

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-third Session
June 3, 2005**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:35 p.m. on Friday, June 3, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Dina Titus
Senator Bernice Mathews
Senator Valerie Wiener

GUEST LEGISLATORS PRESENT:

Assemblywoman Chris Giunchigliani, Assembly District No. 9

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michael Stewart, Committee Policy Analyst
Elisabeth Williams, Committee Secretary

OTHERS PRESENT:

Lucille Lusk, Nevada Concerned Citizens
Alan Glover, Nevada Association of County Clerks and County Election Officials
Dan Musgrove, Clark County
Madelyn Shipman, Nevada District Attorneys Association
Cheri L. Edelman, City of Las Vegas
Kent Lauer, Nevada Press Association
Anita Hara, Washoe County Election Reform Group
Cathy Bradford, Washoe County Election Reform Group

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CHAIR CEGAVSKE:

I open the hearing on Assembly Bill (A.B.) 500.

[ASSEMBLY BILL 500 \(4th Reprint\)](#): Makes various changes relating to public officers. (BDR 24-127)

ASSEMBLYWOMAN CHRIS GIUNCHIGLIANI (Assembly District No. 9):

Assembly Bill 500 has various provisions I have outlined for you ([Exhibit C](#)). As you notice, the fourth reprint has been amended to deal with most concerns. Section 2 and section 18 prohibit a polling place for an election from being established in any building named for a candidate whose name appears on the ballot. This codifies a problem which occurred in the last election. The Secretary of State did something within regulation to solve that issue, but it needs to be codified.

Sections 3, 11, 12, 19, 23 and 24 require that polling places be distributed throughout the county to ensure each registered voter within the county has equivalent access to a polling place for early voting. The county clerks must inform the county commissions in a public meeting of the location of polling places for early voting. That way, people will know. This was greatly amended from the original language I had in the bill. The intent was to make sure there is not disparate treatment. In southern Nevada there is an attempt to spread early voting around. However, there were polling sites in minority areas for two or three days while in other places, the polling places were there the entire two weeks of early voting. The intent in those bill sections, depending on the space and availability, was to make sure the polling places were equitably distributed.

Section 4 requires the Secretary of State to maintain on his Web site various documents which may include the Voters' Bill of Rights, locations of polling places and the abstract of votes. We amended this section. Originally, we wanted the abstract of votes for everything, but since campaign reports are still done by hand, that was too cumbersome. We restricted it to just the voting results so a person can go in and begin to search. We wanted a searchable campaign election result candidates could use to see their district and how someone voted on question x, question y and question z. That is a huge step

forward to make that provision. The county clerks would then do that too. We narrowed the focus to the things done by computer. Campaign forms are handwritten, and the clerks do not have the software or the materials. Since that would have added a large fiscal note, we restricted it to that area.

Section 5 and section 20 allow the county and city clerks to post on their Web sites the documents, the Voters' Bill of Rights and the abstract of votes in a searchable format.

CHAIR CEGAVSKE:

Do all the clerks from the 17 counties have Web sites?

ASSEMBLYWOMAN GIUNCHIGLIANI:

I believe so. None of the clerks objected in the Committee hearing. That is a good thing to check. We might have to amend this to say these documents must be put on their Web sites if a Web site is available.

Section 6 and section 21 clarify that a voter registration card may not be used by a candidate as proof of identification when filing their declaration of candidacy. These sections also provide if a candidate's driver's license does not include his or her residential address, the candidate can provide a driver's license or other identification to show their residential address. Currently, you are supposed to show identification, but they are not required to keep the document that proves candidates actually reside at the addresses where they were filing for office. There were individuals who just showed their voter registration cards. There were individuals who filed for office at an address where they actually did not reside and were not registered to vote. These sections clear that up. It does not put the clerks in an awkward position; they can make a copy of the identification as proof they signed their affidavit and verified their address. It gives protection to both sides.

Section 7 requires a word or a symbol designating the party affiliation, but we took that out in the third reprint. We wanted candidates to indicate their party in nonpartisan races in populations over 400,000. I had that in there at the request of one of the local people we worked with. We took it out of the third reprint because I did not want something controversial in the nonpartisan races. That section is out of the bill.

