



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

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Legislative Commission's Committee to Study the Requirements for Reapportionment and Redistricting was held on July 21, 2010, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblyman Tick Segerblom, Chair
Senator Steven A. Horsford, Vice Chair
Senator John J. Lee
Senator Joyce Woodhouse
Assemblyman John Ocegüera

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Mike McGinness
Senator William J. Raggio
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

Assemblywoman Heidi S. Gansert

OTHER LEGISLATOR PRESENT:

Assemblyman Pete Goicoechea

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Lorne J. Malkiewich, Director, Legislative Counsel Bureau (LCB)

Donald O. Williams, Research Director, Research Division

Michael J. Stewart, Supervising Principal Research Analyst, Research Division

Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division

Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division

Kathy Steinle, Geography Information Systems (GIS) Specialist, Administrative Division

Jeanne Peyton, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Segerblom noted that this is the third meeting of the Committee and that there would be two additional meetings prior to the 2011 Session. He briefly outlined the topics to be discussed at today's meeting.

STATUS REPORT ON THE DECENNIAL CENSUS

(As directed by Chair Segerblom, this agenda item was taken out of order.)

- David A. Byerman, Chief Government Liaison for Nevada, United States Department of Commerce, Census Bureau, provided a brief Microsoft PowerPoint presentation on the final Phases of Nevada's Census 2010 Campaign ([Exhibit B](#)). Mr. Byerman noted that this would be his final presentation to this Committee and outlined that:
 1. The nonresponse follow up has been successfully completed;
 2. Every household that did not return a completed Census questionnaire was visited up to a total of six times to try to obtain information from all residents across the State of Nevada and the Census Bureau is confident that a complete count has been achieved;
 3. The Census Bureau is in its final phase of revisiting every household that has been reported as vacant to ensure that no one is left uncounted; and
 4. By December 31, 2010, the national head count will be delivered to the President, and at that time Nevada will know if it has received a fourth Congressional seat.

Mr. Byerman pointed to a map of Nevada and provided a recap of the various types of enumeration that are performed by the Census Bureau. He explained that the money funded from the Federal Government for each person counted is \$917 per year, and that the money is used for a variety of programs throughout the State of Nevada, including: (1) social services; (2) transportation; (3) education; (4) agriculture; and (5) housing.

Continuing with his presentation, Mr. Byerman reviewed the 2010 Census:

1. Hierarchy of Census Geography: Mr. Byerman noted that the idea of Census tracts goes back to the early 1900s and was originally set up so that urban planners in large cities could review populations from one decade to the next and compare how the Census tracts were changing over time; and
2. Data product release schedule and the profile of general demographic characteristics.

In closing, Mr. Byerman said that the Census Bureau will recognize the over 1,500 partners in Nevada that helped to make Nevada's 2010 Census campaign a success. He noted that a skeleton crew of survey takers will be available beyond September 30, 2010, to handle many of the other operations of the Census Bureau. He thanked the Committee for allowing him the opportunity to work with it.

In response to Chair Segerblom's query about when the additional congressional seat for Nevada will be decided, Mr. Byerman said it would be on December 31, 2010.

APPROVAL OF MINUTES OF THE May 17, 2010, MEETING

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

ASSEMBLYMAN OCEGUERA MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MAY 17, 2010, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR WOODHOUSE AND PASSED UNANIMOUSLY. SENATOR MCGINNESS AND ASSEMBLYWOMAN SMITH WERE NOT PRESENT FOR THE VOTE.

OVERVIEW OF LEGAL ISSUES RELATING TO REAPPORTIONMENT AND REDISTRICTING

- Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division, LCB, and Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division, LCB, jointly provided a Microsoft PowerPoint presentation on the legal principles governing redistricting, that the Committee needs to be aware of as it draws its redistricting plan. (Please see [Exhibit C-1](#).) Also provided is a chart titled "Redistricting 2000 Population Deviation Table" ([Exhibit C-2](#)).
- Ms. O'Grady and Ms. Roberts discussed the following legal parameters related to reapportionment and redistricting during the presentation:
 1. Primary federal protections relating to population equality, including: (a) measures; (b) sources; (c) standards; (d) Congress; and (e) state legislatures;
 2. Equitable treatment of racial and language minorities, including: (a) sources; (b) Sections 2 and 5 of the Voting Rights Act; and (c) racial gerrymandering; and
 3. Traditional districting principles.

