

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

**Seventy-Fifth Session
March 3, 2009**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Ellen Koivisto at 3:50 p.m. on Tuesday, March 3, 2009, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Ellen Koivisto, Chair
Assemblyman Harry Mortenson, Vice Chair
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblywoman Heidi S. Gansert
Assemblyman John Hambrick
Assemblyman William C. Horne
Assemblyman Ruben J. Kihuen
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom
Assemblyman James A. Settelmeyer
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Matt Griffin, Deputy for Elections, Office of the Secretary of State, State of Nevada
Patricia D. Cafferata, Executive Director, Commission on Ethics, State of Nevada
Alan Glover, Clerk/Recorder, Carson City, Nevada
Jason Frierson, Office of the Public Defender, Clark County, Nevada
Lee Rowland, Northern Coordinator, American Civil Liberties Union of Nevada, Reno, Nevada
John Wagner, State Vice Chairman, Independent American Party of Nevada, Carson City, Nevada
Janine Hansen, representing herself, Nevada Eagle Forum, and the Independent American Party of Nevada, Elko, Nevada

Chair Koivisto:

[Roll called. Committee rules and protocol explained.] We are going to hear the Secretary of State's omnibus bill today.

[Assembly Bill 82](#): Makes various changes relating to elections. (BDR 24-417)

Matt Griffin, Deputy for Elections, Office of the Secretary of State, State of Nevada:

I have prepared a PowerPoint slide show for the Committee, and also have handouts of the slides for Committee members ([Exhibit C](#)). As you may have noted, there are some additions as of late to the original document submitted to bill drafting from our office. We had to submit our bill prior to the election, but we wanted to include some of the lessons learned from the 2008 Election in the bill being presented to the Committee today ([Exhibit D](#)). I would like to thank the Legislative Counsel Bureau (LCB) for their efforts in coordinating this bill and also, Madam Chair, you, as well.

The county clerks and registrars do not have a bill this year to introduce, so to the extent we could, we worked with the clerks, Larry Lomax and Alan Glover, to involve and get input from them concerning any ideas they had. They also reviewed the language of the bill before you today, and I believe one of them is

here prepared to testify to the Committee. There is some language I will point out as we go through the bill that still needs to get worked out, but I wanted to at least discuss it with the Committee and be here for any questions about the policy aspect, why some of these measures are included in the bill, and the ultimate goal that the Secretary is trying to accomplish in the bill we have presented.

The first slide deals with voter registration drives. During the 2008 Election, it was fairly well publicized that there were some issues about how voter registration drives were being conducted; the manner in which people were being registered to vote; and the unfortunate circumstances in which people believed they were registered to vote but were not, in fact, registered to vote and ultimately could not participate in the 2008 Election.

Our office searched across the country to see what other states were doing. From the Secretary's point of view, we found that Colorado had the most satisfactory system of regulating these registration drives. We have more or less adopted a lot of the language from Colorado concerning how to better monitor voter registration drives. The way the statutory scheme is set up to operate is if someone wants to conduct a voter registration drive, there is language in statute that defines it now, but it is designed for those private groups looking to register two or more voters at the same time. If they want to register voters in the State of Nevada, they first must register with the Secretary of State's Office, provide identifying information, and undergo training provided by the Secretary of State's Office concerning what is legal, what is permissible, how to register voters, and what to do with the applications once voters have been registered. This person would be the "organizer" of the voter registration drive, and that organizer would be responsible for training anyone who would be registering voters on his or her behalf or the organization's behalf.

Further in the statute, there is some language that discusses who may register voters and what kind of past criminal history would prohibit someone from registering voters. Under this legislation, if I were the organizer of a voter registration drive and I wanted someone to register voters for me, that person would have to submit an affidavit swearing that he or she had not been convicted of a crime or a felony of dishonesty, and also provide his contact information. Then, that person could go out and register voters in the State of Nevada.

There are a couple of reasons this section was included in the bill before you today. Our office tracks and monitors every registration application we hand

out. During this last election, we handed out approximately 90,000 registration applications. Of those, just over half were returned to our office or our office can account for what happened to those registration applications. So, about 40,000 registration applications were handed out by our office and never returned to a county clerk's office or never assigned to a voter to turn in to register.

Under current State of Nevada law, there are three statutorily-governed ways in which you can register voters. One is from a voter registration agency, one from a field registrar, and the other is through voter registration drives that are primarily conducted by independent private parties. This statutory scheme allows our office to track, follow up on, and hold accountable those who are registering voters in the State of Nevada. If a citizen of the state calls us and asks, "Why am I not registered to vote? I filled out an application three weeks ago," we can track down which group and, more specifically, which individual handed that voter registration application to that citizen and why it was not returned. If there is any wrongdoing involved, we can follow up with any investigation as needed.

The next issue I would like to touch upon is "candidate filing and challenges." The proposed amendment changes the date of candidate filing for partisan office from May to January of a general election year. It also extends the deadline for filing written challenges of candidacy from 5 to 15 days after the last day a candidate can withdraw from an election. Concerning the change in the date of filing, judges and judicial officers are currently required to file in January. This bill moves up the date for all statewide candidates who are filing declarations of candidacy to January. I understand yesterday a bill was introduced in the Senate that would modify the date of the primary election to June. Under that bill, I believe the date of candidate filing is in February. There have also been other bill draft requests to change the primary date.

Our change to the primary date and challenge date arises from some issues during the 2008 Election, such as when and how to determine whether or not someone is eligible to run for office, if he is or is not eligible to run for office, and what remedies another candidate for that office, an elector, or a political party that a candidate represents has. The way it operates now is from the close of the filing period there is a five-day window during which a candidate may withdraw. After that, a candidate has seven business days during which he may challenge another candidate. The current May filing date is very close to the date prohibiting a party from nominating for a vacant office. If I were running as a Republican candidate, were challenged, lost the challenge, and was no longer eligible to be on the ballot, and there was no other Republican

nominee on the ballot, by statute, the Republican Party could name the nominee to replace the candidate who had been challenged. Under the May deadline in the current scheme dealing with when a challenge may be lodged, many times that deadline would be passed, so a party would no longer be able to nominate someone to replace an ineligible candidate.

The next portion of the bill deals with changes in precincts and came about during discussions with the county clerks. It increases the number of active registered voters per precinct from 1,500 to 3,000. As originally submitted, there was an eligibility cutoff so it applied only to counties with populations of 400,000 or more. When we had our annual meeting with the county clerks and registrars of voters, it was pretty much unanimous that all the county clerks and registrars wanted the ability to increase precinct size from 1,500 to 3,000.

Assemblyman Segerblom:

Are we going to halve the number of precincts in Clark County?

Matt Griffin:

Theoretically, yes, it would give the ability to do that.

Assemblyman Segerblom:

It seems as though redrawing the precinct boundary lines would be a nightmare and make it difficult to keep track of past election history.

Chair Koivisto:

We need to see something so we know how many precincts have only 1,500 voters. It could be that there are more than 1,500 voters already in many precincts.

Matt Griffin:

I will get the Committee that information within the next 24 hours.

Chair Koivisto:

That would be good.

Assemblyman Conklin:

If there are a number of precincts that contain over 1,500 voters and we do not pass this bill, they will have to redraw the lines. This expansion may just be for the urban areas in Washoe and Clark Counties. As some of the infill takes place and the precincts get larger, they would not have to randomly and frequently redraw the lines, which can be confusing to voters.

Matt Griffin:

This change in number of voters per precinct would create an additional option for counties to create mailing precincts by requesting approval from the Secretary of State. There were some residual elections from the 2008 Election, one in Washoe, one in Lyon, and one in Douglas Counties, where there was the necessity to use a statutory provision that allows the clerk and the county commission to go back and recapture votes that were not captured as they should have been at the General Election. The issue we ran into was that most of these were general improvement district (GID) races or local races, which questioned our ability to use the direct recording electronic (DRE) machines in conducting elections where there was no federal nexus.

I was looking at this situation with some of the county district attorneys, and the question was how do they vote if they are going back and trying to capture what in one jurisdiction was 450-some votes? That brings you outside the ability to have a mail-in precinct, but because there is no federal nexus, no federal race involved, there is no direct Help America Vote Act of 2002 (HAVA) authority to use the machines. What we are trying to accomplish with this measure is to allow a county clerk to conduct a revote by mailing, should the Secretary of State's Office approve, even if there are more than 200 votes to be captured in that revote.

The next section of the mock-up deals with electronic voter registration. This would authorize the Secretary of State to establish an electronic voter registration system and adopt any necessary regulations to carry out electronic voter registration. Some of the benefits of this type of registration include:

- Allowing for better access to the electoral process.
- Safeguarding the accuracy and integrity of voter registration applications.
- Reducing application printing, processing, and storage costs.
- Providing immediate identity verification through a Department of Motor Vehicles (DMV) database.
- Reducing inconsistencies and incorrect entries into the statewide database.

Currently, three states have adopted electronic voter registration—Arizona, Washington, and California. Congress is also pursuing legislation that would require all states to have electronic voter registration. In our meeting with the county clerks, we discussed the fact that in order to verify the identity of a person to vote, we use the DMV database and compare the signatures to ensure the person is who he says he is. This legislation has been drafted as enabling legislation because, from an information-technology standpoint, there

are a lot of things that need to be explored. We would like the ability to set up, for lack of a better term, a taskforce between our office and Clark County, Washoe County, Douglas County, Carson City, and whatever counties want to be involved, to figure out the best way to verify the signatures and to check the DMV database for those people registering online.