Section 8 and section 22 require a list of voters be posted at each precinct to include every voter except those with a fictitious name. Section 9 and section 10 allow for provisional voting at all times on a ballot, not just for the federal races. In the Assembly Committee on Constitutional Amendments and the Assembly Committee on Elections, Procedures and Ethics last session, we wanted to start small with provisional voting on the federal level. It did not seem much of a problem, so we expanded provisional voting for all races, rather than just for federal races. Section 13 and sections 52 through 60 pick up transitory language. Those sections require the list of registered voters be available and include every voter except those with a fictitious address.

Section 14 prohibits a county clerk from canceling the registration of an ex-felon if the person's right to vote has been restored. That was cleanup language which was asked for based on ex-felon rights.

CHAIR CEGAVSKE:

They just have to produce a paper, but why would they not be allowed to vote? Is that just cleanup?

ASSEMBLYWOMAN GIUNCHIGLIANI:

That is just cleanup. We restored automatic voting rights. If you recall, last Session we added an official document that did not exist. The ex-felons were released without that document, but we did not realize that. There are 37 or 38 states that have automatic restoration. The county clerks have that list; if that individual had come from another state, the clerks allow them to register. This cleans up the language. The Legal Division put it in; this section was not anything I requested.

Section 15 is the same thing; it pertains to the pardoned and paroled. Section 16 removes the provisions allowing all voters to have their addresses and telephone numbers withheld from the public. Currently, those with fictitious names, those stalked or victims of domestic violence must still have their names redacted or not allowed. However, if a person said they want their address and name confidential, the clerks allowed them to do that. There were problems with that. First of all, a voter registration form is a public document and allowing a person's name to be kept confidential restricted that. Secondly, individuals were running for office who did not reside and were not registered in

the district. As a side note that person had his or her name kept confidential, so his or her name and address could not be verified by anyone. Section 6 helps clean up part of that. The intent is to make sure it is clear that a voter registration form is a public record, and the county clerks must make it confidential for those individuals with fictitious names and/or the stalking and domestic violence victims.

SENATOR MATHEWS:

I was wondering if this would help with those candidates who look around to see what district they want to run in; they do it in the northern part of the State all the time. Would these sections help?

ASSEMBLYWOMAN GIUNCHIGLIANI:

I had not thought about that. We have never had a definition in statute for loans for purposes of campaign contributions. I worked off of a document done by a national group that looked at initiatives and campaign financial disclosures. This was one of the recommendations. I gave it to the Legal Division; Scott Wasserman, Chief Deputy Legislative Counsel, looked at it and said there was not a true definition of a loan. Sections 26, 27, 29 and 33 through 39 require a candidate to report certain information concerning loans they receive from a third party. This section also requires the Secretary of State to design a form for such reporting.

For example, if during the campaign someone says they are going to loan a candidate \$10,000, that is a commitment to a contribution. That was not covered before; now it would have to be disclosed. It also includes someone who states in writing they will pay for \$5,000 worth of printing as a contribution to a candidate's campaign. That is fine, but it needs to be disclosed. We did not cover that before, so that is the intent.

Section 28 limits the time for public officers to solicit or accept monetary contributions to 45 days after the person has been issued a certificate of election and ending 180 days before the last day to file as a candidate for the next election. To me, this is the crux of the legislation. For years we have allowed our local government officeholders to raise money while they are voting on issues. The intent is to treat them the same as us. State Legislators have a time certain to begin and end raising finances during an election period.

The 45 days and the 180 days are not tied to anything other than recognizing large races require time to raise money to pay off campaign debts, but there should be a time certain. That is where the 45- and 180-day figures came from. For good public policy, we should not put a candidate or elected official in that predicament; they should not be voting and taking money at the same time. This sets some parameters, but it does not affect candidates. I have no problem with this affecting candidates, but I checked with Kimberly Marsh Guinasso of the Legal Division who told me it appears unconstitutional because candidates are not in an elected position, they are seeking one. Until they are elected, we cannot restrict what they have the opportunity to do.

