

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eightieth Session
February 28, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:02 p.m. on Thursday, February 28, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblyman Ozzie Fumo, Vice Chair
Assemblyman Skip Daly
Assemblyman Glen Leavitt
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblywoman Daniele Monroe-Moreno
Assemblyman Tom Roberts
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Christopher Roske, Committee Manager
Catherine Bodenstein, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Wayne Thorley, Deputy of Elections, Office of the Secretary of State
Cecia Alvarado, Nevada State Director, Mi Familia Vota
Christi Cabrera, representing Nevada Conservation League
Maria-Teresa Liebermann, Deputy Director, Battle Born Progress
Sondra Cosgrove, President, League of Women Voters of Nevada
Tod Story, Executive Director, American Civil Liberties Union of Nevada
Victor Rivera, Community Organizer, Chispa Nevada, League of Conservation
Voters
Warren B. Hardy II, representing Nevada League of Cities and Municipalities
Lisa Foster, representing City of Fallon; and City of Boulder City
Sabrina Mercadante, City Clerk, City of Henderson
Kenneth Kraft, Private Citizen, North Las Vegas, Nevada
Deanna Spikula, Registrar of Voters, Washoe County
Brian McAnallen, representing City of North Las Vegas
Joseph Paul Gloria, Registrar of Voters, Election Department, Clark County

Chair Jauregui:

[Roll was called and Committee protocol explained.] I will now open the hearing on Assembly Bill 50.

**Assembly Bill 50: Revises provisions governing the dates for certain city elections.
(BDR 24-473)**

Wayne Thorley, Deputy of Elections, Office of the Secretary of State:

It is my pleasure to be here this afternoon to present Assembly Bill 50, a piece of legislation I feel very strongly about. I would first like to give an overview of what the bill seeks to accomplish, then I will explain why I believe this is good policy, and finally I will go over the specific details found in the bill.

Under current law, found in *Nevada Revised Statutes* (NRS) 293C.115, municipalities in Nevada have the option of holding municipal elections in odd-numbered years, with the primary election being held in April and the general election in June, or they have the option of holding municipal elections in conjunction with regular federal, state, and county elections in even-numbered years, with the primary election in June and the general election being held in November.

Currently there are 19 general law and charter cities in Nevada and I have included Carson City in that total. Of this total, 11 cities, and again that includes Carson City, hold their city elections in even-numbered years in conjunction with the regular federal, state, and county elections. The remaining eight cities—Boulder City, Caliente in Lincoln County, Ely, Fallon, Henderson, Las Vegas, North Las Vegas, and Yerington in Lyon County—hold their elections in odd-numbered years.

This bill would take away the option for cities in Nevada to hold elections in odd-numbered years and instead require all cities to hold elections in even-numbered years in conjunction with regular federal, state, and county elections. The first primary election under the new dates would be held in June of 2022, with the first general election under the new dates being held in November of 2022. If A.B. 50 is adopted in its current form, the last odd-numbered year municipal elections in Nevada for most cities would be in 2019, this year, with the subsequent city elections being held in 2022 as they align with the regular election cycle.

Additional time will be added to the term of office for most current incumbent city elected officials in order to bridge the gap between the transition from odd-numbered year elections to even-numbered year elections. I will explain how this extension of time works later in my testimony.

There are two reasons why we are proposing this piece of legislation. First, it will save the cities that currently hold elections in odd-numbered years a lot of money. Second, it will increase turnout for city elections.

I would like to refer the Committee to a handout that our office prepared ([Exhibit C](#)). It is up on Nevada Electronic Legislative Information System (NELIS). It says, "Municipal Elections Cost Comparison." At the top of the handout you will see a chart with four cities in Clark County. All four of these cities—Boulder City, Henderson, Las Vegas, and North Las Vegas—currently hold elections in odd-numbered years. Their most recent election was in 2017, and they have a primary election coming up in April of this year, 2019. You can see the cost for holding those elections in the table. These costs include the charges that are made by the Clark County Election Department. The Clark County Election Department supports the city elections in these cities in Clark County. It also includes the direct cost that the cities incur with any vendors that they work with for the election.

I would just like to note that you will see a bit of variability in the costs between years. For city elections, the candidates are nonpartisan. They are nonpartisan offices, and they can win outright in the primary election if they receive 50 percent plus one of the vote. In some instances, a general election is not even held for certain races. In some of the smaller cities that have a very small population, they do not hold primary elections. They only hold general elections, so there is a bit of variability. Sometimes a city will have both a primary and general election in one year, and sometimes it will only have a general election if all the candidates are elected in the primary election.

One thing I would like to note is that the costs do not include Clark County Election Department staff time or salaries. The Clark County Election Department, by providing support to the city elections in off-years, foregoes working on other projects. Their staffers are working to support the election, so there is an opportunity cost for supporting city elections in odd-numbered years that is not quantified. Clark County Election Department loses time that it could be working on other projects.

The next table on the handout lists the two cities in Washoe County: Reno and Sparks. Reno and Sparks both hold elections in conjunction with the federal, state, and county elections. The most recent city elections in Reno and Sparks were just held last year, 2018. You will see that the cost for the cities to hold their elections, which are supported by the Washoe County Registrar of Voters office, is much less than the cost to the cities in Clark County. The way that it works out in Washoe County is, the cities are charged 15 cents per active registered voter. That is paid to the Washoe County Registrar of Voters and Washoe County supports all things related to the election, such as printing of ballots, securing of polling places. The actual administration of the elections is done by the Washoe County Registrar of Voters office.

