THE THIRD DAY

CARSON CITY (Sunday) November 14, 2021

Senate called to order at 4:18 p.m.

President pro Tempore Denis presiding.

Roll called.

All present.

Prayer by Senator Heidi Seevers Gansert.

We are grateful to be, here, together this afternoon with our colleagues from the superb staff of the Legislative Counsel Bureau. My colleagues and I, we are stewards of our districts and swore to do our best to represent our fellow Nevadans. We are honored and blessed to do so. I ask that You grant us wisdom and grace as we work together and debate issues important to our State.

We thank You for Your guidance.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President pro Tempore and Assistant Secretary are authorized to make the necessary corrections and additions.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that the following persons be accepted as accredited press representatives, and that they be allowed the use of appropriate media facilities: THE ASSOCIATED PRESS: Sam Metz; THE NEVADA CURRENT: April Corbin Girnus; THE NEVADA INDEPENDENT: Michael Rindels.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Senators Ohrenschall, Settelmeyer, Seevers Gansert, Cannizzaro, Hardy, Goicoechea, Hammond, Pickard and Tatro.

SENATOR OHRENSCHALL:

Senate Bill No. 1 revises the districts for election of members of the Nevada Senate and Nevada Assembly and of the House of Representatives of the United States Congress.

The measure retains a 21-member State Senate. The ideal population in each Senate district is 147,839 persons. The overall range of population deviation is 3.28 percent. Fifteen State Senate districts are wholly within Clark County, and two State Senate districts are entirely within Washoe County. One State Senate district includes the eastern part of the State and parts of Clark County, and another State Senate district encompasses all of Carson City, Storey County and a portion of Washoe County. One State Senate district includes portions of Elko, Eureka, Lander and Washoe Counties and all of Humboldt and Pershing Counties. Finally, one State Senate district includes all of Churchill, Douglas, Esmeralda, Lyon and Mineral Counties and portions of Lander and Nye Counties.

Senate Bill No. 1 also retains a 42-member State Assembly with an ideal population in each Assembly district of 73,919 persons. The overall range of population deviation is 3.53 percent. The plan includes 30 Assembly districts wholly within Clark County and 6 Assembly districts wholly within Washoe County. The remaining six Assembly districts contain parts of Clark or

Washoe Counties and some of the less populous counties. All Assembly districts are nested within State Senate districts, meaning one State Senate district wholly contains two State Assembly districts.

Senate Bill No. 1 retains a four-member Congressional Delegation. The ideal population in each district is 776,154 persons. The overall range of population deviation is zero percent. Two Congressional districts are wholly contained within Clark County. A third Congressional district contains a portion of Clark County, as well as Esmeralda, Lincoln, Mineral and Nye Counties and a portion of Lyon County. A fourth Congressional district contains all of Washoe County, a portion of Lyon County and all of the remaining less populous counties in northern Nevada.

Senate Bill No. 1 provides for the use of the term "reelect" in the 2022 General Election under certain circumstances. The measure also includes a severability clause. Finally, Senate Bill No. 1 authorizes the Chair of the Legislative Commission to direct the Legislative Counsel Bureau (LCB) to contract for professional and other services the Director of the LCB deems necessary or advisable for the Legislature to appear in, commence, prosecute, defend or intervene in any action or proceeding relating to any election or petition district.

SENATOR SETTELMEYER:

I oppose Senate Bill No. 1 as it is currently written, partially because of this entire process we are going through. This Special Session is about redistricting and the maps. During the Interim, it began as a listening tour to four different places, not one citizen was able to look at a map and begin to understand the concept of redistricting. It is complex. To sit down and try to draw maps, Congressional maps, which only allow a population deviation of one person up or down is difficult. You are building this map, and as you think you are getting to the end of the necessary population and need only 15 more people, you can only chose a census block of 320 people or a census block of 2 people. Back to the drawing board. These are complex issues.

