

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

**Seventy-Third Session
May 19, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 4:04 p.m., on Thursday, May 19, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, 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:

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

COMMITTEE MEMBERS ABSENT:

Mr. Bob Seale (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Kelvin D. Atkinson, Assembly District No. 17,
Clark County

STAFF MEMBERS PRESENT:

Kim Guinasso, Principal Deputy Legislative Counsel
Michelle Van Geel, Committee Policy Analyst

Sarah Gibson, Committee Attaché

OTHERS PRESENT:

Alan Glover, Clerk-Recorder, City of Carson City, Nevada
Renee Parker, Chief Deputy, Office of the Secretary of State, State
of Nevada

Co-Chairwoman Koivisto:

[Meeting called to order. Roll called.] We are not going to do anything with A.B. 543 until next week; it is exempt. We are going to begin our work session.

Michelle Van Geel, Committee Policy Analyst:

We are going to begin with A.B. 498, which is on page 9 of your Work Session Document ([Exhibit B](#)).

Assembly Bill 498: Extends date for expiration of Legislative Committee for Local Government Taxes and Finance. (BDR S-421)

Michelle Van Geel:

A.B. 498 was presented to the Committee on April 28, 2005, by Assemblyman Parks. The measure would extend the expiration date for the Legislative Committee for Local Government Taxes and Finance to 2011. Testimony indicated most of the duties of this interim committee have been completed. A.B. 489 requires an interim study concerning the taxation of real property in the State of Nevada in addition to numerous other tax issues. It has been proposed that we amend this bill to remove the study. We won't specifically remove the study from A.B. 489, but just clarify that the study required in that bill would be conducted by the Committee for Local Government Taxes and Finance.

Kim Guinasso, Principal Deputy Legislative Counsel:

The only clarification I would make is that we really need to keep the study in A.B. 489, but we could certainly amend A.B. 489 into A.B. 498 to clarify that the study that is already provided for in A.B. 489 be conducted by the Legislative Committee for Local Government Taxes and Finance.

Assemblywoman McClain:

I would like to offer an amendment also to include the provisions from A.B. 306, which is an interim study on local government consolidation in urban areas. I want to include that as part of what they need to be doing.

Kim Guinasso:

I am not familiar with the exact provisions of A.B. 306, but I do believe that it relates to similar issues that the Committee on Local Government Taxes and Finance concerns itself with. It would be possible for us to require that committee to conduct a study as is indicated in Section 1 of the bill. For example:

- Determine appropriate procedures for the consolidation of local government entities and the governmental structure of the consolidated entity
- Examine and evaluate the financial impacts related to consolidation, including applicable tax rates, revenue and bonded indebtedness.

These are the types of issues that the Committee on Local Government Taxes and Finance undertakes commonly, so it would certainly be permissible to amend the provisions of A.B. 306 into A.B. 498.

ASSEMBLYWOMAN McCLAIN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 498.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani and Assemblyman Seale were not present for the vote.)

Michelle Van Geel:

The next measure we will consider is S.B. 346, which is on page 5 of the Work Session Document ([Exhibit C](#)).

Senate Bill 346: Revises provisions relating to Legislators' Retirement System. (BDR 17-970).

Michelle Van Geel, Committee Policy Analyst:

It was brought by Senator Lee and heard in Committee on May 10. It provides that a legislator may, within 30 days after he is elected or appointed, choose not to participate as a member of the Legislators' Retirement System by notifying, in writing, the Public Employees' Retirement Board and the Director of the Legislative Counsel Bureau. A sitting legislator may also terminate, in the same manner, his participation as a member of the System. Finally, the bill provides that a legislator who terminates his participation as a member of the Legislators' Retirement System is not eligible thereafter to participate as a member of the system. No formal amendments were offered on this measure.

Co-Chairwoman Koivisto:

When we heard this bill in Committee there was no opposition and very little discussion.