Just so we are comparing apples to apples, the next table on the handout lists the current number of active registered voters in the six cities that I just talked about, so the four cities in Clark County and the two cities in Washoe County. Of course, Las Vegas is the biggest city and if you look at the cost to run the election for Las Vegas, it is also the most expensive. The size of Reno is comparable with Henderson and North Las Vegas, so if you compare the cost for Reno to run its election with the cost for Henderson or North Las Vegas to run its election, you will see that it is significantly less for Reno, yet they are comparable cities in size.

That is our first point, that by combining the city elections with the county, state, and federal elections, the cities will save a lot of money.

The second point is that this will increase turnout. I will not spend a lot of time on this. I know that Joseph Gloria from Clark County has provided some information to the Committee and he will be providing testimony later today on turnout.

I would like to call the Committee's attention to the bottom of my handout under the section where it lists "Turnout at the Most Recent Mayoral Election" in the six cities that I have been talking about ([Exhibit C](#)). I chose the mayor contest simply because all voters in the city vote in that contest, so, again, we are comparing apples to apples. In the most recent Reno election for mayor—this was in the 2018 General Election—68.04 percent of the active registered voters in the City of Reno voted for mayor. In Sparks the mayor's race was decided in the primary election because, as I mentioned previously, they can win at the primary election if they receive 50 percent plus one of the vote. Regarding the turnout in the 2018 Primary Election for the Sparks mayor, 25.38 percent of active registered voters in the City of Sparks cast their ballot for mayor. If you look at the other cities in Clark County that hold elections in odd-numbered years, you will see their turnout was much lower. And this is typical for turnout in city elections in odd-numbered years. It ranges anywhere between 10 and 15 percent of active registered voters. In regular elections, the primary election can go anywhere between 25 and 30 percent turnout, for general elections 65 to 70 percent, and in higher years even 75 percent turnout.

Next, I would like to walk the Committee through the specific language in the bill. At 54 sections and 40 pages, A.B. 50 is not a short bill, so I am not going to go through each section individually, but I will touch on the major policy changes included in the bill.

Sections 4 through 7 make the required changes to NRS Chapter 293C, which is the City Elections chapter, to mandate that all city elections be held in even-numbered years.

City primary elections would be held on the second Tuesday in June, and city general elections would be held on the first Tuesday after the first Monday in November, just like regular federal, state, and county elections. I would note that certain cities with a small population do not hold primary city elections. That would not change under this bill.

Sections 6 through 8 establish the candidate filing period for all city elections and it would be the first Monday in March of the year of the election through the second Friday after the first Monday in March. This is the same candidate filing period for nonjudicial candidates for federal, state, and county office. All candidates for city office and even the city judicial candidates—if this bill is adopted in its current form—would file during the March filing period. For state and county judicial candidates, as you might be aware, there is a separate candidate filing period in January. That would still exist, but again, it would only be for state and county judicial candidates. The city judicial candidates would file in March with the rest of the candidates.

Sections 9 through 16 make conforming changes. Then the bulk of the bill in sections 17 through 50 make changes to the city charters of the six charter cities that currently hold municipal elections in odd-numbered years. So the charter cities that hold elections in odd-numbered years are Boulder City, Caliente in Lincoln County, Henderson, Las Vegas, North Las Vegas, and Yerington in Lyon County. The changes in the city charters are required to align the primary and general dates listed in the charters with the new even-numbered election year dates.

The changes to the city charters also extend the term of office for certain elected city incumbents who were elected in 2015 and 2017 or who will be elected in 2019. I will briefly explain how the extension of the term of office will work for the cities under their city charters.

Any public officer elected to a six-year term in 2015—so these are your municipal judges; they have six-year terms—will have his or her term extended through the end of 2022, essentially adding a year and a half to his or her term for a total of seven and a half years.

Any public officer elected to a four-year term in 2017—so these are your mayors and city council members; they have four-year terms—will have his or her term extended through the end of 2022, again adding a year and a half to his or her term for a total of five and a half years.

Any public officer elected to a six-year term in 2017—again, these are the municipal judges—will have his or her term extended through the end of 2024, again adding a year and a half to their term for a total of seven and a half years.

Any public officer elected to a four-year term in the upcoming 2019 municipal election in these six charter cities will have his or her term extended through the end of 2024, again adding a year and a half to his or her term for a total of five and a half years.

Any public officer elected to a six-year term in 2019—your municipal judges—will have his or her term extended through the end of 2026, again adding a year and a half to his or her term for a total of seven and a half years.

Sections 51 and 52 deal with the term of office. Section 51 in particular deals with the term of office for the individuals who will be elected for the general law cities at the upcoming election in 2019 and in 2021. There are two general law cities that hold elections in odd-numbered years—Fallon and Ely—and the term of offices for the individuals who will be elected at the June 2019 election and the June 2021 election in those two cities will be shortened by about six months from a four-year term to about a three-and-a-half-year term under the bill.