We received the Governor's Proclamation calling for a Special Session on redistricting three hours before the Session began. Sadly, much of the public was unaware about this Special Session until the Proclamation came out.

Just yesterday, an adjustment was made to Assembly Bill 450 of the 80th Session, which shifts individuals who are currently in prison and takes their count for census purposes back to their last known address. That correction adjusted 168 individuals, thus, devaluating and deleting every map that was made. Our caucus director put forth 52 maps. One of them sought to expand this Legislative Building to its maximum capacity of 75, creating more opportunities for people to have a voice by increasing Majority and Minority districts. Additional representation, gone. We cannot access that map in any way, shape or form. Sadly, there is no time to attempt and rebuild that.

The maps the Minority Party presented in conjunction with the Assembly and the Senate are far more accurate than the maps put before you today. They have fewer population deviations; our deviation is 0.9 percent. The maps being voted on today are 3.28. This should be our goal, to be accurate. That is what our *Nevada Constitution* requires, seek accurate data. The districts the Minority plans created are far more competitive and allow great opportunities for compromise. My district is heavily Republican. When you have districts heavily more Democrat or Republican, they tend to create Legislators that are either too far right or too far left versus those Legislators who can compromise, swing districts who know they must answer to their electorate.

Our maps are exceedingly diverse. We have created more majority and minority opportunities, more Hispanic and Asian districts and more opportunities for individuals to be represented by people who represent them. Our maps are more compact and preserve existing political communities. This map does not. For these reasons, I oppose Senate Bill No. 1.

SENATOR SEEVERS GANSERT:

I have been honored to serve as a member of this Body since 2016. I have served as Chief of Staff to Governor Brian Sandoval and the Minority Floor Leader of the Assembly. During my entire tenure in office and as Chief of Staff, I have staked my career on focusing on policy not politics, focusing on what is in the best interest of my fellow Nevadans. I have crossed the aisle on critically important legislation regarding equality, women's rights, the education of our children and more. Sometimes, I have voted as the lone Republican Senator in order to do what I believe

was right for Washoe County and the entire State. My constituents expect and deserve to have someone who reflects their values with balanced representation. My last two elections have shown that I have earned their trust, and I am here to fight for them. I am here to ensure the Washoe County voters are not disenfranchised.

My district, Senate District (SD) 15, fully reflects broader Washoe County, where registration between the Republicans and Democrats are almost equal, with a growing number of voters registering as nonpartisan or "other." Both Washoe County and SD15 have a registered voter split of approximately one-third Democratic, one-third Republican and one-third nonpartisan and other. This means two-thirds of the registered voters in Washoe County are not Democrats. Again, a supermajority of Washoe County voters are not registered as Democrats, even though the Majority maps are drawn to ensure that both Senate districts wholly in Washoe County, SD13 and SD15, are supermajority Democratic districts, disenfranchising the other two-thirds of the voters in Washoe County. According to the Nevada Secretary of State, voter registration as of October 2021 for Washoe County was 32.7 percent Democratic, 32.7 percent Republican and 34.7 percent nonpartisan/other, with 25.9 nonpartisan and 8.8 percent other. In SD15, 34 percent of the voters are registered as Democrats, 32.7 percent as Republicans, 33.3 percent as nonpartisan and other with 24.7 percent as nonpartisan and 8.6 as other.

I want to take a moment to dive into exactly how Washoe County voters are being disenfranchised. The National Council of State Legislatures (NCSL) has determined there are six traditional districting principles, a criteria adopted by many states: compactness; preservation of counties and other political subdivisions; preservation of communities of interest; preservation of core prior districts; contiguity avoiding pairing of incumbents. These principles are in line with the 2011 redistricting court case in Nevada where the Court ordered the special masters to consider the following criteria: contiguous districts; political subdivisions; communities of interest; general appearance and incumbents.