The foremost advantage of using online registration is that it is easy and available to virtually everyone. You can register from your home; no third parties need to be involved and submission is automatic—you do not have to worry about missing or making a deadline. I do not know the numbers exactly, but when Clark County gets ramped up prior to an election, that office probably quadruples in size, and a lot of what those people are doing is entering voter registrations. You can imagine not only the volume of applications being inputted, but also the difficulty determining what a name is or how to pronounce it. There are a lot of data entry issues that occur during the heightened season that prolong registering people or notifying people that they have been registered. As I mentioned, three states have adopted this type of legislation, and six states have legislation pending for online voter registration.

The deadline for mail-in registrations was one of the more troublesome issues from the 2008 General Election and deals with Nevada Revised Statutes (NRS) 293.5235, subsection 7. Under subsection 7, in determining when someone is deemed registered by a mail-in registration, you do a three-day balancing test. That test depends on how close in time the postmark is to the receipt date at the county clerk's office and to the date of signature by the applicant. In 2008, that balancing test caused over 1,000 people in the State of Nevada not to be able to cast their votes. Leading up to the close of registration and all the way through Election Day, I received phone calls every day about this from people saying, "I registered before the deadline; why can't I vote?" As Larry Lomax testified to this Committee several weeks ago, how do you put that information on a billboard?

If you register on the Friday before the close of applications on Saturday, so long as you send the application in within three days, you will probably be registered on Friday. If not, you will be registered on the day it was received, which would be Tuesday, so it is too late for you to vote.

The voter is the one who loses out in the whole process. We try to explain why it happened, but our explanation is never satisfactory for someone who wants to participate. That is why we have proposed a straight-up, "You are deemed to be registered on the day it is received by the county clerk or the date of the

postmark, whichever is earlier." In talking to the county clerks, not every mail-in registration application is going to have a postmark, and in that event, we have to go with the receipt date.

Assemblywoman Smith:

This would really impact the caucuses because in the last election cycle, we had thousands of people register on caucus day. Would that not be acceptable any more?

Matt Griffin:

That is correct; it would not. Our resolution for that would be online voter registration, because that is immediate. A laptop computer at the caucus could allow people to register at the same time as they participate in the caucus. I freely admit that it is not a perfect solution to the problem. What got us into trouble last time is that no one knew how it was going to play out until it played out. Unfortunately, when it played out, we lost over a thousand people in that election.

Assemblywoman Smith:

I see the problem, and I spoke with you about one particular case. The person had registered on caucus day, but to verify it, someone had to go back and compare the numbers on the form with other numbers. I see that there are other problems this would solve.

Assemblyman Hambrick:

Would you have the ability at some point, although I do not believe the technology is there yet, to have instantaneous registration so when someone registers, that individual cannot go someplace else, for instance to a different county, and reregister and vote? Are we talking about a time delay between registration and voting? Are we talking about people who do same-day registration and voting? In a past life, I ran into electronic problems in these areas, and right now, there is no technology. I talked to the Registrar of Voters in Clark County about an issue that came up, and we just have to make sure that when you register you know you cannot register anywhere else that same day. Right now, there is no technology available to verify that information because of the numbers. The information will catch up within two or three days without a problem, but not instantaneously.

Matt Griffin:

Next up is the section dealing with voter registration agencies and field registrars. The proposed language before the Committee would prohibit a voter registration agency or a field registrar appointed by a county clerk or registrar of

voters from knowingly employing a person who registers voters if that person has been convicted of a felony involving dishonesty. It also makes conforming changes to statutes pertaining to the National Voter Registration Act of 1993 (NVRA) consistent with the language contained in the Act.

I have talked with Mr. Glover about this, and the terminology used is to "knowingly" allow someone who has been convicted of these offenses to register voters. It is my understanding that to do a background check to verify may create a substantial burden on the counties. Use of the word "knowingly," by our understanding, would allow a county clerk to accept an affidavit from someone that would say that the individual had not been convicted of a crime of dishonesty. The reason crimes of dishonesty have been pinpointed is there is an issue, and not only in Nevada but across the United States, that in order to register to vote, you have to provide private information about yourself. Social security numbers are not required, but very often that is the information that is provided. That type of sensitive information, as the Committee is well aware, in the hands of someone who was convicted of identity theft or something like that, chills a voter's will to even register in the first place, knowing the consequences could involve having one's identity stolen. That is a substantial concern to our office, and we certainly do not want to deter anyone from registering based on that.

Next is cleanup language to conform our statutes with the NVRA. As they pertain to voter registration agencies, our statutes currently require that anybody receiving any type of assistance from any state agencies must be offered the ability to register to vote. If they decline, they must sign a declination form. This becomes a gray area because if you were to walk into any of the Health and Human Services (HHS) agencies, for instance, and request any type of service, whether it be to use the restroom or use the telephone or something like that, that HHS agency may, under our current statutory scheme, be required to ask you if you want to register to vote. If you do not, the agency must offer you a declination form. That certainly was not what the NVRA was designed to do. The NVRA was designed to capture people using these services who are making meaningful changes to their enrollment in the services. Every time you change an address, change marital status, enroll, or leave the program, et cetera, you are offered the ability to register to vote; but not when you are simply calling to inquire about the office location, for example.

The next section deals with unlawful acts and penalties and is based upon abuses or attempted abuses that arose out of the 2008 election cycle. As the Committee is well aware, there was an unprecedented amount of participation

in the electoral process here in Nevada, by both Nevadans and non-Nevadans. There were thousands of lawyers in the state observing every polling location you can imagine. Some would argue that two lawyers in the same location are too many lawyers. Certainly, ten lawyers in the same location would probably be agreed upon as being too many lawyers. In any event, there were some abuses at the polling locations as well as outside the polling locations, where people were waiting in line to cast their ballots. The Secretary of State believes there needs to be more meat behind the penalties involved with this type of conduct.

The first type of conduct included in the bill is voter intimidation. That would be categorized as a C felony as opposed to a gross misdemeanor. Interference in the conduct of an election would also rise from a gross misdemeanor to a category C felony. Destruction of voting supplies and equipment would go from a gross misdemeanor to a category B felony. Interference with voting equipment would be a B felony or an A felony; the difference between those two would be the intent to alter the outcome of the election. This has been an issue at the Secretary of State's Office. We are inundated with phone calls about distrust connected with the software that is used in an election. The fear some people have is that the software would be manipulated so that, for instance, every third vote would go to Candidate A, whether or not it was cast for Candidate A. It is the Secretary's understanding that that type of tampering is a direct assault on the democratic process and a direct attempt to undermine the electoral process. We in this Committee work hard to see that the voters have the ability to participate. If someone is intending to alter the outcome of an election, we view that to be the most severe act in the election environment.

Assemblyman Conklin:

Mr. Griffin, we had this discussion about penalties last session, and I have also discussed this issue with the Secretary of State. I am not opposed to an appropriate penalty, but felonies are serious offenses. When considering a B class felony, the only thing worse is an A class felony. With special circumstances, we could put these people up for the death penalty. The question becomes, what kaleidoscope are we going to look at these people through to determine if the punishment fits the crime? Do not get me wrong. I am not condoning voter or election fraud, but if this Committee is going to move forward with instituting C and B class felonies from misdemeanors and gross misdemeanors that are currently in statute, I want to be certain we have a very good understanding of what it means and how it compares to similar penalties in other states. How often do you actually see this coming into play? Is there a substantial fiscal note that you have not provided that gets attached to this bill? It gives me heartburn only in the sense that I want to be certain the

punishment fits the crime; not that I want to condone the activity. I want to be clear about that. I do not need the answer today, but it continues to concern me, as it did last session.

Matt Griffin:

Assemblyman Conklin, we have discussed this before, and I recognize your genuine and well-founded concerns. The Secretary and I are both former prosecutors, and from our perspective, put quite simply, a gross misdemeanor, nine times out of ten, will go on a pretrial calendar and be dealt out for some type of generic misdemeanor crime. The perpetrator will do a couple of hours of community service and be told not to do it again; and that is assuming we can even identify the perpetrator. We tried to limit the category A felony to the 15-40 years. I have talked with the defense bar. I do not know if they plan to speak to any fiscal note involved, but it is important to us from a deterrence value and to send a message that, if you entangle yourself with the software, we have some type of hook to go after you with, whether it be the Election Assistance Commission (EAC), our office, or the counties.

Assemblyman Conklin:

I also think it is bad policy that we legislate a class of felonies solely for the purpose of deterrence or because they will be negotiated down to gross misdemeanors. If it is a gross misdemeanor, let us call it a gross misdemeanor and find the appropriate mechanism so when someone violates it, we are able to get that individual convicted of a gross misdemeanor. If, in fact, it should be an E felony and we are calling it a B felony, let us call it an E felony and find a way to convict that person. I have spent six years on the Judiciary Committee, as have many of my colleagues. We have an understanding of the kinds of physical crimes that fall into those categories, and then something like this comes up. I sympathize with the position you are put in, but I do not know that it necessarily rises to the magnitude of good public policy decision-making.

Chair Koivisto:

I do not have a problem with its being a felony. Our soldiers are dying in the Middle East so that those people can vote. I think our right to vote deserves that kind of protection.

Assemblyman Settelmeyer:

I question the concept of changing the laws when we do not enforce the ones we have. I have not seen anyone go to jail for any of the stuff that occurred in Las Vegas yet. That still bothers me.