Madam Chair, thank you so much for inviting me to present A.B. 50 to the Committee today. The concept behind this bill is not new. Those of you who have served in the Legislature for a while may recall similar bills from prior legislative sessions where those bills have failed. We hope to be successful. We believe the time is right, and we hope that you will all support this bill. I am happy to answer any questions that the Committee may have.

Chair Jauregui:

Thank you, Mr. Thorley for your presentation and walking us through the bill. Does the Committee have any questions?

Assemblywoman Miller:

I will be honest, my concern is about extending terms for those years we are transitioning to five and a half years and then seven and a half years for judges. I am sure—I am going to assume—that your office went through all different scenarios of how to handle that and possibly looked at other states where transitions like this have occurred. Can you share your process for that? I am just trying to get to whether this is really the best way to do it, which is to just extend because seven and a half years is a very long time and five and a half years for city council is quite long as well. Can you elaborate, please?

Wayne Thorley:

Absolutely. When a person is already elected to office and is the incumbent, there is a challenge in reducing his or her term when he or she is already in office. That, right off the bat, was a nonstarter. For example, for those who were elected in 2017 and are already in office, it was not, in our view, proper—and probably not even legal—to reduce their term of office. We could not do that for those incumbents. But we have the problem of aligning the

election dates from odd-year elections—the general election is held in June—to even-year elections when they are held in November. We have this aligning problem.

It could be accomplished through a special election where the term of office for that special election was a specifically limited term that would have to be identified by the Legislature and put into this bill. It would be a very truncated term. We did not choose to go that route because it would require an additional election at an additional cost and those individuals who would serve in those offices would serve for a very short term—about a year and a half or so depending on when the election was held. We chose to go the route of extending the office.

As I mentioned, this bill—not this bill but a very similar bill—has been before the Legislature before and obviously it did not pass. Some of the concerns that were brought up in prior legislative sessions related to the term of office and the shortening of the terms and how that would be problematic. We decided that the lengthening of the terms would be a better way to bridge that gap.

Assemblywoman Miller:

Thank you for your response. This may be a question for legal counsel. I do not mean to imply that you did not check the constitutionality of this. If we could just hear more about the constitutionality on that and what may be the impact—if there were to be an impact—what would that impact be by lengthening those terms?

Kevin Powers, Committee Counsel:

Our office has looked into the constitutionality of extending a term in order to adjust the election dates. There is an opinion from the Nevada Attorney General from 2005 that discussed this very issue when the legislation at that time in 2003 changed the city elections from odd to even in a certain number of cities. Based on case law from other jurisdictions, the general rule is that it is within the province of the Legislature to postpone elections and readjust the commencement of terms of office, in which case the incumbents may either hold over or you could have a special city election so long as the object of the legislation is to regulate the time of holding elections and not merely extend the terms of incumbents. Because the purpose of this legislation is simply to regulate the commencement of the time of election, it falls within the constitutionality of extending a term of office for an incumbent.

Assemblyman Leavitt:

I have a couple of things. First, I wanted to ask you if you had some history as to why they are on odd-numbered years, if there is a binding reason behind that. How did they come to the decision of creating odd-numbered year elections in municipalities?

Wayne Thorley:

The current law in NRS Chapter 293C allows municipalities to make that determination. They can decide whether to hold elections in even-numbered years in conjunction with the regular federal, state, and county elections, or they could decide to hold elections in odd-numbered years. That is a decision that is made under current law by each municipality.

I would not want to speak for the reasoning behind why some have chosen to go one route or the other.

By way of history, several municipalities have made the change in the past from odd-year elections to even-year elections. This is where we get to the point where we have, as I mentioned, 11 cities that currently hold elections in conjunction with the regular election cycle. Most recently the City of Mesquite made that transition, I believe after the 2013 municipal election in Mesquite, and now they are aligned with the regular even-year election cycle.

Assemblyman Leavitt:

Thank you for that. The municipalities have the ability to do it autonomously from us making that change to state law. They have the ability to do it currently if they so choose, correct?

Wayne Thorley:

That is correct.

Assemblyman Roberts:

I have a couple of questions, if I may. The first one is: Did this impact the municipalities' ability to put ballot questions or initiative questions on their ballot when switching to these other years?

Wayne Thorley:

This legislation does not address ballot questions, city ballot questions, or city initiatives at all. The city's authority to put forth certain questions to its voters would not be impacted by this legislation. The legislation would simply align the dates that those elections are held with the regular federal, county, and state election cycle.

Assemblyman Roberts:

Thank you. To follow up on Assemblyman Leavitt's question, I know you do not know why they chose to move. When you have approached them, some have moved and some have not. In putting this bill together, what have they told you about why they want to keep their elections on odd years, if you know at all?

Wayne Thorley:

Again, I do not want to speak for the cities. There are several representatives of cities here who I believe will be providing testimony either in support, opposition, or neutral. Again, I think they would be the best people to answer your question.

Assemblywoman Monroe-Moreno:

Each city has its own city charter which varies from city to city. How would this change if it were to go into effect and affect their individual city charters and how long would they have to make those adjustments?

Wayne Thorley:

Charter cities have a city charter. General law cities do not have a city charter. For the six cities that are charter cities and currently hold elections in odd-numbered years, this bill would go into their charters and make amendments to their charters to align the election dates that are identified in their charters with the election dates that I described—the June primary election and November general election in even-numbered years. It also makes conforming changes to all six of those charters to allow for the extension of the term of office as I described earlier. The bulk of the bill, sections 17 through 50, is not making changes to state law; it is actually making amendments to those six city charters.

