

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

**Seventy-Third Session  
March 8, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:47 p.m., on Tuesday, March 8, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Ellen Koivisto, Co-Chairwoman  
Mr. Harry Mortenson, Co-Chairman  
Mr. Marcus Conklin, Co-Vice Chairman  
Mr. Bob McCleary, Co-Vice Chairman  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Ms. Chris Giunchigliani  
Mr. Brooks Holcomb  
Ms. Kathy McClain  
Mr. Harvey J. Munford  
Mr. Bob Seale  
Mr. Scott Sibley

**COMMITTEE MEMBERS ABSENT:**

Mrs. Sharron Angle (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Sheila Leslie, Assembly District No. 27, Washoe County  
(part)

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Jasmine Shackley, Committee Manager  
Celeste Gunther, Committee Attaché  
Casey Bales, Committee Assistant

**OTHERS PRESENT:**

Frances Doherty, Family Court Judge, Second Judicial District Court, Washoe County, Nevada  
Leonard Pugh, Washoe County Department of Juvenile Services; and, Member, Nevada Association of Juvenile Justice Administrators  
J. David Frasier, Executive Director, Nevada League of Cities and Municipalities  
Kimberly McDonald, MPA, Special Projects Analyst and Lead Lobbyist, City Manager's Office, City of North Las Vegas, Nevada  
Karen Storms, City Clerk, City of North Las Vegas, Nevada  
Barbara Jo "Roni" Ronemus, City Clerk, City of Las Vegas, Nevada; and, Vice President, Nevada Municipal Clerks Association  
Larry Lomax, Registrar of Voters, Elections Department, Clark County, Nevada  
Steve Schorr, Vice President, Cox Communications  
Renee Parker, Chief Deputy, Office of the Secretary of State, State of Nevada  
Alan Glover, Clerk-Recorder, Carson City, Nevada; and, Past President, Nevada Association of County Clerks  
Barbara Reed, Clerk-Treasurer, Douglas County, Nevada  
Danny Coyle, Private Citizen, Carson City, Nevada  
Anita Hara, Private Citizen, Washoe County, Nevada

**Co-Chairwoman Koivisto:**

[Meeting called to order. Roll called.] We need to do a Committee introduction while we have 9 members.

- BDR S-251: Provides for interim study of increases for permanently and totally disabled workers and for lump sum payment to those workers. (ASSEMBLY BILL 186)

ASSEMBLYMAN SEALE MOVED FOR COMMITTEE  
INTRODUCTION OF BDR S-251.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED. (Mrs. Angle, Ms. Giunchigliani, and Mr. Mortenson were not present for the vote.)

**Co-Chairwoman Koivisto:**

[Opened hearing on A.B. 54.]

**Assembly Bill 54: Creates Legislative Committee on Juvenile Justice and requires performance audits of institutions and facilities that house juvenile offenders. (BDR 17-193)**

**Assemblywoman Sheila Leslie, Assembly District No. 27, Washoe County (part):**  
I'm here today on behalf of the Interim Study on Juvenile Justice. I chaired that interim study during the last interim. We had two bills, one went to Judiciary and the second bill has come to your Committee. Assembly Bill 54 has two subparts that are interrelated. The first part relays the subcommittee's sentiment that juvenile justice issues need to be continually reviewed by the Legislature. I've sat on two, and there have been three interim studies on juvenile justice. The second part of the bill, which I'll talk about more in depth, contains an independent oversight mechanism, in which the status of the State's juvenile justice facilities would be monitored.

Throughout this study we came across a number of juvenile justice issues that we felt needed further study. These included issues such as: blended sentencing, alternative sanctions, after care services, substance abuse and mental health treatment, and transitional living for those who are aging out of the juvenile justice system. There's an ongoing concern for the care and importance of the children in the system. Once again, as we did during the last session, we feel it's necessary to request this bill draft, which creates a statutory Committee on Juvenile Justice. This recommendation was made originally by the A.C.R. 13 Subcommittee, in the form of Senate Bill 262 of the 71st Legislative Session. That bill died in the Senate Committee on Judiciary. So that's one part of the bill. We feel that these issues are so important that they rise to the level of a statutory committee. So we've asked for that before, and we're asking for it again. We hope this Committee will look favorably on that recommendation.

The second part is more complex. This arose out of the strong concern over the results of the CRIPA [Civil Rights of Institutionalized Persons Act 42 U.S.C.

sec. 1997a et seq.] investigation. Those of you who were here last session, I'm sure, remember the CRIPA investigation. This was initiated by the United States Department of Justice, who investigated our youth training center in Elko. The result of the CRIPA investigation was the signing of a memorandum of understanding, on February 26, 2004. This memorandum addresses the staff-to-youth ratios for day and night shifts, the orientation of youth and families regarding a grievance filing process, the formation of an incident review team, Child Protection Services reporting and investigation, and quality assurance standards.

[Assemblywoman Leslie, continued.] The memorandum was a result of the investigation that found rather severe and shocking abuse going on in our youth training facility. I think every legislator who served last session was appalled by what was in that CRIPA report. Any of you who weren't here and didn't have a chance to see the CRIPA report, let me know and I'll show it to you. There were things going on in our State institution that you would not have condoned. The subcommittee dealt with that in depth. There are several more budget recommendations this session concerning the staff ratios and other issues, especially in the area of mental health, to address the CRIPA investigation. This bill says we never want to be in that situation again in this state. We need to know what's going on, not only in our youth training facilities, but in other places where youth are detained, such as our detention centers, private psychiatric treatment centers, or wherever youth are placed by the court.

The second part of A.B. 54, from Section 8 on, contains a recommendation brought to the interim study group by the Nevada Judges Association. There were a significant number of district court judges who were very troubled, as we were, by the recent occurrences at the Nevada Youth Training Center, and we're very concerned about the ongoing treatment and care of offenders in the juvenile system. One judge, Frances Doherty, Second Judicial District, is here; she can comment on the judges' concerns much better than I can.