Sections 30 through 32 require justices of the peace and municipal judges to report campaign contributions. Years ago, we did not capture them. This makes them report like every other judicial group. Sections 42 through 45 and sections 49 through 51 have been deleted. Those sections were going to create a new group called "officer of a publicly funded entity." The intent was to get quasi-public groups that take money, sit on boards and handle contracts to disclose their finances. There was discomfort with those sections from some individuals; so rather than moving forward, I deleted that language.

Section 40 increases the number of bill draft requests (BDR) that newly elected members of the Nevada Legislature are entitled to submit to match the number of BDRs submitted by incumbent legislators. Currently, for those seated, an Assembly member gets 10 BDRs and a Senate member gets 20 BDRs. Years ago we made the change to restrict the number of BDRs and that is now in statute. There is also a time period. In the Assembly, we get five BDRs by September and then five BDRs in the time period between November and December, so the incumbent Assemblymember gets ten. The newly elected Assembly members only get five BDRs each because they are not elected in September; they receive the five BDRs after the November date. That is inequitable because the whole point of bill drafts is for constituents to have access through their representatives to legislation. This section equalizes it and lets the Legislative Counsel Bureau (LCB) allow the newly elected Assembly member ten BDRs after November. Maybe they would get five that must be turned in by December and another five which must be turned in by January. At least it equalizes their opportunity.

SENATOR BEERS:

I always presumed that part of the reason for those deadlines was because of

the work flow timing for the LCB. As incumbents, our deadline for submitting the first batch of bills is considerably before the election date. I am curious if the LCB has said how this might impact their work flow.

ASSEMBLYWOMAN GIUNCHIGLIANI:

The LCB did not offer an opinion one way or another. In the drafting, we said the LCB would establish the dates. As currently elected representatives, we would have a different set of dates than the newly elected members. The dates could be staggered so the LCB drafting schedule would not be impacted. We changed that section twice to read that the dates will be scheduled by LCB so they can determine what works best for their work flow.

Section 40.5 is cleanup language. There has been discussion in the past about public officers. The term "enforcement" seemed to not reflect what a manager or a public officer does. The term administration did, so that suggested language change is so no one questions whether they are a public officer or a manager. They really do handle the administration of laws, not the enforcement of law. Section 52 to the end of the bill is simply parallel language for the city charters so any changes applying to the counties also apply to the cities.

SENATOR BEERS:

We went through the sections governing the Web sites. We need to be cognizant that it is inefficient to post the same material in two locations. I do not know how we get around the consistent language throughout the *Nevada Revised Statutes* (NRS) as we move down the Internet-based world path. The abstract of votes is not posted on the Clark County Web site, but the location and polling places are. I am sure that information is posted at the Washoe County Web site, and it may even be posted at the Lander County Web site. If you want the Secretary of State to maintain a centralized directory, it would be more efficient for that Web site to point the user to the county Web site where the information is posted. We all need to keep this in mind for the next couple of decades as we gradually make our government more Web-friendly.

ASSEMBLYWOMAN GIUNCHIGLIANI:

That is a good point. The bill originally had the Secretary of State's Web site list

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the polling places. I thought that was redundant and cumbersome. Maybe it is more appropriate to have the Secretary of State's Web site as the link to point individuals to the information.

SENATOR BEERS:

When possible, the requirements of this statute could be satisfied by a link to some other location where the information is available.

ASSEMBLYWOMAN GIUNCHIGLIANI:

That is an excellent point. If you could work up language, I am more than willing to accept that.

CHAIR CEGAUSKE:

The other issue several members had was on the provisional-voting language.

SENATOR TITUS:

A lot of bills are becoming vehicles for other things. Is anything in this bill resurrected from some other bill about having to resign from one office to run for another?

ASSEMBLYWOMAN GIUNCHIGLIANI:

No, no one offered any. I do not like to do that. I like to keep the bills clean. Nothing in this bill should reside in any other bill we have passed.

