

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

**Eighty-second Session
June 1, 2023**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 1:07 p.m. on Thursday, June 1, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 James Ohrenschall, Chair
Senator Skip Daly, Vice Chair
Senator Heidi Seevers Gansert
Senator Lisa Krasner

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Reuben D’Silva, Assembly District No. 28
Assemblywoman Sandra Jauregui, Assembly District No. 41
Assemblyman Steve Yeager, Assembly District No. 9

STAFF MEMBERS PRESENT:

Nicolas Anthony, Policy Analyst
Jeff Koelemay, Counsel
Kevin Powers, General Counsel
Diane Rea, Committee Secretary

OTHERS PRESENT:

Mary Janet Ramos, All Voting is Local Action
Mark Wlaschin, Deputy for Elections, Office of the Secretary of State

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Gabriel Di Chiara, Chief Deputy, Office of the Secretary of State
Annette Magnus, Executive Director, Battle Born Progress
Cassie Charles, Campaign Director, Progressive Leadership Alliance of Nevada
Emily Persaud-Zamora, Executive Director, Silver State Voices
Amy Koo, Acting Deputy Director, One APIA Nevada
Leonel Murrieta, Executive Director, Make the Road Nevada
Aria Flores
Deanna Hua Tran, Coordinator, Nevada Immigrant Coalition
Unidentified Testifier, Make the Road Nevada
Daela Gibson, Planned Parenthood
Eric Jeng, Director of Outreach, Asian Community Development Council
Robert Garcia, Economic Organizer, Make the Road Nevada
Davis Huskon, Executive Assistant, Las Vegas Indian Center
Karla Sanchez, Make the Road Nevada
Jarrett Yost, Make the Road Nevada
Jacob Egan, Make the Road Nevada
Catherine Nielsen, Executive Director, Nevada Governor's Council on
Developmental Disabilities
Cyrus Hojjaty
Jamie Rodriguez, Registrar of Voters, Washoe County
Ashley Kennedy, Clark County
Dora Martinez, Nevada Disability Peer Action Coalition
Kerry Durmick, Nevada State Director, All Voting is Local Action
Tray Abney, Nevada Broadcasters Association
Carter Bundy, AFSCME International

CHAIR OHRENSCHALL:

We will open the hearing on Assembly Bill (A.B.) 246.

ASSEMBLY BILL 246 (2nd Reprint): Revises provisions governing elections.
(BDR 24-821)

MARY JANET RAMOS (All Voting is Local Action):

This bill is the result of almost of two years of work. The All Voting is Local Action organization surveyed 17 counties across the State in the summer of 2021 to understand language accessibility for voters which was followed by a listening session. We got responses. A question included in the survey was whether a county would offer voter registration materials, election materials and signage at voting sites in another language besides English.

County clerks require approval from their commission to provide materials in another language. While they understood the need for voting materials in another language, a State mandate and funding would be needed to implement such efforts. Out of the 17 counties, only 3 offered voting materials and assistance in another language besides English.

Assembly Bill 246 was inspired by the need to be inclusive of our diverse communities across the State. Initial policy suggestions were also inspired by our conversations with the clerks and registrars. Stakeholders such as the Office of the Secretary of State, county clerks and registrars' offices have been involved in this bill to ensure we create a sustainable and equitable framework to expand language access at the local and State level in a way that is effective, operational and fiscally responsible.

Section 203 of the Voting Rights Act (VRA) requires the state or local jurisdiction, such as the county, city or municipality, to provide voting materials to communities that speak Native American, Asian American, Alaskan Native and Spanish languages. To qualify for the federal mandate, a language minority group must meet the threshold of 10,000 citizens or 5 percent of the voting age who are limited-English proficient and have a literacy rate lower than the national average. Language determinations are made every five years by the U.S. Department of Justice using U.S. Census data with the next one taking place in 2026.

In Nevada, only Clark and Nye Counties are required to comply with section 203 of the VRA. Clark County is required to provide voting materials and assistance in Spanish and Tagalog. Nye County is required to provide interpretation in Shoshone given it is not a written language. Washoe County is the only jurisdiction that voluntarily provides bilingual ballots and voting information in Spanish.

Section 203 is the foundation of what language accessibility looks like when it comes to citizens participating in the election process. Criteria are difficult with limitations such as the population threshold, single language requirements, literacy requirements, and the limitation to protected communities.

Nevada is a diverse State. We rank third. We have the fourth-largest population of residents who identify as Asian and Pacific Islander (API) and the fifth-largest population that identifies as Hispanic. When we compare this data

to 2010, we have seen a significant increase over this decade with the API growing at 45.6 percent and the Hispanic at 24.3 percent. We know 30 percent of the population in Nevada speaks another language at home besides English. Close to 500,000 Nevadans over the age of 18 report speaking a language other than English.

We encourage civic participation from citizens who have historically been disenfranchised from the ballot box. It is an opportunity to go beyond the federal guidelines and develop a policy to help voters who do not speak English as their first language. The outcome of any election, whether State, local or federal, directly impacts the lives of every Nevadan regardless of the language he or she speaks. Voters whose primary language is not English should be supported and provided with the necessary translated voting information and election materials to safely and securely cast a ballot. Dismantling language-related barriers to the ballot box is a nonpartisan issue.

SENATOR DALY:

You said this is in addition to the federal requirement in Title 52 CFR. Are we expanding on that? Does each county have to meet this, or do they have to meet the population requirement before? What exactly are we anticipating? I am trying to determine how far this goes past federal requirements.

Ms. RAMOS:

This bill is to accomplish two things. There is a population threshold the counties must meet. The county requirement is set at 5,000, and then there is a separate requirement or benchmark of 20,000. The 5,000 means the county will be required to provide voting information such as sample ballots in a specific language. It does go beyond the federal guidelines set at 10,000. If this legislation is enacted, we would be able to add Mandarin for Clark County. Washoe County is already complying voluntarily. This would put a requirement in statute to continue to provide those materials. The 20,000, which is a Statewide benchmark, will allow for Statewide ballots in a specific language. In this case, it would be Spanish.

The Secretary of State would have to work closely with clerks to notify them of the process. The expectation is we will establish a Statewide toll-free telephone number for Nevadans to receive translation assistance. The bill would allow for Spanish, Tagalog, Shoshone and Mandarin to be the languages provided by the

Secretary of State. Other languages would be added as communities meet the population threshold.

We go beyond federal guidelines because we are lowering the threshold. In the future, we could add more communities that are not protected. The perfect example is the growing and thriving Ethiopian community in Clark County. They are not a protected community under section 203. If they were to meet the population threshold, we could see some Amharic in the future for voting materials in their native language.

SENATOR DALY:

How do they do it now when we have the requirement you must send the ballot or the election materials out in a language other than English? How do they know who to send different ballots to? Or do they have to send out the same ballot 20 times in different languages?

Ms. RAMOS:

I can only speak specifically to two counties. I want to speak more to Clark County because voters are given the opportunity when they register to vote to report their language of preference. The voter could either select Spanish or Tagalog. Once the registration form gets to the hands of the election administrators, the voter will be sent the information automatically. If voters do not report the language of preference, they could call the registrar's office and request those materials in their given language. Washoe County already does it automatically, bilingually. No necessary steps are needed from a voter who speaks Spanish. We will rely on the expertise of those that have done it and, of course, on the registrars and clerks who will be overseeing the implementation, as well as the Secretary of State who will be providing guidance on how to effectively implement this bill.