Matt Griffin:

There is a lot I cannot say publicly, but I can assure the Committee that our office, in conjunction with the Attorney General's Office, is doing everything we can to enforce the laws. It is an ongoing investigation, and I had a meeting about it this morning, as a matter of fact. The Secretary of State does intend to enforce the laws, and that is probably all I can say on that matter, though.

Assemblyman Cobb:

I understand that you cannot discuss the events of last year and what your office, in conjunction with law enforcement, is doing to handle that. I was very pleased to see the new section regarding voter registration drives in this amended bill that you just handed out. I have not had time to read it thoroughly, since I just got it, but I would suggest that you need a better definition of what a voter registration drive is. It seems to be a more open-ended, permissive definition as opposed to a very controlling definition, which I think is where we are trying to go. I do not want to speak for everyone on the Committee, but I think we are very concerned with what we saw during the last election and those offices that were raided in Las Vegas. People were improperly listing names on voter registration applications.

In my opinion, you might also consider bringing an amendment, if it is not in your new bill, to place the individuals who are the heads of voter registration drives within the rubric of being registration agencies because there seem to be very clear definitions and roles for agencies and field registrars. If an individual wants to be the head of a group that is predominantly involved in voter registration drives, he or she should also be sworn in as a field registrar because there are very clear definitions as to the rules field registrars must follow. That would go a long way to helping avoid some of the situations we have seen in the past.

Matt Griffin:

I agree. The definition of voter registration drive needs to be cleared up. I do not know if it would be easier to clear that up by including language concerning "a private-party, non-governmental individual" involved in registering voters and putting some type of minimum threshold concerning how many voters we are talking about. We are not aiming to get someone coming down to the clerk's office and asking for 25 registration applications because he would be handing the applications out at work. Those are not the people we are trying to regulate with this legislation. We are trying to regulate the organized drives that intend to go out and get hundreds, if not thousands, of people registered to vote. We could address Mr. Cobb's concerns by requiring each "organizer," as that term

is defined now, to be responsible for the registration activities of the group he or she represents.

Assemblywoman Gansert:

Going back to the subject of electronic registration, it sounds as though you want enabling legislation but are not sure how that will work. If you required voter identification (ID) at the polls, that would be the way to confirm whether people are registered or not. If you do online voter registration, you cannot really even register or identify a signature. I would imagine the way we could make that work is voter ID.

Matt Griffin:

You are right. Voter ID would be one conceivable solution, but the idea for online voter registration is that it would only be for people who are registered with the Nevada Department of Motor Vehicles (DMV). Only people who had a driver's license or state ID card would be allowed to register online. That is how California, Washington, and Arizona enacted the law, I believe. There is a signature comparison, and we would have an identifiable person who we can match to the DMV database. Currently, there is no data exchange from our office to the clerks' offices, so we wanted to understand how our office would transfer the data to the county clerks' offices, especially given the fact that all these people are registering with the clerks' offices. The clerk would get the registration and send it to us. We would have to have some way to push that signature to the county clerk.

Assemblyman Munford:

The incident that occurred in southern Nevada with the Association of Community Organizations for Reform Now (ACORN) people happened as they were trying to get as many signatures as they could and not really validating those signatures. What were they charged with? Was it considered a misdemeanor? Was anyone prosecuted? That incident gained nationwide exposure.

Matt Griffin:

No one has been charged with anything yet. Our office, working with local and state law enforcement, executed a search warrant on the premises in Las Vegas to capture some electronic records. As we are not a prosecutorial agency, our office does not have the ability to file charges, but we have been working with the Attorney General's Office. At this point, any charges that may be filed are still under review. The investigation is still gathering evidence to see if there is a substantial amount of facts to warrant charges. You are

right; no one has been charged as of yet. We have executed a search warrant and the investigation continues.

Assemblyman Munford:

They were motivated to do what they did because they were being paid so much money to gather signatures, is that correct?

Matt Griffin:

You cannot pay someone registering voters per signature. You can pay a salary or hourly rate, but you cannot provide any direct incentive for the number of signatures an individual collects.

Assemblyman Munford:

Was that not what they were doing in Clark County?

Matt Griffin:

I cannot comment on what they were or were not doing in Clark County because at this point it is still an investigation. I can assure the Committee that our office is continuing to look into the matter.

The next slide on the PowerPoint presentation deals with political action committees (PACs). I know this Committee worked tirelessly last session to address those ballot advocacy groups (BAGs) and how to determine who they are, what their activity is, what their nexus with the state is, and how much money is involved with their campaigns. Our office received questions about who constituted a "BAG" and what a person could say before having to register with the Secretary of State's Office. From those complaints, we conferred with the Attorney General's Office, and what we propose to the Committee is to return BAGs back into filing as PACs under the same rules as political action committees do and on the same reporting schedule as PACs, and also to tie the reporting requirements to the monetary contributions they receive, which would satisfy the U.S. Supreme Court decision in the *Buckley* case [*Buckley v. Valeo*, 424 U.S. 1 (1976)].

I have heard some suggestions about how we can still differentiate BAGs within the PAC definition and within PAC reporting. The Secretary is more than happy to work with anyone who might provide assistance concerning how this might be clarified. From advisement after the last election cycle, we think it is probably best from a legal standpoint to have BAGs report as PACs and just include in statutes concerning PACs that an individual person may be required to report if he receives money for a question on the ballot.

Assemblyman Conklin:

Mr. Griffin, on the BAG/PACs, the whole purpose of the BAGs was so there would be some transparency in the public's mind concerning who was advocating for a ballot initiative and who was funding it, et cetera. Will the provisions in sections 39 through 41 in any way reduce a person's ability to know who is advocating for a certain ballot and what PAC they are, and be able to make the link between the BAG and the PAC? Will there still be the transparency, or will there just be a PAC with no link to the ballot question?

Matt Griffin:

There will be the same amount of transparency; and when they register as a PAC, they will be required to outline the question, if there is a question, that they intend to promote or work against. Where this loses some of the restrictions is that a BAG, being classified as a PAC, will now be able to expand its activities. It will not be required to confine its activities to a ballot question. It can give contributions to, say, Question 1 and at the same time and from the same PAC, give contributions to Candidate A. As a PAC, it will be able to perform both of those functions. There will be the same transparency. We will know who is responsible, how much money they have, and who the officers are, but they will not be restricted to focusing on a question. They will be able to expand their activities to candidates and independent expenditures as well.

Additionally, with political action committees, we propose the requirement that they file an updated registration form with our office every 180 days. Today, there is no ending for a PAC in Nevada law. Political action committees can continue into perpetuity so, right now, there are 609 PACs on file with the Secretary of State's Office. In 2008, 181 were active, so less than 30 percent of the PACs on file with the Secretary of State's Office are actually operating as PACs in the State of Nevada. Most of the remaining 70 percent no longer exist. They were formed years ago, and the purpose for their formation has passed, but there is no requirement that they dissolve the PAC or notify the Secretary of State's Office that they no longer want to continue their activity. What we propose here is that every 180 days, they must reregister if they plan to continue with their activities in the State of Nevada. If they decline to continue with their activities within the State of Nevada, we will know that and will be able to clean the database in our office. We will then know who is involved in the process and who is not.

Chair Koivisto:

How many PACs did you say were active?

Matt Griffin:

There are 609 PACs registered with our office but only 181 were active in the state in 2008. By our calculations, about 29.5 percent of the PACs in Nevada are actually active, but we do not know what the remaining 70.5 percent do.

Assemblywoman Gansert:

After a certain period of time, do you terminate them? After two 180-day notices have been missed, how does that work? I do not know if you are really terminating these PACs or just cleaning up your list, but we still do not know what they are.

Matt Griffin:

If someone were to respond on their 180-day report that they were done and ceasing activity, is your question, what do they do at that point?

Assemblywoman Gansert:

It sounds as though you want to purge a lot of these. Are you going to purge them if you do not receive anything during two 180-day time frames?

Matt Griffin:

We will keep them and put them on the inactive list. We have a database of former officers of different PACs. If a PAC is no longer active, it begins disbursing its money. If a PAC is not raising money or spending any money on candidates, we would need to know when it stopped. If a PAC is no longer conducting any type of activity in the State of Nevada, we would not know that unless they told us or unless they were required to tell us. Once they tell us, they can begin the dissolution process. A majority of the 400-plus PACs out there are probably old PACs that have outlived their purposes.

Assemblywoman Gansert:

Do they still file with you?

Matt Griffin:

No.

Assemblywoman Gansert:

They do not file at all. I guess you could move them to inactive, but you really do not know if they are terminated because you are not requesting them to terminate. You are requesting them to file forms, but you may not have current addresses and so forth.

Matt Griffin:

Right. Political action committees are required to file only when they expend money and not when they receive money. If a PAC was formed for the 2008 Election, there is no reporting requirement until 2012 so long as they are not expending any money. We do not know if they are still out there, still surviving, still have a bank account, or are planning to conduct any activities. As long as they do not expend any money, they do not have to report to our office.

Assemblywoman Gansert:

Now you are asking them to report every 180 days, or reregister.

Matt Griffin:

Just reregister and inform the Secretary of State's Office that, yes, they still are an active PAC but that they do not have to report.

The next section of the bill would place legal defense funds under the disbursement of funds provision in NRS 294A.160. Our office has not had much experience with legal defense funds disbursing money, but we did realize that they had been left out of the section 160 requirements concerning when they had to disburse money and who it could be disbursed to.

