then clarify it at some point.

Assemblyman Conklin:

I am okay with the two-year period. That is a full election cycle.

Co-Chairwoman Koivisto:

I think "election cycle" is better than two years, as far as the term.

Assemblywoman McClain:

I do not want to obligate Mr. Lomax, but I would think there would be something automatically they could do. If you send in your absentee request to the county for a statewide election and then the next spring there is a city election, could they do their own?

Assemblywoman Giunchigliani:

They have to send them out. City forms are separate from the county's. Maybe they can make an agreement to trade the information.

Assemblyman McCleary:

I know that the North Las Vegas municipal election was handled by Larry Lomax, and I think he charged the city for his work. I do not know if it was for every municipality, but I do know it was for that one.

Assemblywoman Gansert:

I was just thinking this goes along with the discussion we had regarding the alignment of city and county elections. That would eliminate all of this. I think Ms. Giunchigliani suggested that earlier.

Co-Chairwoman Koivisto:

I think, eventually, we might be able to come around to doing that. The people would like it a lot more also. We would also have a better turnout.

Assemblywoman Giunchigliani:

Some of our legislation will move to the Senate. There is nothing wrong with checking with other local governments and suggesting they start to move into this process. If that is the case, we may be able to at least get that timeline rolling by the time it reaches the Senate. I would not count that discussion out for this session just because we are under these types of timelines.

Assemblyman Conklin:

I have taken a few notes. We have confirmed on item 2 that the ballots have to be sealed. I am okay with the change on item 3 to the full election cycle. I am okay with seven days on the filing period. Again, on items 5 and 6, we are not

trying to limit a good appeal. We just want to get it out quickly. I am okay with items 3 and 7. How does the rest of the Committee feel?

[Assemblyman Conklin, continued.] It is not in here as a proposed conceptual amendment, but we could change the primary date. We could change the filing day and make it one week in the first week of April. Then we could change the primary date to the third Tuesday following the first Monday in June. By doing so, it could potentially be the fourth week in June, depending upon whether Tuesday is the first of June. So we are looking at about 27 days. If Monday is the first, we are looking at 22 days. So, we are falling between June 22 and June 28.

Assemblywoman McClain:

Be careful landing on the fourth week of June accidentally and being two days before the Fourth of July holiday.

Assemblyman Conklin:

We could make it the third Tuesday, and then we are always going to be somewhere between the 15th and the 21st. Would that be good?

Assemblywoman Giunchigliani:

In the amendment, you would need to include and adjust the dates for the minor parties to be able to submit their names.

Chairwoman Koivisto:

We have a question on number 4. When we were talking about mailing requested forms, when someone requests ballot registration forms be mailed, what would the limit be, or would we say they have to come and pick them up?

Assemblyman Conklin:

We are accepting number 4 as is but deleting the language that says they can mail the requested ballots. That eliminates the problem, and the clerks can continue to do it the way they do currently.

Co-Chairwoman Koivisto:

We need to clarify the filing time.

Assemblywoman Giunchigliani:

I would make sure that it is a Monday through Saturday in the first week of April. I would include the Saturday if you are shortening the period of time.

Co-Chairwoman Koivisto:

Is that going to give the clerks and registrars enough time?

Alan Glover, City Clerk-Recorder, City Carson City, Nevada:

I am not sure. If you process the bill and it goes to the Senate, the Senate just voted 5 to 2 to change the date of the primary. We could work those dates out to make sure that we do that. There is no point in changing the date of the primary, because if we shorten the other dates, we run into the problem of not being able to print the ballots.

Assemblywoman Giunchigliani:

I think we actually gave Mr. Lomax four more weeks.

Alan Glover:

I will speak for the rest of the clerks. I do not see any problem with us staying open on a Saturday to file people for office. It is something we certainly can do.

ASSEMBLYWOMAN McCLAIN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 455.

ASSEMBLYWOMAN GIUNCHIGLIANI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Koivisto:

We need to rescind our action whereby we amended and passed A.B. 530.

**Assembly Bill 530: Makes various changes regarding ethics in government.
(BDR 23-325)**

ASSEMBLYMAN CONKLIN MOVED TO RECONSIDER
ASSEMBLY BILL 530.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION CARRIED. (Mr. Holcomb was not present for the vote.)

Assemblyman Conklin:

In a discussion with a colleague last night, a subject came up that may help A.B. 530 even further. It is in respect to who is in willful violation. The suggestion would be that we add into the bill a requirement that if elected officials meet two criteria, they would be required to take ethics training. If they are elected and also file a financial disclosure within the first six months of their elected duty, they would be required to take ethics training from the State Ethics Commission. You can be elected or appointed, and if you are serving and have to file a financial disclosure, then you should be required to take this training. This amendment will add further tightening to "willful" and the language in subsection 4. With the training, you are not going to be able to claim you did not know. You will have had training by the experts on state ethics laws about what you can and cannot do.

Assemblywoman Angle:

I did not feel it was necessary to comment on why I voted no on this in the first place, but now I do. I think what we are doing is discouraging people from running. People are going to say, "This is not worth the price of \$7,800 every two years, nor is it worth the hassle. Count me out." I do not think we are going to get quality people even wanting to represent the state or run for any offices. The more burdensome disclosure becomes, the more prying into one's life that occurs, and the more people are asked for things no other person has to provide, the more it will keep out good candidates. Now, on top of that, you want to add a class on ethics. What you have said is that the silly voter out there just does not know what they are doing when they elect these people, so we have to make sure these people will obey the rules. I cannot support this.

Assemblyman Conklin:

Mr. McCleary and I both went through a good four hours on ethics training when we come up here. We are already meeting that requirement, so I do not see that this has added anything different for us. What we are doing for the rest of the people is giving them the opportunity for the same training we receive here. I do not believe the class is that long, maybe four to six hours. It is worthwhile that the public has enough faith in its elected officials to say it is a good thing you understand the ethics laws, so you do not violate them. I do not see how this is a deterrent.