MARK WLASCHIN (Deputy for Elections, Office of the Secretary of State):

Nye County does arrange for an interpreter to be at the ballot box, recognizing Shoshone is a spoken not written language. The other behind-the-scenes logistics piece of this is to identify the number of personnel who have this requirement. We are going to update the voter registration form specifically to identify the language individuals prefer. That will inform our future decisions and recognition of how many individuals are in the county to see if a community reaches the threshold.

When the ballots are developed, step one is to make sure they are in the proper statutorily required order of offices, alphabetical and so forth. Once it is in English, Clark and Washoe Counties translate the information and proofread to make sure the translation into Tagalog or Spanish is accurate and in the same order. There is an additional time requirement. We view the holistic process from informing the decisions based on the number of individuals who need these translated documents to the translation of the ballots themselves as well as the proofreading process to make sure we meet the rest of the statutory time lines.

There is back and forth with a level of redundancy so if voters do not notify us upfront, opportunities exist for them to get these specialized ballots later.

SENATOR KRASNER:

Do you know how many languages this will be prepared in?

MR. WLASCHIN:

The intent would be Spanish Statewide except for one county.

Ms. RAMOS:

About the Spanish Statewide toll-free telephone number, the State would be offering Spanish, Mandarin and Tagalog. Shoshone is a unique language and just available to those who live in Nye County. Clark County would be mandated to comply with Mandarin materials and sample ballots. Besides Spanish Statewide, there would be no other efforts regarding adding more languages. We are hoping more languages could be added in the future.

SENATOR KRASNER:

What are the criteria for presenting this in a different language? If 1,000, 100, 50 or 3 people who speak that language, they deserve to be able to read these in their language.

MR. WLASCHIN:

The federal requirement is 10,000 individuals per county. This bill would reduce the threshold to approximately 5,000 per county or a Statewide number of 20,000.

GABRIEL DI CHIARA (Chief Deputy, Office of the Secretary of State):

It is specifically for individuals with a limited English proficiency. It is not just to speak the language, they must also, by the census definition, meet that number of individuals with a limited English proficiency.

SENATOR SEEVERS GANSERT:

The definition of limited English proficiency is unable to speak or understand English adequately to participate in the electoral process. We want to make sure people can vote. My question is more about data because it basically says if you let the registrar of voters know once you wanted a different language, then you automatically continue the process. There should be a check on that every five years or else you continue to print things as we evolve because we are going to have different languages for folks, and some people will probably reach English proficiency. How will you manage who you keep in the category?

MR. WLASCHIN:

That is an excellent consideration, one that warrants further discussion as the implementation continues into future election cycles. Other provisions across Title 24 of *Nevada Revised Statutes* have similar requirements where there is a check-in process. It is an excellent catch and certainly something we will keep a close eye on because if a requirement over the next decade or two is still in place, it is worthy of reexamining.

ANNETTE MAGNUS (Executive Director, Battle Born Progress):

We are in support of A.B. 246. Translated voting rights materials ensure individuals who speak languages other than the official languages of a Country can fully understand the voting processes and exercise their democratic rights. It promotes inclusivity and helps overcome language barriers, allowing a more diverse range of people to participate in the electoral process. If individuals do not have access to translated voting materials, they may rely on secondhand information which could be inaccurate or biased. By providing official translations, governments can ensure accurate information about voting procedures, deadlines and requirements are available to all citizens. This reduces the risk of confusion or misinformation which could lead to voter disenfranchisement and other electoral issues.

CASSIE CHARLES (Campaign Director, Progressive Leadership Alliance of Nevada):
Progressive Leadership Alliance of Nevada (PLAN) is in support of A.B. 246. At PLAN, we believe everybody's voice is valuable and our democracy is most

vibrant when as many people are participating as possible. Language access promotes civic engagement and inclusion. It sends a message to our community members whose primary language is not English that they are valued members of the electorate. This can help us build trust in the political process and increase voter turnout among unrepresented groups.

In a democracy, every vote should be heard and all barriers to voting should be removed. A voter's limited English proficiency should not restrict the right to vote. By supporting [A.B. 246](#), you will demonstrate your commitment to holding fair and accessible elections that reflect the diversity of our State.

EMILY PERSAUD-ZAMORA (Executive Director, Silver State Voices):
My written statement ([Exhibit C](#)) is in support of [A.B. 246](#).

AMY KOO (Acting Deputy Director, One APIA Nevada):
One APIA Nevada is in support of [A.B. 246](#). We advocate for the growing Asian American and Native Hawaiian/Pacific Islander community in Nevada whose voters account for one in ten in Nevada. Nevada is also 1 of 16 states where more Asian and Pacific Islander voters cast ballots in 2022 than 2018.

In 2020, Clark County missed the Voting Rights Act threshold by less than 500 people for Chinese speakers. That means that 9,556 limited-English proficient Chinese speakers are identified in Nevada, and we needed 10,000 to provide language materials for them. The Chinese speakers who are voting in Nevada will not have translated materials until 2026 because these determinations are made every five years. The reason this is so important is because this bill will directly impact people like my parents who have been residents of the U.S. for over 20 years, took the naturalization test and became citizens, and are proud to vote in the U.S. They do not have the language ability to fully understand ballot measures, information about people on your ballot and what district is theirs, especially when it comes to things like judges. They do not have the language capacity to understand all the information in English and would benefit from having translated Chinese materials to reference when looking at online materials and their individual materials. These community members are making the effort to find this information, but do not know the information is available online. By providing information that someone has checked and ensured accurate translation is a game changer for people when they are making those decisions at the ballot box.

Assembly Bill 246 is a perfect way to show people are listening to their voters.

LEONEL MURRIETA (Executive Director, Make the Road Nevada):

Our organization is also a member of the Let Nevadans Vote Coalition. We value civic participation and ensuring as many Nevadans as possible who are eligible can participate and exercise their constitutional rights.

Assembly Bill 246 does help make Nevada's democracy stronger and more vibrant, reflecting the State we are and the State we want to be.

ARIA FLORES:

Peaceful Nevada is in support of A.B. 246. Over the past few years Let Nevadans Vote Coalition has been actively engaged in dedicated efforts to educate and register eligible voters throughout Clark County. During our interactions with community members, we have consistently heard voters require election materials in multiple languages to fully participate in our elections. By going the extra mile to ensure materials are available in major languages, we take significant strides toward making the lives of our fellow Nevadans easier while contributing to a smoother functioning democratic process. This is crucial to ensure our community has a voice in our process and our elected officials are responsive to the challenges faced by all Nevadans. It is important our elections are accessible and prioritize the voting rights of every Nevadan, regardless of their preferred language. Everyone should have equal opportunity to participate in our democratic process.