At NRS 294A.100, under state law you are a candidate beginning when you have raised \$100 and ending December 31 after the election in which you ran. Removing this language also comports with our office's interpretation concerning the \$5,000 restriction for a primary election and the \$5,000 restriction for a general election. If you were in a race that you could win in the primary, our office's interpretation is that you could raise \$10,000 to win that election. If you can outright win in the primary, you can raise your \$10,000 at the primary to win the election. That way, the candidate does not have to raise \$5,000, wait until the day after the primary, and then get the other \$5,000. If you lose at the primary and you have raised \$10,000, you are required to return the \$5,000 because you did not proceed to the general election.

The way the statute is currently written, it allows for about a 20- to 30-day window that pertains to city elections where there is no restriction on the amount you have to raise. That window is created by the fact that a lot of municipalities have their elections in April, June, or some other time not contemplated by a January to December reporting cycle.

Assemblyman Conklin:

On page 48 of your amendment, you add "or subsection 4" at NRS 294A.200. Now, NRS 294A.200 is the section that basically says everyone has to file a campaign report. If I interpret this correctly, and I want to be certain it is the Secretary of State's interpretation as well, if you are a candidate, you file that report under NRS 294A.160. If you are a legal defense fund, and this is the new section you have added, you file under NRS 294A.286. Is that correct?

Matt Griffin:

Correct.

Assemblyman Conklin:

That is your interpretation; the two are separate—one is for a legal defense fund and one is for a candidate?

Matt Griffin:

Correct.

Assemblyman Conklin:

The language on page 56 in section 54, lines 21 through 24, is new and unique to the legal defense fund; but lines 25 through 36 are largely lifted from NRS 294A.160, which is the candidate's requirement to file. You have placed that language here in the legal defense fund. Starting on line 25 where you say "return the unspent money to contributors," I am okay with that because this money was given for legal defense, so if I no longer need a legal defense or my issue is done, I should give the money back. However, "contribute the money to the campaigns of other candidates ..., a political party ..., or a person or group of persons advocating the passage or defeat of a question...", a PAC—these are largely contributions that are political in nature. Quite honestly, I have an issue with that. If a person needs a legal defense and he is able to raise money and once the defense is over he is able to use that money for a political purpose, I think that is wrong. I have no problem with using the money for a campaign because that is within the realm of politics, but this is a legal defense issue. Because a person has a legal defense fund, what we are actually allowing someone to do is expend money for political purposes when the defense fund is done. I just think that is wrong. I think that money ought to go back to either the donor or to a nonprofit. I do not think that money should be spent for a political purpose. Do you have an issue with that?

Matt Griffin:

Quite honestly, no; I think that is a very good point. Our attempt is only to bring legal defense funds to some type of dissolution under NRS 294A.160, but

I think you bring up a very legitimate point concerning who would be able to receive the funds, especially since the donations were given for two different purposes.

Assemblyman Conklin:

I will offer an amendment for that, Madam Chair, if that is acceptable to you.

Chair Koivisto:

Are there other questions or comments on this from the Committee?

Assemblywoman Smith:

Matt, am I reading this right on the filing of the reports? If you file with the local office, you can file by mail, fax, or electronically; but if you file with the Secretary of State, it is only electronically?

Matt Griffin:

That is correct, and I was going to cover that subject in more detail later.

Assemblyman Mortenson:

Political candidates, when they leave their offices must file a piece of paper stating how they are going to dispose of their funds. This bill also requires legal defense funds to do that. What about PACs? Do they have to do that?

Matt Griffin:

No, they do not. Political action committees are under no obligation to dissolve once they cease the activity.

Assemblyman Mortenson:

So, a PAC could take in money for years, and years, and years and build up huge amounts of money. As long as they do not spend it, they do not have to make any accounting of it whatsoever?

Matt Griffin:

That is correct. Unless they spend a dollar, they do not have to report to the Secretary of State's Office, so they can continue to raise money.

Assemblyman Mortenson:

That could be a tax refuge.

Matt Griffin:

To touch on what Assemblywoman Smith discussed, in this bill we propose that certain candidates be required to file all their contribution and expense (C&E)

reports and financial disclosures online with our office. We have become the online central filing office for all contribution and expenditure reports and financial disclosures for state, district, and county candidates and public officers. This does not change where a candidate files his declaration of candidacy, and city clerks maintain their function to monitor city candidates and local municipality candidates and the filing of their C&Es.

In practice, the way this would work is, if I were running for a county commission seat or some type of countywide or multi-county seat, I would file my declaration of candidacy with the respective county clerk. That county clerk would then forward the declaration of candidacy to the Secretary of State's Office. At that point, our office would create an account. Because you are required on your declaration of candidacy form to submit an email address, we would correspond with you, the candidate, via email with a link to the account set up in your name. The link is by candidate as well as by office. Through that link, we would be able to communicate with the candidate. We could send notifications concerning filing deadlines and what reports need filing and when, answer questions concerning guidelines applicable to the candidate's filing, as well as provide contact information for our office and the county office in which the declaration of candidacy was filed.

All reports would be deemed to be filed at the time they are received by our office. This in no way would negate the ability to file an amended report or to go back and make a correction to a report and then somehow lose that deadline status. Given the current budget restraints, the Elections Division, as our budget was submitted, would lose about 42 percent of our staff. Ms. Geiser, a 12-year veteran staff member, spends much of her time coordinating getting packets together for everyone who files, mailing them, deciding who needs to file, answering questions, getting them posted on the website in a timely fashion, responding to media inquiries about the postings, and dealing with all the issues that are involved. Her job is very, very time-consuming. An automated process would be instantaneous. The second the candidate or office-holder clicks in, the information goes straight to our website.

We have a substantial amount of litigation from people saying they will not complete certain portions of their C&E forms. Some people do or do not want to sign under penalty of perjury—we are constantly in litigation about these matters. It takes time for our office to go to court concerning how the C&Es are filed and what can be included.

The form you would submit is in NRS 294A.373, the universal form-reporting statute. We also propose in this bill that we be allowed to compartmentalize

that form. If you are a candidate, there is a candidate form. If you are a PAC, there is a PAC form, and on down the line. There is an independent expenditure form, too. These compartmentalized forms would only list the information that you, as a candidate, had to provide. The universal form encompasses everything that is required of any type of entity that has to file. While Circumstance A may not be required to list an ending balance, Entity B is required, and because Entity B is required, that information will appear on every form even though it is not a requirement that everyone has to include that information on his filings. We also request that we have the ability to generate forms specific to the reason someone is filing and get Legislative Counsel Bureau (LCB) approval, the same way it is always done, so the only thing on the forms would be what the Legislature has said should be on the forms. Through electronic filing, we can email the person or provide him with the link directly to the form.

Assemblyman Settlemeyer:

Are you indicating that everyone would have to file electronically?

Matt Griffin:

That is correct. Countywide, multi-county, and statewide candidates would be required to file electronically with our office. City races would not be.

Assemblyman Settlemeyer:

Do you feel that is unduly burdensome for someone out in the middle of Eureka, for instance, who wants to get involved in politics and run for county commissioner? Maybe this individual does not have a computer and cannot file electronically.

Matt Griffin:

We have considered that. Thirty states have required online filing.

Assemblyman Settlemeyer:

Do all those states have Internet service statewide? There is a lot of Nevada that does not have good Internet wireless capabilities, so I am concerned about those rural districts.

Matt Griffin:

That is a concern, but we are talking about quarterly filings and reports, so an individual would need to have access to the Internet only three or four times in a year to file his or her report. The account would be set up; then, on the first day of your reporting cycle you can go online and indicate you received money from a contributor; or you can wait until the last day, collect your information

on paper, and input all your information then. I understand your concern, but the hope is that there would be access to the Internet at least on the four times you need to file during that year.

Assemblywoman Smith:

I share those concerns. I do not think we should require that of all people. We talk about it in a lot of other arenas, such as education, but I think it is discriminatory. Making it available is a great thing, and I think you would discover that probably 90 percent of the people would file that way, which would still alleviate much of the manual processing burden for your staff, but requiring it is a whole different issue.

I am also concerned about having a different mechanism for city races, allowing those candidates to mail, fax, or electronically submit. It just makes it harder for candidates to keep track of because the standards are different. I prefer that we all do the same thing and that we make electronic filing available but not mandatory.

Matt Griffin:

The reason the cities may be exempt is they are on completely different election cycles than are the statewide, multi-county, or countywide elections. Part of why the Secretary of State has proposed this is that the transparency involved in online reporting is immense. I am able to search by donor; I do not have to merely search by candidate. I can identify not only who is giving money to PAC A from PAC A's report, but I can also search by who PAC A is giving money to. Nevada gets criticized a little bit by groups that do lots of studies because they cannot search by donor. This is about the only way that type of search could be accomplished.

Assemblywoman Smith:

I understand the search part, but I also think that, especially in some races and in some years, we have a hard enough time finding people to run for office. I worry that this requirement may seem onerous to some people. I understand the need on the PAC side because those are groups that choose to do what they do for a purpose versus someone who files for office and is trying to perform public service. What about people who run for general improvement districts (GIDs)? Where do they fall into this? We have all these small town boards and different groups. I do not know where they would fall into this, but I think more thought needs to be put into the amendment because I believe there could be some unintended consequences.

Chair Koivisto:

Are there any other questions or comments from the Committee? [No answer.] I would like to say, when I do my reports, I set them up in an Excel file so that I can put the formulas in to do all the calculations. I think doing it online would be super.