It was felt that an independent audit or oversight mechanism was needed with regard to all governmental institutions where juveniles are incarcerated, detained, or under court ordered residential treatment. We had a lot of discussion in the interim study about how to accomplish that. The Committee felt strongly that the oversight mechanism could not be in the Executive Branch, because our institutions are in the Executive Branch. We felt that it wouldn't be effective if we had the oversight mechanisms there. The best place we could come up with to put it is the Legislative Counsel Bureau (LCB) Audit Division, which I'm going to suggest is not a very good solution. The Audit Division is not thrilled with that idea. They've been very kind trying to work with me to see

how that might work, but I agree it really doesn't belong there. They do performance audits and they do an excellent job. But they don't do investigations, and it's probably not fair for us to ask them to become an independent investigative body. I went back to LCB this week and asked them to look for another way to do it. I've provided to you examples of what a couple of other states have done, which I think fits what the interim study was after [\(Exhibit B\)](#).

[Assemblywoman Leslie, continued.] What you have is a short memo from our LCB Research staff on what Connecticut and New Jersey have done, which is to establish an office of the child advocate. You can see by reading through this, they provide some of the things we were looking for, independence of the office and investigative powers. Some of the tasks that we were envisioning are: periodically evaluating the facilities; making recommendations, probably back to our statutory Juvenile Justice Committee; being able to evaluate State agencies operations, policies, procedures; and evaluate juvenile detention centers and other private placements.

This is more in line with what the committee wanted. We were united that we didn't want it in the Executive Branch, so we came up with the LCB solution but we didn't have time to consider something like this. I'll suggest to the subcommittee that this might be a better alternative, if you decide to process the bill. I'd be happy to work with the subcommittee and this Committee in anyway and to work on the details. I'm very committed to this bill and will put in considerable time if the Committee is interested in pursuing this.

**Assemblyman Conklin:**

Section 8 was my concern on the bill, too. I understand where you're coming from, it's tough; we want the oversight here, but the Audit Division is not equipped to take on this type of task. I have this exact same issue in a bill that I'm working on, for a different division. In my bill, I turned to private, outside auditing firms—overseen by the Audit Division. In other words, the Audit Division still carries its ability to assess each company's ability to do the job at hand, which they have full knowledge of, but bringing those resources to the table. Did you take a look at the option of going outside of the State of Nevada? Potentially a private company could audit these and report back to what will hopefully be a Standing Interim Committee on Juvenile Justice. That might solve that issue. I'm curious if you looked at that.

**Assemblywoman Leslie:**

We did consider that. I've had informal discussions with Assemblywoman Buckley, who's very interested in this area, and Assemblywoman Giunchigliani

as well. We thought about contracting out to a nonprofit agency. We do have one precedent in our state for doing that, the Nevada Disability Law and Advocacy Center, but it wasn't very successful. In our state, we couldn't think of an entity that would be prepared to come forward. We didn't think about going outside the state, because we want somebody closer in. But that certainly would be another option. I should have mentioned it. We could, instead of setting up a State office, do it through the private sector. So yes, I would say that's something we could consider.

[Assemblywoman Leslie, continued.] We couldn't think of a group that would be able to do it and that was our problem. I don't know if the Judge has a comment on that, we talked about it as well.

**Assemblyman Seale:**

Ms. Leslie, you indicated in your testimony that this was in front of the Legislature in the last session, and that it didn't pass?

**Assemblywoman Leslie:**

The first part of the bill, Mr. Seale, yes. Actually I think it was the 71st Session, and I think we asked for it last session, too. We've asked for it to continue every time and it has never passed.

**Assemblyman Seale:**

Why is that?

**Assemblywoman Leslie:**

There's a feeling generally in the Legislature that we have too many standing committees, and we do have a lot. We have them for little tiny things. I would get rid of five little tiny committees, and trade it for this one myself. But I think the question is whether we want another statutory committee.

**Assemblyman Seale:**

What would this cost? I see there's a fiscal note there, but I don't see any numbers there as to what this might cost, if we were to put together a standing committee.

**Assemblywoman Leslie:**

It would be the typical cost of any interim legislative committee.

**Assemblyman Seale:**

I suppose we wouldn't have to worry about legislators' salaries and things like that.

**Assemblywoman Leslie:**

No, there's no salary involved; there's the per diem cost and the staff cost. There is a cost, definitely.

**Assemblyman Seale:**

Absolutely.

**Co-Chairwoman Koivisto:**

And of course, extra staff to staff the committee. Did you give any thought to having this be part of the Standing Committee on Children, Youth, and Families?

**Assemblywoman Leslie:**

No, we didn't. That's another option. I think the committee felt that the Children, Youth, and Families Committee has, in the past, been very dedicated, as you know, to child welfare issues. There is definitely some overlap to that. That would be an option maybe, to combine the two. We have a bill in our committee [Health and Human Services] to broaden the scope of that committee. To make it clear that it's not intended to only be child welfare forever. That there are lots of other children, youth, and family issues, and juvenile justice could theoretically fit within that, very true.

**Assemblywoman McClain:**

I think it was in the public safety budget subcommittee. Don't we have an internal affairs-type department that we heard the other day? Maybe that would be a place we could put the auditor.

**Assemblywoman Leslie:**

I'm certainly open to any bright ideas you folks have, to make this work. We can certainly look at that.

**Assemblywoman McClain:**

It seems like a natural spot for it.

**Frances Doherty, Family Court Judge, Second Judicial District Court, Washoe County, Nevada:**

I've been in this position for two years. Prior to that I was the juvenile court master for Washoe County for five years and exclusively handled the juvenile delinquency cases, as well as a majority of the juvenile dependency cases. I'm speaking on behalf of myself, but I would like to share some information from the District Judges Association, as well as information from my experience. I'd like to thank Sheila Leslie for the tremendous work she did on the Interim Study

Committee on Juvenile Justice. The field, in addition to the work, is exploding. There is a field for the State of Nevada, to the extent resources are available, to dedicate a few of those resources to stabilizing and expanding upon the foundation of the juvenile justice system that we are building in Nevada. I would encourage you to do so.