Assemblyman Conklin:

There are some folks in this Body who are members of the PERS [Public Employees' Retirement System]. They have a right to get out of this and move on. There are others who maybe will be here for 24 years or beyond who will have an opportunity to stack a lot of retirement in spite of the fact that this particular retirement fund earns zero interest. Then there is the majority of us who are stocking away well over \$1,000 of the \$7,000 that we get for being here into a retirement fund that we will never see. I have 401(k)s and IRAs that I would love to put my money into that could work for me over time. I think that is what this bill does. It is entirely voluntary. It allows folks who have other vehicles to take their money and put it in for retirement. I am going to support this bill and I would urge my colleagues to do the same.

Co-Chairwoman Koivisto:

In order to draw retirement from the Legislators' Retirement System, you have to serve for 10 years.

Assemblyman Conklin:

There was another issue that came up after the fact. Last time we heard a resolution to urge Congress to change the Social Security law because once you have paid into this system for more than 10 years, it affects your Social Security draw. For those of you who plan on being here for only 10, 11, or 12 years, this also has an impact, which is another reason I would like to remove myself from it. Not that I plan to retire on Social Security, but I certainly plan to use it as a vehicle and maybe take this money to earn interest for me over a period of time. Do you recall anything on that?

Assemblywoman McClain:

That is basically true. I don't know about the amount of time that you have to be in the Public Employees' system, but I know that if you have much of a career in the public sector, you get hit really badly with Social Security. You will never get about half of it. I think there are efforts in Congress to try and undo that.

ASSEMBLYMAN CONKLIN MOVED TO DO PASS
SENATE BILL 346.

ASSEMBLYMAN SIBLEY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani and Assemblyman Seale were not present for the vote.)

Michelle Van Geel:

The next measure we will consider is S.B. 477 on page 8 of your Work Session Document ([Exhibit D](#)).

Senate Bill 477 (1st Reprint): Makes various changes relating to Legislature and Legislative Counsel Bureau. (BDR 17-371)

Michelle Van Geel, Committee Policy Analyst:

S.B. 477 was presented to the Committee by Lorne Malkiewich, the Director of the Legislative Counsel Bureau (LCB) May 10. It provides that the Director of the LCB, rather than the Legislative Commission, may set prices for various publications and services. The measure revises procedures for the appointment of committees for the fundamental review of base budgets and deletes the authority of the Commission to fix the compensation of the Director of the Legislative Counsel Bureau and various Division Chiefs.

The measure also allows the Interim Finance Committee to perform the same duties during a special session that they are allowed to perform during a regular session. The bill exempts projects undertaken by the Legislature or the Legislative Counsel Bureau from the procedural requirements for public works, but does not exempt such projects from the requirement to pay prevailing wages. The measure shifts, from February 1 to July 1 in each even-numbered year, the dates for the appointment of the members of the Economic Forum.

Finally, the bill repeals provisions concerning the two-week adjournment of the Legislature during the legislative session.

[Michelle Van Geel, continued.] As the Committee will remember, there was a lot of concern raised over the public works section in the bill. Mr. Malkiewicz has recommended removing Section 9 from the bill in order to remove those provisions.

Co-Chairwoman Koivisto:

This is the cleanup bill.

ASSEMBLYMAN CONKLIN MOVED TO AMEND AND DO PASS
SENATE BILL 477.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani and Assemblyman Seale were not present for the vote.)

Michelle Van Geel:

The next measure we will consider is Senate Bill 329 on page 4 of your Work Session Document ([Exhibit E](#)).

Senate Bill 329 (1st Reprint): Provides for option of voting “no preference” for ballot question or office.

Michelle Van Geel, Committee Policy Analyst:

It was presented by Senator Beers on May 5. The measure would require that a ballot provide the option of voting “no preference” for all offices and ballot questions. The measure removes the option of voting “none of these candidates.” Finally, S.B. 329 requires that votes for “no preference” be tallied and recorded. No formal amendments were offered for this bill.

Assemblywoman McClain:

They don’t put “none of the above” on every race. Did we get any opposition from the clerks or the registrars about having to redesign their whole ballot?