The aligned principles of NCSL and the Nevada Court guidelines from 2011 should be used for redistricting, yet, during yesterday's testimony, we learned they were considered "discretionary" for this process. The Majority maps were not drawn by legislative staff, no testimony was heard to guarantee they were even considered. The principles of compactness, preservation of political subdivisions, keeping communities of interest together and preservation of core districts were violated in northern Nevada, especially Washoe County. In an effort to secure supermajorities for the next 10 years, the Majority maps ignored making districts competitive.

I will briefly demonstrate how these principles were violated. The National Council of State Legislatures defines "compactness" by having the minimum distance between all the parts of a constituency with a circle, square or a hexagon being the most compact district. The Majority Senate Map violates this principle by creating a rectangular shaped area of the western portion of Reno. This rectangle was carved out of SD15 on the west side of the political subdivision of Reno and communities of interest, namely Somerset, Verdi and Cold Springs and placed in rural SD14 that stretches all the way to Elko, which is 278 miles away. This means the most western part of the City of Reno is connected to the most eastern part of Washoe County, skipping over Reno and Sparks. In the Majority party's new SD14, Verdi, the most western community of Reno, is further from Carlin on the eastern side of SD14 than Carlin is to Salt Lake City, Utah. There is no rational basis to move part of the western edge of the City of Reno to SD14, other than to move like-minded precincts away from adjacent, like-minded precincts in Reno's current SD15.

Preservation of counties and other political subdivisions are defined by NCSL as not crossing county, city or town boundaries when drawing districts. This principle is extremely important because in Nevada, county political subdivisions are the basis for our elections, courts, school districts, taxes and more. The Majority maps divide 7 of our 17 counties. Dividing sparsely populated counties dilutes their voting power.

In Washoe County, municipal boundaries were ignored. Somerset and portions of Cold Springs and Verdi are in the City of Reno, yet they were severed from SD15. The severing of like-minded districts from the City of Reno and SD15 is a blatant effort to shift power to the Democrats by eliminating the possibility of Republican representation for the voters in Reno. There is no rational basis for this manipulation of the boundaries in SD15 and Assembly District (AD) 25.

Nonpartisan, Republican and other voters are being disenfranchised. The political subdivision of Reno was fractured for purely political purposes.

"Communities of interest" are defined by NCSL as geographical areas, such as neighborhoods of a city or regions of a state, where the residents have common political interests that do not necessarily coincide with the boundaries of a political subdivision, such as a city or county. Once again, in Washoe County and the City of Reno, communities of interest were ignored. Somerset, a large development with thousands of homeowners. Cold Springs is part of north valleys. Residents of the north valleys share schools, parks, stores and neighborhood pride. Growing areas of Verdi are part of the City of Reno with its children attending the same high school as other City of Reno communities. All of these communities were severed from SD15. It can be argued that the University of Nevada, Reno is a community of interest now divided. Students who live in the "West University" area are separated from the thousands who live south and east of the University. All of these students are currently in SD13. They are not split between SD13 and SD15 as they would be under the new map. Reno and the University's communities of interest were ignored in the Majority maps.

Preservation of cores of prior districts is defined by NCSL as maintaining districts as previously drawn to the extent possible. This leads to continuity of representation. Before serving as the Senator for SD15, I was honored to serve as the Assemblywoman from AD25, a subsection of SD15. My voters know and trust me. That is why I have won elections during two presidential elections won by two Democratic presidential candidates. That is right. In 2016, when Hillary Clinton and Senator Catherine Cortez Masto won SD15, and in 2020, when Joe Biden won SD15, I prevailed to represent SD15. Senate District 15 voters split their ballots in favor of balanced representation. Washoe County voters deserve to have districts where good ideas win, not districts tailored to ensure that preselected candidates win.