As a new candidate, I appreciate the fact I received training, because I am going to be held to that standard. Why would we not want to require this and give everyone the benefit of the same training we receive? When they do make willful violations, they cannot just wish it away like some people have a tendency to do.

Assemblywoman Giunchigliani:

I think this is a good idea. I would not even mind taking a refresher course. They did not do that when I was first elected. What would be good would be for local governments to tailor the training to their needs. They have different circumstances and they deal day-to-day with developers, street issues, and transportation. Sometimes they may be in an awkward position, and they might not be aware of the situation. I would think there would be a value added to anyone running for office, rather than something that adds an additional burden. We do not want to make it so cumbersome that people cannot participate. I suggest compliance be phased in. It would help the Ethics Commission not to have a fiscal note, because they are already doing it upon request.

Assemblyman Munford:

Is this going to be a law? Is this going to be something we would be required to do?

Co-Chairwoman Koivisto:

We have already done it. This training is part of the orientation. You would not have to go through the training unless you are elected.

Assemblyman Munford:

I thought the candidates had to go through this training.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS ASSEMBLY BILL 530 THE WAY IT WAS ORIGINALLY AMENDED AND CARRIED EARLIER, WITH AN ADDITIONAL AMENDMENT REQUIRING AN OFFICER, IF REQUIRED TO FILE A FINANCIAL DISCLOSURE, TO ALSO, WITHIN THE FIRST SIX MONTHS OF DUTY, TAKE TRAINING THROUGH THE STATE ETHICS COMMISSION, WITH THAT REQUIREMENT NOT BECOMING EFFECTIVE UNTIL THE NEXT ELECTION CYCLE.

Assemblyman McCleary:

I just want to make sure we are not going to capture those who have served previously, then run for something else and get elected. If someone went from here to a city council position, they would not have to repeat the course.

Assemblyman Conklin:

We could put that in the amendment, that the requirement would be the first time you are elected, and any subsequent election to any public office is covered under the first course.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE VOTING NO.

[Assembly Bill 499](#): Makes various changes relating to elections. (BDR 24-898)

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 499 is found on page 5 of your Work Session Document ([Exhibit B](#)). The measure was heard in Committee on April 12 and was presented by members of the Washoe County Election Reform Working Group. The bill makes various changes to election-related items, including identification requirements at polling places, voter registration lists, absentee ballots, and voter registration agencies. The measure also calls for the Legislature to conduct an interim study related to election.

There is an amendment proposal located under Tab E ([Exhibit B](#)). In addition, Chairwoman Koivisto had mentioned that we wanted to keep this bill separate from the provisions in A.B. 455. Under number 1 of the proposed conceptual amendments, you will see some bullet points, and those are the areas of the bill that are duplicated in A.B. 455. She is recommending we delete those provisions from the bill and keep just the other section brought by the working group. In addition, Ms. [Cathy] Bradford has provided the additional amendments under Tab E.

Assemblywoman Giunchigliani:

I am looking at their amendments, and I do not recall seeing a justification on why a clerk should publish who was canceled as a voter. That is a large fiscal impact, and they can only do it every four years now.

Co-Chairwoman Koivisto:

I think the issue with purging voters was so that candidates or persons inadvertently purged from the voter rolls would be able to get reregistered.

Assemblywoman Giunchigliani:

That was the intent, but considering the cost to publish, I would rather have them mail a postcard to each person. They could say, "You are about to be eliminated, and if you disagree, call us by this date or you will need to reregister." To me, that would be more appropriate.

Co-Chairwoman Koivisto:

I think there was also some discussion of putting it on a website.

Assemblywoman Giunchigliani:

That would be fine, but I would rather have a postcard go to someone rather than publishing a list everyone looks at. This will go into the Ways and Means Committee if they have to do that.

Assemblywoman McClain:

I am sorry Larry is not here, but I know there is a huge process that has to be done before you ever purge anyone. It involves certified mail and return receipts.

Alan Glover, City Clerk-Recorder, City of Carson City, Nevada:

Before you can purge someone, there are many steps taken. If they have not voted in two elections, we have mailed them several pieces of mail, so that would be the problem with a postcard. It might be going to an address where they no longer live. We have already sent them two pieces of mail prior to that step. In discussion with Mr. Lomax, he did the same thing we did up here. We made that list available when the parties wanted it. We just told the computer to do it and then sent them the list. We can also put that out on our website if you like. It is the publication costs that are so high. Larry's figures were \$370,000 to publish, but there are other ways to accomplish the same thing and make that information available to candidates and parties.

Assemblywoman Giunchigliani:

On the two pieces that you mail out before you mail out the third, is that a requirement from the federal government for purging, or are those the steps we take? I am thinking we can combine them into one first-class mailing, and then that way, you would know.

Alan Glover:

That is under the federal statute, which we mirror, but they do go first class.

Assemblywoman Giunchigliani:

Doesn't that come back to you with the change of address?

Alan Glover:

Not all the time. If we do get an address correction back and it is within the county, we attempt to correct the address for that person. If it is out of state, you still cannot purge them. You have to write them another letter asking them to sign and be purged from the rolls. Unfortunately, a lot simply get mailed, and the people at the house or apartment just throw it away. Those are the people we do not know about. We like it when we receive them back with a change of address. It gives us something to work with.

Assemblywoman Giunchigliani:

I would say rather than publish, make available upon request.

Co-Chairwoman Koivisto:

The second paragraph down is amended to say that "shall make available." That is what the amendment is.

Assemblywoman McClain:

Is that two general elections that they do not vote in?

Alan Glover:

Yes.

Assemblyman Sibley:

I need to disclose that I have a financial interest in a newspaper that is qualified to publish legal notices. This will not affect me any differently than anyone else, and we currently do not do this type of work.