[Frances Doherty, continued.] We have new science every day on issues involving child development. We have new research telling us that children in juvenile detention facilities and institutions are suffering more from mental health problems than anything else. We are challenged by those new and evolving problems, both in treatment and interacting with families, ensuring our programs meet the needs of children, families, and community safety. We are becoming statewide, by necessity, in our discussions, efficiencies, resources, and intelligence on the evolving challenges of juvenile crime, juvenile delinquency, and juvenile status behavior in Nevada. You would be proud of many of the things that we have done, both in our various counties, as well as through the committee. This piece of legislation is one of those areas that I hope you will consider seriously.

The Juvenile Justice Commission suggested that what is needed is a long, steady foothold for discussion of significant legal issues in the juvenile justice system. It is related to child dependency. But I can assure you that, as much as that relationship exists, there are tremendous criminal law, juvenile delinquency, adult criminal law, and child treatment issues that are focused on the needs of children who have been identified as delinquent, truant, and errant. This Committee would provide its worth in gold to people in the system who are providing services to families. We still believe that children have the likelihood of success with: appropriate, efficient, and targeted support; educating them about delinquent behavior; addressing their educational needs, which are tremendous in many of our cases; and looking into the area of mental health and appropriate medical treatment.

The request for an oversight body is a postscript to testimony we offered last session, after the CRIPA report was released. The postscript came from a young man who came into my chambers after this Body met and assisted in the juvenile delinquency area, by providing more support for mental health services in our training camps. This young man walked in with the assistance of a probation officer months after this Assembly dissolved, months after we had known and worked on identifying priority areas in the CRIPA report to make sure this would never happen again in our state. He sat down in my office, and he began to describe his experience in the Nevada Youth Training Camp, which overlapped with the experiences of the federal investigators. He describes a



culture of violence such that he was unable for almost 9 months to tell his parents, friends, or anyone else, what his experiences were. He was on anti-anxiety medication, anti-depressant medication, and was unable, at that time, to hold a job.

[Frances Doherty, continued.] He talked about the trauma in that Elko environment which included physical abuse. He described an incident in which he was taken out into a sports field and his head and another child's head were knocked together to the point of nosebleeds occurring. They were told that they needed to know that this happened by accident. He described an incident in which the federal investigators appeared to question them, and the children were threatened if they cooperated. He did cooperate. He described his last day. The celebration event of his release was him being stripped naked in front of his cottage peers and made to stand in a utility tub, where he was required to shower with cold water as his good-bye experience. I have sent many children into the care of facilities in the state of Nevada. I have sent them to Nevada Youth Training Camp, to Caliente, to China Springs, and I have placed children in mental health residential facilities. Every time, I would say to the parents, with wholehearted commitment, "I would not place your child in danger; I would not place your child anywhere that I would not place my children."

The Office of the Public Defender, the Office of the District Attorney, the Department of Probations, the Second Judicial District Court, and all other courts who were placing children in that camp, in particular, and who continue to place children in institutions today, we didn't see it. We didn't know it. And this boy couldn't even talk about it for almost a year after he exited. There is a huge disconnect in the institutional experience for children and our ability to ensure that experience is safe and secure. This is not about going back and rehashing what happened in Elko. There are good people, employed by the State, working with people like Assemblywoman Leslie and I, to address these issues.

The gap that continues to exist is that neutral entity who would have the responsibility to investigate the experience of a child, or children in the institutions in which we place them. I'm not talking about how clean the corners are in institutions; I'm talking about children's experiences and the ability to talk to someone and to have that information conveyed to the court and the Legislature in a way that is responsive immediately and accountable in the long run. That's how the language of A.B. 54 came about.

The District Judges' Association met last spring and then later in the summer, and we had the same conversation. They passed a resolution on June 8. The

judges are concerned with the ongoing treatment of juvenile and adult offenders, especially when those adults were still young people, in institutions in the State of Nevada. And it's the desire of the judges that a permanent oversight procedure take place with regard to all government institutions where juveniles and adults are incarcerated.

[Frances Doherty, continued.] It goes on to suggest that that entity have the ability to interact with those children or placements privately, which was one thing that was prevented in Elko, and bring that information back to the court, to you, or to an oversight body for a response. I ask you not to dismiss this too easily, and I don't assume that you are. It's a gap in our ability to ensure that everything we're putting our resources into really is for the purpose we intend; that is the betterment and strengthening of children, and the improvement of our various communities.

**Assemblyman Conklin:**

Judge, the reason your comment of "an independent and neutral entity to look this over" caught my attention was I have spoken with many of my colleagues, Mr. Horne, Mr. Anderson, Ms. Leslie, who traveled to the facility last session and were shocked. They came back, and shared some of those experiences. I'm concerned no matter who we have as an entity to conduct a performance audit. Will they be able to get the truth, if we have children, such as the one you mentioned, unwilling to say anything to anyone for a year. If we allow tragedies such as this to go on for a year, soon we're going to have judges who refuse to send kids where they belong, and where they are supposed to get help. Obviously, you're making a commitment to parents that we're trying to help their children get better, instead of destroying their lives. I'm curious if you've given that any consideration as well, in choosing the place that's going to be conducting audits.

**Frances Doherty:**

We'd like to get away from the idea of the audit and more to the idea of the advocate, investigatory body, or ombudsman. That young boy exemplified what we are doing poorly. To the extent that an entity is created, that body would educate families and children, ensure their ability to communicate or work on that information, validate them, and also investigate. So I agree, it's a challenge. He did not go to his parents; he didn't come to the court; and he certainly didn't share it with the investigators. He went to his probation officer, which speaks well of the one-on-one relationships that can be developed with children and trust. I think that would be a challenge, but not insurmountable.

**Co-Chairwoman Koivisto:**

It sounds like we have a lot of work to do on this; we'll bring it back to a work session. Maybe you want to work with the group that you've been working with and come back with some suggestions?

**Assemblywoman Leslie:**

I would appreciate that very much, if you would allow me to do that. I'll get with the people I've been talking to and come back with some specific suggestions.

**Leonard Pugh, Washoe County Department of Juvenile Services; and, Member, Nevada Association of Juvenile Justice Administrators:**

The judge spoke very articulately about the need to have some sort of independent oversight. On the way driving down here, we discussed a few ideas. I'm more than willing to offer those to Assemblywoman Leslie for the work session and be present at that time, if you'd like me to be.