LUCILLE LUSK (Nevada Concerned Citizens):

There are some good things in A.B. 500. In the interest of time, I will just address the areas where we have concerns. Section 9 and section 10 allows provisional voting for all offices. As you know, these are unregistered voters who show up in a polling place unexpectedly. Federal law does require that we allow them to vote for federal office. In our view, extending it to all offices completely undermines the voting registration system and essentially allows same day registration. We have concerns that it leads to chaos and would appreciate your consideration.

Section 16 takes away a citizen's right to withhold their phone and address on the voter list from distribution. I understand a desire to have everyone's address

and phone number, but there are good reasons for some people to keep their personal addresses and phone numbers confidential. There are those who are in the witness protection system, but police officers, judges and victims of crime might also like to keep their addresses and phone numbers confidential.

In addition, there is a body of people who simply hate to get all the mail and phone calls as a result of those things. It serves no one's interest to force them to receive such solicitation if they desire otherwise. It is neither easy nor an automatic thing to have one's name and address withheld. The person actually has to make that request, so it does take some effort. In Clark County as of January 25, 1,779 people had chosen to keep their addresses and phone numbers confidential. Nothing is served to help alienate those folks by telling them that if they wish to exercise their right to vote, they have to disclose their information.

One point raised earlier was perhaps candidates might use confidentiality to hide behind. If that is a concern, you can address it by requiring a candidate to have their address and phone number disclosed. For the general public, this would be a real shame to have taken away.

Section 28 refers to when the local candidates can receive contributions. It is restrictive. If I understand correctly, this is not equivalent to the legislative restriction of 30 days before the Session and 30 days after; there is almost a year in between that time and the close of registration for the next time a legislator would run, versus only six months for the local candidate. The language "for any political purpose" is open. We need to know what that means if we are going to proceed.

Finally, section 40 discusses doubling BDRs for incumbents. I do not know about you, but about this time I do not want to see any more BDRs.

ALAN GLOVER (Nevada Association of County Clerks and County Election Officials):

We have several concerns about the bill. The first one is in section 3. We are concerned about the words "equitable access to polling places." This probably affects Clark County more than the rest of the counties, but how is "equitable" determined? We are deeply afraid that is going to lead to an awful lot of

litigation because someone can say they did not get equitable access. It is not defined anywhere. The only place it is going to get defined is through a court case. That concerns us quite a bit.

Our other concern is in section 4 and that corresponds to Senator Beers' comments. I suspect most counties do not have the ability to search for information on Web sites. They would have to do something about that. You are probably right. We report our election results to the Secretary of State by precinct. With the new statewide voter registration system and the new Sequoia voting system, we will be giving them all the data we have. It might be more appropriate for the counties to have the ability to do that. One can search by precinct, party, candidate or whatever else. The larger counties could probably do it. Carson City could not do it unless we could get a program change; it would attach a fiscal note, but not a large one. It might be more appropriate for a lot of that to be with the Secretary of State, with links back to the counties. One of the links could show polling place locations. The Office of the Secretary of State probably does not know where the polling places are unless we told them. We all put those on our Web sites because we want people to know where to go, but we do not want them calling us. We would rather have them go to the Internet to find their polling place.

Section 16 repeals the language about the confidentiality of addresses and phone numbers. This came into statute after the Clark County registrar was sued. A judge's ruling that certain names and addresses must be kept confidential only applied to Clark County. The clerks suggested in the next Session that change be made statewide. I am not an attorney, but it is our opinion that if you take this section out of the law, it probably will not affect Clark County because this district court order tells them to keep certain names and addresses confidential. We do not have many who request information be kept confidential in Carson City; there are perhaps a dozen. They come on and off that list. A lot of people want the confidentiality because they do not want solicitations. Some people might be paranoid for good reason, and do not want that put in there. I personally have a different view. I did not care for it especially, but I know why it is there, and it is important.