Co-Chairwoman Koivisto:

Let us move on to number two. This one is flexibility in requiring the countywide list of voters at the polls. The bill is changed from requiring all polling places to have the complete county voting list, to "immediate access." That would include access through paper lists, electronic access via the Internet, lists saved to computer discs, and access through dedicated phone lines.

Assemblywoman McClain:

Does it have to be immediate, or can't we just say there is access?

Co-Chairwoman Koivisto:

"Immediate" is in there so that you could be able to check a voter while they were there waiting to vote.

Assemblywoman Giunchigliani:

Maybe I misunderstood. By law, they have to clean the list off four times during the election period so you can go in and see who has not voted. You can then make phone calls to them. So, the purpose of having a countywide one available is what I question.

Co-Chairwoman Koivisto:

This is at the polls, to facilitate voting. If someone came in, they would not be told they had to vote provisionally.

Assemblywoman Giunchigliani:

So, it is available for the individuals coming in to the poll?

Co-Chairwoman Koivisto:

Is that not where we are going with this?

Assemblyman Denis:

It said something about a dedicated phone line. A lot of these places do not even have phone lines. I would think you would want an up-to-date list, whether it is through a phone line, a wireless connection, or just updating a disc every day. I do not think we would want to specifically put a dedicated phone line in the bill.

Assemblywoman Giunchigliani:

The idea is if someone comes into vote, and before someone says you have to vote provisionally over there, you can check this list. I do not understand why you also need paperless, electronic access, Internet, computer disc, or anything else if the person standing right there can thumb through alphabetically.

Assemblyman Seale:

If I understand the testimony from the other day, there were various ways you could find out where you should vote. It could be electronic, so if they had a computer handy, they could go online and find it. I believe the dedicated phone line was not a phone line out, but a phone line to the registrar of voters. You could call up, and there would be a dedicated phone at the registrar of voters where you could find out the information. That was my understanding.

Assemblyman Denis:

I thought we were going to have the up-to-date lists at the polling places, so if someone wanted to vote, they would have the list to verify.

Assemblyman Seale:

This was true as I understood it, but not all polling places have access to some of these.

Assemblyman Denis:

I thought that was the purpose of this bill, so that they would have the information available at every polling site. If you showed up to vote, they could just let you vote right there, and you would not have to go to the other place.

Assemblywoman Gansert:

My thought was that they were trying to get to the point—as in early voting—where you can walk in and vote. I am not sure we need to delineate any of this, but rather, we need to say “immediate access” instead of naming the methods.

Assemblywoman Giunchigliani:

Every precinct captain has a phone with a direct line.

Assemblywoman Gansert:

I think Clark County does that, but it was the only county that always had access. Clark is the only one with total access all of the time.

**Cathy Bradford, Member, Washoe County Election Reform Working Group,
Washoe County, Nevada:**

The intent of this portion of the bill is to tell voters where they can go to vote if they are registered in the county, but not registered in the precinct. If they are not a registered voter in that precinct, they cannot vote there. If they cannot be told where they can go to vote, they vote provisionally. We would like to avoid as many provisional ballots as we can. Some of the polling places in Washoe County had computer access. Some of the schools where the voting was taking place would let the poll workers use their computers. They had complete Internet access. They could look it up and immediately tell that voter if they were in the wrong precinct. People show up at the wrong precinct more often than you think.

Our concern is why some polling places have this benefit and others do not. We would like to see some form of countywide list at all precincts. I would love to have it just by computer with Internet access, because that would be the quickest and easiest fix. I think Dan Burk is committed to trying to get enough laptop computers to do that in Washoe County. We realize that would be a big cost and very prohibitive, so we are trying to get some flexibility in here. We are not at all wedded to the language; however, we are trying to get the concept across, and we want flexibility.

Assemblywoman Giunchigliani:

Regarding the voter registration list, do they even indicate the precinct? You would want to make sure that is the type of list you were looking for.

Alan Glover:

No, they are looking for the complete list of registered voters. The issue here is in the portion right above it. If you fail to do any of these things, you will have to close your polling place down. We do not want to do that. The dedicated phone line might not be the appropriate wording nowadays, because everyone could be using a cell phone. I know there are some rural polling places where there are no phones, so everyone uses a cell phone. The concept is really good, but we tend to do that currently. Sometimes you have to call back to the office and find out where these people are coming from.

All the rural counties have a complete list of everyone in their county because it is so easy. For instance, there are not that many voters in Humboldt County. We have laptops and phone lines in Carson City. I think only Washoe County experienced a problem, and possibly Clark County because it is so large. Through these means, we need to make sure that if the lines go dead and the computer crashes, we do not close the poll site down. We want to continue on as best we can and make sure we can find out where these people live, so they can get to the right polling place.

Co-Chairwoman Koivisto:

I think there was testimony that having a paper list for Clark County at every polling place would be impossible. They would have to have trucks to haul the lists around.

Cathy Bradford:

We understand, and we would not want Clark County to have the stacks. I also want to point out that the polling place where I was had a problem. The cell phones did not work, and we had no access to the county list. The poll workers could not use their cell phones, so some of the volunteers went outside of the polling place to try and call the registrar's office. The registrar's office lines were busy throughout most of the day. I think that is where we came up with the idea of the dedicated phone lines. If they had more phone lines dedicated to each polling place, they would be able to get through easier. That would still not solve the problem of not having cell phone service in the building.

Co-Chairwoman Koivisto:

Right, so it would be the county clerk's office that would have to have more phone lines.

Cathy Bradford:

Correct. That would be an answer. They would also have to check out the polling place in advance to make sure there was cell phone service. There would need to be flexibility, so if there is no cell service at a polling place, there would be a dedicated phone line instead. Also, that would be where a laptop would be used. Maybe they could negotiate with some of the schools in advance to use their computers.