Competitiveness has been considered a principle of redistricting. Competitive or swing districts have commonly been defined as those where the registration difference between major parties is minimized. Nevada has been, and continues to be, a purple State where we have split representation between the Legislative Branch, the Executive Branch and Statewide offices. It is not unusual for Nevadans of one party to cross the aisle to vote for a member of the other party. The Majority maps eliminate competitive districts. Two-thirds of the voters who are not registered Democrats will have no voice if districts are politically engineered to create numerous, artificial supermajority Democratic districts. Over time, the U.S. House of Representatives has become more and more partisan because seats with supermajorities of one party have been devised. According to *Cook Political*, in 1997, there were 164 competitive seats of the U.S. House of Representatives. Now, there are only 78 competitive seats, less than half that number. The hyperpartisan nature of the U.S. House of Representatives has created gridlock. Nevada should not follow in its footsteps. We have worked together well for years. Let us not destroy that.

With the Majority maps, voters in Washoe County, a county with near-equal registration between Democrats and Republicans and rising numbers of nonpartisan and other voters, will be disenfranchised. Its only two Senate seats, wholly in the county, will have artificial Democratic supermajorities. The Majority maps were created with the clear intent of securing these artificial supermajorities in both Legislative Houses for the next decade. They employ raw political engineering to draw lines to predetermine the outcome of future elections and send a message to voters that their vote does not count. To be clear, this is not about how an election is run. This is about the creation of artificial supermajorities that silence the voices of nonpartisan, Republican and other voters.

The Constitution guarantees the opportunity for equal participation by all voters in the election of Legislators. The Majority maps deprive citizens of the rights to participate equally in the political process, to join with others to advance political beliefs and choose their political representatives. These maps represent the suppression of voters' voices, namely those who are registered nonpartisan, Republican and other. The Majority maps clearly abandon the one-person, one-vote principle that express individuals should have equal representation in voting. In the United States of America, this principle, one person, one vote, is fundamental to fair elections. These maps make fair elections impossible.

Reflecting back to the 80th Legislative Session, Governor Sisolak vetoed Assembly Bill 186 of the 80th Session because, "The national popular vote could leave a sparsely populated Western

state like Nevada with a greatly diminished voice in the outcome of national electoral contests." Does this same argument not apply to the artificial supermajority maps drawn by the Majority Party? With these maps, the voices of Washoe County and rural counties will be silenced. Communities of interest will be shattered, and the balance of power Nevadans expect and deserve will be destroyed. The Majority has abandoned its responsibility to represent voters in a just and fair manner. If approved and signed by the Governor, these maps will be an abomination to the redistricting process and will make elections for the next decade a sham.

I have been honored to serve as a representative from Washoe County for years as a member focused on policy, not partisan ideals. I have crossed the aisle to work with my colleagues of both parties time and again. I call on you now, my colleagues, to ensure Washoe County voters are heard, nonpartisans, Republicans and all others. They deserve to have fair districts, not artificially engineered, supermajority Democratic districts. One person, one vote, should be respected and followed.

SENATOR CANNIZZARO:

There is an amendment being drafted to address some of the public's concerns outlined during yesterday's hearing. This amendment will happen on the Assembly side. It will include adjustments for some of the Nevada Department of Corrections (NDOC) inmates' addresses received after an additional attempt by NDOC to get those addresses. We will be accounting for those individuals because of that amendment. We will look at including the Walker River Paiute Tribe Reservation entirely into Congressional District No. 4, as we heard concerns about it being in two different congressional districts. We will look at the Reno-Sparks Indian Colony to ensure it is in one Assembly district, which was another concern expressed yesterday. We will ensure Sun Valley, in Washoe Valley, is contained in one Assembly district. There were some changes made based on concerns given to us by my colleague from SD19. The entirety of Lander County will move into AD32 and portions of Eureka and Elko Counties, including the City of Carlin, will move into AD33.

We do not have this amendment before us today, but I want to note that we did hear the concerns and are taking steps to address them. These proposed maps in Senate Bill No. 1 accurately reflect the growing population in the State of Nevada and the growing diversity we have seen throughout the State. We did this while maintaining representation for rural and northern Nevada. This amendment will avoid splitting up some of our tribal nations. That is something we wanted to focus on in these maps.