Alan Glover, Clerk-Recorder, City of Carson City, Nevada:

The Clerks' Association purposely stayed out of this. It is a policy decision; however, there is a concern in Clark County. Mr. [Larry] Lomax [Clark County Registrar] does the ballot questions in English and Spanish. When you do this, there is a very strong possibility that it could double his printing cost down there. If you add this to all the races, he will have to print two sets instead of one. There would be one English and one Spanish down there. We will do whatever you want it, but that is the concern.

Assemblyman Sibley:

I don't understand how adding one single answer makes that much difference. It is like adding an Independent American candidate to the ballot. It's not going to double the price of printing.

Alan Glover:

There are so many candidates and offices. This includes ballot questions also. When you are doing pages one after the other, you are literally adding dozens, if not hundreds, of lines. He cannot get all of them on one sheet. Mr. Lomax is testifying in the Senate right now; you may want to query him a little more on that. It is his concern. It adds to printing cost every time you add a candidate. Adding one additional line to every office can make for a very lengthy ballot.

Assemblyman Sibley:

I have a printing background. That is why I am a little concerned with how we double the cost by adding a line. The last time I voted, there were 40 or 50 things that I voted on. That would be 50 additional lines and not doubling the cost of the printing.

Alan Glover:

I am not saying that it will double, but it increases. As you know, it adds more pages every time. If you had 50 candidates file for an office, it increases the cost of printing sample ballots and so forth.

Assemblyman Sibley:

On the sample ballots they can almost put a note at the top that on all of these they could vote none of the above.

Alan Glover:

It has to look exactly like the ballot does; that is a requirement. You must show every candidate and every voting space. That is a legal requirement, so you must show "no preference" as an option.

Assemblyman Sibley:

The reason I like this bill is because when you go through school you are always taught that you don't leave a blank spot on your Scantron form, so when I vote, I feel that I have to fill something in. I would like to have the ability to do so, otherwise I feel like I am getting short changed. If you don't want to vote for someone, it is nice to be able to mark "none of the above."

Assemblyman Conklin:

Last year we took testimony on similar printing issues. Part of the cost is not the printing, it is the paper. If you have 8 pages and you add another page, you are buying 4 more pages. You are not buying 1 more page, because to add that next page you have to add a whole piece of paper, which is double-sided with two pages on each side. I think part of the concern for Mr. Lomax is that it could significantly increase. It may not, but it could, depending on how the pages fall and in what particular election year.

Assemblywoman Gansert:

If I remember the testimony correctly, I think the reason this came to light is because with the electronic machines you are forced to make a choice. It was very confusing, because you could not actually exit out and confirm your ballot until you made a choice. It wasn't like the old days when you had the paper ballot. If you didn't want to vote for somebody, you could just leave it blank. The electronic voting machines force you to make a choice, and it was confusing to a lot of people.

I think that is why this came up. To me, it's just like adding another candidate. I know there is extra paper, but you never know how many candidates you are going to have anyway. You may have 50 at one time or 2. I think it is probably worth the additional expense to make sure that we don't confuse the voters and we give them that type of choice.

Assemblywoman McClain:

I don't think that is correct. Of course you can get out of the screen. How else would you have the drop off when you get down to the Assembly seats and judges?

Co-Chairwoman Koivisto:

I believe you can get out. When you try to submit your ballot, there is a screen that comes up saying that you didn't vote on whatever, do you want to vote? If you click no, you are out.

Assemblywoman Gansert:

I just remember people coming and saying that they were confused because they felt like they had to vote. Maybe it's the way that it is worded. They didn't understand that they could actually exit at that point. The individuals that I heard felt that they were forced to vote on every issue even if they weren't sure. I think it has more to do with the questions than the candidates. People can understand candidates, but sometimes those questions are lengthy and confusing.

Assemblyman Conklin:

I am just wondering if it would be easier on the clerks to put a sign at the top of each voting booth that says you don't have to vote. It only asks you to vote when you get to the very end. If you have missed something, it asks you if you intentionally didn't vote, or if you forgot to vote on a particular measure. You have the option not to vote. Maybe they just need a sign so they know that question is coming at the end. Then you save on the printing cost and still accomplish the same goal.