Responding to Senator Raggio's questions about multiple member senate districts and if senate districts had to be coterminous with assembly districts, Ms. Roberts said that, currently Nevada has two senate multi-member districts in Clark County and the U.S. Supreme Court has ruled that the use of multimember districts is not unconstitutional.

Regarding if senate and assembly districts are required to be coterminous, Ms. Roberts said that currently the rules for the 2011 Session do not discuss the concept of nesting.

- Referring to [Exhibit C-2](#), Ms. Roberts said that after the 2000 Census, 19 states drew congressional plans with an overall range of either zero or one person and ten other states, including Nevada, drew plans with an overall range of two to ten persons.
- Regarding equal population, Ms. Roberts explained that congressional districts must be as close to equal as practicable and even minute deviations can be legally significant.
- Referring to state legislative districts, Ms. O'Grady noted that the U.S. Supreme Court set forth a standard of achieving "substantial equality of population among the various districts," which is a different standard than the strict, precise equality required for Congress. She explained that in the early 1970s the court developed a standard of what constitutes minor deviation in range of population, requiring that the overall range from the smallest district to the largest district be no more than 10 percent.

In reply to Senator Raggio's query about the 5 percent deviation in population, Ms. Roberts said that it requires that the smallest district does not deviate more than 5 percent from the ideal population and the largest district does not deviate more than 5 percent of the ideal population.

- Ms. Roberts explained that the "Traditional Districting Principles" are secondary factors relating to redistricting aside from equal population and the equitable treatment of minorities that states consider when drawing maps. She noted that these principles (a) are not found in the *U.S. Constitution*, but are found in the constitutions, laws, and resolutions of the states; and (b) there are seven policies that have been recognized by courts as traditional districting principles, which may be used to help justify decisions made by the Legislature when drawing its plans
- Ms. O'Grady provided a brief overview of: (a) political partisan gerrymandering; (b) multimember districts; and (c) redistricting laws outlined in the *Nevada Constitution*.
- For the record, Senator Raggio reported that the size of the Legislature could be reviewed during the 2011 Session because outside of Clark County some seats may be lost and some of the areas would become larger and more difficult to represent. He explained that the Senate presently has 21 members, but according to Article 15 of the *Nevada Constitution*, the membership could be increased by 4; and the Assembly could be increased from 42 to 50 members.

Discussion ensued among Committee members regarding the size of the Nevada Legislature and Mr. Malkiewich, Director, LCB, clarified that if the Senate is increased in size to 25 members, the Assembly must be increased to 50 members, but if the Senate is

not increased in size the Assembly could increase up to 54 members to a total of 75 as allowed by Article 15, section 6 of the *Nevada Constitution*.

- Chair Segerblom noted that political gerrymandering is potentially unconstitutional; however, there is no standard to guide the Legislature.

Responding to Chair Segerblom, Ms. Roberts said that the problem is that the courts do not know how to set a standard of how far to go recognizing that politics is always going to be part of the process of reapportionment.

- Senator Lee queried about preservation of communities of interest and noted that in both northern and southern Nevada there is a lot of representation that operates among different jurisdictions.

In reply to Senator Lee, Ms. O'Grady replied that preservation of communities of interest is one of the policies that has been recognized. She explained that not all policies can always be complied with and it depends on the problem that is being dealt with. With respect to preservation of communities of interest, the courts will look at a common thread between the members of the community and the state must be aware of the common thread at the time of drawing a plan. She further noted that the common thread must extend beyond race itself to areas like shared socio-economic characteristics.

Responding to Senator Lee regarding if preservation of the community is not as important as the compactness, Ms. O'Grady said it is a balancing by the court that would be handled on a case-by-case basis when the courts review how legislatures have applied the redistricting principles and how consistently they have applied these principles. She explained that many factors are involved when a court reviews a plan.