DEANNA HUA TRAN (Coordinator, Nevada Immigrant Coalition):

Nevada Immigrant Coalition consists of diverse organizations from across the State working together to fight for immigration reform and justice. We are in support of A.B. 246. With the continuous growth of our immigrant, refugee and asylum communities, there is an increasing demand for multilingual systems and resources in the context of civic engagement and voting. By investing in voting language access, we can encourage greater electoral participation which represents the diverse residents of Nevada. This commitment will ensure all community members can fully exercise their voting rights and have their voices heard in the democratic process.

UNIDENTIFIED TESTIFIER (Make the Road Nevada):

I am a digital organizer with Make the Road Nevada. We support this piece of legislation as it encourages the participation of voters in the State, regardless of

their primary language, ensuring they are representing the needs of their diverse communities.

DAELA GIBSON (Planned Parenthood):

Planned Parenthood Mar Monte, a proud member of the Let Nevadans Vote Coalition, supports this bill and dittos other supportive testimony.

ERIC JENG (Director of Outreach, Asian Community Development Council):

The Asian Community Development Council has four offices across the State including Las Vegas and Reno. I am excited to have this opportunity to ask for your support for Assembly Bill 246. I want to thank Assemblywoman Selena Torres for language access taken on this bill, All Voting is Local for the support and work partnering with us in translating community voter guides for Chinese during the last election cycle, Gabriel Di Chiara and Mark Wlaschin from the Office of the Secretary of State, and the registrars from the counties.

Election workers are trying to make sure we have accessible ballots. The core of our democracy demands all citizens have equal opportunity and access to exercise their right to vote, regardless of the language they speak, their physical ability or level of literacy. Creating transformational policy puts equity at the forefront when it comes to democracy at the heart of the Voting Rights Act. Today, we get a chance to further this a bit and make sure we can create a sustainable and equitable framework to expand language access at the polls in a way that is effective, operational and looking at the fiscal note responsibly.

ROBERT GARCIA (Economic Organizer, Make the Road Nevada):

I am here in support of A.B. 246. During elections, language has been tricky. This will create the opportunity for those who do not have English as their primary language not only to understand the election but also to participate in a fair and equitable democracy.

DAVIS HUSKON (Executive Assistant, Las Vegas Indian Center):

The Las Vegas Indian Center supports A.B. 246. We believe A.B. 246 will allow our native communities to recognize our languages will be utilized for many years to come and will be available for those who are bilingual and traditional speakers.

KARLA SANCHEZ (Make the Road Nevada):

I am a youth organizer with Make the Road Nevada and am calling in support of A.B. 246. Everybody should have the right for equal opportunity to vote regardless of their language.

JARRETT YOST (Make the Road Nevada):

I urge support of and ditto all previous support for A.B. 246.

JACOB EGAN (Make the Road Nevada):

I am calling in support of A.B. 246 because all registered voters should have the power to make an informed decision on who they want to represent them. Some people may still be learning English and cannot make a strong and informed decision for their vote, but that does not mean their voice does not matter. If we value our democracy, we should expand language access so everyone's voice can be heard regardless of their primary language. It would be unethical and undemocratic to keep voting access unavailable when voting is essential to our democracy. I also ditto all other comments in support.

CATHERINE NIELSEN (Executive Director, Nevada Governor's Council on Developmental Disabilities):

We are happy to support this bill. Language access is vital for people with disabilities and other accommodation needs, which includes braille, American Sign Language and other forms of alternate communication. This bill addresses many things such as varying languages like Chinese and Tagalog. A lot of people have failed to consider American Sign Language is not English. We had a lengthy conversation with the Secretary of State and the other bill sponsors for this. They have committed to ensuring all eligible voters will get the information in their native language.

The other piece we hope to see is that required members of the Language Access Advisory Committee will include varying language access groups such as those who are blind or visually impaired or deaf and hard of hearing. People with developmental disabilities and other varying language access needs should receive community support allowing equal access to voting. We are committed to working with the Secretary of State's Office to ensure those are included.

CYRUS HOJJATY:

I oppose this bill because it decreases the incentive for people to assimilate to our Country. To assimilate to our Country, you must know English. You must

have one common language everybody else knows. My relatives knew two languages and had to learn English to come to the United States. I thought to become a voter you must be a U.S. citizen, and you must have some level of knowledge of English. How does this make sense? How are people supposed to believe noncitizens are not voting in these elections?

JAMIE RODRIGUEZ (Registrar of Voters, Washoe County):

We are neutral on the bill. We did work with the sponsor and the proponents of the bill but wanted to walk through a couple of questions that came up during the bill hearing and help provide a bit of context.

For the question about the definition of limited-English proficient, which is the federal standard that exists, it is determined by what people fill out on their voter registration form if they elect to choose a language other than English. This is not something new being added. It is copying the federal definition. The bill stipulates the review of language to be applied to this would happen in January of odd-numbered years. There is an ability to review this on a regular basis to determine if a new language needs to be added.

To Senator Seevers Gansert point, if one were to fall off because the community no longer met the threshold included in the bill, it stipulates we would use the federal standards for determining the threshold. The bill also adds some of those questions to the voter registration to eventually have enough in State-specific data to pull our statistics of language proficient numbers within the State as well as the individual counties. That is also stipulated in the bill.

To Senator Daly's comments, in Washoe County, our sample ballot, booklets and mail ballots or in-person ballots are bilingual, provided in both English and Spanish. We do that in Washoe County because based on our population number of limited English proficiency for Spanish speakers, our number seems to be misrepresented. To make sure those who are limited-English proficient and Spanish speakers have the information, those who may not be willing or realize their ability to provide the information are receiving it in an easy format to read and understand.

When we have a new language added, an interpretation service takes our provided materials and does translation services. That includes our ballot mailers, letters—all those types of materials. An in-house person must also proof returned materials.

Senator Krasner left but to her point of three voters, we would not want to ever disenfranchise any level of voters. Having an in-house person proof and ensure translations are correct would be difficult for us to provide to three voters who speak a specific language in that county.

ASHLEY KENNEDY (Clark County):

I ditto a lot of the comments Ms. Rodriguez spoke to and thank the sponsor for working with us early on for this legislation. I want to talk about Clark County and what we offer.

The Federal Voting Rights Act does have a 10,000 people threshold who are of voting age and limited-English proficient. That data is reviewed every five years and broken down on the county level. In Clark County, we have been offering all our election materials in Spanish since 2002 and Tagalog since 2014. All the experience you have as an English speaker with your election process is the same as we do for Tagalog and Spanish. Our website gets translated in both of those languages. We have staff who speak both of those languages and can help voters through the process.

DORA MARTINEZ (Nevada Disability Peer Action Coalition):

I echo Catherine Nielsen. We talked with Mark Wlaschin. They are willing to work with us to make equitable language accessible to all. I would like to thank the sponsor, Assemblywoman Selena Torres, for bringing this bill. For those who do not know, people who speak English as a second, third or, like me, fourth language, pay taxes and are able to vote. We appreciate everyone who is supporting this bill.

Ms. RAMOS:

I thank the Committee for considering this bill. We urge your support toward a vote on the Floor to hopefully become a law. There is an urgent need, and all voters deserve to have the opportunity to cast a ballot and have their voices heard.

CHAIR OHRENSCHALL:

We will close the hearing on A.B. 246 and open the hearing on A.B. 192.