With this increasing racial and ethnic diversity, it is incumbent upon us to have maps that accurately reflect that. The proposed maps in Senate Bill No. 1 include a number of ways we have done this. In the Legislature, 29 of the 63 proposed districts have a majority nonwhite population, whereas in 2011, there were only 7. These maps include 29 legislative districts where Hispanic or Latino Nevadans make up greater than 25 percent of the population. They increase the number of majority Hispanic or Latino districts in both the State Senate and Assembly. African-Americans make up greater than 25 percent of the population in 5 of our proposed State legislative districts, an increase of 2 from the 3 districts on previous maps. Asian Americans and Pacific Islanders make up greater than 25 percent of the population in 5 legislative districts, an increase of 4 from the 1 district on our current maps. These maps not only balance and account for what are traditionally thought of as criteria for redistricting but also are fair and legal. They accurately reflect the Nevada where I was born and raised and the Nevada I love deeply as well as our growing diversity. I urge my colleagues to support Senate Bill No. 1.

SENATOR HARDY:

Where is the map we are going to "have concerns about" or that the "amendment will address"? Where is the map? Do we have an amendment we are going to vote on without seeing the map, or is this amendment coming? We have heard about it but have not seen it.

SENATOR CANNIZZARO:

What we are voting on today is Senate Bill No. 1. Everyone has been able to see those maps. I mentioned there is a proposed amendment forthcoming, but we will not see that until later on. If we pass Senate Bill No. 1 and it makes its way to the Assembly, I would envision that the amendment would be adopted on the other side.

SENATOR GOICOECHEA:

I oppose Senate Bill No. 1. Clearly, we can do better. Counties, cities and communities of interest are separated in this bill. This should not be a partisan issue. Our constituents, and I have a big district and struggle to reach out to all of them, are our friends and neighbors first and constituents second. Clearly, we have seen better maps that do a better job of consolidating and creating compact districts and giving those people the representation they need. I will continue to oppose the bill, but I look forward to seeing the amendment. I will be a "no" on this vote.

SENATOR HAMMOND:

The Senator from District 6 mentioned diversity. Many of the things in the maps we are now considering have changed. We have discussed the Asian American and Pacific Islander populations in districts. The number of majority districts for this group would grow from one to five and for African-American communities it would increase from three to five. As we see other maps, however, we see that we can do better. In the maps the Senate Republicans presented, it was shown there could be 5 districts with over 40-percent Hispanic representation compared to the 4 districts on the maps in Senate Bill No. 1. The Assembly would have 10 areas that are 40 percent or higher as compared with 7 areas in Senate Bill No. 1. According to the maps we presented to the Committee, we could go from one Asian-American, Pacific-Islander district to six. For African-American communities, we could increase from three to six. As my colleague from Eureka stated, we can do better. There is room for improvement. We can include more minority voices in the next ten years if we look at these maps and make changes throughout the State.

SENATOR PICKARD:

As was confirmed moments ago, we are being asked to vote on maps we know are not going to be implemented. I have a problem with this process.

We are being asked to vote on maps that will be amended in ways we have not seen. We are told to implicitly trust the same people who proposed maps; maps which were never reviewed by the subcommittee to which the maps were attributed. We are being asked to accept the representation that the maps we have not seen are better from the same group that proposed the faulty maps in front of us that were similarly proposed without review and comment until they were discussed in the Committee over the past two days. We are told we must now vote on maps to ultimately discover what is in them. This is a dangerous path.

As drawn, these maps disenfranchise minorities throughout Nevada. We know the process that created them and are now being asked to trust that same process? This process is not transparent or inclusive, and it takes place behind closed doors of the few that have the power to manipulate it. I cannot go there. I urge my colleagues to vote "no" on this measure and take it through a legitimate process. Let us see the amendment and properly debate and vet it so we know what we are voting on; otherwise, this is a sham, and I cannot support it.