I know that interim committees are expensive, but I want to mention that we've had three interim committees on the tremendous challenges that have faced the juvenile justice system over the last 7 years. It's only been because of those interim committees that we've been able to experience the benefits of progress within our system.

My concern is when it's lumped in with other committees. Sometimes delinquents give people a certain impression. They don't always receive the same attention that, perhaps, kids in the child welfare system, or adult criminals see. Oftentimes, unfortunately, these kids are victims themselves. They are victims of their environment, of abuse and neglect, of drugs and alcohol, and other things that they have been exposed to. We've made progress in being able to reduce the number of commitments to State institutions in the last 5 years, and in the number of community based programs that are available to these kids. It's because of the attention that was started by former Assemblywoman Jan Evans and A.C.R. 57 of the 69th Legislative Session, and I'd like to see it continue. In the long run, our state and our youth would benefit greatly.

**Co-Chairwoman Koivisto:**

We'll close the hearing on A.B. 54, and open the hearing on A.B. 89.

**Assembly Bill 89: Authorizes city clerk to designate alternate or additional facility at which electors may register to vote. (BDR 24-508)**

**J. David Frasier, Executive Director, Nevada League of Cities and Municipalities:**

This is part of the legislative package that was approved by the League's Board of Directors at their October conference and submitted to the Legislature. It was prepared at the request of North Las Vegas.

**Kimberly McDonald, MPA, Special Projects Analyst and Lead Lobbyist, City Manager's Office, City of North Las Vegas, Nevada:**

It's my pleasure to copresent A.B. 89 with our city clerk, Karen Storms. We want to thank the Nevada League of Cities and Municipalities for sponsoring this bill on our behalf. Assembly Bill 89 would amend *Nevada Revised Statutes* (NRS) 293C. We are proposing enabling language to have voter registration not only occur at the city clerk's office, but also at an alternative municipal facility. I'd like to turn it over to our city clerk to give some historical perspective and background on why we are pursuing this bill.

**Karen Storms, City Clerk, City of North Las Vegas, Nevada:**

The various city clerks' offices throughout the state go to great efforts to afford citizens the opportunity to register to vote ([Exhibit C](#)). In southern Nevada, the cities have teamed together to produce media campaigns, including newspaper publications, public service announcements (PSAs), and mailings, to educate and publicize voter registration and voter processes. As you are aware, the requirement for the extended voter registration period was enacted beginning with municipal elections, in 2001. In 2001 and 2003, as well as in this year's election cycles, the City of North Las Vegas processed only three voter registration applications during the extended evening and weekend hours. Each close of registration cycle costs the city approximately \$4,000 in overtime and security. At the end of this election cycle the city will have spent \$12,000 to process a handful of applications.

It has been my experience that citizens do not come to North Las Vegas City Hall to register to vote. Citizens do, however, use other municipal facilities frequently. The city's libraries and recreation (rec) centers are very well attended at varying hours during the evenings and weekends. By allowing the city clerks to designate an alternate municipal facility for close of voter registration, in addition to, or instead of, city hall, I believe we stand a much greater chance of increasing the numbers of citizens who register to vote and ultimately participate in the election process.

**Co-Chairwoman Koivisto:**

If you set this up at the libraries or rec centers, who would do the registrations?

**Karen Storms:**

We have recently been working with the Election Department to provide voter training to the library staff; we would not, however, give up any of our responsibility to coordinate the program.

**Assemblyman Denis:**

Are you saying that you would do the registrations at city hall, or instead of city hall?

**Karen Storms:**

We would either designate an alternate municipal facility or have city hall open at certain hours. If another facility was open extended hours, we would shift it there. We could be open at the same time and include another facility, if we believe that would increase our numbers of registrations.

**Assemblyman Denis:**

My concern would be that, if you didn't do it at city hall, they wouldn't have the opportunity to register. I would hope that you would have it open at least during the day and not replace city hall with something else.

**Karen Storms:**

That is our intent. Our intent is to increase the numbers. The greater coverage we have in the city would include city hall, in our case, and we would certainly have city hall open for voter registration during business hours. Whatever would give us the greatest coverage.

**Assemblyman Denis:**

Have you talked with library and recreation center staff? How would that impact them, as far as if they would have additional duties? Would they still be able to perform their regular function, as a librarian, or whatever?

**Karen Storms:**

I have not researched that possibility yet. My intention is not to impact any other city department. If it means having my staff at the Parks and Rec Department, that is what we will do.

**Assemblyman McCleary:**

I'm confused. In this day and age we have the mail-in registration forms, why do we need to have facilities open for registering to vote? This last election cycle I went to the North Las Vegas Library, and they have applications to vote right there. In fact, a couple of times I stopped there for an application, because

it was closer than the registrar of voters. I gave the forms to my constituents to mail in. Please explain to me why we need to require you to have a facility open for that.

**Kimberly McDonald:**

The whole goal of this is to enhance our comprehensive effort to get voters out. By having voter registration available at different sites, it makes it more accessible to them and much more convenient as well. I also wanted to address another concern that was raised, regarding the impacts to other departments. We've seen that with having this available at our library district, there has been no adverse impact. It's just a service that we're trying to provide to the public.

**Karen Storms:**

To expand on what Ms. McDonald said, the last 10 days of the close of voter registration is the citizen's last opportunity to register to vote before an election. NRS states that during the last 10 days you have to register in person at a city clerk's office. So that is the period that we're focusing on.

**Assemblywoman Gansert:**

Does the person at City Hall or the library just to collect information, or do they have to check the ID? What else is required when you register during that 10-day period?

**Karen Storms:**

Field registrar training would be available to people who would accept the voter registration applications, because, once again, in this 10-day period they can't mail them in.

**Assemblywoman Gansert:**

Does the ID have to be reviewed? So there is a process that has to transpire during the last 10 days. You can't just hand it to someone, is that correct? [Karen Storms responded in the affirmative.]

**Assemblywoman Giunchigliani:**

County and city elections are at different times, does this last 10-day period accommodate those cycles? [Karen Storms responded in the affirmative.]

We were thinking about expanding those 10 days anyway. This would be for all cities including 25,000 and under, right?