[ASSEMBLY BILL 192 \(2nd Reprint\)](#): Revises provisions relating to elections.
(BDR 24-836)

MR. DI CHIARA:

Assembly Bill 192 from Assemblywoman Cecelia González has two separate provisions, one relating to electioneering and the other dealing with the form and implementation of the universal mail ballots.

MS. PERSAUD-ZAMORA:

With the electioneering piece, we requested signage located at every election site allowing electioneering per *Nevada Revised Statutes*. Electioneering is allowed in most locations. Private entities do have the ability to indicate they do not want electioneering at their sites. If a site does want electioneering to occur at its location, this bill would require an electioneering sign be at each polling location at the 100-foot mark. We are asking for sign requirements of at least 11 inches by 17 inches in size; placement on a window or door of the polling place, or freestanding; and visibility to a person approaching the boundary marked by the sign. We picked this size after having many conversations with the registrars, and this was the size we agreed upon.

MR. DI CHIARA:

Other elements of this bill relate to mail ballots both in form and in the operational needs of having a universal mail ballot election. Several sections of this bill would require the Secretary of State's Office to determine a universal format for mail ballots so the ballots would be similarly formatted and appear visually similar across all the counties. This provision would not require counties to purchase any new machinery. Different machines process ballots of different sizes different ways. This would be in terms of what the envelope looks like, the requirements of what the ballot looks like when you open the envelope to provide additional opportunities for voter education. We want everyone's ballots to look the same. That would also allow the Secretary of State's Office to do more work, reaching out to voters and communicating about their mail ballots.

Another provision would require the Secretary of State's Office to include a visual distinction between ballots of neighboring counties. We did see in previous elections where a bunch of ballots that looked the same at the post office or being individually sorted were ballots from Carson City that ended up in Storey County or vice versa. This would require the Secretary of State's Office to provide a way of easily telling ballots of neighboring counties from one another.

The largest part of this bill has a fiscal note attached which would require the Secretary of State's Office to have a single Statewide contract for mail ballots and envelopes. A nationwide paper shortage has printers looking at some of their smaller contracts with counties because they did not represent a large enough profit or revenue stream to be viable as a customer.

The Secretary of State's Office is helping. A single Statewide contract would provide the buying power of our largest counties to help our smaller counties not lose these important contracts. We already reimburse for envelopes, ballot stock and postage.

Last biennium, the Secretary of State's Office reimbursed about \$8 million to counties which did not cover all the costs. Those would have been considered under this new bill and not all from the General Fund. It was a combination of General Fund and some federal funding. The fiscal note on this bill, if we did have a unified Statewide contract, would be just under \$4 million per election. This reflects the cost savings to the State if you consider how much money the counties will be saving individually. We will be able to conduct all elections more affordably.

This is not going to be the Secretary of State telling the counties what they must do. This is for the purposes of having a vendor that will be required to fulfill the needs of each individual county.

SENATOR SEEVERS GANSERT:

Looking at the printing of the ballots, it seems that is not something you have to legislate. You should look at a procurement process and work together, have a memorandum of understanding (MOU) for procurement versus putting it in statute. We have procurement processes throughout the State for each county, but you could have an MOU to do that rather than put it in statute.

Differentiation between the counties ballots is so you do not have someone put a mail ballot in the wrong county drop box?

MR. DI CHIARA:

To answer the last point first, the answer is yes. We know there were some ballots from other counties kicking around.

MR. WLASCHIN:

That exact situation did happen in areas like Carson City where an individual may live in a different county, not realizing he or she got a ballot that needs to be dropped off in a box specific to that county. The mail process is slightly better in fielding and getting those ballots back to the elected official in the county. The concern is when individuals drop ballots in drop boxes on Election Day because there are time lines required to receive prior to the close of polls at 7 p.m. Seeing the colored ballots and recognizing a color from another county adjacent to us happened. We suspect this could continue to happen going forward, so we included provisions for that.

SENATOR SEEVERS GANSERT:

If we get a top-down system, do you foresee individuals being able to vote in any county? It would be like what we call a vote center where every polling place become a vote center Statewide. That is part of the objective of being able to have a top-down system.

MR. WLASCHIN:

No, that is not part of A.B. 192. I do not believe the idea of having the ability for an elector in Nevada to vote in any county has even been considered or discussed. We are open to discussing that.

SENATOR SEEVERS GANSERT:

It is about how you cast your vote.

MR. DI CHIARA:

Senator Seevers Gansert, given your earlier concern around the contracts, it is my understanding that although there may be possibilities for some sort of MOU, I believe a statutory change would be required for a Statewide contract. Even if all the counties have been dropped by their vendors, they would probably not raise the threshold of getting that vendor back. A few print vendors can turn out the scale of work needed to be done for an election as large as ours. Clark County has a vendor that could handle the entire State. I am not sure if that is possible without a change in statute.

The other provision amended into this bill on the Assembly side would require the vendor to drop the ballots in Nevada as opposed to ballots being mailed from a vendor if in Arizona or Colorado. A vendor putting the ballots in the mail

in Arizona or Colorado would have Nevadans receiving ballots at all different times. This amendment would increase uniformity across the State.

SENATOR SEEVERS GANSERT:

If you have one vendor doing all of it and that vendor does not live up to the expectations, there is always an issue around bulk mail. It is hard to count on bulk mail to deliver at certain times. My concerns are using one vendor required per statute versus developing State law. You cannot look at purchasing through one vendor for other counties if they do not want to join you in doing this.

SENATOR DALY:

Nothing in this prohibits you from having multiple vendors if you want to. The vendor gets to print and must buy the paper. Does the vendor also act as the mail house? Does the vendor put it all together and then mail it out or give the material to the county and the county sends it out? Or can you do it both ways?

MR. WLASCHIN:

You are right. The bill does not prohibit a Statewide contract from having multiple vendors. If situations in different counties where new systems are purchased require a capability outside of one vendor, there is opportunity for diversification to make sure we are meeting the State's requirements. The as-is process is a little of both where some counties have an in-house ability to produce, distribute and mail out their ballots. In our larger counties, the system is set up where they order ballots through a vendor, often out-of-state. We are looking at identifying an in-State vendor as a single repository to gather the paper, take care of the postage piece and work to build the ballot with county election officials.

Responding to the comment about the scale, a big part of what we consider is to make sure we are meeting the needs of the State while being as careful with taxpayer dollars as possible.

MR. DI CHIARA:

To follow up, all these vendor provisions—which we are grateful Assemblywoman González included in her bill—came out of several of our smaller counties having vendors drop them at some point in difficult places in the time line.

We received communication from the National Association of State Election Directors and the Cybersecurity and Infrastructure Security Agency for the United States that the paper shortage is not expected to abate in advance of 2024. Provided all election departments are looking at having the scale of paper ballots or mail ballots, Nevada should secure its paper as soon as possible. Understanding it is still difficult for those smaller counties to find vendors, we look at this as a provision that will help us keep our elections secure because we do not want to have a vendor drop a county in advance of the Presidential preference primary or let a county know between the primary and general election that it can no longer fulfill the contract.