Assemblywoman Monroe-Moreno:

I have a question from one of my constituents who is very concerned about this bill. His main issue is, if an incumbent were to lose in a primary election, with this change there would be a longer period of time between the primary and the actual general election, so you have a lame duck sitting in office for a much longer period of time on a city council that may do things that affect the budget and the people living within that city in a negative way. Have you thought about that and how that would be addressed?

Wayne Thorley:

Thank you for the question. We have been contacted about the same concern—about the lame-duck period being extended. Under current law, city council members and other city officers, once the election is held, are sworn into office very quickly after the election. They are elected in June in odd-numbered years and then put into office. With this change, if the cities switch to even-numbered year elections and it is held in November, they would not be sworn into office until January so there is about a two-month period. And as you mentioned, if they lose in the primary, which is in June, there would be about a six-month-or-so period where the person is a "lame duck."

This happens from time to time under current law. There are cities right now—Reno, Sparks, as a matter of fact the majority of the cities in Nevada—that are aligned with the regular federal, state, and county election cycle. This happens currently where there is a lame-duck period. It happens for county commissioners. They have regular meetings like the city council does. From time to time, incumbents will lose in the primary and will be serving on the council through the end of their term, which could extend all the way through the end of the year. There are incumbents who choose not to run again. They are essentially lame ducks too. They are not on the ballot; they are either termed out or deciding not to run again. While I understand the concern here, I do not think it is a huge problem because it happens quite a bit. We trust our elected officials to make sound decisions on behalf of the voters who put them there. I think our elected officials do a good job of that. It will extend the lame-duck period, but we do not see a real concern with that.

Chair Jauregui:

Thank you, Mr. Thorley. I want to go back to the first question Assemblywoman Monroe-Moreno had about our having the authority to change the charter—and this is probably more

of a question for our legal counsel. Why is it that the state can go in and change the cities' charters?

Kevin Powers:

Under the *Nevada Constitution*, Article 8, Section 1 specifically provides that the Legislature has the power to create municipal corporations or cities by special act. The *Nevada Constitution* gives the Legislature the power to control cities because the Legislature creates them through special acts and therefore the Legislature can amend those special acts. Each of the charter cities that is listed in this bill was created by an act of the Legislature and so, like any other act of the Legislature, it can be subsequently amended by another Legislature. That is why—because the *Nevada Constitution* provides the Legislature with that power to control those city charters.

Chair Jauregui:

Thank you for that. Are there any further questions, Committee? Seeing none, we will open the testimony for those who are here in support. Please fill the seats in Carson City and in Las Vegas. We will start with testimony in Carson City, and then we will move down to Las Vegas.

Cecia Alvarado, Nevada State Director, Mi Familia Vota:

Good afternoon, Madam Chair and members of the Committee. I am also a member of the Let Nevadans Vote Coalition. I am here in support of Assembly Bill 50. This bill will save taxpayer money. Cities would only pay for special requests, like special questions at the ballot level. In 2017 four cities in Clark County spent \$544,038.97 for municipal elections. Las Vegas spent \$250,000. North Las Vegas spent over \$64,000. Henderson spent over \$200,000. Boulder City spent over \$23,000. Not holding elections each year will save and consolidate resources for county elections departments and the Office of the Secretary of State, which can be devoted to cleaning up voter data, testing voting machines, and improving our election system. Thank you, Madam Chair.

Christi Cabrera, representing Nevada Conservation League:

I am here on behalf of the Nevada Conservation League in support of Assembly Bill 50. One of the goals of the Nevada Conservation League is to increase voter participation. We believe this is a commonsense approach to increase the number of voices that are heard, especially in municipal elections. Thank you.

Maria-Teresa Liebermann, Deputy Director, Battle Born Progress:

I am with Institute for a Progressive Nevada and Battle Born Progress, which are proud members of the Let Nevadans Vote Coalition, and we stand in support of Assembly Bill 50. Let Nevadans Vote is a coalition of organizations that work to protect and expand the accessibility, efficiency, and integrity of elections for all Nevadans. Combined, the coalition registers thousands of Nevadans every year and mobilizes them to vote.

We stand in support of A.B. 50 for a few reasons that you have heard and will continue to hear, but for us, even-year elections will ensure accountability and quality candidates.

Currently, in odd-years, some candidates may get away with banking on low turnout and less accountability for their history and record.

Other reasons are that aligning our elections together will give Nevadans a break from back-to-back campaigning and election fatigue. I think that is something we all can get behind. Many Nevadans—and maybe our election workers too—would appreciate having a year off from phone calls, door-knocking, and nonstop campaigning.

Finally, moving our elections together would also save us taxpayer money, overall make our electoral process more cohesive, and also increase voter engagement, which is something we need to do. For all of these reasons and more, we urge you to support A.B. 50. Thank you.

Sondra Cosgrove, President, League of Women Voters of Nevada:

I am a history professor at the College of Southern Nevada and the president of the League of Women Voters of Nevada. I am here today to speak in support of Assembly Bill 50, to move all elections to the statewide election cycle by 2022.