Assemblywoman McClain:

I think Alan's problem is in Section 11, and it is tied into the section in NRS [*Nevada Revised Statutes*]. If you look on page 5, Section 11, it says that no election board may perform its duty in serving registered voters at any precinct or district polling place in any election provided for in this title unless it has before it a list of all registered voters in the county. Maybe it just needs to be put somewhere else. So, if someone cannot comply, then putting it here says you cannot have an election at that polling place.

Assemblywoman Giunchigliani:

If you go down to the original language, it does not make sense to me. It says, "...polling place at any election provided for in this title unless it has before it the election board register." A register would indicate which precinct the person should go to, but you are not asking for a register. If you want a voter registration list, it will not necessarily indicate the precinct you want to refer them to in order to avoid the provisional ballot. We need to make sure we are clear which list we are asking them to have available. To me, a voter list is their name, address, and phone number. I do not know if each list is different, so we need to be clear.

Cathy Bradford:

The register they are talking about in the original statute is the poll book we all see when we go inside. It is a big huge book, and is just for one precinct. The countywide voter list would indicate what precinct that voter resides in. You can go to the Washoe County's Registrar's website, and if you pull up your precinct number, you will see the list we are talking about.

Assemblywoman Giunchigliani:

I think you should make it clear that you want to include the precinct list. In addition to that, at each polling area you will need a map of all the precincts to be able to show them where to go to vote. Conceptually, I like the idea, but we have to think in total here.

Co-Chairwoman Koivisto:

Are there any suggestions to make regarding the language used in this bill?

Assemblywoman McClain:

I would leave it up to staff to see if there is a better place to have the intent that every polling place has access to the entire list of registered voters.

Assemblywoman Giunchigliani:

I would like to try something here: "For the purposes of assisting voters to be directed to their correct precinct, immediate access to a list of all registered voters, which includes their precinct, must be made available at polling sites in any format that is available to the local county clerk." Do that as the lead into Section 11, so it is not the guiding piece to close the polling area, and make the old language the second part of that.

Assemblywoman McClain:

If you go over to Section 13 now, it goes on to say that if they do not appear on the register at that particular polling place, the election board shall examine the list of all registered voters in the county and direct them to where they need to go. What they are trying to accomplish is actually worded in two different places.

I think the concept is great. You do not want to disenfranchise people by saying, "You are not on my list, so go away." If they have the information available to them, I am sure the people working the polls are going to look it up and show them where they need to go.

Co-Chairwoman Koivisto:

So, we just need something indicating that they should have information available.

Let's move to Section 20, on page 12. They are recommending deleting the requirement on page 12, lines 4 through 17, and the part about faxing the ballot. They do want a registrar's office to accept a faxed ballot from a voter when the voter is confined to a sanitarium, dwelling, or nursing home, or when the voter is suddenly hospitalized, becomes seriously ill, or is called away from home.

Assemblywoman Giunchigliani:

I understand what they are attempting, but I do not feel comfortable with accepting faxes. We did clarify earlier this evening that they can just write on a piece of paper that they need a ballot because they are ill. They can sign it and

name who is allowed to pick it up. The designated person can pick up the ballot, take it to the person who is ill, and then bring it back to the polling place. I know that is a little cumbersome, but it is making sure that there is some protection against any fraudulent change. I do not feel comfortable with fax machines accepting ballots. That is for emergencies, and seven days before the election, they can do that.

Several years ago I had a constituent who was waiting in line in a park, and she fainted. She was taken home, and I called down to find out what process there was in order for her to vote. I was told she could write on a piece of paper, sign and verify her name, and authorize a person to pick up her ballot. She then voted, and the authorized person returned the sealed envelope. There are accommodations to deal with this type of situation, but they are not well publicized. That is part of the problem. If you are in the hospital, they have to send one to the hospital.

Assemblywoman Gansert:

I would suggest we take out all references to being able to fax back the ballots, and there are a number of them.

Co-Chairwoman Koivisto:

I tend to agree with that. Let's go to Section 21, and I think part of this is in A.B. 455 because some of the permanent polling places during early voting down in Clark County are located in the malls. They do not open until 10 a.m. This is a real issue.

Cathy Bradford:

Right now, the statute does require permanent polling places to be open from 8:00 a.m. to 6:00 p.m., so I do not know how they are addressing that now. We are asking for two extra hours in the evening. We mostly want to accommodate working voters who are unable to get off work early, so they have more time to vote. Also, we want to accommodate the extremely long lines we had here in Washoe County. Washoe County was unique in that we had six-hour waits at early voting. I know a lot of people just gave up and went home, so we are requesting two hours on the back end.

Co-Chairwoman Koivisto:

Did we have it down that it went to 8:00 p.m.? This is to add another hour at the end of the day in the permanent early voting places.

Assemblyman Conklin:

No. If you are asking whether that is in A.B. 455, it is not there. I would ask the clerks if that is even a possibility. Now you are talking about election results not getting posted until 9:30 or 10:00 p.m. at the very earliest.

Since this is in regard to early voting, then testimony, as far as I remember in Committee, was that not all sites are open until 8:00 p.m. They may be at a retail location that closes at 6:00 p.m., and so statutorily, they are going to have to dump that location, as I recall.

Co-Chairwoman Koivisto:

This is for the permanent polling places.

Assemblywoman McClain:

Maybe we should put something in there that says they stay open until 8:00 p.m. if the business is normally open until that hour. You could say the poll should stay open from 8:00 a.m. to 8:00 p.m., depending upon that business's hours.

Co-Chairwoman Koivisto:

My recollection is that one of the early polling places in my district did stay open until 8:00 p.m.

Assemblywoman McClain:

We are talking Las Vegas—open 24 hours a day. I understand Washoe County's problem, because they have stores that would close at 5:00 p.m. If you just made it contingent on falling within the normal working hours of the business or area that has the polling site, it would work. If they are open until 9:00 p.m., then they would be required to keep the poll open until 8:00 p.m. If they do not open until 10:00 a.m., then they are not required to open at 8:00 a.m., but rather, they would be required to open at 10:00 a.m. Will that work?