RECOMMENDATIONS TO THE LEGISLATIVE COMMISSION

- Lorne J. Malkiewich, Director, LCB, provided a review of the three issues that are required for the mechanics of the redistricting process during the 2011 Session:

1. Acquisition of Software for Redistricting;
2. Acquisition of Hardware for Redistricting; and
3. Hiring of Session-Only Staff to Assist Caucuses.

Mr. Malkiewich outlined the items recommended for the redistricting process:

1. Purchase eight autoBound software licenses—four to be used by the caucuses, two for staff and two for public workstations; and

2. Paralleling the software, the hardware required is: (a) four workstations to be used by the caucuses, each including a laptop computer with a docking station, a large monitor and a small desktop color plotter; (b) two projectors that would be shared for presentations; (c) four desktop computers, including a large monitor and a desktop color plotter would be needed for the two public workstations and two staff workstations.
3. Hire four session-only employees—one for each caucus, who would be located in the Information Technology Services Unit (ITS) of LCB so that they could also help out with basic support as well as work on redistricting. (Please see [Exhibit D-1](#) and [Exhibit D-2](#))

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

ASSEMBLYMAN OCEGUERA MOVED TO APPROVE THE ABOVE LISTED PROPOSAL TO PURCHASE THE AUTOBOUND SOFTWARE, THE REQUIRED HARDWARE, AND HIRE FOUR SESSION ONLY EMPLOYEES FOR THE REDISTRICTING PROCESS. SENATOR HORSFORD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

CENSUS GEOGRAPHY AND REDISTRICTING

- Kathy Steinle, GIS Specialist, Information Technology Services Unit, LCB, provided a brief PowerPoint presentation on census geography and how it works with the redistricting process (see [Exhibit E](#)). She covered the following topics:
 1. Census Bureau Geographic Hierarchy;
 2. Geographic Hierarchy Building Blocks;
 3. How Census geography is used for the redistricting process;
 4. Census Block vs. City Block (according to the Census Bureau, the optimum size of a block group is 1,500 people);
 5. Rules for redistricting; and
 6. Potential issues.

Continuing, Ms. Steinle noted that she corresponded with the Census Bureau on July 20, 2010, and it is estimated that Nevada will have between 61,500 and 62,000 Census Blocks to work with for redistricting, and there are approximately 1,300 voting districts in Clark County and over 600 in Washoe County.

Responding to Assemblyman Goicoechea about how the redistricting process of the Legislature coincides with the counties, Ms. Steinle said that the statute limits when counties can change their precinct boundaries. She explained that once the redistricting process is completed by the Legislature, the counties must realign their precincts to fit within the new district boundaries that the Legislature has drawn. Ms. Steinle also noted that a precinct has to be unique and it cannot have multiple senate or assembly districts.

- For the record, Chair Segerblom noted that all the current precincts match up with census blocks and no blocks cross over precinct boundaries.
- Ms. Steinle added that a Census block is the building block for the precincts.

PRESENTATION REGARDING REDISTRICTING ON BEHALF OF REGISTRARS OF VOTERS AND COUNTY CLERKS

- Larry Lomax, Registrar of Voters, Clark County, provided a presentation on the redistricting process of the registrars of voters and county clerks ([Exhibit F-1](#) and [Exhibit F-2](#)). He noted that after redistricting is completed by the Legislature, the counties begin to redraw their maps and create the precincts that will now fit in to the new district. He indicated that the counties use streets when drawing precincts lines instead of Census blocks since the law sets forth that streets and visible boundaries must be used when defining precincts. Mr. Lomax stated that the law currently states that there can be no more than 1,500 active registered voters in each precinct. He noted that due to the high cost of operating each precinct it was requested by the county clerks in the 2009 Session through Assembly Bill 82, to increase the number of active registered voters in each precinct to 3,000. However, Mr. Lomax noted that the bill did not pass and will be requested again in the 2011 Session.