Municipal elections often receive less than 15 percent turnout and in some municipalities, turnout is under 10 percent. Such low voter turnout is not conducive to participatory democracy, and it deprives voters of opportunities for active civic engagement.

Further, we run municipal elections during the legislative session when all eyes are focused on Carson City, which deprives candidates the attention they need to make their case.

And in areas of Nevada with diverse populations, managing elections in ways that do not produce adequate voter turnout creates the impression of voter suppression. Municipalities are paying hundreds of thousands of dollars for off-cycle elections, which is a very inefficient use of taxpayer dollars.

It is time to move our municipal elections to the statewide election cycle to increase turnout and to reduce election expenditures; therefore, the League of Women Voters of Nevada supports A.B. 50. Thank you.

Tod Story, Executive Director, American Civil Liberties Union of Nevada:

For many of the reasons that you have already heard, the American Civil Liberties Union of Nevada, a proud member of Let Nevadans Vote Coalition, also supports Assembly Bill 50. We think that the expansion of participation by voters and also the saving on expenditures for taxpayers are sufficient reasons to support this bill, and we are happy to do so. Thank you.

Victor Rivera, Community Organizer, Chispa Nevada, League of Conservation Voters:

I am an organizer with Chispa Nevada here in Las Vegas. The passage of Assembly Bill 50, which I support, is important for many reasons. Historically there is very low turnout in municipal elections, and in 2017 there was only an 8.86 percent turnout for all of Clark County. Only about 44,830 out of 516,400 eligible voters turned out.

Data has shown that communities of color have low turnout rates. Because of this, they are contacted less during these off years. Campaigns are not talking to these communities, even though these local races disproportionately affect communities of color. Issues that affect the day-to-day lives of communities of color—like public safety, homelessness, housing, and zoning—are decided at the local level.

Low turnout numbers are not reflective of a healthy and active democracy. We need to pass A.B. 50 to make sure every Nevadan's voice is heard. Thank you.

Chair Jauregui:

Is there anyone else in Las Vegas who wishes to testify in support? Seeing no one, we are going to move to opposition.

Warren B. Hardy II, representing Nevada League of Cities and Municipalities:

It is not a very comfortable seat for me to be in to oppose a piece of legislation introduced by my friend and former colleague, Barbara Cegavske. I am not here to argue or contend or disagree with anything that Mr. Thorley said. I think all of that is accurate except one thing I should indicate for the record. On the handout ([Exhibit C](#)), it indicated that all the municipalities in Clark County hold elections in odd-numbered years. Mesquite is a municipality in Clark County and it holds elections in even-numbered years. He said that verbally, but I wanted to make sure the record reflected that. So I cannot argue with what he said with regard to turnout, with regard to cost; those are not things we can argue with.

However, we would not be doing our job as the Nevada League of Cities and Municipalities if we did not come forward and try to protect the rights of the local governments to determine their own fate with regard to these things. We fully recognize and do not argue with and do not have a problem with the fact that this Legislature controls our charters. We are creations of the Nevada Legislature.

We have an overriding philosophy that the problems and challenges of government are best solved at the level of government closest to the people. This would fall into that category. The question was asked in terms of why would anybody choose. Certainly that is a great question—lower turnout, more money to do these. But there is a feeling, especially in some of the smaller communities and some of the larger communities as well, that the municipal races get lost in the shuffle. They are way down the ballot. They have other candidates for higher office coming in campaigning and they do not feel—this is the feedback that I have heard—they do not feel like there is enough dialogue in the community focusing on the local races. They like the fact that those are in the odd-numbered years and that those are the only ones that are essentially on the ballot. They consider that worth the expense.

In addition to that, it is not often that the Legislature—in my experience since I have been here—gets involved in influencing city charters and common law cities in this way. This Legislature always has control over charter changes. The local governments have to bring our charter changes to the Legislature for consideration, but there is a very good process for that that we have perfected over a number of years. I am not aware of any local government

now that does not have a charter commission made up of the local residents, the people who reside in the community who make the recommendation and decision on these kinds of issues. That is where—in my humble opinion—that dialogue should take place. If the community feels like all of the points articulated by Mr. Thorley, which I am not going to dispute, are factors, then that mechanism is in place to bring the charter change request to the Legislature. I am not disputing your right to do this, Madam Chair, but we feel like this is one of those things that should remain at a local level.

The council members who decide to spend more money on elections have to face the voters, so if that is an issue, that should be considered. I know when people hold their charter commission meetings and bring their citizens in to discuss charter changes, this is often something that is discussed, very often discussed for all of the reasons that Mr. Thorley articulated. Madam Chair, I cannot argue with what he said; I am not going to argue, dispute, or disagree. I am just asking the Committee to consider leaving this at the level of government closest to the people. The mechanisms are in place to deal with this if they do not feel like there are adequate safeguards in place. Thank you, Madam Chair.

Chair Jauregui:

I have a question for you, Mr. Hardy, or anyone from the city who would like to answer this. I have heard before that it is the city council members or city members who feel that they would get lost in the shuffle, but most of the people who come out and vote in municipal elections are very educated and informed voters who want to participate and be a part of the process. There are a very small few who turn out in municipal elections. So if these are your very active, informed, and educated voters, they are most likely not going to get lost in the shuffle because these voters are going to work their way all the way down the ballot if they are already—would you not agree?