DAN MUSGROVE (Clark County):

I admit we have had numerous meetings with Assemblywoman Giunchigliani

prior to the Session relating to section 3. We truly support her interests to make sure all the voters have access and opportunity to get to those early voting sites. That word "equitable" might cause problems. Searchlight, Primm or Laughlin would be difficult places for us to provide equitable service. It is ripe for a lawsuit. We wanted to put that concern on the record. We believe in the Assemblywoman's intent in this section, but the wording is problematic for us.

I want to talk specifically on section 28 which relates to the contributions to public officers. At my request, the Assemblywoman asked the Legal Division how it affected candidates. She discussed this section on the Assembly Floor yesterday during the vote, and she mentioned it in her description of the bill. Truly, the intent is admirable, and my county commission completely supports that intent. However, in the way this language is drafted, it provides an unlevel playing field for candidates versus incumbents. Every office would be affected. When you look at the county commission, you think of large amounts of dollars, incumbents who can raise a lot of money and bank accounts that carry over from year to year. This section includes every county commission, every State office and every public office. They have a tough time raising money. They have debts to pay off, and they do not necessarily go into another election with lots of money left over. Challengers would have the ability to raise more funds than incumbents based on the fact there is more time available to the challengers than to incumbents.

CHAIR CEGAVSKE:

All Senators and Assembly members in this Legislature have the same obstacle. It is the same issue for every one of us. There could be a candidate raising money while we have no access to raising money. When we get out of a session, our bank accounts have run dry because we try to offset some of the costs we incur while we are up here. It is hard to get sympathy from those of us sitting here. We are under the same guidelines.

MR. MUSGROVE:

I agree with you. The issue is you are in session for only 120 days out of every other year. The time period is different for the county commission. A better way to attack this is to just make this information public. You could make the candidates or the public officers report on a monthly basis. This was an idea

Assemblyman Joe Hardy suggested on the Assembly Floor that was not accepted. The press, especially in Clark County, would be all over something like this. If campaign contributions were accepted when people had items in front of the county commission, the voters would make some good decisions on who they wanted in office based on the campaign contributions collected.

SENATOR MATHEWS:

As a person who came from local government, I understand exactly what you are saying. A person might be voting all the time, every week. There is not a big gap like the State Legislators have, where we are not in the Legislature making law. We may be in an interim committee between sessions, but we are not taking big votes and making law. I understand Assemblywoman Giunchigliani's position, and I appreciate it. However, I do not know how this is possible. She is concerned about this happening, but there is no way to get around that, especially on the city council. They still have to vote; there are still measures that must be decided. I do not think any contribution would make me change my decision. It is going to be difficult for the local incumbents to raise money.

CHAIR CEGAVSKE:

Earlier in the Session, someone brought a bill to us which said every time the Legislators received a contribution, it had to be put on a Web site within 24 hours so the public could view it. People think a Legislator's vote can be bought and that there is money on the issues. How do you get to an area or a place where you are comfortable? I do not know if anyone is ever satisfied with how Legislators report or how the votes are cast. We all read the papers.

MR. MUSGROVE:

I respect those comments, and I appreciate them. That is why there should be public disclosure on a monthly basis to provide the full disclosure voters are looking for. The voters want to know if there is some causal link between a campaign contribution and a vote. That is the unique difference with the county commission. They are making decisions, as Senator Mathews said, every two weeks on issues. This legislation has actually done the opposite of what is required of Legislators. You said there is only a specific time when you, as an incumbent, can collect campaign contributions. As it relates to the Legislature, the law states the time as to when you cannot actually collect money. That is the difference.

MADELYN SHIPMAN (Nevada District Attorneys Association):

You all heard from me previously about the language because the language in section 28 of A.B. 500 does appear in Senate Bill 386 as an amendment in the Assembly. I thank Assemblywoman Giunchigliani for all the discussion and rationale for this section. The question is, is there a tie between contributions and a decision being made? I submit to you that district attorneys and local elected officials, other than legislative decision makers, are not really in that same box. I am sure District Attorney Richard Gammick does not make a decision on whether to prosecute a case based upon a contribution that may or may not have been given to him. They are carrying out their statutory duties as is Mr. Glover. The Nevada Sheriffs' and Chiefs' Association is generally opposed to this language also.