**Kimberly McDonald:**

This would be statewide, enabling language, if they chose to do so.

**Assemblywoman Giunchigliani:**

Would the public notification still be there if you chose, in those last 10 days, different municipal sites; would that be published?

**Karen Storms:**

The newspaper publication would detail where people would be able to register.

**Assemblywoman Giunchigliani:**

First-time voters now have to show ID. I'm trying to remember if on the forms there's a check-mark where they can show it, so that they don't have to make a copy? [Larry Lomax responded in the affirmative.]

There is a process in place for that part of it. We need that verification so that they can vote in other places, other than what's there.

**Assemblywoman McClain:**

This doesn't apply to the counties, right?

**Co-Chairwoman Koivisto:**

I really like the idea of the libraries; I think that's wonderful.

**Barbara Jo "Roni" Ronemus, City Clerk, City of Las Vegas, Nevada; and,  
Vice President, Nevada Municipal Clerks Association:**

We, as municipal clerks, recognize the need to assist voter registration outreach in all possible ways ([Exhibit D](#)). We view A.B. 89 as another tool to accomplish this goal, and we support this legislation.

**Larry Lomax, Registrar of Voters, Elections Department, Clark County, Nevada:**

We have no problem with this bill as it stands, although there are some issues that still need to be worked out. We limited the 10-day period to the office of the registrar or clerk because we have to pass out sample ballots at the same time that these people are registering. It's too late to mail them. In a municipal election they normally have one or two ballot styles, and they ought to be able to deal with this.

In our election we had 288 ballot styles, and in the primary election we had almost 600 ballots. We have to have those in a warehouse so once we register the voter, we decide which of the ballot styles they need, and get them that ballot. So it is a much more complex issue for us, and that would be the reason. I'm not against it philosophically. But practically, it's very difficult for us to

expand this last 10-day registration to other locations. But for the cities, as long as their ballot styles remain limited, that problem doesn't arise.

**Co-Chairwoman Koivisto:**

If it were done in the libraries, they serve kind of a specific area. You could have the sample ballots for that area and a map.

**Larry Lomax:**

We've given each of the clerks this. We put a program on a laptop so that they can enter an address as a person registers, and it will print out a label. It tells them which ballot style to pull and it prints out that person's polling place. As long as we're talking only about five cities we can continue to support that. We're doing the municipal election right now, and we have 5 or 6 ballot styles. We could stock those at every library if that's what you decide.

**Assemblywoman Giunchigliani:**

The 288 styles were partially created when we redistricted. So hopefully in the next redistricting we'll be able to reduce that. If you didn't serve on this Committee when we did redistricting, you're lucky. An amendment came over late and some groups drew their own district lines. The State Board of Education didn't look at the fact that our lines had overlapped, so we wound up with little islands all through the districts and created this huge problem. I think we fixed 17 of them four years ago. Other than that we didn't want to disenfranchise anyone or be accused of monkeying with the lines. So that's part of why he's up against that large a number of ballots. In the next cycle we could look at doing something different for voter registration than what he is talking about, when we can get that reduced.

**Kimberly McDonald:**

We wanted to thank Mr. Lomax for conferring with us on this issue.

**Steve Schorr, Vice President, Cox Communications:**

As part of my position at Cox Communications, and I'm speaking on behalf of the media now, I was director of an effort to bring more young people to vote and register in our state. It was called MTV's [Music Television network] "Choose or Lose." I headed that up for all of us in southern Nevada. I even had a great opportunity in the past to work with Mr. Lomax to do various PSAs to get people to register to vote.

The issue is getting young people to vote and getting interested in this incredible system that we have in elections. I will tell you that it's not as easy as I expected it to be when I first became involved with "Choose or Lose" four



years ago. There is, unfortunately, a level of distrust among our young people and the election process. That distrust is something that we all have to work on. We work diligently to break that down, and to build up the trust. There is, unfortunately, distrust among young people going to City Hall to register to vote. Why is it there? I wish I could give you the perfect answer. They also don't, as Assemblyman McCleary pointed out, like the mail-in voter registration. They like the person-to-person registration. Anything that we can do to bring more registration of our young people into this process is something that I have to speak on behalf of.

[Steve Schorr, continued.] The greatest portion of people, other than in a presidential election year, registering to vote is in those days directly preceding an election process. If there are places young people attend, such as recreation centers and libraries, then it behooves us to make that process where young people can register to vote as easy as possible. I can only speak from experience. My experience in dealing with young people, throughout this "Choose or Lose" process, is that we have to do certain things to make the process easy and amenable to them. Because they are voters that are looking for a reason to vote, they just need help doing so.

**Assemblywoman Giunchigliani:**

Last session, we added something about a student or students that work in the polls. That was part one, to try and engage them. We've never done anything other than "We the People" and a variety of different things where we bring the voter registration forms on campus. To me that's a key. Maybe we could identify a student ambassador at each high school that the clerks could assign to check in and check out forms. The teachers could make a copy of the ID and attach it to the form. We register tons of people who never bother to turn out to vote, so that's the crux of the issue, what gets them engaged.

But if we could at least get them registered, it's like giving them a library card; we need to find ways to get to that first step. So maybe that's something we could kick around. I don't know if this bill is right for that purpose, but maybe with the clerks we can come up with some ideas. Maybe we even pilot it through a couple of schools, or maybe through the "We the People" program. There are some other things we could do to accomplish that initial step; it's their responsibility to get engaged after that.

**Steve Schorr:**

I'm very proud of what the media has done in our state. We've done a lot of things that a lot of other states have not done, to try and direct young people to register to vote. As much as I sometimes have questions about the videos that

are on MTV, it is what they watch; it is what they see. And MTV's "Choose or Lose" has been very successful to get young people involved. It's very important to work with the libraries to do things like this. Once young people are registered that's halfway down that long road to voting.

**Assemblywoman Giunchigliani:**

That's a key piece. The schools used to bring in the old voting equipment. As politicians, we used to be invited to teach a government class. Now we're not even invited because they say we might be campaigning. It doesn't have to be an election year; there are a ton of resources out there that might engage students, for example the Internet. Two of my bills, that I've passed, were written by young people. That's the beauty of the process. Maybe we can work with the districts to see if we can pull some ideas together on how to get young people more involved.