Matt Griffin:

I think the language concerning what we have proposed needs some work, but the general idea that we propose, and I will offer it up for discussion among the Committee members, is the requirement that a candidate disclose contributions above \$1,000 within 48 hours. This would be only in the time frames leading up to the primary and general elections. What we propose is that 40 days before the primary election, if you receive a \$1,000-or-greater donation, for the purposes of transparency and especially to capture those voters who are casting absentee ballots and voting early, you submit a report to the Secretary of State's Office within 48 hours. So, if I were to vote early, which about 60 percent of Nevadans did in 2008, I could check the Secretary of State's website and get a report of the major donors for what are essentially the major offices in the state, before I cast my ballot. Otherwise, the report due seven days before the election would be unavailable to me before I cast my vote.

I again apologize that some of the language in the bill has not been hashed out, and I would like to thank the many groups that have agreed to work on some of the language. By and large, I believe the language is mostly there, and I appreciate the Committee's comments and some of the proposed amendments and especially the one proposed by Assemblyman Conklin on the legal defense fund language.

Assemblyman Segerblom:

Are you going to fix the website so we can file online in a reasonably effective and simple way?

Matt Griffin:

That is correct.

Assemblyman Segerblom:

Do you need something from us to do that?

Matt Griffin:

We currently do have the ability to file online, but nothing can be transported into the account we have now, for instance if you used QuickBooks or something like that.

Assemblyman Segerblom:

Do we need legislation to do that? For awhile, you had a form we could complete online, but it became almost impossible to use, and I do not believe it is even there anymore.

Matt Griffin:

As of a month ago, you could not complete the form online, although now you can. We would need legislation to require all ...

Assemblyman Segerblom:

No, if you do not require everyone, can we voluntarily use it? Can you make it more user-friendly, and do you need money?

Matt Griffin:

We can make that more user-friendly.

Assemblyman Segerblom:

I have the same question about voter registration. Have you looked at the idea of just letting people copy the form? There is nothing magic about the form. You have to charge people for these forms, but other states just let people copy them so they do not have to pay you and you do not have to worry about where they go.

Matt Griffin:

Our office likes to be able to track the form by number so we know who got which batch.

Assemblyman Segerblom:

What is the purpose of that?

Matt Griffin:

If forms end up in a trash can, they are all going to have a different number. From those numbers, we can determine which group got those forms.

Assemblyman Segerblom:

Are you saying they were filled out and then put into a trash can?

Matt Griffin:

Yes, that is correct. Our office can trace the forms back to the person who received them. That is why we do not copy the forms.

Assemblyman Settlemeyer:

To add to that, if the names on the voter registration forms all read "Mickey Mouse," you could find the person who requested those forms and go after that individual for fraud. I appreciate your method.

My question concerns one of the repealed sections, NRS 294A.150, talking about the \$10,000 limitation. Does this mean from now on, even if a group raised only \$1,000 to advocate for the passage of a ballot issue, the group would have to file?

Matt Griffin:

That is correct.

Assemblyman Settlemeyer:

In Douglas County, I was involved in passing a school bond issue. However, it became very problematic because so many people did not want to get involved in the amount of paperwork to file the reports. We were lucky that we were below that \$10,000 threshold and did not have to file, but now we would have to file. I think this could actually prevent people from getting involved in advocating for the passage or defeat of ballot questions. I am concerned about this.

Assemblyman Cobb:

Concerning the electronic registration proposal you have in this omnibus bill, I was looking online and it shows that Washington State requires a driver's license to be able to follow up afterward. I know we have certain requirements as well, but look at what it takes to get a driver's license in Nevada. If you are not a citizen, you are allowed to get a driver's license if you show certain documents. Technically, you do not have to be able to vote to get a driver's license in Nevada. If you are going to expand the ability to register without showing proof of identification, should we not then bolster what type of identification we are requiring through the mail-in process, electronic online filing, et cetera?

Matt Griffin:

That is correct. You do not need to be a citizen to get a driver's license in the State of Nevada, but when we run our hits from DMV, DMV notifies us of the individual's citizenship status. If I am here on a work visa and got a Nevada

identification card, or whatever the case may be, I would not come back as a successful hit from DMV. I would have to go through the Social Security Administration's database in Washington, D.C., so there would still be the verification. If you are not verified through DMV as being a resident and citizen of the State of Nevada, you have to go through the Social Security Administration to be verified as a resident and citizen of the United States. If that is not completed, then you would be required at that point to show ID at the poll.

Assemblyman Cobb:

However, I think current Nevada law requires a photo identification. It does not say "driver's license," it just says "photo identification." I was referencing the Washington State law because they are actually requiring some government agency to issue it. Back to Nevada law, we are not required to have a driver's license, which would be issued by a government agency which would be checking on that information. It also allows for a copy of a current utility bill, bank statement, or pay check as an alternative. In Nevada, we seem to be woefully behind some of these other states that are moving forward with using new technologies while, on the other hand, shoring up the requirements needed to prove who a person is. In Nevada's current law, you are not changing any of those requirements to shore that up as the other states have done.

Matt Griffin:

With respect to online voter registration, the only way we can do it is to go through a DMV-required license and the reason is initiative petitions. We need to be able to verify a signature prior to your ever going down to the poll and voting. We need to verify a signature once you have signed a petition, and there has to be a signature on record for us to compare that to. The only way to do that is to require that you have a State of Nevada driver's license or State of Nevada ID card. I do not know of any system or proposal, and we are certainly not doing otherwise, that would allow anybody but someone with a driver's license or a State of Nevada ID card to be able to register online. That is the only way we can verify the identity.

Assemblyman Cobb:

So, the regulations would require that you have a driver's license from a Nevada governmental agency?

Matt Griffin:

That is correct.

Assemblyman Cobb:

But, you are not proposing that change for mail-in registration?

Matt Griffin:

No, because we still need to figure out how the exchange would work between our office and the county clerks. We want to put a working committee together to see how that exchange would best occur. No party is considering anything but that the individual must be in the DMV's database in order to register online.

Assemblyman Conklin:

Matt, I think there might be a mistake in the bill. On page 30 of the original bill, in section 32, and then again in the mock-up on page 40 starting on line 41, there is a repealed section of NRS Chapter 294A that basically says that no person can make a contribution to a legislator from 30 days before through 30 days after a legislative session. It also says that a legislator cannot accept any contributions during that period, but that has been blacked out. Was that an accident in drafting? I know you are trying to repeal certain provisions but that just looks awkward.

Matt Griffin:

Are you referring to NRS 294A.100 or 294A.300?

Assemblyman Conklin:

I am speaking about NRS 294A.100. It is section 44 on page 40 of the mock-up, but that language is also in the original bill, so it did not get fixed. I do not know if that is a miss. There may be a perfectly good explanation. On the surface, that is probably not something we are interested in taking out of the statute, and I am guessing it may be a mistake.

Matt Griffin:

My draft ends at subsection 3 of NRS 294A.100.

Assemblyman Conklin:

This language is on page 40, section 44 of the mock-up. Maybe this refers only to a PAC, but I just want to clarify what we are doing here. This is NRS Chapter 294A, the statute that requires everyone to disclose campaign contributions. Starting on line 39, it appears that the blackout period has been stricken.

Matt Griffin:

Our intention was to strike out just the time frame of a reporting cycle. It does not have anything to do with the blackout period under NRS 294A.300 for

legislative purposes. Now, once you raise \$100, you are a candidate, and your reporting period begins then and travels until December 31 after the election in which you ran. Instead of reporting for the period January 1 to December 31, it says once you raise \$100 you are a candidate and you file until December 31 after you have run for office.

Assemblyman Conklin:

How does that have to do with the blackout period?

Matt Griffin:

It does not. The blackout period is in NRS 294A.300. This just ties the reporting cycle to 30 days before the legislative session, and then your final reporting cycle ends 30 days before the next legislative session. Not everyone runs on a two-year cycle, and now that a candidate is a candidate after receiving \$100, this just conforms the language so that, if you receive \$100 in November before the Legislature meets, that date has begun your reporting cycle. So, the \$5,000 limitations of that reporting cycle apply until the December after you win or lose your election.

Assemblyman Conklin:

I think I understand, but I just want to make sure it is clear. It looks odd.

Matt Griffin:

I got a couple of phone calls asking the same question earlier today.

Chair Koivisto:

Are there other questions from the Committee? [No answer.]

Matt Griffin:

Madam Chair, I talked with Mr. Lomax about one section earlier and we both agree. The language is under NRS 293.517 at section 29 on page 29 of the mock-up. We submitted the edit on lines 26 and 27 to the existing language and, upon discussion with Mr. Lomax, wish to withdraw that. We both agree that section 517 should apply only to those people registering with an agent of the government and not with a private party. If I am out and want to register with a private group, those groups are not in the business of collecting and checking IDs.

Chair Koivisto:

Okay, so then we can just cross out the last half of line 26 and the first half of line 27 on page 29.

Matt Griffin:

That is correct.

Chair Koivisto:

Obviously, we are going to have to put this bill on a work session because we have a lot of questions. We need to work through parts of the bill that some of us had questions about.

Well, I do not see any other questions from the Committee. Was there anything else you wanted to say?

Matt Griffin:

No, Madam Chair, and I appreciate the Committee's understanding and cooperation. As always, I am here for anything you want to discuss or any research you would like me to do concerning how other states are handling the same issues. I am more than happy to help.

Chair Koivisto:

Thank you for going through this bill with us before it was all finished. This way, the Committee is familiar with it. Some Committee members have ideas, and hopefully, it will go much smoother next time.