MR. WLASCHIN:

In 2020, we heard the counties validated with their vendors that they were good. All of them were told we have the paper you need until they did not, when our counties were told the contracts were canceled. With the open enrollment for insurance this fall, there is a chance that will jeopardize the Presidential preference primary in February without this bill moving forward.

SENATOR DALY:

On the electioneering part, with the language you are changing or proposing to change, do you think where the bill expressly refers to electioneering is restrictive?

MS. PERSAUD-ZAMORA:

Our intent is not to make it restrictive. It was a bit of a cleanup because from our experience at the polls, there was a bit of confusion as to what is allowed at the polling locations. The intent was just to clean it up to make it clearer as to what is legally permissible.

KERRY DURMICK (Nevada State Director, All Voting is Local Action):

The All Voting is Local Action organization exists to expose and dismantle threats to voter freedom to make voting safe, fair and accessible and to build a democracy for us. All Voting is Local Action is also a member of the Let Nevada Vote Coalition. Voting should be convenient and accessible to all voters. Standardizing mail ballots across counties will reduce confusion for voters and making mail ballot envelopes a unique color will help ensure voters, mail carriers and election workers are better able to identify these forms. By ensuring proper signage for electioneering, poll workers will be able to focus their energy on running a voting site and assisting voters to participate in our democracy.

Ms. CHARLES:

Ensuring clear signage at polling locations and having uniform vote by mail envelopes is the start to simplify the process for voters Statewide, making education and outreach easier, and ensuring ballots are signed and easily verified.

Ms. MAGNUS:

Battle Born Progress is in support of A.B. 192 because every eligible voter should be able to cast a ballot in a manner most accessible to him or her. Mail-in ballots were vastly used Statewide by all parties and nonpartisan voters in our State. During the 2020 Boulder City municipal election, 57 percent of the voter turnout cast ballots by mail. This system of uniformity would create a more well-rounded voting system for those who cast their ballots this way.

We have seen firsthand the need for clear signage at polling locations while doing voter protection. I have seen sticky notes on trees at sites we have worked at, and that is just not acceptable. We see this system is fairly new to the State; with it being so new, we need to allow the system to grow and change for the better.

Ms. KOO:

One APIA Nevada says ditto to all the other comments.

Ms. GIBSON:

Planned Parenthood supports this bill and dittos other supportive testimony.

Ms. FLORES:

I am in support of A.B. 192. It is essential proper signage is readable and at least an 18-by-12-inch size. This will ensure people can clearly understand the electioneering regulations.

In 2022, I was volunteering at the Centennial Hills polling location in Las Vegas, and it took several hours to notice the electioneering sign because it was not noticeable on the tree. I had to stand within 5 feet of the printed sign to read what seemed like a 12-point font text. By properly displaying the electioneering signs, we can ensure everyone is aware of the boundaries.

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MS. SANCHEZ:

Make the Road Nevada is a membership-driven and -led organization representing thousands of working-class Nevadans, many of whom sacrifice time with their families and work to take part in the legislative process. On behalf of our members, we are in support of A.B. 192.

MR. HUSKON:

The Las Vegas Indian Center is in support of A.B. 192 which will allow easier access for voters to identify all locations. Information provided will grant voters structure and easy visible access specialized to individual voters who require those amenities.

MR. HOJJATY:

I testify in opposition to A.B. 192.

MS. PERSAUD-ZAMORA:

Silver State Voices thanks Assemblywoman González for carrying this bill and for the opportunity to present on her behalf.

CHAIR OHRENSCHALL:

We will close the hearing on A.B. 192 and open the hearing on A.B. 399.

ASSEMBLY BILL 399 (1st Reprint): Creates the Subcommittee on Education Accountability of the Interim Finance Committee. (BDR 17-1043)

ASSEMBLYMAN STEVE YEAGER (Assembly District No. 9):

It is an honor to present A.B. 399 in its first reprint. This bill creates the Subcommittee on Education Accountability of the Interim Finance Committee.

We have talked this Session about the historic amounts of funding we are giving to our K-12 education system in the context of having accountability and transparency. In the Joint Assembly Ways and Means Committee and Senate Finance Committee meeting this Session, we had each of the 17 school districts appear as well as the superintendents and State Public Charter School Authority. Legislators had a chance to ask questions about what their plans were for spending the money to be allocated under the Pupil-Centered Funding Plan. We were able to hear their plans about giving educators raises, programming they would do and hear about some of the challenges they are facing.

The large school districts, Clark and Washoe Counties, are different from some of our smaller school districts. We spent two long days hearing from those school districts. It was valuable for Legislators to ask questions and for superintendents to talk about their challenges. Out of that idea and those presentations came the idea of why we should do that more often.

As a Legislature, we fund education through the Pupil-Centered Funding Plan, but that money gets passed through to the districts. There is not really an opportunity for us as a Legislature to speak directly with the districts when it comes to funding and what is happening with the funding.

This bill takes the existing Interim Finance Committee and creates a Subcommittee on Education Accountability with members of the Senate and Assembly required to conduct a hearing every six months and be able to call in front of them superintendents of school districts, the Superintendent of Public Instruction and any member of the State Board of Education to ask questions. In the context of what we are doing this Session, they will be able to ask questions and follow up on what we were told during these hearings at the Legislative Session. For instance, were you able to spend the money in the way you anticipated? What programs did you invest in? Did it work or did it not work? More importantly, if something different happened than what they told us at those hearings, we can ask why, was there some barrier that was put in place?

I am hoping during Legislative Sessions and the Interim Finance Committee the Legislature can have more of their hands in what is going on in the education space because so often we get asked by our constituents, you are giving a lot of money to the districts, what are they doing with it?

This bill will give us the sense of transparency, enabling us to ask those questions in a structured way while maintaining and fostering relationships with superintendents of the school districts and the Public Charter School Authority. The rest of the language is the normal for bills like this.

This is what I call the transparency bill. There is also an accountability bill where the Legislative Counsel Bureau Audit Division would do a performance audit of the district. This is step one of transparency in a two-part thought on the Legislature's involvement in K-12 public education funding.

CHAIR OHRENSCHALL:

I really like this bill. It reminds me of the Committee on Industrial Programs that reports to the Interim Finance Committee on the Silver State Industries and work programs at Nevada Department of Corrections. I appreciate this extra accountability the bill could bring.

SENATOR SEEVERS GANSERT:

This bill is effective upon passage and approval, and then we must meet every six months. I am wondering about the clock on the six months and during session years, twice a year in nonsession years or every six months because if this passes and June is beginning, then you do something in December.

Should we be meeting during session years at those periods?

ASSEMBLYMAN YEAGER:

A provision says a meeting during session would count as a meeting of the Interim Finance Committee.

SENATOR SEEVERS GANSERT:

It is in A.B. 399, section 3, subsection 2. This is important and an interesting experience to have all the schools come tell us what they were going to do with the money. It was informative, and the information was not consistent in some respects. We asked them for something, but we did not get what was asked for. There was quite a bit of discussion about fiscal policy and monetary policy. One line talks about achievements and outcomes and is still related to revenue. It would be important to have some conversations about the plans to improve literacy. What are the plans to improve math?