Co-Chairwoman Koivisto:

That could also be included as a back page on the sample ballot.

Assemblyman Denis:

I think some people are still trying to get used to the technology. They would have a hard time even if you told them.

Assemblyman McCleary:

Let's suppose we do process this and every office has a "no preference." What if someone still doesn't pick something? What happens at the end? The same confusion?

ASSEMBLYWOMAN ANGLE MOVED TO DO PASS
SENATE BILL 329.

ASSEMBLYWOMAN GANSERT SECONDED THE MOTION.

Assemblywoman McClain:

I just think this bill is overkill. If we already had "none of these candidates" on every candidate on the ballot now, changing it to "no preference" makes sense. To add this to every question and candidate on every ballot is redundant and a waste of time.

Assemblywoman Gansert:

I think it is just confusing to individuals who may not be technically savvy. When the screen pops up, the people I talked to didn't know how to get out of it. That is really the reason—just so everybody can vote and feel okay about it.

Assemblywoman Angle:

I am trying to remember my voting experience. I didn't vote in one of the lines that I had a choice to vote on. It seems to me that when I didn't choose it, I couldn't go on to the next screen, it answered back in red that I needed to make a choice. I kept saying that I just wanted to go on. I think it did it to me twice before I could move on. To me, that was confusing. Maybe it was just the machine that I got. I would like to have this provision. It is very clear to me what my choices are.

Assemblyman Denis:

I think my concern is still the cost of the printing. I can see where this would be helpful, especially on the computer, but I am concerned that we are going to increase costs on the ballot. I don't have a feel for what that really means. It probably won't be double, but how much more?

[Co-Chairwoman Koivisto called for a roll-call vote.]

THE MOTION CARRIED, WITH ASSEMBLYMAN CONKLIN, ASSEMBLYMAN DENIS, ASSEMBLYWOMAN KOIVISTO, AND ASSEMBLYWOMAN McCLAIN VOTING NO. (Assemblyman Seale was not present for the vote.)

Michelle Van Geel:

The next bill we will consider is S.B. 252, which is on page 3 of your Work Session Document ([Exhibit F](#)).

Senate Bill 252 (1st Reprint): Revises date for primary city and general city election in cities in certain larger counties. (BDR 24-971)

Michelle Van Geel, Committee Policy Analyst:

There was an amendment distributed from Assemblyman Atkinson ([Exhibit G](#)). Senate Bill 252 was presented by Senator Beers on May 5. It would require the general law city of Mesquite to adopt an ordinance setting city elections in even-numbered years to coincide with statewide primary and general elections.

The measure also would require the charter cities of Boulder City, Henderson, Las Vegas, and North Las Vegas to make this change in election dates. Representatives from the City of Las Vegas testified against this measure.

Co-Chairwoman Koivisto:

What was the effective date?

Michelle Van Geel:

January 1, 2006 is when they would have to have their ordinances adopted.

Assemblyman Kelvin D. Atkinson, Assembly District No. 17, Clark County:

We have a friendly amendment ([Exhibit G](#)) that we want to include in the bill. The bill deals with elections and some cities, moving their elections to the same cycle the rest of the state is on. A few of us had some discussions about making North Las Vegas council members run in their wards as opposed to at-large. That is really what this amendment addresses. I would appreciate your support on this.

Assemblywoman McClain:

I like this amendment and the bill.

ASSEMBLYWOMAN McCLAIN MOVED TO AMEND AND DO PASS
SENATE BILL 252 WITH THE AMENDMENT FROM
ASSEMBLYMAN ATKINSON.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

Assemblyman Conklin:

I support this bill. This is going to save municipal government millions of dollars, particularly in Clark County, but all across the state as well. We will get everybody on the same schedule. It's going to help the clerks; they are going to have one election cycle. We have talked about the amount of voter turnout. We are going to increase voter turnout in a lot of races that would otherwise have 6 or 7 percent in a primary. That is not very representative of the population.