Patricia D. Cafferata, Executive Director, Commission on Ethics, State of Nevada:

We, the Ethics Commission, do not have a position on this bill because the Commission has not seen it. We are interested in only a small part of it starting on page 65. The Secretary of State is asking to take over the filing of all financial disclosure statements for people who are appointed. Currently, they receive filings from all the candidates, and the Ethics Commission receives filings from the appointed officials. No one knows where to file these reports and it is very confusing, so people file in both places and we send the reports to one another. As a result, the Ethics Commission has taken the position that it does not want to continue receiving financial disclosure statements for people in appointed positions. If someone does not file on time, I am required by law to tell the Secretary of State, and then he imposes the penalty, if there is one. We are basically a filing office, so we would be happy to have the Secretary of State take over all of the reports, with two exceptions.

One exception involves this handout I am providing to you ([Exhibit E](#)) that has to do with judges. The courts entered into a stipulated agreement with the Ethics Commission in 1996. Part of the agreement concerned the *Code of Judicial Conduct*, which you also have a copy of ([Exhibit F](#)). I do not believe you, as

state legislators, can change the *Code of Judicial Conduct*. At the bottom of the page, I have highlighted the language that states that the State Court Administrator sends us copies of those financial disclosure statements, and we post them on the Internet.

On page 66, lines 30 through 36 deal with judicial officers filing their financial disclosure statements. They are not among the exempted public officers mentioned in subsection 2 above, so that does not work. Also, on page 67, lines 26 through 30 talk about the Secretary of State doing certain things with the financial disclosure statements, but the language does not mention the judges. Language at the top of page 69 on lines 1 through 6 does not address the situation with the judges either. Those are items you would want to address.

The judges file with the Administrative Office of the Courts and get copies back from the Court. The Court then sends us the copies and we just post them on the Internet. Because of the Code of Judicial Conduct and the stipulation, I am not sure that the Secretary of State can take over the judges' filings.

Chair Koivisto:

We probably just want to remove the judges from this bill.

Patricia Cafferata:

Right, I think you just need to take the judges out of this bill.

Another problem is at the bottom of page 65, lines 38 through 44, and at the top of page 66. What the Secretary of State is proposing here is to take over the filing of acknowledgments. Acknowledgment forms are what candidates and appointed people file at the beginning of their terms or when they are appointed. The acknowledgments state that the individual has read the ethics laws. We use those forms. If someone gets an ethics complaint filed against him, we have the acknowledgment form that we can refer to that indicates the individual knew what the law was because the form was signed. We would like to keep those forms.

On page 71, language on lines 3 through 9 talks about who sends in lists of names of public officers required to file statements of financial disclosure. They are not making a proposal here, but one group of people left off that list is the university system—the Nevada System of Higher Education. If you read what a "public officer" is, the Chancellor is required to file as he falls into that category, but his name is never submitted to us. So you might want to add that the university system include the Chancellor on its list.

We have a bill in the Senate that you have not seen yet that also has amendments to the law. I hope you will consider that bill when you are making changes to this bill.

Chair Koivisto:

Are there any questions from the Committee? [No answer.]

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

Overall, we do support the bill, and I would like to take the opportunity to thank Mr. Griffin and the Secretary of State's Office for allowing us to participate in this bill and to offer some more amendments ([Exhibit G](#)). For our purposes, the heart of this bill is electronic registration, and the key to that is to make sure that the signature comes over from DMV into our records so that we can check the signature when someone comes in to vote and, more importantly, when someone signs a petition. From what I have read on the Internet and in our trade magazines, electronic registration in Arizona and Washington seems to be working pretty well. It is a great opportunity to expand the ability of people to register to vote, and that is something we are very much in favor of. The registrations will be nice and clean and will have cleared through DMV. The spelling of the names will be correct, driver's license numbers will be correct, and we think that will go a long way toward improving the system.

Regarding the expansion of the size of a precinct from 1,500 to 3,000 voters, precincts do not mean what they used to. We used to have one precinct and one polling place, so of necessity the precincts could not be too large, but those days are gone. We go to super polling places now, and not to peoples' garages. In Carson City and in a lot of the other counties, you check in alphabetically and not by precinct any more. There is a monetary issue as well. When Sequoia Voting Systems programs the elections, they charge us by the number of precincts we have. At \$250 per precinct, the fewer precincts we have, the less expensive it is. Before redistricting ten years ago, Carson City had 42 precincts. Most of them were really small with only a few hundred voters in each one. We have reduced that number down to 26, and it has worked really well. We have several precincts pushing that 1,500-voter mark, and we do not want to have to redraw the districts before the 2010 Election. The county clerks have all agreed that they would like at least the option to have precincts with more than 1,500 voters.

We believe the bill will work very well for us. The number one complaint from voters last year concerned voter registration drives. We would like to be able to track where those applications go, who has them, and why they were not turned in, because we did get complaints because of party registration and a

number of other things. Tracking registrations would be a positive thing to have happen for us.

Matt Griffin and I had a long discussion over voter registration agencies and the clerks not being allowed to hire people who have committed felonies involving theft. We have field deputy registrars. Every clerk is required to have at least one in a county so we have lots of them. The political parties come in and put on classes. Field registrars work directly for the clerk. In my case, they represent my office, and therefore, I want to make sure they are doing a good job. When someone applies to be a field registrar, we need to know how to get hold of him so we get contact information. We may have him sign a statement on his application form that he has never been convicted of a felony involving theft, or something like that. Originally, we thought we might have to do background checks on them, but I am not going to pay \$45 to the Sheriff's Office to do a background check, so this solves the problem.

We are not strongly committed one way or the other to the January date for filing for office, but it does make sense because judicial candidates are filing in January. If all candidates filed for office in January, it would give the clerks time to handle any problems that might come up. We do get challenges to people in office—whether they qualify, were they attorneys if that were a requirement, whether they live in the appropriate district, or did they change their party, et cetera.

We do have some specific clean-up requests that did not get into the bill. The first one would amend NRS 295.061. Last session, language in one of the sections was changed to read, "The court shall set the matter for hearing not later than 15 days after the complaint is filed and shall give priority to such a complaint over," and the word "except" was left out, so the language states "over all criminal proceedings." In every other section, "except criminal proceedings" is the language used. When you are going to appeal to the court and they are going to hear the case, it has always been "except" for criminal cases, and we do not have a problem with that. We get a lot of complaints filed in the First Judicial District Court here in Carson City, and this would be a minor clean up.

Our next clean-up request occurs under NRS 293.370, subsection 1. Language reads that when all the votes have been counted, the counting board officers "shall enter on the tally list" the names of each candidate and the number of votes he received. The number must be expressed in words and figures. Nowadays, we get printouts from computers. We do not write the numbers in.

The last clean-up is at NRS 293B.165 and refers to a test conducted in a certain manner before the start of the official count and 24 hours afterwards. This goes back to old punch card language when you took the deck of cards and ran them through before you counted the votes. After you counted the votes, you took the deck and ran it back through. This is really handled under NRS 293B.150. Testing is extremely important for the system. You must test the whole system before an election and then again afterward; however, this language was left over and does not do the job. Technically, I do not know if this would be possible. You would have to take one voting machine and test it once during the day and then again at night, and you would know what was happening only on that one machine. That would tie the voting machine up because you cannot test a voting machine that has any votes on it.

Those were the items the clerks felt needed to be cleaned up, but, overall, we think the bill works for the county clerks very well.

Chair Koivisto:

Are there questions or comments from the Committee?

Assemblyman Cobb:

You mentioned voter registration drives, and there has been discussion about provisions in the new amendment just provided to us by the Secretary of State's Office in terms of regulating voter registration drives and the organizers of those drives. I would like to hear your thoughts about the idea of taking the definition of an "organizer" of a voter registration drive here and incorporating it into the positions that exist in the NRS, either the registration agency or the registration agent, specifically because of the requirement that they not hire people who have committed felonies having to do with trustworthiness, and also because of the requirement to return unused forms and account for them. There were issues in Clark County that were reported back to us such as the group ACORN requesting 111,000 registration forms and returning only 91,000. Of the 91,000 returned, only 62,000 were valid registrations. If you add up the costs of unused forms and improperly or fraudulently completed forms, such as those with names of the Dallas Cowboys football team on them, that was a cost of \$150,000 to Clark County. What are your thoughts about that?

Alan Glover:

Those forms have always been a concern of mine and of Clark County's. That was why we asked, and you were generous enough to approve our request, to be able to charge if one entity requested more than 50 forms. Here in Carson City, we had requests for hundreds of forms but never saw them again.

My position was, why should the taxpayers of Carson City be paying for these forms if they were going to be used in Washoe County?

I am not willing to have someone from ACORN be a field deputy registrar for me because they represent my office. It does give legitimacy to these voter registration groups if they fall under a voter registration agency heading. That also falls under federal law. The Secretary of State designates voter registration agencies such as state welfare, Department of Motor Vehicles, et cetera. Usually, he designates government agencies.

I thought maybe the way Mr. Griffin drafted the bill might solve the problem, but you will have two classes—a voter registration agency and then this other group. This other group might be too elusive to declare as an agency because they are here for just a month or two and then they are gone out of town, but they have status as an agency and can keep registering people forever. The concept needs to be looked at.

Chair Koivisto:

We have some people who are neutral on the bill. Would you like to speak?

Jason Frierson, Office of the Public Defender, Clark County, Nevada:

We in no way want to hinder the intent of this bill, which is to enhance the voting process and the accuracy of it, but we share the concerns expressed earlier by Assemblyman Conklin, particularly the category A felony exposure. However, those points have already been expressed, and we want to be on the record as being neutral but having that sole concern.