Over the years, we have had the superintendents come in: sometimes, the rural counties give us an in-depth look at what they do. We have learned of their nuts and bolts. In the big counties where big buckets of money go, we do not know how it is going to work, whether we need to tidy this up, expand a bit about reporting on achievement or standardize expectations.

ASSEMBLYMAN YEAGER:

To get back to the first question, envision a meeting every six months in the first six months of the year, the second six months of the year, and that would dovetail nicely with session because we are here February to June. There will be some flexibility from the chair in terms of what to look at. It is always a little

tricky because you do not want to put too many specifics in there, but you want to give some guidance. The language says they may study without limitation. There are some suggestions, but it is flexible enough that the chair of the Subcommittee could limit that.

In the first meeting of the year, the Subcommittee talks about fiscal stuff; the second one, outcomes. Certainly, we are open to suggestions for things to do. This Session, there has been a lot of talk about transparency and accountability in public education. When we are putting this kind of investment into education, that is important. Other bills have accountability type transparency.

The Governor's Assembly Bill 400 has a lot of tasks for the Commission on School Funding. Some of that ties in. Senate Bill 98 also addresses the Commission on School Funding.

ASSEMBLY BILL 400: Revises various provisions relating to education.
(BDR 34-1088)

SENATE BILL 98: Revises provisions relating to education. (BDR 34-444)

What we are doing should fit together and we are not duplicating efforts. I would see this piece as the Legislature's chance to ask those questions we get from our constituents. Sometimes, it is hard to get an answer, but it is always nice to get an answer on the record.

I see the Commission on School Funding more as the analytical fiscal policy experts. These two concepts can work together. I do not know if we are there yet, but we have a few days to figure it out. I am open to whatever the Committee would like to see of changes that should be made to the bill.

SENATOR SEEVERS GANSERT:

We do not speak to our school districts; we speak to the Superintendent of Public Instruction at the State level. That was helpful for us. I am supportive of this measure and the other measures for accountability and transparency. I do not know if you want to admit it, but the time thing is wonky because it depends on when you start versus biannual or annual.

CHAIR OHRENSCHALL:

We will close the hearing on A.B. 399 and open the hearing on A.B. 239.

[ASSEMBLY BILL 239 \(1st Reprint\)](#): Makes various changes relating to government administration. (BDR 23-896)

ASSEMBLYWOMAN SANDRA JAUREGUI (Assembly District No. 41):

I am here as chair of the Sunset Subcommittee of the Legislative Commission to present A.B. 239 which incorporates various recommendations approved by the Subcommittee. The primary duty of the Sunset Subcommittee is to review all boards, commissions and similar entities in Nevada created by statute, and determine whether each entity should be continued, modified, consolidated with another entity or terminated. The Subcommittee must also recommend improvements to the entities. During the 2021-2022 Interim, the Subcommittee held 6 meetings during which we reviewed 18 entities and received reports from several entities reviewed in past interims. Recommendations included in A.B. 239 concerned seven of these entities. Most of these recommendations were requested by the respective boards, committees and commissions.

I have the Subcommittee's policy analyst, Cesar Melgarejo, to help answer questions. It has been almost a year since the Sunset Subcommittee met.

Sections 1, 2, 15 and 16 address the Merit Award Board. These sections create the Merit Award Account in the State General Fund and remove language prohibiting an award to be paid out of the General Fund. It makes an appropriation for \$3,000 to fund the administration of the Board and an additional appropriation of \$25,000 to provide funding for Merit awards to State employees from the Merit Award Program. If not expended, those dollars revert to the General Fund.

The Subcommittee recommended these legislative actions because representatives reported the Board did not have funds for its operations, nor could it fund employee awards if someone did submit for it.

Section 3 of the bill requires the Advisory Council for Family Engagement within 30 days before the beginning of the term of any member appointed to the Council or within 30 days after such a position becomes vacant, to submit notification of a vacancy to the appointing authority, either the Superintendent of Public Instruction or legislative leadership. We put the onus on the Council to notify the appointing people of vacancies because one of the things we found consistent during the Sunset Subcommittee hearings was many vacancies

across these boards and commissions. Sometimes, they did not have a quorum to meet because people were never appointed to fill these vacancies.

Section 4 revises the makeup of the Committee for the Statewide Alert System to decrease the total number of committee members from 15 to 11 by decreasing from 5 to 3 the number of Governor-appointed members who represent local and State law enforcement agencies. In addition, the Committee is required to submit to the Governor a list of persons qualified for membership as representatives of local and State law enforcement agencies, with consideration given to whether the nominees will represent the demographic diversity of Nevada. This was a recommendation of the Department of Public Safety because it could not find people to fill the seats and requested the number reduced from five to three to help them meet quorum.

Sections 8 and 9 make changes to the Committee on Testing for Intoxication as requested by the Department of Public Safety. It allows them to study and make recommendations to the Director of the Department of Public Safety regarding practices, technologies and methods of detecting and determining the presence and the effect of driving under the influence of alcohol, a controlled substance or another prohibited substance. It further certifies devices and methods to test a person's blood, urine or other sample to determine the presence of or concentration of alcohol, a controlled substance or another prohibited substance and creates a list of those devices or methods. These were recommendations brought to us by the Committee on Testing for Intoxication that said it was not being fully utilized and could expand its scope.

Sections 11 and 12 amend provisions to authorize the Chair of the Appeals Panel for Industrial Insurance or the Commissioner of Insurance to call a meeting and schedule the time and place.

Section 13 amends provisions concerning the Medical Laboratory Advisory Committee to require the Committee to meet at least once per year and review member vacancies annually. If a vacancy exists, it submits a letter to the State Board of Health with the recommendation to fill the vacancy.

Section 14 addresses the Credit Union Advisory Council to delete provisions that entitle members of the Council to receive a salary and to provide that the Council may meet at least once every six months.

Instead of sunsetting some of these committees, we took their recommendations and continue to keep them on. A couple of committees that do not regularly meet requested we change their meeting requirements but keep them on. There was industry support for these entities to continue. We took their recommendations.

Members of the Credit Union Advisory Council have in the past forgone their salary. They requested we change it in statute, so they do not have to vote at every meeting to forgo their salaries.

TRAY ABNEY (Nevada Broadcasters Association):

Nevada Broadcasters Association is in support of this bill, specifically section 4 that reduces the number of members required on the Committee for the Statewide Alert System that has had issues with staffing and getting enough people. This will help us make sure they can meet and do their business.

CARTER BUNDY (AFSCME International):

The Merit Award Board is not a large board. It is not a lot of money, but it sends an important signal that State employees can find ways to improve the effectiveness and efficiency of State government services. They can get a small stipend to incent them. This is something everyone can support.

CHAIR OHRENSCHALL:

We will close the hearing on A.B. 239 and open the hearing on A.B. 243 from the Interim Committee on Legislative Operations and Elections.

ASSEMBLY BILL 243 (1st Reprint): Revises provisions relating to legislative affairs. (BDR 17-366)

ASSEMBLYMAN REUBEN D'SILVA (Assembly District No. 28):

I am pleased to present A.B. 243. This bill revises provisions relating to legislative affairs, specifically the Legislature's interim activities. The Legislature is only in session for 120 days of odd-numbered years. During the interim, the Legislature still meets to study certain issues and formulate recommendations for new legislation to be considered for the next Legislative Session.