Mr. Atkinson's amendment seeks to require that elected officials in any particular city are representative of a specific population. In my opinion, it doesn't allow one ward to dictate to all the others because they have a higher voter turnout, but allows each ward to select their own candidate. I am in favor of that. Any time you can have an elected official who represents a ward and is

also elected by that ward and not by every other ward, I think that is beneficial. It creates a greater responsibility by that elected official to the people they are supposed to be representing, instead of those who vote for them but whom they don't actually represent. I am in favor of both the bill and the amendment.

Assemblywoman Angle:

On the face of this, I like the amendment as well. However, I feel at a disadvantage because we didn't get to hear any of the testimony when this bill went through the committee it originally went through. I understand that we are getting a recycled one here. I feel a little bit uncomfortable because I come from the north, and I don't know the dynamics of the communities in the south. I guess that's my problem. I just feel uncomfortable voting on something that is going to affect a population that I am not that familiar with.

Assemblyman Sibley:

There was testimony in Government Affairs that there were districts in North Las Vegas that were 80 percent Hispanic and were represented by people who didn't live in the district. I support this amendment. I think that you should represent the district that you live in, so I think it's a good amendment.

Assemblyman Conklin:

Just for clarification, this was, in part, in another bill that we have already passed out of the Assembly. Is that correct?

Assemblyman Atkinson:

Yes, that is correct.

Assemblyman Conklin:

What bill number was that?

Assemblyman Atkinson:

Assembly Bill 197.

THE MOTION CARRIED. (Assemblywoman Giunchigliani and Assemblyman Seale were not present for the vote.)

Michelle Van Geel:

We will consider S.B. 125. It's on the first page after the cover in the Work Session Document ([Exhibit H](#)).

Senate Bill 125 (1st Reprint): Revises period of residency required to qualify as candidate for public office. (BDR 24-153)

Michelle Van Geel, Committee Policy Analyst:

Senate Bill 125 was heard in Committee on May 3. Senator Schneider presented the bill. The measure requires that a candidate for public office must reside in the district he wishes to represent for at least 6 months before the last day to file a declaration or acceptance of candidacy. There were no formal amendments offered on this bill.

Co-Chairwoman Koivisto:

To refresh the Committee's memory, we passed a bill out of this Committee with a 90-day residency requirement.

Assemblywoman Giunchigliani:

What is the status of Mr. McCleary's bill in the Senate?

Michelle Van Geel:

They amended Mr. McCleary's bill back up to 6 months. If you are appointed or filling a vacancy in an office, his bill would cover those situations; this bill is limited to candidates for office. They did process it at 6 months.

Assemblywoman Giunchigliani:

Six months is too high, I think. We should either put Mr. McCleary's back in and send it over, or not waste anybody's time.

Assemblyman Conklin:

I happen to agree with Ms. Giunchigliani on this issue. I felt like I compromised quite a bit on my colleague's bill, and I was happy to do so, but I have serious concerns. This Committee heard testimony from the ACLU [American Civil Liberties Union] regarding the Supreme Court decisions with respect to residency. The Supreme Court has ruled that you must have a technical justification for requiring residency beyond what is required to be a voter in a district.

The reason for that is, if you live somewhere and are eligible to vote, you should be eligible to run as well. Otherwise, you are excluding people from participating in the election process, unless there is some technical reason. For example, if you needed 6 months to do complete background checks as required by your law. That is just not necessary.

[Assemblyman Conklin, continued.] Some states have been struck down, some have 3 months to a year, but they only have it because it has not been challenged based on the premise of Supreme Court rulings. So long as it's not challenged, it's not an issue. The question is: do we really want to run that risk? The ACLU is very clear that this is a challengeable issue. I am of the opinion that it is up to the voter to decide if the 30 days or 90 days is long enough. I welcome a candidate to run against me who has only lived in my district 30 days. It is definitely going to be an issue.

Co-Chairwoman Koivisto:

I think the amendment would be to amend the provisions of Mr. McCleary's bill back into this bill.

Assemblyman McCleary:

If that is what you want to do, that's fine.