Chair Koivisto:

Lee Rowland has also signed in as neutral, and then we will hear from the people who have signed in against the bill.

Lee Rowland, Northern Coordinator, American Civil Liberties Union of Nevada, Reno, Nevada:

When I signed in, I had not had an opportunity to review the amendment handed to you by the Secretary of State today. I would now like to be on record as opposing this bill.

Chair Koivisto:

All right, you can lead off the opposition.

Lee Rowland:

I am also an attorney, and when we first saw the original draft of A.B. 82, we gave the Secretary of State a memo in which we explained that the original section 30, in our belief, was unconstitutional. The reason we believed it was unconstitutional is because what it purports to do is regulate advocacy groups rather than expenditures.

The Ninth Circuit and the Supreme Court have noted time and time again that the government's interest in regulating corruption in elections issues extends to money and not one's belief system or advocacy. As the language reads in section 30, if your baseball team got together and all agreed that a ballot was a bad idea, you would all need to promptly go register with the Secretary of State if you intended to inform anyone else of that opinion. The First Amendment implications of that are obvious, and I will not belabor the point because I see that the Secretary of State has asked for that language to be removed. I think it is very important, because of our history in litigating this kind of election issue, that we at least be on the record that, as it is currently written in the bill form, we believe section 30 is unconstitutional.

First, I would like to note one very causative thing about this mock-up version of the bill, which is the new section 30. The relevant portion appears on page 32 and eliminates some complex language about when a voter registration form is counted as having been delivered. We heard many complaints from people who submitted their registration forms to the DMV or to a third-party office. Those forms were not turned in for a week or two, so the people ended up being excluded from voting by this kind of complex interplay concerning when the form is mailed and when it is postmarked. So we think this is an excellent change and strongly support standardizing the date when a registration is effective. We thought that was a fairly widespread problem that led to some confusion, and even different registrars interpreted the existing provision differently, so we think this is a great and much-needed change based on our experience with election protection. I really did want to point that out because it is an excellent part of this bill.

Now, to the parts we have some issues with. One of my concerns in this version of the proposed bill appears on page 38 of this mock-up, specifically section 40. Section 40 notes that any person who is not acting at the direction of a candidate or a campaign "who intends to make an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group shall register with the Secretary of State before making any such expenditure." This language would require that any individual in Nevada who decided to go online and donate to any group or individual, rather than giving a

donation online, would first have had to register with the Secretary of State's Office. We think that violates the First Amendment.

The courts have noted that requiring campaign contribution reports, and reports of expenditures on behalf of a candidate, is treated differently than just the identification of speech on, for instance, an anonymous pamphlet. However, we ourselves have litigated a case against the Nevada Secretary of State in the last iteration of these laws, which required people who were sending out an anonymous flyer on behalf of a candidate or group to list themselves on that flyer. We won that case at the Ninth Circuit, and I would like to read a quotation from our case, the *American Civil Liberties Union of Nevada v. Dean Heller, Secretary of State of Nevada*. For the record, the citation for that case is 378F 3rd. 979. It was a Ninth Circuit case from 2004 and the relevant quote is:

As to modest resources, the Nevada statute has no financial threshold. It requires identification of a person [here we are talking about reporting so this is slightly different than identification, but obviously you identify yourself in the reporting requirements] who paid for or is responsible for the publication, even if the only cost is for pen, paper, and ink, and it applies even where a natural person pays for the publication if that person cooperates with any organization in doing so. [Here there is no cooperation requirement.] In short, the Nevada statute, like the Ohio statute in *McIntyre* [a U.S. Supreme Court case] applies to circumstances in which the interest and circulation of anonymous communications are at their absolute strongest.

Our concern with this language that has now been added to the bill is that there is no financial ceiling or floor. It applies to any expenditure, no matter how diminutive. So, if one handwrote a sign and popped it in the lawn, under this language, whatever the individual spent on the wood, the piece of paper, and the pen would be covered. There is absolutely no limiting language here, and more problematically, it requires you to register before you even make such a contribution. The only types of contributions that have been approved by the courts are aggregate contribution levels when an individual contributes a certain amount in the aggregate over several expenditures; and, secondly, when that reporting requirement occurs after such expenditures. So, we oppose sections 40 and 41 because we believe that they reach crucial, First Amendment speech that should not be required to be registered with the Secretary of State.

On a more fundamental policy level, I am not sure why the Secretary of State would have an interest in making sure that everyone who has donated a dollar or spent thirty cents on a pen and piece of paper to make a sign should be registered with them. In other areas of the laws you see the reporting requirements do not kick in until you have reached a certain aggregate, so you have to report only a contribution in excess of \$1,000. My suggestion would be that you would be on much safer constitutional ground to at least require such registration only when you have reached that floor, as opposed to requiring registration for every expenditure.

I think it is worth noting for the record that anytime you are dealing with a political contribution, the courts look at this with the absolute strictest scrutiny—the very strictest scrutiny that exists in the courts. Something like this that does not have limiting language, I think, would be extraordinarily problematic. I do want to put that on the record because we do have dire concerns that it is a real issue that will affect political speech. It is precisely the type of issue that we would consider litigating if somebody came to us and said, "Hey, they want me to register for this sign in my lawn." So, in good faith we want to come before you and let you know we have serious constitutional concerns about the addition of those sections.

On a good note, the most problematic section, which is section 30 of the original bill, has now been requested to be removed by the Secretary of State, so we applaud that decision and thank him for it. I am certainly happy to answer any questions. Madam Chair, as you know I am just doing this now, so if you would like me to follow up with written testimony, too, I would be happy to do that as well.

Chair Koivisto:

That would be good if you provide written testimony so we have it for the record. Are there questions from the Committee? [No response.] I would like to make one comment, as candidates, we are not allowed to take anonymous donations.

Lee Rowland:

Absolutely, but because it says an expenditure on behalf of a candidate, the concern here is that "expenditure" is not limited to monetary contributions but could be anything that you spent money on to further the campaign of a candidate, such as a yard sign or getting together to pass out anonymous flyers or leaflets. I think under the existing case law, it is clear that the courts would not look kindly towards those kinds of minimal expenditures being included in a reporting requirement. If the language said, "Any direct monetary contribution

to a candidate," I think that would be slightly less problematic, although we would still expect that there would be a floor before the reporting requirements kicked in—say an aggregate of \$1,000. But, with respect to the language here, this does not talk about contributions to candidates. It says, "any expenditure on behalf of a candidate," which is why I spoke in the language of advocacy and yard signs and things of that nature because it does not exclude those items. They are clearly included in the current definition that is being proposed here.

Chair Koivisto:

Which would probably be in-kind contributions which we also have to report?

Lee Rowland:

Not necessarily, if they were not made directly to your campaign. As I noted, the Supreme Court has upheld the right to anonymous speech specifically with respect to flyers and the like, so, obviously, the reporting requirements would undermine that. In-kind donations are one thing, but generally consist of someone donating a certain use of their time to your committee. Someone going out on his own and expressing his opinion about a candidate, when that may have an incidental cost, is absolutely protected by the First Amendment and does not need to be reported.

Chair Koivisto:

Janine Hansen and John Wagner, do you want to come to the witness table together?

John Wagner, State Vice Chairman, Independent American Party of Nevada, Elko, Nevada:

We have several problems with this particular bill, the first one being the filing time. We have to file in January, but our members running for office are elected at a state convention normally held in April. We hold county conventions before that to elect delegates to go to the state convention. We have those spaced out because it is expensive to travel all over the state. The only way this bill would work for us is if we had our county conventions on Thanksgiving and our state convention on Christmas Day in order to get anything done by the first of January. This is a real problem for us.

Also, we are concerned about the charge for more than 50 voter registration forms. Every year, Carson City holds a Rendezvous in June. I went to the Secretary of State's Office and picked up some voter registration forms to have on hand at our display at the Rendezvous. I did not have the forms available for people to just take them; if people came to me asking where to register to vote,

then I gave them a form. If they wanted to fill the form out on the spot, I let them do it, and I personally turned the forms in. I kept those forms through the elections and then, after the election was over, I returned them to the Secretary of State's Office. We want people to register to vote, but duplicating the voter registration forms would not work because they are numbered. I am not even sure duplicating them is legal. I think there should be penalties for not turning them in.

Referring to yard signs, I was paid staff for a while on the Ron Paul campaign. We noticed there were people in Reno, independent of the Ron Paul campaign, making their own signs and having sign parties. We had no control over those people whatsoever; they were volunteers. The biggest problem we have is the January filing date.

Janine Hansen, representing herself, Nevada Eagle Forum, and the Independent American Party of Nevada, Elko, Nevada:

I would like to clarify what John Wagner said. State law requires minor parties to hold conventions in lieu of primaries. As a minor party, we do not have a primary until we have 100,000 registered voters, so we are required by state law to hold a convention. That is what John was talking about when he said we would be holding our conventions at Thanksgiving and Christmas. We must, by state law, turn our list of nominated candidates into the Secretary of State, and that has to happen before they can file for office. That is critical to us, and you can imagine trying to recruit candidates in November and December to get them to file in January.

Assemblyman Conklin:

Third parties have their own statutes. Currently, you have to nominate before your candidates file for office. Does it make sense to change your statute? Do you ever have primaries? You do not because ...

Janine Hansen:

It is not allowed by state law.