**Renee Parker, Chief Deputy, Office of the Secretary of State, State of Nevada:**

We support this bill. We've discussed it with the cities and we understand it's their intention to expand it and make it easier to register to vote. We're in favor of that. Last session we lowered the age for students to work in the polls. There used to be a criterion that they had to get approval from the principal. We changed some of that to make it easier for the clerks to get kids involved in the process, and allow them to work in the polls.

**Co-Chairwoman Koivisto:**

We'll close the hearing on A.B. 89 and open the hearing on A.B. 136.

**Assembly Bill 136: Requires Secretary of State to provide to or reimburse counties and cities for computer programs and certain supplies required for conducting elections. (BDR 24-418)**

**Alan Glover, Clerk-Recorder, Carson City, Nevada; and, Past President, Nevada Association of County Clerks:**

*Nevada Revised Statutes* (NRS) 293B.210 and *Nevada Administrative Code* (NAC) 293.200 provides that the Secretary of State shall provide to or reimburse each county for all cards used in each primary or general election ([Exhibit E](#)). Any reimbursement must be paid from the reserve for the statutory contingency account upon the recommendation by the Secretary of State and approval of the State Board of Examiners.

[Alan Glover, continued.] This was interpreted in 2004 as the absentee ballot stock. Before punch cards were decertified, counties were reimbursed for punch card ballot stock. As an example, in the 2002 general election Carson City was reimbursed for 24,000 punch cards. For the 2004 election we were reimbursed for 2,500 absentee cards. Because the election landscape has changed so dramatically, the clerks are asking to be reimbursed for the absentee/mail-in ballot stock, the paper rolls, and the uptake sleeves that go with them that are required to enable a manual audit of the votes recorded. Another expense that was unanticipated was the ballot receipts.

These were not unanticipated by Clark County, because they have used them. But punch card counties did not anticipate having to print this type of receipt. In the past, when we ordered our punch card ballots, the receipt was part of it, so we didn't realize that we'd have to do that. Punch card and optical scan ballots now have to be printed separately.

The most important thing we're asking for is the reimbursement of the cost of programming the elections. When the elections were conducted by punch card or optical scan ballot, the counties could program the elections themselves ([Exhibit E](#)). We have the MS-DOS [Microsoft Disk Operating System] program in Carson City, and my deputy and I would program that election. I know Mrs. [Barbara] Reed [Clerk-Treasurer, Douglas County] would do the same in her county.

This is no longer an option for 15 of the 17 counties. There were not enough Help America Vote Act (HAVA) funds to buy the software for us, so Sequoia Voting Systems, Inc. does the programming, including the audio portion of the cost, for which they charge \$200 per precinct per election. This is a cost that the counties did not ask for, and is the proverbial "unfunded mandate."

The clerks feel squeezed. There are more and more mandates put on the counties for the conduct of elections, yet the cost of putting on the elections still falls to local government. In 2002, in the general election in Carson City there were 17 ballot positions for federal office, 20 for state office, and 8 local. There were 16 state questions, and 4 local questions. So there were 12 ballot positions for local government, and 53 for federal and state. Yet the federal government pays nothing for an election, and the state only pays for the ballot stock. The majority of ballot positions remain those other than the local government.

[Alan Glover, continued.] In conclusion, we are asking you sincerely to be reimbursed for at least the cost of the unfunded mandates that fell upon us with these changes because of HAVA.

The rolls of paper are \$2.50 each, the plastic uptake sleeves cost \$1, and you can only buy them from the company that's our vendor. For receipts, we didn't do anything this fancy, but these were ones that Sequoia, Inc. provided for us as a sample.

**Assemblyman McCleary:**

Are you asking to be reimbursed for expenses from the last election or is this for future elections? [Mr. Glover responded in the negative.]

**Assemblyman Denis:**

I didn't see it in here ([Exhibit E](#)). In your case what's the amount that we're talking about?

**Alan Glover:**

We have not seen the fiscal note. We provided the Secretary of State's Office with the information, but I don't know if it's finished or not. In my estimate when I did it for Carson City, I figured we have 28 precincts at \$200 each, we order 200 of each of these [held up a paper roll and plastic uptake sleeve.] For us, being a relatively small county it's not terribly expensive. Clark and Washoe Counties are where your big bucks are at. If this bill were to advance, those of you who are on the Assembly Committee on Ways and Means might, hopefully, see this again.

**Assemblywoman Giunchigliani:**

I understand the cost. We'll also have some legislation regarding the equipment that was purchased. In past practice, whose responsibility has it been to provide these types of materials?

**Alan Glover:**

For the paper stock, when this was a punch card ballot, just the stock was the State's responsibility. Of course that's the minor part of it. It's all the printing that really cost the money. Traditionally, it has always fallen upon local governments to pay the cost of an election. By statute we may charge other government entities for their portion, such as school districts and we've tried to grapple with that over the years, and maybe get a formula. It's done differently in every county. Some of us don't even do it because it's not worth trying to figure out what the school district's cost is for having three school board candidates.

**Assemblywoman Giunchigliani:**

That's an interesting point. So you charged, in the past, various groups that run for election.

**Alan Glover:**

General Improvement Districts (GIDs) are charged for their costs to run.

**Assemblywoman Giunchigliani:**

GIDs, I might understand.

**Alan Glover:**

I would make the argument that, under statute, we might be able to bill the State of Nevada.

**Assemblywoman Giunchigliani:**

Don't open up that door.

**Alan Glover:**

These are new things that we have never had to pay for before, and are going to hit our budget. The Secretary of State's Office, through HAVA funds, is paying for the 2004 and 2006 elections programming. The programming costs are going to come after that.

**Assemblywoman Giunchigliani:**

So the unfunded mandate is really the federal requirements that changed, and that's part of the dilemma that we were dealing with last time.

**Alan Glover:**

Bottom line, the language in the statute now is not correct. It doesn't fit in since we've abolished punch cards. Some tweaking of that language would be nice, to see what you're willing to reimburse us for.