[SENATE BILL 386 \(2nd Reprint\)](#): Makes various changes relating to public office. (BDR 24-311)

MS. SHIPMAN:

We thought about how to achieve the objective. I understand the intent, but this is a tough issue to grasp. This language is too encompassing. Local officials' jobs go on continuously through their whole term. Anyone whose vote could be bought could also be bought during those two periods after 45 days of being elected and prior to the 180-day filing. You are trying to legislate morals and ethics which is difficult to do. For the majority of locally elected officials, from township boards to general improvement district members, it is too broad, and I ask that you not include that section. I cannot think of any substitute language.

Section 16 suggests conflicting language in another bill which was passed this Session. The bill concerned allowing certain persons' addresses to be confidential through the assessors' records. Now they would be open through the voter registrars' records, which would defeat the purpose to allow those people to vote.

CHAIR CEGAVSKE:

For the record, I would like to note there are only three Committee members here.

CHERI L. EDELMAN (City of Las Vegas):

In the interest of time, we agree with all comments made by Ms. Shipman, Mr. Glover and Mr. Musgrove on section 3, section 16 and section 28. I have a proposed amendment ([Exhibit D](#)). Essentially, the amendment contains technical changes. Section 19, subsection 2 refers to the city elections. We wanted to change "county clerk" to "city clerk." Section 19, subsection 2, paragraph (b) refers to the board of county commissioners. We want to change that to city council as a technical change. We are asking for one more change in section 20, subsection 1. In deference to Senator Beers, we do not have the availability at the city to run a search engine. We would like the ability to link up to the county system.

KENT LAUER (Nevada Press Association):

We want to go on record as supporting section 16, which deals with confidentiality.

CHAIR CEGAVSKE:

Assemblywoman Giunchigliani, did everyone who testified today also testify in the Assembly Committee on Elections, Procedures and Ethics/Constitutional Amendments?

ASSEMBLYWOMAN GIUNCHIGLIANI:

No, they did not testify in that manner. If we want to find another word to substitute for "equitable" in section 3, subsection 1, paragraph (a), that is fine. No one raised that issue before. Until Assemblyman Joe Hardy asked the questions about section 28 on the Assembly Floor, the issue with the contributions was not opposed by the local governments. We could work on the time lines in that section. I do not believe elected officials are bought, but we have an obligation to remove any shadow or perception. When individuals, especially in the larger city councils and county commissions, are raising \$250,000 to \$1 million, they need not worry about having any campaign funds left over to go to parties or meet and greets. At some point, we have an obligation and responsibility to say we know money has to be raised in order to run for election, but if the person is in office for two or four years, they should not be taking money. The creation of that provision or ordinance has not happened. It is time to take that additional step.

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I will be happy to work on a better definition of "equitable." Perhaps reasonable could be a substitute. Senator Beers' comment about the linkability makes good sense. No one in the Assembly committee said the counties did not have the ability to search. Now we know, and we can work around that part of it.

CHAIR CEGAVSKE:

I close the hearing on A.B. 500 and open the hearing on A.B. 499.

[ASSEMBLY BILL 499 \(3rd Reprint\)](#): Makes various changes relating to public office. (BDR 24-898)

ANITA HARA (Washoe County Election Reform Group):

Our group is comprised of citizens who got together after the 2004 election to address some issues we confronted as we tried to vote. Our group is sponsoring A.B. 499. We have been diligently working with Washoe County Registrar of Voters, Daniel G. Burk. We have come up with some flexible and practical solutions to problems we encountered when we tried to vote in the last election. We identified things that could actually be worked out in a bipartisan, low-cost way. We have developed a list of seven solutions based on real experiences we had. Our goal is to protect the quality of the vote for everyone. We have also had the opportunity to work with citizens from Clark County and Carson City. This is a good bill in terms of looking across the board for some solutions.

CATHY BRADFORD (Washoe County Election Reform Group):

Originally, there were 15 provisions in this bill with fiscal notes attached to some provisions. In response to those fiscal notes and concerns from county clerks, we suggested several amendments that would delete eight of those provisions. There is no longer any fiscal impact to A.B. 499. It has already gone to the Assembly Committee on Ways and Means and was amended there. At this point, it has widespread support and little or no fiscal impact.