Assemblywoman McClain:

It has been my issue for 8 years now. I make the motion we amend the 90 days into it and pass it.

Co-Chairwoman Koivisto:

Let me point out that the Senate amended Mr. McCleary's bill to 6 months, and it only applies to appointments and vacancies that have to be filled. It doesn't apply to candidates. If we want to amend this bill, we have to amend it so that it covers vacancies and appointments as well, so that it would have the provisions that were in Mr. McCleary's bill originally.

ASSEMBLYWOMAN McCLAIN MOVED TO AMEND AND DO PASS
SENATE BILL 125 TO INCLUDE THE ORIGINAL 90-DAY
RESIDENCY PROVISION FOR VACANCIES, APPOINTMENTS, AND
CANDIDACY FOUND IN ASSEMBLY BILL 314 (1ST REPRINT).

ASSEMBLYMAN SIBLEY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani and
Assemblyman Seale were not present for the vote.)

Michelle Van Geel:

The next measure we will take up is Senate Bill 224, on page 2 of your Work Session Document ([Exhibit I](#)).

**Senate Bill 224 (1st Reprint): Revises provisions relating to elections.
(BDR 24-698)**

Michelle Van Geel, Committee Policy Analyst:

This bill was sponsored by Senator Townsend and was heard in Committee on May 3. The bill would require nonprofit corporations and political action committees to submit names, addresses, and telephone numbers of their officers to the Secretary of State before soliciting, receiving, or making contributions to affect the outcome of an election of ballot question. The measure also requires a person or a group that advocates the passage or defeat of a statewide initiative or referendum measure to submit their names, addresses, and telephone numbers to the Secretary of State before circulating an initiative or referendum petition, soliciting or receiving contributions, or making an expenditure. Senate Bill 224 would require this information be posted on the Secretary of State's website. Finally, the bill would require an initiative or referendum petition to include only one subject, which must be clearly expressed in the title of the petition.

Under Tab A is a lengthy amendment ([Exhibit J](#)) put together from various meetings with the Secretary of State's Office and Mr. Conklin. It would add language requiring ballot measure committees to report certain information similar to what PACs [political action committees] and ballot advisory groups do now. Another part of the amendment would require public hearings after a measure has qualified to be submitted. It would be coordinated through the Legislative Commission to hold public hearings to provide a forum for the public and expert testimony on those petitions. The amendment would also add language that had been processed by this Committee in A.B. 455 concerning gathering signatures at public buildings. A concern had been raised that the Committee may also wish to consider allowing the Secretary of State to grant a remedy to a person in cases when the Secretary of State finds that a person has been aggrieved by a public office or employee. Currently, the only way a person can get a remedy is if it is appealed to the court. If the Secretary of State's Office rules in favor of the person, there is no remedy provided.

The fourth part of the amendment is the single subject information that has been taken from A.B. 185, which this Committee has processed. The last couple of sections on page 8 of the amendment proposal would be to further define a person. This adds language to Chapter 295 in the *Nevada Revised Statutes*, which doesn't define person, but person is defined in Chapter 294A. This amendment would mirror that language in Chapter 295. Finally, it would further define a nonprofit corporation to add language to clarify that a nonprofit corporation in Section 1 would exclude Title VII nonprofit corporations.

Assemblywoman Giunchigliani:

I want to be very sure that we are not capturing other groups that have to file for referendums, initiatives, and petitions. Did we clarify? We are going to require each person or group of persons organized formally or informally who advocates the passage or defeat of a statewide initiative to register. I totally agree, but how far down that road are we going to go? I just want to make sure that we are not picking up everybody that ever volunteers for something.

Assemblyman Conklin:

It does not. Maybe we can have Ms. Parker come forward. I understand that was a concern for some members on the Committee, and I want some clarification myself. It was my understanding that this is currently being interpreted as the group or individual championing, not everyone who is underneath them collecting signatures.

Assemblywoman Giunchigliani:

Specifically, numbers 3, 4, and 5, on page 2 of the bill that gave me some questions.