Cathy Bradford:

In response to the clerk's comments, we have taken out the requirement that they be open on Sundays and holidays. We also want to only make this applicable to the larger counties with 100,000 or more population. I can't speak for Clark County, but I know Washoe County only has two permanent polling places, and they are located at the Registrar's Office and Park Lane Mall, which is open until 8:00 p.m. It would not hurt Washoe County, but I cannot speak for Clark County.

Assemblywoman Gansert:

I think those are the two permanent polling places, but Park Lane Mall does not open at 8:00 a.m. They open at 10:00 a.m., and that is when they started. What could happen is we would have fewer permanent sites if you were to extend the hours in that manner. You would probably have to weigh whether you want as many sites or whether you want them open for longer hours.

Co-Chairwoman Koivisto:

That is where we were going. It does limit some of the sites.

Assemblywoman Giunchigliani:

We should make it contingent on the business' availability and opportunity, because that business has to be willing to let the clerks use it. Maybe it should only apply in counties over the 100,000 population threshold. The clerks may establish the hours according to the business' hours, with the intent of trying to keep it open until 8:00 p.m. or something like that.

Assemblyman Conklin:

Statutorily, right now the required hours are from 10:00 a.m. to 6:00 p.m. In light of the debate on equality—of where we are having the polls— if we have a requirement that says 8:00 a.m. to 8:00 p.m. wherever possible, but in some places it is not possible, is someone going to come and complain? We might get a complaint if we did not have it open long enough in someone's district, and there were more voters in the neighboring district and they got better hours.

Assemblywoman McClain:

Is that some wording that staff can do? We could say, "Here is the window that we would like voting to be open," and that would be 8:00 a.m. to 8:00 p.m., contingent upon whichever business the poll site is located in and their normal working business hours. If it is a mall, it is 10:00 a.m. to 9:00 p.m. If it is a grocery store, it could be 8:00 a.m. to 8:00 p.m., because some are open 24 hours down south. If they open at 7:00 a.m. and close at 10:00 p.m., the poll would still only be open from 8:00 a.m. to 8:00 p.m. Will that work?

Kim Guinasso, Committee Counsel:

As an observation, it appears you are going to put this back into the hands of the clerks to decide how it is going to happen, in terms of choosing permanent polling places. If you just say these have to be open as much as the business is going to be open, then it would be up to the clerks to decide what business they want to have these polling places located in and the hours that they are open. You can certainly draft it that way.

Assemblywoman McClain:

I think they basically have that now.

Co-Chairwoman Koivisto:

We are probably creating a difficulty in getting polling places for early voting if we start saying that you must be open from this hour to that hour. I know the clerks do as much as they can.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS ASSEMBLY BILL 499, WITH THE FOLLOWING AMENDMENTS:

- TAKING THE SECOND AMENDMENT TO SECTION 4: "NO LATER THAN 45 DAYS SHALL MAKE AVAILABLE..."
- AMEND SECTION 2 TO SAY, "FOR THE PURPOSE OF ASSISTING VOTERS, AN IMMEDIATE ACCESS LIST SHALL BE MADE AVAILABLE..."
- DELETE ALL OF SECTION 3 THROUGHOUT, INCLUDING LANGUAGE THAT WAS NOT PICKED UP FOR THE DELETION
- AMEND SECTION 21 AND ADD A STATEMENT SAYING THAT HOURS MAY BE EXTENDED AT PERMANENT POLLING SITES BASED ON AVAILABILITY
- DELETE SECTION 26
- AMEND SECTION 25 TO SHOW VOTER REGISTRATION FORMS BE MADE AVAILABLE TO ALL PUBLIC HIGH SCHOOLS FOR THE PURPOSES OF FACULTY AND STUDENTS OBTAINING THEM
- DELETE THE INTERIM STUDY REQUEST

ASSEMBLYMAN SEALE SECONDED THE MOTION.

Assemblywoman Angle:

I would like some clarification on this part of requiring the registrations at high schools. How will this fit into that 50-registration-form requirement that they have to pick up at the registrar? I am just trying to think of logistics. Are we requiring someone from the school to go to the registrar's office every time they need 50 more applications? How is that going to work? We are not mailing them out, because we already discussed that.

Alan Glover:

When we receive requests from the library or the high school, either we run them over to the school, or one of the teachers will come over and say they are out, and we are happy to get the forms to them. Usually, a phone call will handle it.

Normally, the government teachers ask for the forms, and if they have a big class of seniors, we give them as many as they ask for. I have gone over and registered high school students myself. We have an excellent government teacher in Carson who does all of that. I think it should be outside of that 50-form limit if it is something we can get to.

Assemblyman Holcomb:

Is it a good idea to have this at the high schools? They try to keep high schools secure, and if you start having a lot of people going to the high schools problems might arise. It is a security thing. I think schools should be off limits. I can see opening them up for voting, but not for people walking in. You are going to get strangers saying they are here to get a form.

Co-Chairwoman Koivisto:

I think the idea of having the forms in the schools is to register the teachers and the students who are old enough to register. If someone from the public goes into the school, they have to go and check in with the office first. I have been in every school in my district numerous times, and you have to check into the office.

Assemblyman Munford:

You are absolutely right. Every person that comes as a guest, or enters any high school in the district, has to check into the office. All the government classes at Bonanza High School usually set aside a day when we invite someone from the Registrar's Office to come out and register the students who are going to be turning 18 by election day. They all participate, and we encourage them to do so. They are right on the threshold and we encourage them to participate. I think most government classes around the district have something along those lines.

Assemblyman Conklin:

To the maker of the motion, was it your intent that nothing remaining in this bill conflict with the already-passed, amended version of A.B. 455?

Assemblywoman Giunchigliani:

That is absolutely right.

