

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

**Seventy-ninth Session
May 3, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 4:17 p.m. on Wednesday, May 3, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Nicole J. Cannizzaro, Chair
Senator Tick Segerblom, Vice Chair
Senator Kelvin Atkinson
Senator James A. Settelmeyer
Senator Heidi S. Gansert

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senatorial District No. 1
Assemblywoman Olivia Diaz, Assembly District No. 11
Assemblyman Ozzie Fumo, Assembly District No. 21
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin Powers, Counsel
Janae Johnson, Committee Secretary

OTHERS PRESENT:

Bradley Schrage
John Wagner, Independent American Party
Janine Hansen, Nevada Families for Freedom
Wayne Thorley, Deputy for Elections, Office of the Secretary of State
Priscilla Maloney, Retiree Chapter, American Federation of State, County and
Municipal Employees Local 4041, AFL-CIO
Michael Sean Giurlani, Nevada State Law Enforcement Officers' Association

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Richard P. McCann, Executive Director, Nevada Association of Public Safety
Officers CWA Local 9110 AFL-CIO
Carter Bundy, American Federation of State, County and Municipal Employees
Local 4041, AFL-CIO
Fran Almaraz, American Federation of State, County and Municipal Employees
Local 4041, AFL-CIO
Barbara K. Cegavske, Secretary of State
Sue Merriwether, Clerk-Recorder, Carson City

CHAIR CANNIZZARO:

We will open the hearing on Assembly Bill (A.B.) 418.

ASSEMBLY BILL 418 (1st Reprint): Revises provisions relating to elections.
(BDR 24-750)

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):

Assembly Bill 418 is a Committee bill and did pass out of the Assembly unanimously. The purpose of A.B. 418 is to eliminate the 5 percent sampling precincts prior to a full recount. Under law, if a recount is demanded, an initial recount is done of ballots from 5 percent of the total number of precincts that voted in the election or a minimum of three precincts that voted in that election. If the initial recount shows a discrepancy of at least 1 percent or 5 votes, whichever is greater, a full recount of all ballots is done. Section 3 in the bill provides that all recounts must include a full count and inspection of all ballots. Section 3 was amended by the Assembly to provide that all ballots must be recounted in the same matter in which the ballots were originally tabulated, whether that was done with a mechanical device or electronically. Section 4 revises the grounds in which an election may be contested in addition to malfeasance on the part of the election board member or ineligibility of the winner of the election to hold office.

Assembly Bill 418 adds the following as grounds of an election contest: illegal or improper votes that were cast in a sufficient number to cast doubt on the result of the election. The defendant is the person who won. The contestant is a person who believes there was error in the tabulation of votes, believes that someone working on behalf of the reported winner of the election acted improperly, for example, a person giving something of value for the purpose of manipulating the outcome of the election, or believes there was a malfunction of a device in a manner sufficient to raise doubt as to the outcome of the

election. The law provides that ballots and other records relating to the election must be deposited in the vaults of the county clerk and are not subjected to an inspection by anyone except in a case of a contested election.

Section 2 clarifies the voting records that are printed on paper ballots showing votes cast on mechanical devices are not subject to inspection unless they are relevant to a contested election. Section 1 provides no person may be compelled under oath to reveal how he or she voted at any election. This is significant, for we had a municipal election about three or four years ago in North Las Vegas that was decided by one vote, and there were questions as to the outcome. We want to maintain voter privacy when the election is close.

This is a short bill, and it improves the election process. It improves our right to know that, if there is a close election or a question, it can be looked into and decided in the terms of whether there could be a recount or contest.

SENATOR SETTELMAYER:

Concerning a recount in the same manner as on Election Day, votes are counted by a ballot machine. A general improvement district (GID) vote is small and done at a regular election. If the GID wants a recount but rather than using a machine for the entire election, you only recount the GID, which has about 50 to 60 ballots. Do you see that as a potential problem?

ASSEMBLYMAN OHRENSCHALL:

That was an issue in the original version of the bill before we amended it in the Assembly. We did provide a hand recount to address some of the concerns brought up by the registrars. We amended the bill to provide if there was a recount, it would be done in the same manner that it was done on Election Day, whether that is mechanical, electronic or done by hand. Pursuant to this bill, if a measure passes, a manual inspection can still happen, but it would have to be ordered by a judge under section 4. As I understand, in A.B. 418 the possibility is still there, but it would have to come as a result of an election challenge or contest.