Warren Hardy:

I would not disagree with that. I do not think there is any evidence to dispute that. I just know what I have heard in conversations and dialogue. They feel like, you know, we have U.S. Senators coming in; we have U.S. Congress people in; and that is where everybody's focus is. Those who do have these in odd-numbered years feel like they are alone on the ballot because the ballot questions from the others get more consideration and their candidates have debates. That is just what I have heard. I have nothing to dispute what you said, Madam Chair. You may be and probably are exactly right. That is the feedback I have heard. Thank you.

Chair Jauregui:

Thank you for answering that, Mr. Hardy.

Lisa Foster, representing City of Fallon; and City of Boulder City:

I am here today representing both the City of Fallon, which is a general law city, and the City of Boulder City, which is, as you have heard, a charter city. They are both opposed to Assembly Bill 50.

Fallon has concerns with its items being at the bottom of a potentially very long ballot, as you were talking about. In addition, the Boulder City Clerk has asked me to read her comments into the record. They have kind of started a transition and they have some issues. I have allowed Mr. Thorley to read their comments and perhaps after the hearing we can work through some of these issues with him. These are the City Clerk's comments:

The City of Boulder City is opposed to A.B. 50. The proposed language in A.B. 50 is not aligned with the change that took place during the 2011 Legislative Session. During the 2011 Session, the Boulder City charter was amended to allow the city to adopt an ordinance aligning elections. The 2011 amendments stipulated if the City Council adopted an ordinance to change its election cycle, the next term of office must be shortened, but it may not be lengthened as a result.

The City Council discussed and considered the alignment of elections on numerous occasions and in October 2018, they passed an ordinance which amended its code to change its election cycle from April and June in odd-numbered years, to June and November in even-numbered years. The process will not be complete until 2024.

The city believes the proposed language in A.B. 50 may be contrary to the 2011 change which proposes lengthening the terms of those elected in 2017 while those elected in the current cycle will have shortened terms.

Although the proposed language addresses this and suggests those elected in 2019 will serve until 2024, this is problematic because the 2019 legal notice designating elective offices and the candidate filings have already occurred, the 2019 municipal primary sample ballot has been prepared, and state the term of office is three years and five months.

The proposed changes to the charter—Boulder City has already started the process to align elections to even years. Any change in the charter at this time would disrupt the ongoing process, it would create unequal terms for the council members, and create potential legal issues.

Both Fallon and Boulder City would welcome the opportunity to work with the Office of the Secretary of State on this bill. I see Mr. Powers looking at me. It is confusing, and I am happy to have the City Clerk contact your legal staff too if need be.

Sabrina Mercadante, City Clerk, City of Henderson:

I am the City Clerk and election administrator for the City of Henderson. I appreciate the opportunity to speak to you today and share some of our concerns with Assembly Bill 50.

To begin, in 2011 the Nevada Legislature granted certain incorporated cities, including Henderson, the authority to choose by ordinance to hold city elections on the state election

cycle which, as you know, occurred during even-numbered years. In our case, section 5.020 of the Henderson City Charter grants our City Council the authority to combine elections. To date, our council has opted not to do so. I would also add that the Henderson residents have also not chosen to call for this change.

In 2013 the Nevada Legislature required the creation of the Henderson Charter Committee. The Charter Committee is required to meet each interim session prior to each regular session of the Legislature and is charged with discussing and making recommendations to the City Council concerning necessary amendments to the Henderson City Charter. Six members of the committee are appointed by the members of the Senate and Assembly delegation representing the residents of the City of Henderson and seven members are appointed by the Henderson City Council.

During the past three interim sessions, my office has provided in-depth election presentations and have included the topic of combining elections. The Charter Committee has year after year opted not to make any recommendations to change the city's current odd-year municipal election cycle.

The City of Henderson was the first city in the state of Nevada to utilize vote centers in 2007. Vote centers are conveniently located to meet our citizens' needs. We conduct surveys and get feedback to determine what our citizens' needs are in order to make the voters' experience a better one. Holding our elections separately allows us to determine how many sites are necessary and where they should be located to meet our residents' needs. The City of Henderson takes pride in providing this premium service to our residents.

Thank you for considering the City of Henderson's position. I would be happy to answer any questions.

Chair Jauregui:

I have heard a couple of times now that the residents have not chosen to change their city charter to move the elections to even-numbered years. Has the question been brought to them on one of the ballots? Have you actually given them the choice?

Sabrina Mercadante:

No, we have not. That is something we have discussed at the Charter Committee. That is something that we would consider doing.

Assemblywoman Monroe-Moreno:

I was looking at the breakdown of the cost comparison that was supplied by the Office of the Secretary of State. Do the residents of Henderson know that the 2017 Election cost them as taxpayers almost \$600,000 to hold that election in that year?

Sabrina Mercadante:

To answer your question, I believe when we declare our elections in front of the City Council for approval, I provide a cost structure of what the election is going to cost. That is a public meeting.

Assemblywoman Monroe-Moreno:

To follow up to that, approximately how many citizens attend your City Council meetings?

Sabrina Mercadante:

It depends on what is on the agenda. We have a capacity of about—we live stream all of our City Council meetings and it is hard to say. It just depends on what is on our agenda. We could have 300 people. On a regular night, I think there are probably 150 to 200 people, but it is live streamed and we do have a lot of people watch it from home.