During the 2021 Session, the Legislature passed A.B. No. 443 of the 81st Special Session which significantly changed the interim committee structure. The bill repealed several existing statutory interim committees and

formed new Joint Interim Standing Committees that parallel issue areas of session committees.

The Joint Interim Standing Committee on Legislative Operations and Elections voted to draft Assembly Bill 243, which imposed new requirements regarding membership quorum and Legislative Commission oversight for the joint interim committees that differ from those of prior interim committees. The previous legislative Interim was the first time the Legislature was operating under this new interim structure. There were a few lessons learned and necessary changes identified to propose to improve the process. Assembly Bill 243 seeks to address a few oversights of A.B. No. 443 of the 81st Session not discovered until the first interim implementation and incorporate a few other changes to interim activities in general. Assembly Bill 243 is a cleanup bill.

As originally written, A.B. 243 proposes several changes to the interim committee structure of the Legislature including clarifying the vacancy of a chair for a Joint Interim Standing Committee. The vice chair shall become acting chair until the chair is appointed. It also clarifies if a regular member of a Joint Interim Standing Committee cannot attend the meeting, the alternate member who attends must be of the same political party. It transfers the duties to evaluate and review issues relating to governmental purchasing from the Joint Interim Standing Committee on Legislative Operations and Elections to the Joint Interim Standing Committee on Government Affairs.

Similarly, A.B. No. 443 of the 81st Session requires the Commission to Study Governmental Purchasing, known as the Nevada Public Purchasing Study Commission, to submit a report including recommendations for legislation relating to governmental purchasing. The Joint Interim Standing Committee on Government Affairs will be conducting this business. The original bill also repealed the requirement that the Joint Interim Standing Committee on Health and Human Services review regulations related to health care.

Assembly Bill 243 has revised the date that a teacher who wishes to serve in the Nevada State Teacher Recruitment and Retention Advisory Task Force must apply to the Joint Interim Standing Committee on Education from January 15 of an even-numbered year to December 1 of an odd-numbered year. This would give the Joint Interim Standing Committee on Education the additional time it needs to appoint members of the task force by February 1 of each even-numbered year.

The amendment to A.B. 243 includes several additional changes to the interim structure of the Legislature. The bill requires certain reports to be submitted to the Joint Interim Standing Committee on Judiciary and transfers certain duties relating to industrial programs from the Joint Interim Standing Committee on Judiciary to the Interim Finance Committee. As amended, A.B. 243 also revises meeting time lines for the Joint Interim Standing Committees. The bill requires the Legislative Commission to appoint members and alternate members of each Joint Interim Standing Committee by August 31 following each regular Legislative Session and authorizes such committees to begin meeting on September 1 of that year. This will give committees greater flexibility in choosing meeting dates and provide more time for committees to meet throughout the interim.

The bill makes a few procedural changes to the operations of the Joint Interim Standing Committees to require that only the chair of the Joint Interim Standing Committee may call a meeting of the committee. Any proposed recommended legislation must be approved by a majority of the committee rather than the majority of Senate and Assembly members serving on the committee. Any Legislator who is serving the final term of his or her House is not eligible to serve as chair or vice chair of an interim committee.

Section 10, subsection 2, paragraph (a) of the bill transfers the duty to evaluate and review issues relating to child welfare from the Joint Interim Standing Committee on Health and Human Services to the Joint Interim Standing Committee on Judiciary, so the issues of child welfare and juvenile justice are evaluated and reviewed under a single committee.

Assembly Bill 243 also repeals provisions relating to the membership and procedures of the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources, transferring the powers and duties of the Subcommittee to the Joint Interim Standing Committee on Natural Resources. It is important to note the scope and duties of the Subcommittee are not removed from statute with this change. The Joint Interim Standing Committee on Natural Resources will still review and evaluate public lands issues.

The intent of the bill is not to eliminate the meetings in rural areas of our State the Subcommittee has traditionally held. The intent of the bill is to streamline the operations of the Joint Interim Standing Committee on Natural Resources.

With this change, even more committee members will have the opportunity to evaluate and review public lands issues as well as attending rural tours.

The bill aligns membership requirements and procedures relating to the election of the chair and vice chair vacancies, meetings quorum, compensation and expenses of both the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, and the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs.

Assembly Bill 243 renames the Sunset Subcommittee of the Legislative Commission as the Sunset Committee of the Legislature and makes the committee independent of the Legislative Commission. The bill ensures the committee has the same membership requirements and procedures related to the election of the chair and vice chair vacancies, meetings, quorum, compensation and expenses as the various Joint Interim Standing Committees. With this change, the Sunset Committee will have more time to review boards and commissions and submit its own recommendations for legislation rather than submitting them to the Legislative Commission for approval. The bill also makes changes to provisions related to legislative committee members and staff regulated by the Nevada Lobbying Disclosure and Regulation Act and Nevada Financial Disclosure Act, so legislative committee staff members may attend tours that are organized for the Committee.

Finally, the bill revises dates by which the State Board of Education must submit and the Joint Interim Standing Committee on Education must review a report relating to the instruction of the Holocaust and other genocides, and removes the requirement for certain hospitals to submit a staffing committee report to the Joint Interim Standing Committee on Health and Human Services and the director of the Legislative Counsel Bureau (LCB), which according to the Nevada Hospital Association is a duplicative effort to ensure compliance with staffing committee laws.

In summary, A.B. 243 proposes a handful of commonsense changes to help improve the interim committee structure of the Legislature.

KEVIN POWERS (General Counsel):

With this legislation, I have more leeway to explain how this will impact the LCB and its operations. The Assemblyman provided an excellent overview of all components of the bill.

SENATOR KRASNER:

Section 9 of the bill authorizes Joint Interim Standing Committees to begin holding their meetings on September 1. It also provides if a regular member cannot attend a meeting of the committee, an alternate member must be of the same political party as the regular member. It is allowing somebody from a different political party to serve. It also says that when acting in place of a regular member, the alternate member has all the powers, privileges and immunities as a regular member. It further states that at least five members of the eight-member committee, regardless of their House, can vote in favor of legislation. That is a bit concerning. Can you address that please?

MR. POWERS:

The way the Joint Interim Standing Committees are composed, they have eight regular members and five alternate members. What will happen regarding the political party of the alternate members is if you have that political party member available to take over for a regular member, he or she will be of the same political party. Since you do not have an eight-to-eight ratio, there is a possibility that four of the other alternate members are not available to fill a member's seat and the last alternate member is not part of the same political party, but the alternate member can still serve because that person is the last one standing.

That seems like an unusual and unlikely event, but in drafting legislation you must try to cover every possible contingency. There are not eight alternate members to match eight regular members. You must cover the possible contingency. About the hard five, the number of members who must approve recommended legislation, you have your meeting where you vote on recommended legislation at the last meeting of the interim. It is highly unlikely you would not have your political party makeup as appointed on that last meeting because most Legislators will be available for the important meeting where recommended legislation is voted on.