I have given you a handout that summarizes the provisions in the bill ([Exhibit E](#)). The first provision is found in section 2, section 9 and section 13. This will require all polling places have access to a countywide voter registration list by any reasonable means. Right now, the different polling places and precincts only have lists of voters for that particular precinct or polling place. What we saw

happening in the last election is people would come into the polling place, they were not sure they were registered there, and they did not know where they should go. Some polling places had lists, other polling places had computers where the poll workers could look up that information and tell the person where to go. However, a lot of places did not get the information. The problem was if the poll workers did not know where to send these voters, they voted provisionally. These sections would require they have those countywide lists so they can direct the voter where to go. It will reduce the reliance on provisional voting. It will basically help voters in general. The polling places can have these lists available by any reasonable means. The smaller counties could have paper lists and larger counties could have computer or telephone access to get the lists from their headquarters. I want to point out that this provision does not go into effect until January 2008. There will be plenty of time for the county clerks to prepare for these changes.

Section 3 and section 11 would require public high schools and libraries make voter registration forms available. Currently, the public schools and libraries can, at their discretion, have these voter registration forms, but they are not required to do so. I know my daughter's high school does not have these voter registration forms. Obviously, the intent of this is to make our students and citizens become better citizens. They will be more likely to register to vote. Provisions in those sections would also require a sign to be posted in a conspicuous place to notify students and others there are voter registration forms available. This does not make the schools or libraries voter registration agencies. All they have to do is give the person the form, the person fills the form out themselves, and then it is mailed to the registrar's office. There is not much of a burden on the schools or the libraries.

Section 4 and section 7 would allow county clerks and poll managers at the polling places to deputize and reallocate poll workers as necessary on Election Day. We are all familiar with what happens at a polling place. There are different precinct tables set up, and each precinct is assigned a certain number of poll workers by law. One precinct might have three poll workers, and another precinct might have two poll workers. Currently, the poll manager and the county clerk cannot reallocate those people on Election Day. If one table gets busy, they cannot send over someone from a less busy table. This updates them and lets them be more flexible on Election Day.

Section 5 would require county clerks to make the results of programs that purge inactive voters from voter lists available 45 days prior to the close of registration. Currently, counties are allowed by the Help America Vote Act of 2002 and similar Nevada laws to purge inactive voters under certain circumstances. We have no complaints about that, but we would like them to make those lists available 45 days prior to the election. This would enable the political parties and others to get access to those lists so they can notify the purged voters who can get reregistered in time for the election. There is no requirement that it be published, so there is no cost involved. The groups can be informed of purged voters via the Internet or a list, as needed.

Section 6 of the bill clarifies that the Attorney General and the county district attorney's offices have concurrent jurisdiction to prosecute criminal violations of the election code. The election code does not make it clear whether or not a county district attorney can prosecute violations of the code. We are all familiar with the allegations that people were tearing up and destroying voter registration forms in the last election. Some county clerks were not sure they had the jurisdiction to prosecute those cases. That situation fell into a no-man's-land. This bill clarifies that the county clerk and the Attorney General have that jurisdiction to decide among themselves who is going to do the prosecution.

Section 8 of the bill is a housekeeping matter. It clarifies the identification requirements at the polls as set forth in NRS 293.277. The intent of the statute is pretty clear, but the language is a little off. This section provides that the voter comes in to vote, they sign their name on the list, and the poll worker verifies the signature of record for that particular voter. If the signature matches, the poll worker will stop checking and allow the person vote. If it does not match, they can ask the voter for identification (ID). We have also added college student IDs as an acceptable form of identification. In the last election, some college students were turned away because they were told their college IDs were not sufficient identification.