SENATOR GANSERT:

It also precludes inspection except if it is contested. If they are going to be tabulating the votes, and the documents do not look right and you intuitively know something went wrong when you are gathering the materials from an

election, what do you do then? There will be a process before you actually count them where someone would be transferring information.

ASSEMBLYMAN OHRENSCHALL:

Section 2 amends *Nevada Revised Statutes* (NRS) 293.391, and provides that the records in subsections 1, 2 and 3, regarding the rosters of people who voted, are open to any elector who wishes to inspect them. Under law in section 2, subsection 5, the voted ballots deposited with the county clerk are not subject to the inspection of anyone except in cases of a contested election. In my opinion it is to protect voter privacy.

What this bill does is add the records to voted ballots. These are the records printed on paper of voted ballots that I think we are all familiar with when we go to vote on the electronic machines and the paper prints out so you can check to make sure it correctly reflects your decision. That would be subject to being looked at for a recount in section 4 of the bill. That would now be added to the provision in section 2, subsection 5 of voted ballots that are not open to general inspection. They are only available for a recount. If someone meets the threshold pursuant to section 4, then a court can order those to be inspected. If you believe somehow there has been machine error or a software malfunction and you are able to meet that burden in front of a court, you could get that recount and pursuant to section 4, even with the paper ballots. You would have to meet that burden.

SENATOR GANSERT:

Looking at section 2, subsection 4, a contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2 except the voted ballots. I understand that you have to maintain the confidentiality of how somebody voted, but if it is not printed and it is electronic, it sounds like there is still access to them to make sure things are working properly. Will you have to maintain the confidentiality?

ASSEMBLYMAN OHRENSCHALL:

As I understand, sections 2 and 4 work together, and those paper printouts would not be subject to a general inspection unless it was ordered by the court, pursuant to NRS 293.410, in section 4 of the bill.

BRADLEY SCHRAGER:

I support A.B. 418 and can assist Assemblyman Ohrenschall on questions or any technical issues. This is an important revamping and is an improvement for our integrity of postelection and election procedures.

JOHN WAGNER (Independent American Party):

There are a couple of considerations we do not like about this bill. It is calling for a total recount. Who is going to pay for that total recount? Page 5, lines 38 to 41, they removed the word "possible" malfunction. I think we need to leave the word "possible" in the bill. For example, if I go to someone and say this machine does not work, but he or she says it is fine—I have to prove that there was a malfunction. How can I prove it without the paper being read in there? Otherwise, why do we even have the paper printout? Otherwise we are just killing a tree. I think we need to have the paper recount and "possible" should be left there because a malfunction can happen. It happens all of the time with hackers. As an example, a hacker caused problems at my work making us think there was a virus planted in the machine, but there was no virus.

JANINE HANSEN (Nevada Families for Freedom):

I have a couple of issues with this bill. I support page 3, line 4 where the paper printed record can be accessed if contested. In the past, in terms of a recount, it has been inaccessible. The provision was first put in place by former Secretary of State Dean Heller because people were unhappy about an electronic ballot with nothing to back it up. He added it, but it did not have any legality in law. It did not determine anything regarding a recount. I am glad to see there is some access in this bill for a recount, and it needs to be expanded. We are interested in having that ability and, in fact, there was a lawsuit last year in Las Vegas, where contestants were refused the opportunity to see those paper records. It is very important that this information is available in a contested election.

Another question I have is on page 4, where all the percentages are taken out for initiating a recount. Will that suppress someone if that person thinks we should have a recount? Are they paying for it? If there is a statewide race or large congressional race, will that suppress your opportunity to ask for a recount? If you do not win in a recount, I believe that you have to pay for the recount. This would increase the cost of doing a recount significantly if every time an entire district or statewide recount has to be done. This is something

that should be considered. People do have some concerns, and we should not suppress their opportunity to have a recount because of excessive cost.

Another concern I have is on page 5, line 38, the same thing that Mr. Wagner brought up on the "possible" malfunction. You do not know if there is a malfunction unless you check it. We think that "possible" should be left in there so that you can address that issue of saying there was a possibility of a malfunction.