Assemblywoman Angle:

I just want to follow up a little bit on Mr. Holcomb's concern. This is just for inside the high school. We are not going to be opening our high schools for the public to come in and register. Is that what the bill says? It does not say it is going to be a public registration place?

Co-Chairwoman Koivisto:

That is correct. It is for inside the school. I believe Ms. Giunchigliani's motion indicated that also.

Assemblywoman Giunchigliani:

It is not for a parent of a child coming to the school to pick up a form. It is not for the general public, but for the students. It also would be available to the support people, the parents, and the faculty while they were at the school. That is also currently how it works. This is just making sure that there is some process to get registration forms to the school.

I might suggest as the amendment or the language that each school board of trustees establish a procedure, in conjunction with the clerks, on how to disseminate voter registration forms. That might get us better guidance in distribution.

Assemblyman Holcomb:

You say it is for the students and the administration, but will it be open to the public if they choose to go to the high school?

Assemblywoman Giunchigliani:

I would say no, because they do have to check in and the principal has to allow them onto the campus once they come into the office. I would not see people walking in to pick up voter registration forms; however, I do not think anyone would object to someone coming in as a guest and saying, "Oh, I need to get registered," and taking a form.

Assemblyman Holcomb:

I was just thinking of people walking in—for instance, to the library—and wanting a form.

Assemblywoman Giunchigliani:

They cannot do that. In every public school in the state—not just high schools—visitors need to check in first at the office.

THE MOTION CARRIED, WITH ASSEMBLYMAN SIBLEY VOTING NO.

Assembly Joint Resolution 15: Urges President and Congress of United States to support participation of Taiwan in World Health Organization. (BDR R-1413)

Michelle Van Geel, Committee Policy Analyst:

Assembly Joint Resolution 15 urges the President and Congress of the United States to support the participation of Taiwan in the World Health Organization.

Co-Chairwoman Koivisto:

This Joint Resolution was requested by Mr. Christensen. This is a resolution that has been done almost every session. The language in this resolution is very innocuous; in fact, it is much more innocuous than it has been before.

Further, I spoke with Leadership and was informed that the gentleman who spoke to us that night was rather alarmist. They did not feel that any of those things were going to happen. We are not going to create an international incident.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO DO PASS
ASSEMBLY JOINT RESOLUTION 15.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

Assemblyman Seale:

I hear what you say, and I recognize that this has come before this Body on multiple occasions, but I still have some concerns about this particular resolution and the potential impact that it can have, given that we are the only state in the Union that has a license with China. I am not comfortable putting it at risk, even if there is a remote possibility. Because of that, I will be voting no on this bill.

THE MOTION FAILED, WITH ASSEMBLYWOMAN ANGLE, ASSEMBLYMAN DENIS, ASSEMBLYWOMAN GANSERT, ASSEMBLYWOMAN GIUNCHIGLIANI, ASSEMBLYMAN HOLCOMB, ASSEMBLYMAN McCLEARY, ASSEMBLYMAN MORTENSON, ASSEMBLYMAN SEALE, AND ASSEMBLYMAN SIBLEY VOTING NO.

**Assembly Bill 302: Creates presidential preference primary election.
(BDR 24-551)**

Michelle Van Geel, Committee Policy Analyst:

This was presented to the Committee on March 31 by Assemblyman McCleary and is located on page 11 of your Work Session Document ([Exhibit B](#)). The measure proposes to create a presidential preference primary election. Mr. McCleary submitted an amendment, which is located behind Tab J ([Exhibit B](#)).

Co-Chairwoman Koivisto:

Is there any discussion regarding this bill?

Assemblywoman McClain:

You want to give the Secretary of State the discretion to decide when to conduct a presidential primary?

Assemblyman McCleary:

Yes, that is correct. In this last election cycle we received a lot of attention. We usually do not receive a lot of attention when it comes to presidential primaries. Candidates do not care, but it was so close, we actually made a difference. I wanted to find a way to somehow get attention, and so I tried to position ourselves to have the primary on the third, but then I saw that was not open. I kept looking at dates and decided to direct the Secretary of State to hold the primary in the first quarter of the year. It still would be placed in the early days, so we would receive some attention from the presidential candidates. Currently, by the time the candidates reach Nevada, the election has already been decided. I just want to get some of Nevada's issues recognized and get some attention.

It will cost \$800,000 to \$1 million to hold this election. The only time this primary would be held is when the presidency is open. We would only do this in years when there was not a sitting incumbent in the White House.

Assemblywoman Gansert:

If we did not single out the president's race, it would still be moved up if it were with the rest of the primary elections.

Assemblyman McCleary:

I would vote against it if we moved it in with the regular primary. It does not do any good, because by the time we have our primary, the presidential candidate would already be decided. It would not be worth having a primary.

Co-Chairwoman Koivisto:

I might point out it has been tried a number of times, and we do not currently have presidential primaries.

ASSEMBLYMAN MORTENSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 302.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION FAILED, WITH ASSEMBLYWOMAN ANGLE,
ASSEMBLYMAN CONKLIN, ASSEMBLYMAN DENIS,
ASSEMBLYWOMAN GANSERT, ASSEMBLYWOMAN
GIUNCHIGLIANI, ASSEMBLYMAN HOLCOMB, ASSEMBLYWOMAN
KOIVISTO, ASSEMBLYWOMAN McCLAIN, ASSEMBLYMAN
MUNFORD, ASSEMBLYMAN SEALE, AND ASSEMBLYMAN SIBLEY
VOTING NO.

Assembly Bill 314: Makes various changes to provisions governing eligibility for election and appointment to certain public positions and offices. (BDR 24-436)

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 314 was presented to the Committee on March 31 by Assemblyman McCleary. The bill would, among other things, prohibit ex-felons from holding public office; require various elected public officers to reside in the respective district for at least six months preceding the date for the close of filing for an office; and eliminate the automatic restoration of the right to hold public office to certain ex-felons. There is an amendment from Mr. McCleary under Tab K ([Exhibit B](#)).