Kenneth Kraft, Private Citizen, North Las Vegas, Nevada:

I am speaking to you today in opposition to Assembly Bill 50. The goal of A.B. 50 is a laudable one. Moving the municipal elections from their current spring of odd years to the general election cycle will reduce costs for the taxpayers and increase citizen participation.

The flaw in this bill is that it does significantly increase lame-duck periods should an incumbent lose. If an incumbent loses in a general election, the lame-duck period increases 100 percent. If an incumbent loses in the primary election, the lame-duck period increases 133 percent. By increasing the period of lame-duck mayors and council members, you are increasing the likelihood that bad public policy or political retribution can be forced through during these lame-duck periods.

This is not a hypothetical situation to me. In the 2013 North Las Vegas mayor's race, I was supporting the challenger. In my role as then-Vice Chair of the North Las Vegas Parks and Recreation Advisory Board, I, along with the Chair, were questioning some of the financial plans for Craig Ranch Regional Park and how its funding would impact some of the older neighborhood parks in the City of North Las Vegas. The incumbent then lost in the primary election.

The incumbent was then very angry and tried to rescind both my and the Chair's appointments. It takes three council members to remove something from the agenda. The mayor controlled three votes on the City Council, and it looked like a sure thing. However, thanks to the work of then-council member Robert Eliason, he convinced two council members to remove the items off of the agenda. While cooler heads prevailed in this instance, it could have very easily gone the other way.

This opportunity could easily extend to the city's budget or other policy items. This would give elected officials that voters had expressly rejected more time in office, in some cases up to seven months, to implement more of the policies they had just rejected. If the point of this bill is to increase public participation, then we want to ensure that the voters' voices have been heard.

Because of the significant increase in the lame-duck periods, I cannot support this bill in its current form. The goal is admirable. Two possible amendments that could gain my support would be eliminating the ability for somebody to win in the primary election, and the second would be to have the term for a newly elected council member start either December 1 or shortly after the general election like it does for the Legislature.

We want more participation; however, what good is that participation if these voices cannot be heard in a reasonable amount of time resulting in bad policy decisions or political retribution? Thank you. [Kenneth Kraft submitted written testimony ([Exhibit D](#)) and a copy of the notice and agenda for the City of North Las Vegas regular City Council meeting dated April 17, 2013, as supporting documentation ([Exhibit E](#)).]

Chair Jauregui:

Is there anyone else in Las Vegas who wishes to testify in opposition? Seeing no one, we will move back up to Carson City and ask anyone here in the neutral position to fill the seats. Also in Las Vegas, if there is anyone who wishes to testify in neutral, please fill the seats.

Deanna Spikula, Registrar of Voters, Washoe County:

We are testifying neutral, but I am just here to provide additional information or answer any questions as we have been administering city elections through an interlocal agreement in conjunction with our even-number year elections for the City of Reno since 1996, and the City of Sparks since 2004.

Chair Jauregui:

Have you heard from City of Reno or City of Sparks residents who were opposed to the changes and did not like the changes? Has there been any feedback since the changes took place?

Deanna Spikula:

Thank you for the question. These changes were actually instituted quite long ago. At this point, our citizens are very familiar with our process and expect that these elections will be running in the even-numbered years. At this point, there is no real feedback as far as any changes because it has been instituted for so long.

Brian McAnallen, representing City of North Las Vegas:

Madam Chair and members of the Committee, I am representing the City of North Las Vegas. We are in a neutral position on Assembly Bill 50. Some of our elected officials in North Las Vegas favor the consolidated election approach and others do not. We do understand the potential cost savings. We understand that it would probably be better for the elections department if all of the elections were uniform. On the other hand, there are some of our elected officials who are concerned about the issues that you have heard about already, such as the down-ballot issue as well as concern about some of the municipal ballot measures. Some of the issues that have been raised were expressed by Assemblywoman Daniele Monroe-Moreno with the constituent inquiry that you had with regard to lame-duck council members, and you also heard a constituent from North Las Vegas express his

position related to a real-life situation. Those are the reasons why we are neutral. We understand this issue. We understand the Secretary of State bringing this forward. We are also happy to be her landlord as well. We meet with the Secretary of State pretty regularly. Thank you.

Joseph Paul Gloria, Registrar of Voters, Election Department, Clark County:

Thank you for the opportunity to testify today. I am testifying in the neutral position today, but I wanted to take advantage of the opportunity to focus in on some of the turnout numbers that we have researched here in Clark County. I would like you to refer, if possible, to the handout ([Exhibit F](#)). It was submitted through NELIS; it should be available to you. It is titled "Mesquite, NV General Election Turnout 2011 thru 2018" at the top of the spreadsheet. I hope that you have that available.

You will notice that in the 2011 and 2013 elections in the city of Mesquite, they had a strong history of good turnout, and it was at 46 percent in 2011. But in the first election after moving over to the even-numbered year cycle, you can see that it increased to 83 percent in 2016 and in 2018—it was a midterm election—it was still much higher than either of those numbers in 2011 or 2013 at 73 percent. That is in spite of the fact that registration has increased tremendously out there as well. You can see that from 2011 to 2018, there was a 38 percent increase. So it is encouraging to see that more of the voters in Mesquite are participating as a result of moving to the even-year elections.