ASSEMBLYMAN OHRENSCHALL:

Ms. Hansen made an excellent point on page 3, the fact that the voted ballots and records printed on paper can now be considered as part of an election contest. That is something that a lot of us had assumed could be considered. The law did not really reflect that, and now with this change, it will. As for the concerns for deleting the word "possible" on page 5, I am not an expert in statutory construction but I believe if a contest was filed even without that word, the court would consider the possibility of malfunction of a voting device. If it makes people feel more secure having that word, I have no objection. I do think this bill moves the law forward in making sure the integrity of our elections is even stronger, particularly with the language on page 3, lines 4 and 5. I do hope the Committee will consider A.B. 418.

SENATOR GANSERT:

The cost of a recount was brought up, 5 percent versus an entire election. Do you have estimates on what the difference would be?

ASSEMBLYMAN OHRENSCHALL:

I do not have that right now. It would be depend on the jurisdiction and district you are running in, whether you are running for an Assembly seat, a countywide seat or a statewide seat. I believe that it is a lot different than it was 20 years ago now that things are tabulated electronically.

WAYNE THORLEY (Deputy for Elections, Office of the Secretary of State):

We had a recount on the presidential election this last year that was requested under the 5 percent standard that is now law. It was a sampling of 5 percent; the person requesting the recount gets to select the precincts, and the person selected a group of precincts in about five of the counties, costing \$7,000.

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SENATOR GANSERT:

So that was 5 percent of counties or 5 percent of the total count of votes?

MR. THORLEY:

The person requesting the recount selected 5 precincts within 5 counties out of the 17 counties. The 5 counties conducted the recount and the cost added up to around \$7,000. If they had to do a full recount, the cost would not increase by much because of the way the recounting is done. For example, all the early voting ballots have to be recounted anyway because early voting is done in voting election centers and not by precinct, so they have to recount them as part of the normal process.

SENATOR GANSERT:

So they picked five precincts in five different counties?

MR. THORLEY:

They selected 5 percent of the roughly 1,800 precincts statewide. The 5 percent fell within 5 counties, and Clark County, Carson City and Douglas County were among those in the recount. The cost was spread among those 5 counties to do the 5 percent of precincts.

SENATOR GANSERT:

That is getting to the root of the question. Say a million people voted, was it 5 percent of a million people whose ballots were recounted? It sounds like it was 5 percent of total number of precincts? Did you say it was 1,800 precincts?

MR. THORLEY:

Right around 1,800 precincts.

SENATOR GANSERT:

So 5 percent of the 1,800 was not a count of votes but a count of precincts? It happened to be in five counties.

MR. THORLEY:

Correct.

CHAIR CANNIZZARO:

We will close the hearing on A.B. 418 and open the hearing on A.B. 350.

ASSEMBLY BILL 350 (1st Reprint): Revises provisions relating to state employment. (BDR 23-932)

ASSEMBLYMAN OZZIE FUMO (Assembly District No. 21):

The policy and purpose behind A.B. 350 is to codify what I consider good business practices. Some of you know when I am not here at the Legislature and in Las Vegas, I practice and help those who have misunderstandings with the law. Some of those people I have helped out in the past have been State employees who have not been properly informed as to what their ethics requirements were. They were not given an orientation program when they entered the State agencies. Most states, like California and Arizona, already have laws like this one on the books. I would like to codify it for Nevada.

Section 1 of the bill is standard definitions. Section 2 is the meat of the bill. In part one of section 2, State employers must give or provide an orientation within 30 days of hiring a State employee or as soon as practical thereafter. The training shall include personnel policies, rules concerning ethics and any benefits program that the State employee is entitled to. Orientation must be in person and during work hours. If the employee is eligible to be represented by an employee organization which has at least 100 members, the employer shall allow the organization to present or make a presentation to the employees. The organization may designate a member of the State employer organization to attend the orientation unless that would cause a disruption in the State agency business. In subsection 5, 7 days after the new hire, the organization shall be given basic information about the new employee.

Section 3 requires that information be given to the employee organization regarding any member who was unable to attend the orientation. In section 4, the employee who was not able to attend the orientation should meet with the organization during breaks and a location designated by the employer State agency. The final section of the bill protects private information of public officers, police officers and employees like that.

SENATOR SEGERBLOM:

Could we add the right to belong to a union?