**Assemblywoman Giunchigliani:**

So the punch cards are gone, so what do they use, what do you send out?

**Alan Glover:**

Optical scan.

**Barbara Reed, Clerk-Treasurer, Douglas County, Nevada:**

I wanted to give you a comparison between punch cards and the optical scan. In 2002 all of the punch cards in Douglas County, for the complete county, cost

a little over \$4,200. For the optical scan ballots, which were just used for absentee voting in the 2004 election, the cost was \$8,700; and that was just for the absentee. The paper printer rolls are \$2.65 a piece; we estimated that we use about 160 for each election, but that will depend on the number of candidates we have on the ballots. One of my big concerns and questions on the programming is with the new touch screen machines. My goal was to go into the high schools and conduct their student body elections as part of the outreach for training. I cannot do that because of the cost of the programming. It's \$200 a precinct.

[Barbara Reed, continued.] I talked to Sequoia Voting Systems, Inc., when we purchased this, and asked what the charge would be to the county. In Douglas County we looked at purchasing the software that would enable us to do the programming ourselves. However, the initial cost is very significant, and the ongoing maintenance costs really prohibit the smaller counties from being able to purchase that software. I believe Clark and Washoe Counties both have the software, but they do a lot of city elections; we don't have cities in Douglas County. When we talk about reimbursing the counties for programming, will that be for all elections, and would that include the ability for the counties to go into the school districts and do the student body elections, if we chose to?

The Secretary of State's Office, through HAVA, has paid for the 2004 election, and will pay for the majority of the costs in 2006. However, we have a service and support fee from our vendor, and there's not really a definition of what these fees are, but the minimum cost is \$125 per hour, and it goes up to \$275 an hour, which will come back to the counties. So this is a great concern, as Alan Glover said. The costs have significantly increased in elections, and we've only hit the tip of the iceberg here.

**Larry Lomax, Registrar of Voters, Elections Department, Clark County, Nevada:**

Over the last several years there have been a lot of improvements to our ability to conduct elections, driven by the Secretary of State, such as the new touch screen machines with the printer, and moving away from punch cards to optical scan. Although we support those improvements and the voters appreciate it, they were also unfunded mandates, and there's a significant cost to that.

I want you to get a feel for the cost the county is bearing as a result of this. When we used punch cards for our absentee ballots in the general election, it cost us a little under \$7,000 in 2002. In 2004, just the ballot stock cost went up to almost \$50,000 because of the hugely increased size of the ballot. The printing went up \$200,000 because when you print and cut optical scan

ballots, the tolerances are 15/1000 of an inch. Everything has to be perfect and it's very expensive when you're doing all these ballot styles. So our increase in cost from one election switching to optical scan ballots in the 2004 general election was almost \$250,000 which the county bore the brunt of. We did get reimbursed for ballot stock, which was about \$47,000.

[Larry Lomax, continued.] We only had 740 machines configured with the voter-verifiable printer in the last election. Assuming the legislators can find the \$15 million we need for our new voting machines, we can go to 100 percent touch screen and have a paper trail. That cost is going to increase to \$30,000. Right now the counties are bearing these new costs. It's difficult, it makes for better elections, but it costs a lot of money. I don't think people understand how expensive these mandated improvements are to us. So Clark County supports this.

We responded to the fiscal note in the manner in which the bill is written. We interpreted it to say \$200 a precinct. For Clark County that's over \$200,000 every election. We do our own programming and we have ever since we've had electronic voting, so I don't think that would be a fair way to reimburse Clark County. But what Clark County does have to bear is a licensing cost for the software we have, which is about \$30,000 a year. That would be a much more realistic way of looking at Clark County and Washoe County, as opposed to the \$200 per precinct methodology. We support the bill because we believe the counties shouldn't have to bear the brunt of all these improvements that are actually mandated to us at the state and federal level.

**Assemblyman Conklin:**

The growth in voter turn out in 2002 versus 2004 was significant, was it not?

**Larry Lomax:**

Absolutely, it went from 57 percent to 80 percent.

**Assemblyman Conklin:**

So that's approximately a 40 percent increase in the number of voters that turned out.

**Larry Lomax:**

The number of registered voters had also increased significantly in those elections.

**Assemblyman Conklin:**

While there's an increased cost to Clark County for these printed materials, there's an increased cost anyway, because you're doing so much more election over election, for two reasons: it's an "on" year for the presidential election, and we have so much growth.

**Larry Lomax:**

Yes, and no. In 2002, we sent out 60,000 absentee ballots. In 2004, we sent out 70,000. There wasn't that big of growth in the absentee part of the election. There was huge growth in early voting and Election Day voting for people voting in person.

**Assemblyman Conklin:**

You have \$250,000 to \$500,000. You're attributing it to a change in the process. I'm trying to tell you there is some cost to the change in process, but it's not all the change in process. There's a sheer growth factor because of the nature of Clark County.

**Larry Lomax:**

No question, there is a growth factor, but it doesn't even begin to cover the increase in cost between punch cards and optical scan.

**Danny Coyle, Private Citizen, Carson City, Nevada:**

I was called by Terry Mackintosh [Carson City Democratic Central Committee] who asked me to come down and support the bill. She said the Washoe County clerk and taxpayers were severely impacted by the costs that were incurred in the last election. Maybe somebody would be here from Washoe County if this is true. I am personally against unfunded mandates.

**Anita Hara, Private Citizen, Washoe County, Nevada:**

I'm here to represent Washoe County in a small way. We've been working with Dan Burk [Registrar of Voters, Washoe County] in terms of what we can do to improve the election process. In a recent discussion with him we found out that he was over budget by \$425,000. According to him, that was the first time he ever ended up over budget, and he's been in the business for quite a few years. I am here to urge you to support this bill. It will answer some of the issues that have been raised for counties, in terms of their budgets by the new HAVA laws, and the new technology that they are mandated to use.

**Co-Chairwoman Koivisto:**

It appears that the conundrum is: who's going to pay?



**Assemblyman Denis:**

Since we have somebody here from the Secretary of State's Office, can we have her talk about the costs?