Co-Chairwoman Koivisto:

Is there discussion from the Committee?

Assemblyman Denis:

I just want to make sure that, basically, you have only the 90 days left and not the other part of it. Is that correct?

Co-Chairwoman Koivisto:

It still leaves the balance.

Assemblyman Denis:

Did you pull out the felon portion?

Assemblyman McCleary:

Yes.

Assemblyman Denis:

All that is left is just the 90 days?

Assemblyman McCleary:

All this bill would include would be the 90-day requirement to live in your district before being able to run for office in that district.

This part of the bill came from prior sessions where we see a flurry of candidates moving into other people's districts. The current requirement is 30 days. We even see people get elected doing that. It is rare, but it happens. I remember one time in my district this lady—who was a great Assemblywoman, I thought, and lived in the west side of town—ran for State Senate. She lost in that election, but a few weeks before filing closed, she moved into my neighborhood, ran for office, and won. I think that is inappropriate. How do you represent a body of people if you have not lived in that district for a period of time?

I certainly will accept this Committee's recommendations.

Assemblywoman Giunchigliani:

I tend to agree with a longer residency time period, but my question is regarding your amendment. What is this about the district boundary? I think that is handled in redistricting laws and not in statute.

Assemblyman McCleary:

I did not know how it was handled, but I wanted to make sure I did not pencil someone out. If the boundary was changed and they lived in the same home for 30 years and suddenly they have not made their residency requirement, I wanted to make sure that was covered.

Assemblywoman Giunchigliani:

So, it is not necessarily tied to redistricting.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS ASSEMBLY BILL 314 BY ELIMINATING ALL THE CURRENT LANGUAGE WITHIN THE BILL AND INSERTING LANGUAGE THAT A CANDIDATE FOR PUBLIC OFFICE MUST BE A RESIDENT OF THEIR DISTRICT FOR 90 DAYS.

Kim Guinasso, Committee Counsel:

I do not believe that the second amendment is necessary. A legal fiction would apply. If, for some reason, the boundaries were changed that close to an election, we could not do anything anyway.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS ASSEMBLY BILL 314, INSERTING THE RESIDENCY CHANGE OF 90 DAYS.

ASSEMBLYMAN SIBLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Co-Chairman Mortenson:

We will go to Assembly Joint Resolution 5, located in your Work Session Document ([Exhibit C](#)).

Assembly Joint Resolution 5: Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum. (BDR C-1399)

Michelle Van Geel, Committee Policy Analyst:

Assembly Joint Resolution 5 concerns an initiative petition or referendum. It was presented to the Committee by Assemblywoman Giunchigliani on April 7. The resolution removes language from the *Nevada Constitution* that was recently ruled unconstitutional, concerning gathering signatures for initiative petitions in 75 percent of the counties in the state. The resolution adds language requiring signature gathering in the congressional districts. It also increases the number of signatures required from 10 to 15 percent for statutory initiatives, and from 10 to 20 percent for constitutional initiatives. Finally, A.J.R. 5 would prohibit an initiative petition from being placed on the ballot during the next election cycle if the question was disapproved by 55 percent or more of the voters.

There were two proposed amendments that were brought up during the hearing. First on page 6, lines 18 through 19, delete "two years" and replace with language indicating that it is prohibited during the next election cycle. The concern was with the two-year language and that it might not cover the whole time until the next election cycle. Your two years would not hit until the filing period for the next election had already taken place. Just to clarify, they would basically have to sit out an election cycle.

The second amendment makes provisions prohibiting an initiative petition instituted in the county or municipality from being placed on the ballot. It applies during one future election cycle if the question was disapproved by 55 percent or more of the voters and applies to statewide initiative petitions. The way it was currently drafted, it was in a section that concerned just counties and municipalities, and Ms. Giunchigliani wanted it to apply to statewide initiatives as well.

ASSEMBLYMAN SEALE MOVED TO AMEND AND DO ADOPT
ASSEMBLY JOINT RESOLUTION 5.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

[Assembly Joint Resolution 7:](#) Proposes to amend Nevada Constitution to repeal limitations on terms of elected officers. (BDR C-235)

Michelle Van Geel, Committee Policy Analyst:

Assembly Joint Resolution 7 was presented to the Committee by Assemblywoman Giunchigliani on April 7. The resolution proposes to amend the *Nevada Constitution* to repeal the term limits of state and local elected officers.

If you will recall, the discussion that Janine Hansen initiated concerned calling a constitutional convention. What I believe she is referring to is called the Congressional Term Limits Act of 1996, which has been ruled in an opinion by the Attorney General and is stated to be unconstitutional. So, they wanted all of those provisions that passed in that initiative—I believe 1998 was the second time it was approved—to repeal that measure as well.

Assemblywoman Giunchigliani:

I still think that this is at least the first step in moving towards trying to deal with the issue of term limits. The *Gazette-Journal* did an excellent editorial in support of the issue of repealing this. It was a positive statement, because this is not about us, but an unconstitutional issue that was made even more unconstitutional by the separation of the judges from it. If we move this forward, it will be step one. Mr. McCleary, you asked a question in the hearing if we could just sue ourselves, and I still need to work with Leadership on the question you asked. I have not been successful in getting the Legislative Counsel Bureau to move in that direction. I think there are still some groups who are also interested, so as this moves forward, it will help give some momentum to that part of it.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO ADOPT
ASSEMBLY JOINT RESOLUTION 7.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

Assemblyman Seale:

I just want to say that I am in support of this resolution. I do have concerns about what we are going to face with the press in doing this. The constitutional issue and the fact it is not allowed in Congress gives me some comfort. Certainly the fact that at least one of the newspapers in this state had something positive to say about it gives me some comfort.

Co-Chairman Mortenson:

There is also some comfort in the testimony we heard that a number of states had declared it unconstitutional.