ASSEMBLYMAN FUMO:

Yes, that would be the intent of that. Businesses like Aflac and unions would come in to give their presentations.

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SENATOR SEGERBLOM:

Not a presentation; it is part of the union, and they can join one?

ASSEMBLYMAN FUMO:

That is correct.

PRISCILLA MALONEY (Retiree Chapter, American Federation of State, County and Municipal Employees Local 4041, AFL-CIO):

We support A.B. 350. From May or March of 2011 to June 2013, I was on staff with American Federation of State County and Municipal Employees as a labor representative. Unfortunately, under the law we would hold an open forum on Saturdays to know your rights and responsibilities as a State worker, but it was completely voluntary. We would try to go through the personnel manual and inform people and answer questions about what their rights and responsibilities were as State employees. That was a poor substitute for what is capsulated in this bill.

MICHAEL SEAN GIURLANI (Nevada State Law Enforcement Officers' Association):

We support A.B. 350 and thank Assemblyman Fumo for bringing this bill forward.

RICHARD P. MCCANN (Executive Director, Nevada Association of Public Safety Officers CWA Local 9110 AFL-CIO):

The bill is to ensure that State employees receive prompt, comprehensive training regarding personnel policies, ethics, conflicts of interests, benefit programs, etc. I represent employees in my position. Unfortunately, they claim they were not trained in such concerns, and sadly that is often the case. This bill frankly prevents these assertions from being made in the future. We are going to make everyone trained and trained promptly, trained comprehensively and done right. This bill ensures the new workers are administratively trained at essentially the inception of their employment. We support A.B. 350.

CARTER BUNDY (American Federation of State, County and Municipal Employees Local 4041, AFL-CIO):

We would like to say this bill suggests good professional practice and limits mistakes by employees early on in their careers. It reduces conflict and results in better performance. Taxpayers invest a lot of money in recruiting and retaining these employees. We think this makes them better at their jobs. We thank Assemblyman Fumo for bringing this bill forward. We support A.B. 350.

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FRAN ALMARAZ (American Federation of State, County and Municipal Employees
Local 4041, AFL-CIO):

Many of the complaints that the State employees have said is that they do not understand from the beginning on what they are supposed to do. They know what their job is, but without training they do not understand the ethics or some of the other things that later on they are being accused of, then it leads to suspension and sometimes to a firing. We believe this bill will bring training across the board for all State employees. We support A.B. 350.

CHAIR CANNIZZARO:

We will close the hearing on A.B. 350 and open the hearing on A.B. 45.

ASSEMBLY BILL 45 (1st Reprint): Revises provisions relating to public office.
(BDR 24-426)

ASSEMBLYWOMAN OLIVIA DIAZ (Assembly District No. 11):

Assembly Bill 45 revises provisions relating to an election and its administration, including voter registration and campaign practices. I amended part of A.B. 45 before it came out of the Assembly Legislative Operations and Elections Committee. As we have all heard, over the Interim for many Nevadans campaign finance reform is one of the most popular and important pieces of legislation. As Legislators, we can enact new provisions into law, especially serving in this Committee. Nevadans want a more transparent campaign process that opens our books and expenses so they can hold us accountable.

As dubbed in my Committee, the Diaz amendment, which was adopted to A.B. 45, is focused on bringing just that, transparency to campaign finance reports. There are two focuses of the amendment. In section 27.2, it requires candidates to delineate the charges of their credit cards. Sections 24 and 24.5 require all candidates to disclose end-of-reporting period of cash-on-hand numbers. Neither of these requirements are very onerous or revolutionary. Candidates for federal office and across many states have to comply with this already. Nevada politicians should have to as well. I would like to recognize the Council for a Better Nevada for bringing this idea to my attention and working with me on this amendment.

SENATOR SEGERBLOM:

I think the cash-on-hand provision is really important. When would that start?

ASSEMBLYWOMAN DIAZ:

I believe the act becomes effective July 1. I did hear from some colleagues that it might be a little crazy to be in two worlds, when this year for Legislators, we just do one comprehensive report. It would be prudent to think out the start date for that piece.

SENATOR SEGERBLOM:

Next January or when the next time we file.

ASSEMBLYWOMAN DIAZ:

Exactly.