Under the existing statute, you must have a majority of the Assembly and Senate vote for the recommended legislation, regardless of the number of

members present at the meeting. You always must have five members voting in favor of recommended legislation.

With the last comment about the alternate members, the phrase when acting in place of a regular member is an alternate member has all the powers, privileges and immunities of a regular member. That is a standard rule of parliamentary law. If you replace a regular member, you are sitting in that member's place, exercising his or her powers for that committee and are also being protected by any privileges and immunities the regular member would otherwise have.

SENATOR KRASNER:

That is just part of the concern that you never say never because things happen as we get busy in the building and in the interim as well. If you know one of the regular members of a particular political party was not able to come and neither was the next alternate, you have a member of a different political party, and that is the day someone decides we are going to take a vote that could have a huge effect on the outcome of the vote.

MR. POWERS:

That is true in that scenario. It could be possible that the committee moves to another makeup because you do not have all the alternates from one political party available. Keep in mind these are interim committees. The most they can do is recommend legislation. It is the entire Legislative Body during the Session that passes legislation. All interim committees do is approve bill draft requests.

SENATOR KRASNER:

Is it all interim committees including the Interim Finance Committee and the Legislative Commission?

MR. POWERS:

No, it is just the Joint Interim Standing Committees and three other committees: Tahoe Regional Planning Agency and the Marlette Lake Water System; Senior Citizens, Veterans and Adults With Special Needs; and the Sunset Subcommittee. They are governed by the hard-five provision that does not distinguish between the Houses.

The Legislative Commission and Interim Finance Committee are governed by separate statutes and not affected by this piece of legislation.

SENATOR SEEVERS GANSERT:

I am wondering about the motivation from changing from each House voting like we do in the interim. When we do our joint meetings, we always vote each House. This is changing the way we vote.

MR. POWERS:

That is true. It is changing from how other interim committees have operated in the past.

ASSEMBLYMAN D'SILVA:

I am not particularly sure about the reason why, but I can get back to you with the answer.

CHAIR OHRENSCHALL:

I was on the Joint Interim Standing Committee on Legislative Operations and Elections and have been going through the minutes trying to figure out if this was in our original recommendations or in the Assembly amendment. That is something I need to check on, Senator, because I think it came from the Assembly amendment and was not part of our recommendation from the Interim. I was not present at our last meeting during the Interim.

SENATOR DALY:

There is no requirement to change it. We can keep it the way we want. I am assuming it is a policy decision because when you read it, it did not change the Interim Finance Committee. Where did it come from?

MR. POWERS:

About the term limits, you are referring to section 2 of the bill which provides that a Legislator, after his or her final regular session is blocked by term limits from running again in that House, cannot serve as a chair or vice chair of an interim committee. The underlying intent is the Legislators who proposed this wanted to ensure the chairs and vice chairs of interim committees would be around the next session to forward the policies and legislation recommended by those interim committees. They would also get experience serving as chairs or vice chairs during the interim committees and be available during the next regular session. When you are term-limited, you are not going to be around during the next Legislative Session. You are essentially a lame-duck Legislator overseeing a legislative committee and will not be around during the next

session. The intent was to remove lame-duck Legislators from being chairs and vice chairs, but they can still serve on those interim committees.

SENATOR DALY:

Why would you change it so only the chair can call the committee rather than a majority of the committee?

MR. POWERS:

This bill also says all the Joint Interim Standing Committees and all interim committees are subject to all applicable principles of parliamentary law. One of the governing principles of parliamentary law is the chair is the presiding officer subject to the authority in power of most of the committee acting to override the chair. Although it is not provided in the statute, the committee can call a meeting over the authority of the chair. As a general principle of parliamentary law, the committee could still call a meeting and override the chair if the chair decided to go rogue and not call any meetings at all. There is a common-law principle that power abhors a vacuum or vacancy. A chair who went rogue and would not do the job could either be removed by the Legislative Commission that appoints the chair, or most of the committee could act to ensure the committee could exercise its power.

SENATOR DALY:

You could remove the chair. Other people have authority to make things happen.

ASSEMBLYMAN D'SILVA:

I will take both of those questions back and provide an answer to the Committee regarding the fact we have a common vote as opposed to a singular House vote and then the actual chair being the individual who makes those decisions. I will get answers back to you to include term limits.

CHAIR OHRENSCHALL:

Sections 4 to 6 are the codification of these existing common-law principles and the statutory provisions that apply to interim committees. If this passes and is signed into law, how do you see that changing the function of the interim committees? Do you think it will be any change, or is this more of a housekeeping measure?

MR. POWERS:

I do not think there will be any change because these principles apply already to these interim committees. This is a housekeeping measure.

To follow up on what Senator Daly just pointed out, the average reader of the statutes is not familiar with common-law principles of parliamentary law. Most attorneys are not familiar with common-law principles of parliamentary law. It is important for the reader of statutes to understand all proceedings of the committees are subject to the statutes and those provisions of parliamentary law that enhance and supplement those statutes.

CHAIR OHRENSCHALL:

Given the proposal to delete the Subcommittee on Public Lands from the Joint Interim Standing Committee on Natural Resources, do any other interim committees under our revised structure since last Session have subcommittees in statute? Or is this the only one? And would this be striking the only statutorily created subcommittee of one of our interim legislative committees?

MR. POWERS:

It is my understanding that the Subcommittee on Public Lands is the last remaining subcommittee of one of the Joint Interim Standing Committees.

When the Legislature last Session created Joint Interim Standing Committees, it eliminated many of the existing subcommittees that had dealt with specific areas of the law with the presumption the Joint Interim Standing Committees would take care of those, investigate and recommend legislation. This bill removes the last of those subcommittees, the Subcommittee on Public Land, but transfers those powers and duties to the Joint Interim Standing Committee on Natural Resources.

CHAIR OHRENSCHALL:

Section 1 has revisions on the number of bill draft requests some of the interim committees are getting. I see language being struck out of the statute for the Joint Interim Standing Committee on Natural Resources. Are those 14 legislative measures going away?

MR. POWERS:

The Joint Interim Standing Committee on Natural Resources will have the ten legislative measures allotted in section 1, subsection 3, paragraph (a) to any

Joint Interim Standing Committee, and then the Joint Interim Standing Committee on Health and Human Services will have the ten legislative measures allotted that committee. Of the Joint Interim Standing Committees, the only one that has additional measures is Judiciary, which will have five additional measures for child welfare and five additional legislative measures relating to juvenile justice. All Joint Interim Standing Committees will have the basic allotment of ten legislative measures. Only Judiciary will have those extras dealing with child welfare and juvenile justice.

CHAIR OHRENSCHALL:

Will section 1 revisions be a net gain for these internal committees of bill draft requests or a net loss?

MR. POWERS:

The gain or loss will be small because you are taking some away from Natural Resources and Health and Human Services, but you are essentially giving those to Judiciary. It will be a wash, but I cannot say what the difference could be without doing the actual math.

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CHAIR OHRENSCHALL:

We will close the hearing on A.B. 243. Seeing no further business for the Legislative Operations and Elections Committee for this day, we are adjourned at 6:03 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 246	C	8	Emily Persaud-Zamora	Written Testimony in Support