Referring to [Exhibit F-1](#), Mr. Lomax noted that it is a map showing an overlay of a portion of Clark County's political districts that were created during the 2001 Session. He explained that these districts were created at the State level and would have to be further sorted out into: (a) commission districts; (b) city boundaries; (c) board districts; (d) township districts; and (e) county school districts. He further explained that the redistricting process can sometimes completely eliminate polling places causing certain voters to be forced to vote by mail.

Referring to [Exhibit F-2](#), Mr. Lomax explained that sometimes the lines are drawn running directly through a home, splitting the home into two districts. He suggested that something be done to prevent this from happening in the future.

- Senator Horsford noted that part of the Legislature's problem during the 2001 Session was the projection of future growth, and he questioned if the Anthem community in Sun City ([Exhibit F-2](#)) existed prior to the 2001 redistricting or if the boundary was created and the development occurred afterwards. Responding, Mr. Lomax said that

most of the area had been developed prior to the 2001 redistricting, but many of the streets had not been paved and homes were still being constructed.

Responding to Senator Horsford about whether future population projections and growth are factored in when planning new congressional boundaries, Mr. Lomax said that the recorders do not make those calculations, but use the information provided by the Legislature to determine where precincts will be placed to conduct elections.

- Senator Horsford asked for Mr. Lomax's recommendation on how to bring other interested stakeholders and other elected bodies such as the Board of Regents and the State Board of Education into the redistricting process early on so that the Legislature can also factor in those boundaries when making decisions.

Mr. Lomax responded that at one time nesting was a process used, but he noted that he is not directly involved with the redistricting process and did not know the way it was presently handled.

Discussion ensued among Committee members and Mr. Lomax about A.B. 82 of the 2009 Session.

- Assemblyman Goicoechea asked if it was a problem that the Clerks-Recorders are dealing with the number of voters and the Legislature is dealing with population.

Responding, Alan Glover, Recorder, Carson City, concurred with Assemblyman Goicoechea. He stressed the importance of increasing the number of voters allowed in a precinct and explained that this would reduce costs to the county because the Sequoia Voting System that is used bases its fees of how elections are programmed on the number of precincts and charge by precinct, not the number of voters in each precinct. Therefore, Mr. Glover noted that the more precincts, the more expensive it is, in addition to the additional printing that has to be created for each precinct.

Mr. Glover added that the problems that occurred in Carson City were very small compared to the problems in Clark County.

- Senator McGinness asked if future growth is considered during the redistricting process because many times subdivisions are approved to be built, but the projects never move forward, which could later result in an empty precinct.

Responding, Mr. Glover said he meets with the Carson City's Planning Division to discuss approved subdivisions on vacant land, which is used to determine future growth. He recommended that all clerks and registrars throughout the state work with their planning divisions to obtain information on approved building sites.

Responding to Chair Segerblom's query about if precinct lines can be changed between now and the 2011 redistricting, Mr. Lomax said that Clark County is not experiencing the growth to require changes to the boundaries.

RULES FOR REDISTRICTING FOR THE NEVADA LEGISLATURE

- Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, provided a review of the rules for redistricting that were used by the 1991 and 2001 Legislatures, which could be used as a model for the 2011 Legislature ([Exhibit G](#)). He noted that these rules were recommended by this Committee in the 1991 and 2001 Sessions. Mr. Stewart noted that the rules have been provided today for discussion purposes only and may serve as a model for similar rules to be adopted for the 2011 Session, but the Committee will not be asked to approve any recommendations today concerning potential rules for reapportionment. He noted that the Committee may want to consider incorporating new rules that may help to solve some of the problems discussed earlier during this meeting. He said the additional rules that the Committee may wish to consider for the 2011 Session would be: (a) deadlines; (b) additional redistricting parameters; and (c) plan review procedures.

Responding to Senator Lee's query about where the redistricting meetings were held during the 2001 Session, Mr. Stewart said that: (a) northern meetings were held in the Legislative Building in Carson City, (b) one southern meeting was held on a Saturday at the Grant Sawyer State Office Building in Las Vegas, and (c) the chairs of the committees involved in the redistricting process chose to have one rural meeting in Fallon. Mr. Stewart further explained that there are no parameters as to where a rural meeting can be held and it would be a decision that could be made by leadership, the Legislature or the chairs of the committees working on the redistricting process.