BARBARA K. CEGAVSKE (Secretary of State):

In its current form, A.B. 45 is the result of collaboration and cooperation with the Assembly, local election officials and other stakeholders. Assembly Bill 45 received nearly unanimous support in the Assembly, and I am hopeful to earn your support here in the Senate. Assembly Bill 45 is lengthy; however, many of the provisions of the bill are cleanup in nature.

Section 1 requires a nongovernmental entity that sends a notice to a person indicating the person is not or may not be registered to vote, or requesting the person register to vote, to indicate on the notice that it is not official election mail from the Secretary of State or a local election official. Prior to each election, national groups send mailers to people in Nevada they believe are not registered to vote to encourage them to register. While we appreciate the efforts of those seeking to increase the number of registered voters in Nevada, these mailers often cause problems for voters and election officials. The mailing lists used by these groups are not always accurate, and many registered voters end up receiving mailers that say they are not or have not been registered to vote. I have been registered to vote at the same address for 29 years, and even I received one of these mailers prior to the 2016 election.

When these mailers go out, our Office and the local election officials get hundreds of calls and emails from voters who are understandably concerned that their voter registration may have been cancelled or changed. Voters think the mailers come from the Secretary of State's Office or the local election officials. We spend a considerable amount of staff time assisting people who are currently registered yet received a mailer that made them believe they are not. Section 1 seeks to address this issue so that these mailers include

information that makes it clear to the voter that the mailer is not official election mail and did not come from an official source.

Sections 8, 9, 13, 15, 16 and 23 update citations to federal election laws that are in State statute. Federal election laws found in the United States Code have all been recodified from Title 42 to Title 52, and these sections simply update the references found in NRS.

Sections 13, 14, 14.2, 14.4, 14.6, and 15.5 extend the mail-in voter registration deadline from the fifth Saturday before a primary or general election to the fourth Tuesday. This change gives people three additional days in which they can register to vote by mail prior to an election. These sections also extend the deadline to register to vote using online voter registration by two days, giving people two extra days in which they can register to vote prior to a primary or general election. Under the provisions of A.B. 45, the deadline to register to vote by mail would be 28 days prior to an election; the deadline to register to vote in person at the local election official's office would be 21 days prior to an election; and the deadline to register to vote online would be 19 days before an election. Identical language is included in A.B. 478.

ASSEMBLY BILL 478 (1st Reprint): Revises provisions relating to elections.
(BDR 24-463)

Sections 8.5, 14.8 and 15.7 deal with sample ballots for regular and city elections. One problem with giving people more time to register to vote prior to an election is the difficulty of ensuring these late registrants receive a sample ballot in accordance with current law. Accordingly, these sections exempt local election officials from the requirement to send a voter a sample ballot if the person registered to vote less than 20 days before an election.

Sections 24 and 24.5 require all candidates to include the balance in their campaign accounts at the end of the reporting period on each Contributions and Expenses report they file with the Secretary of State's Office. There is no requirement to report ending fund balance, so it is difficult for the public to know how much cash on hand a candidate has at the end of a reporting period. The only way to do this currently is to go through all the Contributions and Expenses reports the candidate has ever filed and create a running total. This provision will increase transparency in the financial reporting process. We thank

the Council for a Better Nevada for bringing it forward as a friendly amendment on the original version of A.B. 45.

Sections 24 and 25 through 27 clarify that certain people who accept campaign contributions related to a recall election are required to file Contributions and Expenses reports even if the recall election is not held because the petition for recall is not submitted on time or is legally insufficient. This provision will close a loophole that came to light last year. A candidate who was raising money to run against an incumbent in a recall election did not have to file a Contributions and Expenses report because the recall election was never held.

Section 27.2 is another friendly amendment that was added to the bill at the request of the Council for a Better Nevada. The section adds a new expenditure category to Contributions and Expenses reports for interest, credit card fees, debit card fees and penalty fees incurred in relation to campaign expenses paid for by a credit or debit card. The provision also requires itemization of campaign expenses paid for using a credit or debit card, including the name of the business or other entity from which the purchase of the campaign expense was made. This provision will increase transparency in the financial reporting process.