**Renee Parker, Chief Deputy, Office of the Secretary of State, State of Nevada:**

For the record, we don't have a problem with this bill. We're neutral if the state is willing to pick up the costs. There have been additional costs with the new voting machines. We already pick up some of the costs. I don't know how this happened, because the ballot stock cost this time that we paid, and the reimbursement that the counties requested, were \$117,000. We had \$227,000 in our budget to reimburse the counties, because last time with the punch cards they came to about \$227,000. I think the difference is going to the new voting systems; you don't have ballot stock cost.

So some of the counties that had punch cards for Election Day are switching to optical scan for absentee and the new voting systems where there's no ballot stock cost. The stock cost overall has decreased by about \$100,000 going from punch cards to absentee optical scan; however, there are costs associated with the machines. We put in a fiscal note, we polled all the counties. I wasn't able to get good information on city elections that are held in the odd numbered years, but there are probably only about five of them. I don't think that would substantially change the fiscal note. It came out to about \$1.4 million over each biennium.

In this contract with Sequoia, Inc. we have already paid for costs, other than the ballot stock cost which we didn't know at the time. We paid for all of the programming. Washoe County programs their own, like Mr. Lomax does, and has the \$30,000 license fee. The other counties have \$3,000 and \$5,000 license fees depending on their size. They have the \$200 per precinct fees. If you take all that together, including Mr. Lomax's numbers, it comes out to about \$1.4 million. Clark County is already paying for their license fees, and they already paid for the program. So that wasn't included.

**Co-Chairwoman Koivisto:**

It's only Clark County that was not included in those numbers?

**Renee Parker:**

Clark County is included in the \$1.4 million. We didn't pay for Larry Lomax's license fees with this contract. The contract for the new voting systems covered all the license fees for the new systems, and Larry Lomax already had them. That \$30,000 wasn't included in the 2006 cost. If you pass this bill, the 2006 cost will have to include Larry Lomax's \$30,000 license fee, on top of

what we already budgeted. So we'll need another \$30,000 for 2006, because we've budgeted all the other costs. Our budget for 2006 includes \$116,000 for the ballot stock costs that came in this time. The computer programming costs will end up in future biennia going forward, at about \$1.4 million.

**Assemblywoman Gansert:**

In the past you budgeted a total of \$200,000? Or were there other amounts that were budgeted, and you only used \$116,000? So the difference would be close to \$1.2 million, in the budget.

**Renee Parker:**

In the past, every legislative session we'd come in with our budget. The clerks give us all of the information for their ballot stock in January. So we always come in and amend our budget based on what that last election was. Last election cycle it was \$227,000 for all the ballot stock costs that we reimbursed the counties for. That was carried into our budget. But this time it was only \$116,000. We're going to revert about \$100,000 there.

**Assemblywoman Gansert:**

So the difference in the budget would have been about \$1.2 million, although the actual costs are different than that.

**Assemblyman Denis:**

You mentioned an amount for programming charges. Did I hear earlier in testimony that some of the counties, or cities, are doing their own programming? What does it cost? Carson City said they had to have that done at \$200 per precinct. Is there a way we can eliminate that, by having them do their own programming?

**Renee Parker:**

We could, if they wanted to do that. The programming is pretty complicated and adds some additional problems for some of the clerks. When we did the contract we got with the clerks and asked if they wanted us to purchase the software for programming. I have that cost because we did it for Washoe County.

Washoe County and Clark County currently have that software, and they have a \$30,000 licensing fee each year for that programming. They don't have the \$200 per precinct fee. The other counties have an approximately \$3,000 to \$5,000 license fee, and they have the \$200 fee per precinct, which we also negotiated in the contract. They can only increase it by a certain percentage through 2008, so we could control those costs.

[Renee Parker, continued.] To purchase the programming software, for Washoe County it was \$150,000. It adds other variables for the counties if they're able to program. It's a pretty complicated process and they may need more staff. Barbara Reed or Alan Glover could probably tell you more about that, because they looked at it when they determined to go with the Sequoia programming instead.

**Assemblyman Denis:**

Is that a one-time fee or is that the support?

**Renee Parker:**

There is a one-time fee and an on-going \$30,000 license fee.

**Assemblyman Denis:**

So that would be \$30,000 per year?

**Renee Parker:**

Yes. The annual license fee per county.

**Assemblyman Denis:**

So in the smaller ones it wouldn't make sense to do that.

**Renee Parker:**

No. There are other costs associated with the election. Mr. Lomax or Alan Glover mentioned some of the printing costs. The publication costs were doubled this time. We reimbursed the counties for publication of all the ballot questions, because we had twice as many ballot questions as we've ever had. The State reimbursed the counties \$472,000 out of the Contingency Fund, for this election cycle. That's pending before the State Board of Examiners. It was only approximately \$180,000 or \$200,000 last election. So those costs are also increasing with the size of the ballot.

**Assemblywoman Giunchigliani:**

The money discussion, if this bill moves forward, would be in the Assembly Committee on Ways and Means. I notice it's not concurrently referred. If we decide as a Committee to move S.B. 501 forward along with the computer purchases, then we have both bills to consider at the same time.

**Co-Chairwoman Koivisto:**

We're adjourned [at 5:14 p.m.].

RESPECTFULLY SUBMITTED:

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Celeste Gunther  
Committee Attaché

APPROVED BY:

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Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>			
<b>Committee Name: <u>Elections, Procedures, Ethics, and Constitutional Amendments</u></b>			
<b>Date: <u>March 8, 2005</u></b>		<b>Time of Meeting: <u>3:47 p.m.</u></b>	
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
***	A	*****	Agenda
<u>A.B.</u> <u>54</u>	B	Assemblywoman Sheila Leslie	LCB memo: Independent Oversight of Juvenile Justice System and Creation of the Nevada Commission on Ethics AW/jh:W52402
<u>A.B.</u> <u>89</u>	C	Karen Storms, City Clerk, City of North Las Vegas	Copy of testimony
<u>A.B.</u> <u>89</u>	D	Barbara Jo Ronemus, City Clerk, City of Las Vegas	Copy of testimony
<u>A.B.</u> <u>136</u>	E	Alan Glover, Carson City Clerk-Recorder	Copy of testimony