DISCUSSION AND SCHEDULING OF FUTURE MEETINGS

- Mr. Malkiewich, previously identified, noted that the Committee is authorized to have a total of five meetings and has had three. He stated that at the next two meetings the Committee will begin to develop recommendations. He said that it was tentatively discussed by the Committee to have one meeting in September and one after the General Election.

Responding to Chair Segerblom about having a rural meeting of this Committee, Mr. Malkiewich said that because of the many budget cuts set by the Legislative Commission all interim committees are required to schedule meetings in Carson City and Las Vegas to minimize travel expenses. He commented that during the 2011 Session, the committees or subcommittees established to review reapportionment could schedule meetings in the rural areas to receive input from these communities to be able to ensure that the redistricting plan is drafted constitutionally.

- Mr. Goicoechea asked Mr. Lomax and Mr. Glover if it would help the county clerks and registrars if the Legislature used Census blocks for the redistricting process. Responding, Mr. Lomax said that he thought it might work better, however, the clerks and registrars will redraw precincts using visible boundaries such as streets.
- Mr. Malkiewich, previously identified, indicated that with the present technology, the Legislature will have the ability to generate a separate plan for the Assembly, Senate, Board of Regents, Department of Education, Board of Education, and Congressional Districts. He noted that with all of the entities being drafted separately, there are slight differences in where the boundaries are located. He suggested encouraging the use of common lines for the Assembly, Senate and Congressional Districts to eliminate some discrepancies. Mr. Malkiewich added that with the use of Goggle Earth there will be much more correlation between the Census maps and the “real world.”
- Ms. Steinle, previously identified, reviewed some of the potential redistricting issues ([Exhibit E](#)) and how non-coterminous boundaries can occur when Assembly and Senate Districts are being created, which result in small unique areas known as “mailing precincts.”

PUBLIC COMMENT

- No one came forward under this agenda item.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:03 a.m.

Respectfully submitted,

Jeanne Peyton
Senior Research Secretary

Lorne J. Malkiewich
Director

APPROVED BY:

Assemblyman Tick Segerblom, Chair

Date: _____

LIST OF EXHIBITS

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

[Exhibit B](#) is a presentation handout titled “Nevada’s Census 2010 Campaign: *We All Count*,” dated July 21, 2010, provided by David A. Byerman, Chief Government Liaison for Nevada, United States Department of Commerce, Census Bureau.

[Exhibit C-1](#) is a presentation handout titled “Legal Principles Governing Redistricting,” dated July 21, 2010, provided by Eileen G. O’Grady, Chief Deputy Legislative Counsel, Legal Division, LCB, and Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit C-2](#) is an outline compiled by the National Conference of State Legislatures, titled “Redistricting 2000 Population Deviation Table,” provided by Eileen G. O’Grady, Chief Deputy Legislative Counsel, Legal Division, LCB, and Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division, LCB.

[Exhibit D-1](#) is an outline concerning the recommendations to the Legislative Commission of the acquisition of software and hardware, and the hiring of session only staff to assist the caucuses for the 2011 Session and redistricting process, provided by Lorne J. Malkiewich, Director, LCB.

[Exhibit D-2](#) is an outline titled “GIS Hardware – Items for Consideration,” provided by Lorne J. Malkiewich, Director, LCB.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “Census Geography and Redistricting,” provided by Kathy Steinle, GIS Specialist, Information Technology Services, LCB.

[Exhibit F-1](#) is a map titled “Clark County Election Department,” regarding multiple district lines, provided by Larry Lomax, Registrar of Voters, Clark County.

[Exhibit F-2](#) is a map titled “Clark County Election Department,” regarding Congressional Districts Sun City Anthem, provided by Larry Lomax, Registrar of Voters, Clark County.

[Exhibit G](#) is a memorandum addressed to the Committee, titled “Legislative Rules for Reapportionment and Redistricting Recommended and Used During the 1991 and 2001 Legislative Sessions,” dated July 21, 2010, submitted by Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB.

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