Section 30 allows an authorized person to officially withdraw an initiative or referendum petition after it has been filed with the Secretary of State's Office. Likewise, section 31 requires a person who files an initiative or referendum petition with the Secretary of State's Office to fill out a form with certain information, including the person's name and signature; the name of any committee for political action formed by the person to advocate for the passage of the initiative or referendum; and the names of persons who are authorized to withdraw the petition or submit a revised petition. There is no legal mechanism by which a person or group can formally withdraw an initiative or referendum petition after it has been filed with the Secretary of State's Office. We have had people request to withdraw petitions in the past, and this has raised questions about who is able to withdraw a petition on behalf of a group. These sections will resolve this issue.

Section 32 moves the date initiative petitions that propose a statute or an amendment to existing statute must be submitted for signature verification to the day after the general election if the due date falls on the day of the general election. This section is included in the bill so that in the future we avoid what

happened on November 8, 2016, which was both the day of the 2016 general election and the last day to submit statutory initiative petitions to the local election officials. Election Day is stressful enough for election administrators without also having to deal with petitions being turned in.

Lastly, section 34 clarifies that a petition for independent candidates for U.S. President must be filed with the Secretary of State's Office prior to the candidates circulating petitions for signatures. This section is included in the bill to address an issue from the 2016 presidential election in which an independent candidate for U.S. President began circulating a petition in Nevada in order to gain ballot access before the petition was officially on file with the Secretary of State's Office. Because of all the laws surrounding the petition process, it is imperative that the Secretary of State's Office be aware of all petitions before they are circulated.

SENATOR SETTELMAYER:

On the concept of who can withdraw the petition, there have been previous discussions on bills from the past. I think it was Danny Thompson who mentioned there could be a question on having that ability to withdraw a petition. Are you worried about it being used incorrectly? Mr. Thompson indicated he could foresee a situation where someone is paid for extortion, where they put in a petition to recall somebody, then accept donations and decide not to go forward with the petition. I am a little bit concerned with that concept.

MR. THORLEY:

I guess that is potentially a concern. We have had in the past, even in this last election cycle, a person file a petition and request it to be withdrawn. We did withdraw the petition, but we do not have an official mechanism to withdraw it. We would like to have that kind of guidance in statute. If there is an issue of extortion, it is something that I have not heard of. It potentially could be going on right now, but is something we are willing to look at and work with you on that language to be strengthened or changed.

SUE MERRIWETHER (Clerk-Recorder, Carson City):

All the county clerks have worked with the Assembly and the Secretary of State to make sure that the dates for voter registration will work for all of the counties. We did get that cleaned up. We appreciate the presentation on section 1 in the bill and believe it will help clarify some the issues we had with various

voter registration applications and information going out. These implied that they were coming from us, and I believe this will help out. We do support the changes of A.B. 45.

SENATOR SETTELMAYER:

I was curious about outside voter registration. There were some problems in the last election in different areas. Maybe there should be a concept to make sure individuals who are doing this type of registration have some type of training, so that they understand what our laws are.

MS. MERRIWETHER:

We were going to do voter registration training for different voter registration drives, but that was removed from the bill.

SENATOR SETTELMAYER:

I will ask Assemblywoman Diaz why that was taken out because I think that is a pretty good idea.

CHAIR CANNIZZARO:

We will close the hearing on A.B. 45 and open the hearing on A.B. 21.

ASSEMBLY BILL 21 (1st Reprint): Makes various changes relating to elections.
(BDR 24-2)

BARBARA K. CEGAVSKE (Secretary of State):

I will go through the provisions of Assembly Bill 21. With me today at the table is Wayne Thorley, Deputy Secretary for Elections, and I also have my Chief Deputy Scott Anderson in the audience. Assembly Bill 21 addresses an issue that seems to occur each election cycle, and that is whether candidates live where they say they live or whether they are eligible for the office they are seeking based on their residency. We are hopeful that with this bill we will be able to provide some clarification on the residency requirement and hold candidates accountable who violate the residency requirement. The bill also contains one a small section on campaign finance.

For the purpose of determining eligibility for office, the law defines "actual residence" as the place where a candidate is legally domiciled and maintains a permanent habitation. When a candidate maintains more than one place of permanent habitation, the law states that the place designated by the candidate

as his or her principal permanent habitation is deemed to be the candidate's actual residence. The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible for the office. Assembly Bill 21 amends the statutory definition of "actual residence" to reflect the Nevada Supreme Court's holding, including the codification of legal principles that can be used to determine whether a place of permanent habitation is the place where the candidate actually resides and is legally domiciled.