SENATOR TATRO:

We have an amendment we have not seen, and we are being asked to move forward and trust in Senate Bill No. 1. I look at how this bill will impact us ten years from now when my son goes to vote for his first time. This legislation does not meet the guidelines, requirements, objectives and rules outlined for the redistricting process. These maps are politically engineered. From public comments in opposition yesterday, and those I am hearing from constituents and community members, there is a need to change these maps. These maps ignore the explosion of independent voters, which are now 34 percent in Washoe County. We may see some changes, but in its current form, the lack of competiveness and compactness disenfranchises communities of interest and dilutes representation of neighborhoods and groups. I hope the next maps we see are more accurate, diverse, competitive and compact.

Roll call on Senate Bill No. 1:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Pickard, Seevers Gansert, Settelmeyer, Tatro—9.

Senate Bill No. 1 having received a constitutional majority, President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:48 p.m.

SENATE IN SESSION

At 5:38 p.m.

President pro Tempore Denis presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, November 14, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 1.

SUSAN FURLONG
Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 1.

Senator Ratti moved that the bill be referred to the Select Committee on Redistricting and Elections.

Motion carried.

President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:39 p.m.

SENATE IN SESSION

At 6:00 p.m.

President pro Tempore Denis presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President pro Tempore:

Your Select Committee on Redistricting and Elections, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Hammond moved that all necessary rules be suspended, and that Assembly Bill No. 1, just reported out of Committee, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Senator Hammond.

The bill we are going to be considering has already been heard and looked at by a joint Committee and vetted. We have looked at it several times, and we are good to go on it.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Senators Lange and Pickard.

SENATOR LANGE:

Assembly Bill No. 1 revises the districts from which the Board of Regents of the University of Nevada are elected.

The measure retains a 13-member Board with an ideal population in each Board district of 238,816. The overall range of population deviation is .48 percent. The plan includes nine Board of Regents districts wholly in Clark County and one district partially in Clark County and the counties of Elko, Esmeralda, Eureka, Lincoln, Nye and White Pine. The plan also includes one district wholly in Washoe County and one district in Humboldt, Pershing and a portion of Washoe County. Finally, one district contains another portion of Washoe County, all of Churchill, Douglas, Lander, Lyon, Mineral and Storey Counties, as well as all of Carson City.

The bill provides for the use of the term "reelect" for members of the Board of Regents in future election cycles under certain circumstances. The measure also includes a severability clause.

Finally, Assembly Bill No. 1 temporarily adjusts for the 2022 election cycle, the candidate filing period for judicial candidates to coincide with the candidate filing for nonjudicial candidates.

Provisions in the bill setting forth the shapefiles describing the districts for the Board of Regents are effective on January 1, 2022, for the purposes of filing for office and nominating and electing members to the Board, and on January 3, 2023, for all other purposes.

Provisions relating to the temporary adjustment to candidate filing for judicial candidates are effective upon passage and approval for the purposes of adopting regulations and performing other preparatory administrative tasks, and on January 1, 2022, for all other purposes. These judicial candidate filing provisions expire by limitation on December 31, 2022. Provisions setting forth the effective dates of the bill as well as the severability clause are effective upon passage and approval. All other provisions are effective on January 1, 2022.

SENATOR PICKARD:

I want to comment about the process. I am not on the subcommittee, but my understanding is that the process included input from all of the Regents and various stakeholders. They were able to see and comment on maps and make necessary adjustments to make them fair. The deviations are minimal and better than what we have seen in other maps. I commend those who put that together. That is the appropriate process and one we should be following for the rest.

Roll call on Assembly Bill No. 1:

YEAS—21.

NAYS—None.

Assembly Bill No. 1 having received a constitutional majority, President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President pro Tempore and acting Secretary signed Senate Resolutions Nos. 1, 2, 3.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, November 16, 2021, at 10:00 a.m.

Motion carried.

Senate adjourned at 6:06 p.m.

Approved: MOISES DENIS
President pro Tempore of the Senate

Attest: SHERRY L. RODRIGUEZ
Acting Secretary of the Senate