The last provision in the bill is found in section 10. This takes away the discretion of a county clerk to charge a fee for providing voter registration forms to groups of 50 or more. The statute currently gives the county clerks discretion to charge a fee. There is a danger in giving a county clerk the discretion to charge some groups, but not others and not set forth any rules for how to make

that decision. This section would uniformly ensure that all groups continue to have the right to get voter registration forms so they can conduct voter registration drives. Such drives are an important function of these groups.

This bill has become a vehicle. Other sections added on begin in section 14 and deal with campaign practices, but I have not had a chance to look at those. I do not know what they are about.

SENATOR MATHEWS:

She sort of answered my question. I wanted to know if anything was amended into this bill to say a public officer has to resign their office to run for another public office.

MR. STEWART:

The portion which was added deals with some issues we addressed in A.B. 546, which would have repealed two sections under NRS 294A. *Nevada Revised Statutes* 294A.345 and 294A.346 are about impeding the success of a campaign. Some people have referred to those sections as the truth squad issue. *Nevada Revised Statute* 281.477 is a companion statute about the opinion by the Commission on Ethics as it relates to violations of those two statutes. That is in the repealed sections on pages 14 through 18.

[ASSEMBLY BILL 546 \(3rd Reprint\)](#): Makes various changes relating to government. (BDR 23-899)

SENATOR RAGGIO:

I complement you on the conciseness of [Exhibit E](#). This is understandable and precise, and I appreciate your efforts.

MR. GLOVER:

I want to clarify something. The number of applications candidates and parties can pick up from clerks are already defined in law. If someone takes over 50 of the applications, the clerks are allowed to charge for those. This Committee passed out a bill that said if someone picks up 50 in a 12-month period, the clerks can charge for them. What the groups do is get 49 forms at a time. In Carson City, we had 4,000 forms printed, and we got 1,000 forms back. Our taxpayers are paying for these forms, and they are used in another county,

usually Washoe County. We want to keep control on how many forms are floating around out there. Clark County does not charge for the forms. Carson City has never charged for them, but no one has come in and asked for them. Presidential candidates spent millions of dollars campaigning in this State. Frankly, I do not think it would hurt them if they got those forms available for their workers out there. It is not a major issue, but I want to clarify the statute is clear on who is charged for those forms and who is not.

CHAIR CEGAVSKE:

I close the hearing on A.B. 499. Ms. Erdoes, will you go over Senate Concurrent Resolution (S.C.R.) 42.

SENATE CONCURRENT RESOLUTION 42: Declares that certain regulations to which Legislative Commission has objected will not become effective. (BDR R-1454)

BRENDA J. ERDOES (Legislative Counsel):

Senate Concurrent Resolution 42 is required by chapter 233B of NRS. If the Legislative Commission had objections during the interim regulations, the Legislature can choose whether to uphold the objections. Statute says if the Legislative Commission objects to a regulation, it is not filed with the Secretary of State. It is held in abeyance until the day after the end of the Session unless the Legislature passes a resolution or other vehicle to ratify those objections. In that case, the regulation becomes void and is not ever filed.

This resolution in particular has all three of the regulations that were objected to during the interim and not conformed. Other regulations objected to during the interim were all conformed and filed. These three regulations are listed for you: (1) the Taxicab Authority of the Department of Business and Industry regulation, LCB File No. R114-03; (2) the State Board of Health regulation, LCB File No. R147-04, which is assisted living; and the Commissioner of Mortgage Lending regulation, LCB File No. R159-04. If you pass S.C.R. 42, these regulations will continue to be held. In other words, they will be void. If you do not pass S.C.R. 42, these three regulations will be filed on the day after sine die.

SENATOR RAGGIO MOVED TO DO ADOPT S.C.R. 42.

SENATOR BEERS SECONDED THE MOTION.

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THE MOTION CARRIED. (SENATORS HARDY AND WIENER WERE
ABSENT FOR THE VOTE.)

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CHAIR CEGAVSKE:
There being no further business, I adjourn the Senate Committee on Legislative
Operations and Elections at 3:39 p.m.

RESPECTFULLY SUBMITTED:

Elisabeth Williams,
Committee Secretary

APPROVED BY:

Senator Barbara Cegavske, Chair

DATE: _____