Assembly Bill 21 requires candidates for office to present two types of identification and documentation as proof of the candidate's identity and residency. One type of acceptable identification would be a card issued by a governmental entity that contains a photograph of the candidate and the candidate's residential address. The other type of acceptable identification required is a current utility bill, bank statement, paycheck or document issued by a governmental entity that contains the candidate's name and residential address. In circumstances where a candidate is unable to provide the filing officer with two types of identification because of the rural or remote location of the candidate's residence, the candidate would be required to sign an oath or affirmation under the penalty of perjury indicating that he or she is unable to comply with the requirements. The candidate would then be required to provide alternate proof of identification.

The law states that a person who knowingly and willfully files a declaration of candidacy that contains a false statement is guilty of a gross misdemeanor. This bill does not change that penalty, but it clarifies the statutory language regarding the penalty. Assembly Bill 21 adds new language to the declaration of candidacy form and the declaration of residency form in order to more clearly inform candidates of the gross misdemeanor penalty and the other provisions of this bill.

Assembly Bill 21 provides that if during a preelection challenge the court finds a candidate failed to meet any qualification required for office, the candidate is disqualified from taking office. The candidate's name is prohibited from appearing on the ballot, and the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, other than the Attorney General or a district or city attorney.

Lastly, A.B. 21 deals with two campaign finance issues. First, the bill requires that a candidate's campaign bank account be in a financial institution located in the United States. Second, the bill requires political action committees and other political committees that receive contributions to open a separate account in a financial institution located in the United States. The bill gives candidates and committees until June 30, 2018, to comply with these campaign finance provisions.

It is important to note that nothing in A.B. 21 is designed to remove or eliminate the Assembly and Senate's constitutional authority as it relates to the qualifications and elections of members of the Legislature. So that this is clear, language is included in the bill to this effect. In conclusion, we believe that A.B. 21 is a simple solution to a problem affecting the integrity of Nevada's election process.

MS. HANSEN:

I discussed this issue in the Assembly. The bill has been amended in order to reflect that. On the bottom of page 9 and continuing on page 10, a valid driver's license or identification card issued by a government agency that contains a photograph and alternative proof. When someone from a rural county wants to file, they have to come into Carson City or to Las Vegas to file. With this change, some of them might come and will not have two pieces of identification in order to file and prove where they live. For example, I have my driver's license. It does not have my residential address on it but does have my mailing address on it. When I came to file, I had a concealed weapons permit that does have my residential address on it. But under this requirement, I would come 325 miles, as other people have had to come long distances, and end up with only one or no ID for the second form of identification.

I am not opposed to the concept of people having to affirm where they live. This could create some complications, especially for people who do not live close to cities. What about the last day for filing for office and people come in at the last minute and do not have two pieces of identification? For instance my utility bill is not in my name but is in my husband's name. I was trying to go through what else I would have to prove that I was living there and that was my address. I think there will be candidates from all parties who may come in from the rural counties or even locally and do not have the information needed to prove where they live in order to file. I do not know if the parties should take it upon themselves to let people know they need two pieces of identification and

what they are or how to avoid what almost happened to me. A lot of the times in the rural areas people do not have a regular street address in the rural counties.

The resolution by the Assembly was to add that the Secretary of State could pass regulations. But what I heard Secretary of State Barbara K. Cegavske say, it did not change the kind of identification officials would take. I want to put this on the record and make you aware that this may be a potential issue, especially people filing from the rural counties.

CHAIR CANNIZZARO:

It is incumbent upon the candidate who is going to run for office and put themselves out there, to have filled out all of these forms and to at least look up what they have to bring with them so when they go to file, they have all of those documents.

Ms. HANSEN:

I think most candidates try to do that. I guess they should have to do that. It just concerns me when someone has to travel a long way and is not able to file. I certainly think it would be better if they look everything up, but I doubt that they all have done that or it would happen.

CHAIR CANNIZZARO:

We will close the hearing on A.B. 21 and open the hearing on A.B. 478.