THE MOTION CARRIED UNANIMOUSLY.

Assembly Joint Resolution 9: Proposes to amend Nevada Constitution to provide for forfeiture of public office for three or more breaches of ethical duties. (BDR C-181)

Michelle Van Geel, Committee Policy Analyst:

Assembly Joint Resolution 9 was presented to the Committee by Speaker Perkins on April 7. The resolution proposes to amend the *Nevada Constitution* to provide for the forfeiture of public office for three or more breaches of ethical duties.

Numerous issues were discussed, including the broad language of “breach of ethical duties” and “due process.” Speaker Perkins pointed out that many of the issues raised during discussion could be addressed in a trailer bill that could be passed in a future legislative session, if this resolution is passed and eventually adopted by the voters.

No formal amendments were offered.

Co-Chairman Mortenson:

I did speak to Speaker Perkins and advised him that he had a few detractors on the bill and what their concerns were. The Speaker suggested that the *Nevada Constitution* was a broad document for policy and that all these other details can be resolved in legislation. He expressed the desire to have the bill go forward with no amendments attached.

Assemblyman McCleary:

I have a question for staff. Should we put somewhere in here that the Legislature shall set standards and policies concerning this, or is that necessary? Will it automatically be assumed that we are going to set the standards for how this is going to be executed?

Kim Guinasso, Committee Counsel:

Yes, it is certainly not necessary. The companion legislation would not need to be done until the session after next, if this were to be passed by a vote of the people. In terms of what we look at when we are trying to draft the *Nevada Constitution*, we try to make it the broad document, and the specifics are taken care of in statute.

Assemblywoman Giunchigliani:

What is an "ethical duty"? Is that the proper terminology? It just says three or more breaches of his ethical duties. I just want to make sure we know what we are voting on.

Co-Chairman Mortenson:

Could it be just ethics rather than ethical duties?

Kim Guinasso:

I believe the reason it was worded in this fashion is to leave the Legislature room for interpretation by statute.

Assemblywoman Giunchigliani:

I understand we interpret, but "ethical duties" throws me off, or maybe it is just my reading of it.

When you are amending the *Nevada Constitution*, you want to be as careful as you can. If we find it is worded wrong, it will start the whole process again.

Assemblyman Conklin:

My observation was that eventually, the Legislature has the full authority to decide what anything listed in the *Nevada Constitution* means, and in lieu of our decision to do so, then the Supreme Court does. Once this bill passes, even if it passes six years down the road, then it would up to us to define what "ethical duties" mean.

Co-Chairman Mortenson:

As Ms. Giunchigliani said, she can discuss it with Speaker Perkins, and we can amend it on the floor if the language is inappropriate.

ASSEMBLYMAN MCCLEARY MOVED TO DO ADOPT
ASSEMBLY JOINT RESOLUTION 9.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

Assemblyman Seale:

Certainly, having had something like this in place before now might have saved us some agony late last year. I want to make sure that what has been discussed here will be followed up with appropriate language that defines this. I want to reserve the right to change my vote on the Floor.

Assemblywoman Angle:

I am going to be voting no, because during the discussion I expressed my concern that it could catch a lot of people in too wide a net. I think we need to be very careful when we take on the powers of impeachment. I think the process is in place for a good reason. It is constitutional and has stood the test of time since our inception as a country, and so I will be voting no.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE
VOTING NO.

Assemblyman Holcomb:

I voted yes on this, but Ms. Giunchigliani was talking about the word "ethical." If you take that word out, am I still obligated to vote yes on the Floor?

Co-Chairman Mortenson:

I imagine if they change the wording, you would have the option of changing your vote on the Floor.

Assemblywoman Giunchigliani:

You are absolutely correct. "Ethics" has to stay, and "duties" was the word I was concerned about.

Co-Chairman Mortenson:

I know there was some concern about the definition of ethics. That can be done in legislation. If we find it not definite enough or too definite, we can always adjust it, but the most important thing is in the *Nevada Constitution*.

Assemblywoman Gansert:

I was reminded of some of the prior testimony. What was important to me was to make sure there was due process. I do think we have received some assurance at the time, so I want to make sure, when this gets amended, that we are pointing to the due process language in statute.

Co-Chairman Mortenson:

The Speaker ventured the opinion that if there is not due process in this situation, the courts are going to overthrow it anyway. The due process will be inserted in legislation in this situation.

Assemblywoman Giunchigliani:

I would think you are absolutely correct. It will be in statute, in a trailer, or in subsequent legislation. I just want to clarify whether that phrasing is the correct phrasing. I was not intending to pursue due process language, but I agree there has to be a procedure, and that would be our obligation to do statutorily. Perhaps as this is discussed on the Floor, or when we get ready to vote on this, it can be noted for legislative intent.

Co-Chairman Mortenson:

[The meeting was adjourned at 8:58 p.m.]

RESPECTFULLY SUBMITTED:

Celeste Gunther
Recording Attaché

RESPECTFULLY SUBMITTED:

Linda Utt
Transcribing Attaché

APPROVED BY:

Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Elections, Procedures, Ethics, and Constitutional Amendments

Date: April 14, 2005

Time of Meeting: 3:15 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Michelle Van Geel, Legislative Counsel Bureau	Work Session Document for <u>A.B. 185</u> , <u>A.B. 443</u> , <u>A.B. 455</u> , <u>A.B. 497</u> , <u>A.B. 499</u> , <u>A.B. 500</u> , <u>A.B. 530</u> , <u>A.B. 538</u> , <u>A.B. 546</u> , <u>A.J.R. 15</u> , <u>A.B. 302</u> , and <u>A.B. 314</u>
	C	Michelle Van Geel, Legislative Counsel Bureau	Work Session Document for <u>A.J.R. 5</u> , <u>A.J.R. 7</u> , and <u>A.J.R. 9</u>