As I move further down, what I also tried to do was give you an indication of what the turnout is in the other cities. I did not include the City of Boulder City because, as some other testifiers have mentioned, they have already made arrangements to move to an even-year election—although the language in this bill would expedite that process—so I did not include them here.

So you will not be confused when you look at the numbers—referring to the City of Las Vegas—in certain elections, as Mr. Thorley mentioned, some of the candidates will win out in the primary. So off to the right, what I have done is indicate what election is represented by the registration numbers and the turnout. You can see in the City of Las Vegas in 2011 that was their highest turnout at 25 percent, but as you move down to 2013, 2015, and 2017, you can see that those numbers have really dropped considerably. In 2017 it dropped to as low as 8 percent.

And I have the numbers as well there for the City of Henderson and the City of North Las Vegas. Unfortunately, you can see that the rate of turnout in relation to the registered voters is very low. In no circumstance does it pass the level of 15 percent for either of those cities despite the increase in voter registration in both of those cities.

In closing, I would like to agree with what Mr. Thorley presented. There are opportunity costs to the Clark County Election Department in supporting municipal elections in the odd year. Obviously, the legislative session is in process so we cannot necessarily put all of the attention that we would like to put in reviewing the bills.

Also, anything that we do in elections to increase the efficiency of what we do is information technology (IT) related. Anything we introduce to try to increase access for voters requires us to spend a considerable amount of time working on developing new IT processes and testing them to be sure they are working correctly before they are used or implemented into use.

Also, as Mr. Thorley mentioned, this is time when we have to slow down on our voter list maintenance processes as well because we have statute that prevents us from doing any inactivations as a result of the municipal elections in the spring.

With that, if you have any questions for me, I will be happy to answer them.

Chair Jauregui:

Thank you, Mr. Gloria. Is there anyone else in Las Vegas who wishes to testify in neutral? Seeing no one, Mr. Thorley, would you like to come back up and give final remarks?

Wayne Thorley:

I forgot to mention—I made a big mistake—Secretary of State Cegavske is in the audience in Las Vegas, and Chief Deputy Scott Anderson is here in the audience in Carson City. I want to thank Mr. Hardy for pointing out that factual error in my handout. My apologies to the citizens of the City of Mesquite. It is a municipality of Clark County. I grew up in Clark County.

I would just like to reiterate our main points. If Assembly Bill 50 is approved, it will reduce taxpayer costs to those cities that currently hold elections in odd-numbered years. It is not just monetary costs. As I mentioned previously and as Mr. Gloria mentioned in his testimony, there are opportunity costs that are borne by the Clark County Election Department because it is a support it provides to the municipalities in Clark County to run elections in odd-numbered years. With big election projects currently going on related to automatic voter registration and potentially more election reform projects coming, the time that the Clark County Election Department puts into supporting municipal elections in the off year potentially could be better spent working on election projects.

Also, turnout will drastically increase, as Mr. Gloria mentioned in his testimony. A real-life example is the City of Mesquite. When the city changed from odd-numbered year elections to even-numbered year elections, their turnout increased dramatically. It works. We know several cities over the years, as Ms. Spikula mentioned, Sparks and Reno have transitioned from odd-numbered year to even-numbered year elections, and it works from an administration perspective.

In closing, with the focus being on election reform and increasing voter engagement and voter participation, I believe the time is right for legislation like this and I appreciate the opportunity to present this bill.

Chair Jauregui:

Thank you, Mr. Thorley. [A letter in support of Assembly Bill 50 submitted by Doug Goodman ([Exhibit G](#)) and a letter submitted by Mark Brandano ([Exhibit H](#)) were not discussed, but are included as exhibits for the meeting.] I am now going to close the hearing on Assembly Bill 50.

We will move on to the next item on the agenda: public comment. Is there anyone here in Carson City who wishes to give public comment? [There was no one.] Is there anyone in Las Vegas who wishes to give public comment? [There was no one.] Our next meeting will be on Tuesday, March 5, 2019, at 4 p.m. This concludes our meeting for today. Thank you, everyone. [The meeting adjourned at 5:07 p.m.]

RESPECTFULLY SUBMITTED:

Catherine Bodenstein
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a document titled "Nevada Secretary of State, Barbara K. Cegavske: Municipal Elections Cost Comparison," dated February 2019, submitted by Wayne Thorley, Deputy of Elections, Office of the Secretary of State.

[Exhibit D](#) is a letter in opposition of [Assembly Bill 50](#), submitted by Kenneth Kraft, Private Citizen, North Las Vegas, Nevada.

[Exhibit E](#) is a copy of the notice and agenda for the City of North Las Vegas regular City Council meeting, dated April 17, 2013, submitted by Kenneth Kraft, Private Citizen, North Las Vegas, Nevada.

[Exhibit F](#) is a document containing voter turnout numbers for Clark County from 2011 through 2018, submitted by Joseph Paul Gloria, Registrar of Voters, Election Department, Clark County.

[Exhibit G](#) is a letter in support of [Assembly Bill 50](#), submitted by Doug Goodman, Founder and Executive Director, Nevadans for Election Reform.

[Exhibit H](#) is a letter in support of [Assembly Bill 50](#), submitted by Mark Brandano, dated February 26, 2019.