BARBARA K. CEGAVSKE (Secretary of State):

Assembly Bill 478, which contains some of the same language as A.B. 45, seeks to bring Nevada into compliance with federal law as it relates to the deadline to register to vote by mail. Under State law, the deadline to register to vote by mail is 31 days prior to a primary or general election. However, the National Voter Registration Act says that the deadline imposed by states to register to vote by mail can be no more than 30 days prior to an election.

Assembly Bill 478 changes the deadline to register to vote by mail in Nevada to 28 days before a primary or general election. This change will bring Nevada into compliance with federal law. The bill extends the deadline to register to vote using online voter registration by two days, giving people two additional days to register to vote prior to any primary or general election. Lastly, A.B. 478 exempts local election officials from the requirement to send a voter a sample

ballot if the person registered to vote less than 20 days before an election. One of the concerns with giving people more time to register to vote was the difficulty of providing late registrants with sample ballots. This provision gives local election officials flexibility in this area.

SUE MERRIWETHER (Clerk-Recorder, Carson City):

I am representing the county clerks of Nevada, and we support [A.B. 478](#). Thank you, Secretary Cegavske for working with us on these dates and making it work for us.

CHAIR CANNIZZARO:

We will close the hearing on [A.B. 478](#) and move into work session on [Senate Concurrent Resolution \(S.C.R.\) 4](#). Senator Spearman proposed some conceptual amendments.

[SENATE CONCURRENT RESOLUTION 4](#): Directs the Legislative Commission to create an interim study concerning the development of renewable energy resources in this State. (BDR R-1130)

MICHAEL STEWART (Policy Analyst):

We heard [S.C.R. 4](#) on April 19. As the Chair noted, it relates to renewable energy resources. It directs the Legislative Commission to create an Interim study concerning the development of renewable energy resources in Nevada. I have submitted the work session document ([Exhibit C](#)).

SENATOR GANSERT:

I work for the University of Nevada, Reno, (UNR) when I am not at the Legislature. But this legislation and conceptual amendments will not affect me any differently than anyone else. I will participate in the discussion.

SENATOR PAT SPEARMAN (Senatorial District No. 1):

We have come across a lot of additional information that is germane to the conversation. I particularly had some conversations with members of Frontier Observatory of Research in Geothermal Energy (FORGE), UNR and the University of Nevada, Las Vegas, (UNLV) had agreed to participate. It is important for this Committee to understand the economic impact of proceeding with the study and moving forward with FORGE. Right now, there are two states that are in contention for this research project, Nevada and Utah. The economic impact numbers are staggering. For the last three Sessions, we

have struggled to make sure we do forward-thinking things with science, technology, engineering and mathematics (STEM); FORGE has a component that will promote STEM among high school students. There are representatives from UNR, UNLV and the Desert Research Institute available to speak as well as Assemblywoman Jill Tolles.

CHAIR CANNIZZARO:

We do appreciate everyone being here for this study because I know the conceptual amendments change some of the items the study will be conducted on, but we will move forward with a motion.

SENATOR SETTELMAYER MOVED TO AMEND AND BE ADOPTED AS AMENDED S.C.R. 4.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GANSERT VOTED NO.)

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CHAIR CANNIZZARO:

We will move to the last item in the work session A.B. 452.

ASSEMBLY BILL 452: Directs the Legislative Committee on Energy to conduct an interim study concerning energy choice. (BDR S-1113)

MR. STEWART:

Assembly Bill 452 was heard on Monday and requires the Legislative Committee on Energy to conduct a study during the 2017-2018 Interim concerning energy choice. I have submitted the work session document ([Exhibit D](#)).

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 452.

SENATOR ATKINSON SECONDED THE MOTION.

SENATOR SETTELMAYER:

I accept the concept of looking over what the people have voted on for energy choice. As disclosure, I am on the Governor's Energy Task Force, and I do not think it affects me in any shape or form. I do not believe we should be

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reviewing what Governor Brian Sandoval does. I think it is a separation of powers issue. The Task Force members are going to come up with their findings, and we will come up with our findings. In that respect, I will be voting no.

THE MOTION CARRIED. (SENATOR SETTELMAYER VOTED NO.)

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CHAIR CANNIZZARO:

Seeing no further business, I will adjourn the meeting at 5:28 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
S.C.R. 4	C	2	Michael Stewart	Work Session Document
A.B. 452	D	1	Michael Stewart	Work Session Document