Assemblyman Conklin:

It is not allowed by state law, so maybe what we need to do is just do a carve-out so that your folks are nominated by some time frame that meets your requirements since you have your own statute. I do not know what that does to the clerks, but it is certainly something we could talk about because you do not come up on any of the ballots in August. All your candidates come up on the ballot for the general election. Is that correct?

Janine Hansen:

Yes, we are only on the general election ballot because we have no primary. The one problem, which was previously the case, is that we filed at a different time than everyone else. That was a significant problem for us because what happens when everyone files? The Secretary of State has a list, the news media gets it, and all the clubs and organizations and PACs get that list. Everyone who holds candidates nights in their different communities gets that list, and if you are not on that list, you do not get invited. So, it was as if we were non-candidates when we did not file at the same time. We want to file at the same time so we are actually seen as a part of the real election process. We have over 60,000 registered voters now. In the past few years, we have had 50 candidates on various ballots, so that is a significant issue for us and makes the January date very difficult.

There are several other issues of concern in this bill. One of those is the section on voter registration drives. Does that mean if we have a voter registration drive at an event like the one John Wagner mentioned, we have to register with the Secretary of State as a political party? Every time we want to bring voter registration applications to our meeting or to our convention or to our event at the park, do we have to go and register so we can encourage people to register to vote? This seems burdensome to me since we are always talking about getting more people to register to vote. There are legitimate concerns about what has gone on, but do we want to make it so difficult that people who want to encourage people to register to vote cannot even do it or are not willing to do it? Are we going to have to tell people to go to the DMV because it is too much hassle? That is a concern for us.

I want to mention section 30 of the mock-up. This section identifies when a person is actually registered to vote. This is something we have argued about for years because it is particularly important when you are doing a petition drive to know when a signer is registered to vote. If you know a person is registered to vote on the date the application is postmarked or turned in, then you know that person is registered to vote. If that is not the case, you will be aware ahead of time that the individual cannot legally sign the petition, and you will not have them do it. It is important for anyone gathering signatures on petitions to know specifically when a person is registered to vote.

Assemblyman Conklin talked about increasing some of the penalties to felonies. I have some concerns about that because the law does not always work exactly like we expect it to. Concerning the issue of voter intimidation, which also includes intimidating petitioners, instead of just having a criminal penalty you could have a civil remedy. You could say that someone whose right was

interfered with had the right to go to court to recover damages or protect himself in some way. Although you would not have to increase the penalty to a felony, you could have some financial civil penalty or civil remedy whereby a person could say, "You have interfered with my right to vote; you have intimidated me; you have interfered with my right to sign this petition; you have violated my rights" and have a civil remedy for that. I think that might answer, to some degree, the concern about the extraordinary felony penalties. We have supported that for some time because there is no remedy in the law when someone's individual rights are violated. That individual cannot do anything about it.

I want to speak about the section on electronic filing. We have a problem with people who do not want to sign under penalty of perjury, and I am one of those people. I now am facing a \$15,000 civil penalty. In 2006, I did not collect any money; I did not spend any money. I filled out all my campaign forms and sent them all in on time, but because of religious issues, I crossed out "under penalty of perjury" and put "I swear, in the name of Jesus Christ, that the foregoing is true and correct." Because I did that, I now have a \$15,000 penalty.

Assemblyman Hambrick:

Many religious groups prefer affirmation. Would that be something you would be satisfied with? Instead of swearing you would "affirm"?

Janine Hansen:

This issue is actually the "affirm." I provided the Secretary of State's Office with 20 pages of information, plus a letter, describing why I believed I needed an exception for this. I filed the same way all three times, and there was never any notification of penalty until after the time to file for the third time, when I was informed of the penalty. By then, they assessed the maximum penalty. There was no notification on the first or second filing.

There is a serious difference between a religious oath and a secular affirmation. State law provides for people to swear an oath, and people being sworn into office, such as the Secretary of State, can choose to have a secular affirmation or they can have a religious oath. They have the right to choose which one they want. That right to choose is denied to anyone who is filling out the Secretary of State's forms. If those forms are filed electronically, no objection or alternative way of filing is allowed.

I recently filed all my papers, and on them I handwrote, "I object to being forced into filing this, but because I was given a \$15,000 fine, I am still swearing my religious oath, but I am not crossing out 'under penalty of perjury' because I do

not want another \$15,000 fine." Now, what did they do? I sent pages of objections to this whole process with my filed report. My last report starts on page 15 because the Secretary of State's Office has refused to put the other pages of my report on their website. They are essentially denying my free speech to object to some of these issues. I believe part of the reason behind electronic filing is because he has problems with people like me who object to the process and are trying, through this process, to get our religious rights recognized and to bring these in front of the Committee.

You have always been very open to accepting our concerns in this Committee. The Nevada ordinance that is part of the *Constitution* requires a perfect toleration of religious sentiment, and Article 1, Section 4, of the *Constitution* requires that "liberty of conscience, the free exercise and enjoyment of religious profession, without discrimination or preference, shall be forever allowed in this State." I feel this imposition by the Secretary of State upon me and this \$15,000 fine are in violation of our *Constitution* and are specifically directed at members of the Independent American Party, like me.

On the very last two pages of the bill, you will notice there is a whole list of the sections that are repealed. Today, I printed out the sections that are repealed and they are significant. This is a very significant change from our current law. What does this do? It changes the current law, which allows a ballot or issue committee not to file until it raises at least \$10,000. You really cannot do anything on a ballot issue until you have raised at least \$10,000. Now, even to try to get on the ballot you need at least millions of dollars because of the challenges which the Legislature has allowed to go to court. Last time, no ballot issue even made it on the ballot because of the problems of changes in the laws and all the challenges that were allowed.

The law was changed last time, and it now states you do not have to report until you have cumulatively given \$1,000. What is the purpose of that? I handed you a copy of the Proposition 8 maps ([Exhibit H](#)) that are on the Internet. You can look up the addresses of people who supported, with as little as \$100 or less, Proposition 8 in California. Those people are now under attack in California. In fact, I have a letter from John Schroeder who is an Evangelical speaking up for the Mormons. He says,

The Mormons deserve our protection. They have been oppressed in ways during the Proposition 8 campaign that this Nation has not seen since the 1960s in the Civil Rights movement. The rhetoric has been deplorable but moreover, we have seen instances of vandalism, property destruction, and some leaders in the fight

currently find themselves with armed protection because of the threats made against them and their families. Our Nation will not and cannot tolerate this sort of behavior. It is incumbent upon all of us to stand against it, and the best way we can stand is to stand between the Mormons and the forces who would perpetrate such evil.

I am not unfamiliar with this kind of persecution, but my point is that this law repeals the \$1,000 limit and moves it to \$100 which makes people who are interested in a ballot position targets, as in California, for persecution. For several years, I had to have a body guard because of my participation in particular issues. I could not go to political events without one, so this, to me, is a critical issue and a significant policy change.

Concerning the 180-day filing for PACs, this does not make any sense. What about filing every election year? Could the Secretary of State's Office clean up their records if they just had PACs file or renew their registrations every election year instead of every 180 days? We are trying to reduce paperwork, and this makes it more difficult, especially for volunteer organizations, if they have to file every 180 days. You can exist, participate in politics, and exercise free speech, but first you have to check in with the Secretary of State. This, to me, is a violation of our free speech. If the Secretary of State's Office needs to clean their records up, have them do it every election year. I think that is sufficient, and to do otherwise is absurd.

I object to making ballot committees into political action committees because of the problem with lowering the \$1,000 and \$10,000 limits to \$100. That is a significant policy change and a problem with this bill.

I oppose electronic filing, not only for the reasons I already stated, but also because we have candidates like my 86-year-old mother who ran and has never touched a computer. We also have a candidate who has run nearly every election in Elko who does not have a computer. There are other candidates who do not have access to computers who should be allowed to file.

The January filing date, as I stated before, is also a significant problem. I appreciate your patience in listening to me, and I thank you.

Chair Koivisto:

Are there questions or comments from the Committee? [No response.] We will bring the bill back for a work session. We talked about many parts of it today and there will be changes.

Janine Hansen:

I appreciate the very open and considerate concern expressed by the Committee. I always feel really good when I hear those questions.

Chair Koivisto:

I think everyone who signed in to speak has spoken. Is there anyone else who wishes to come before the Committee, or is there any public comment? Is there anything else to come before the Committee? [No response.] Patrick wants to clarify some other paperwork you have in your packets.

Patrick Guinan, Committee Policy Analyst:

We received an email from Project Vote, which is a voter outreach organization in Washington, D.C. They submitted requested amendments to the bill in writing, and those are in your folders ([Exhibit I](#)). We just want to make it clear that those proposed amendments have been submitted and are on the record.

Chair Koivisto:

Is there anything else to come before the Committee? [No response.] All right, we are adjourned [at 6:25 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblywoman Ellen Koivisto, Chair

DATE: _____

EXHIBITS

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

Date: March 3, 2009

Time of Meeting: 3:50 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 82	C	Matt Griffin	Copy of PowerPoint in explanation of the bill.
A.B. 82	D	Matt Griffin	Mock-up of the bill
A.B. 82	E	Patricia Cafferata	Copy of stipulated agreement
A.B. 82	F	Patricia Cafferata	<i>Code of Judicial Conduct</i> (part only)
A.B. 82	G	Alan Glover	Suggested amendments
A.B. 82	H	Janine Hansen	California Proposition 8 map
A.B. 82	I	Patrick Guinan	Suggested amendments by Project Vote in Washington, D.C.