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

We tried to address this issue on page 8 with the definition of a "person." This pulls the definition that is currently in Chapter 294A because there isn't a definition in Chapter 295 for "person." At the bottom of that definition, it says that it should be amended so that it clear that an individual acting on behalf of an organization does not have to file as an individual. The intent was to address some of the questions from the Committee when this was first brought forward at hearing to exclude those situations where it was just the signature gatherers underneath the organization. They do not have to individually file. That was the purpose of the definition of person. It is a concept clarification so Legal could get it right, because I think none of us knew exactly what that appropriate wording should be.

Assemblyman Conklin:

There is a movement across the country to give some transparency and openness to initiatives. There are aggressive companies and PACs out there who use the initiative process to circumvent the legislative and executive process, and they do it without openness to the public about what they are really trying to do. The amendments are not designed to limit the initiative process. They are designed to allow the public to see who, in fact, is behind the initiative, as opposed to the front of the initiative.

[Assemblyman Conklin, continued.] The last election is a classic example of the types of initiatives that come out, and yet nobody is aware who is behind them or funding them. The pieces that you see were brought forth by the National Conference of State Legislatures. They have spent a good bit of time studying the process and trying to streamline it and make it more transparent to the public. This is sort of a conglomerate of what they have recommended across the country to help the process along. I only offer that up because not everybody has been involved in the process here.

Co-Chairwoman Koivisto:

As candidates, we file several reports, as it should be, because we are coming up here to make and change laws. Groups who are putting questions on the ballot are also trying to make and change laws. That being the case, they should also file those reports so we know who is supporting them and where their funding is coming from.

Assemblywoman Giunchigliani:

I totally agree with that because it has gotten out of hand. We don't know what revenue and financial streams are there. On page 2, it says, "Each person or group of persons organized formally or informally who advocates the passage or defeat of a statewide initiative or referendum shall appoint and keep within this State a resident agent who must be a natural person who resides in this State." Then it says, "each person or group, organized formally or informally, who advocate the passage or defeat shall..." "Person" or "group of persons" would be defined as a natural person, business or social organization, nongovernmental agency, or a governmental agency. That would not capture volunteers that would be participating in the signature gathering.

Renee Parker:

You are looking at the definition of "person." The intent of the next paragraph is to come up with some language that clarifies that, for these purposes, you are correct. Those volunteers are not being captured. This is the language that is in the statutes right now for ballot advocacy groups. The intent here is not to capture people that are already PACs or ballot advocacy groups. This is to close that hole. The problem we have had has been with the ballot advocacy groups. In that statute it says, "...a question on the ballot." The reporting is so late in August that they start circulating these initiatives the August and September preceding the year of the election. They don't report. They come to us and say that they don't have to because they are not on the ballot. They don't know if they are on the ballot until they qualify. Nobody gets any information; there is no disclosure on their funding.

[Renee Parker, continued.] We are not trying to duplicate that. We are just trying to capture them as well. It was suggested that this say, "...circulating an initiative or referendum or a question on the ballot." Then we can repeal the BAG [ballot advocacy groups] statute, because they currently don't register. This would require them to register. Currently PACs register. The problem with that is the statutes are so confusing. The way they get out of registering as a PAC is, as a PAC, you are supposed to register if you are advocating passage or defeat of a ballot question. The problem is that you are only a PAC by definition if you solicit contributions. You get organizations that say they are not soliciting. They are just taking money from members and have money in the bank. They say they don't have to report or register.

Further, the definition of a PAC excludes several different types of entities, such as those organized under Title VII. They get around the two statutes that exist now. The intent of the bill was to ensure the disclosure that everybody expected. They are constantly finding loopholes to get around it. If they are organized under Title VII, all they have to do is give their annual list, which doesn't give campaign reporting.

I can work further with Legal if you process this with the concept that the intent here is just to capture those that were not being captured, not to capture the volunteers who are working on behalf of a group that is already organized.

Assemblywoman Giunchigliani:

I have a question about page 5 of the mockup regarding gathering signatures in public buildings. I like most of this language, but I don't want to give the inference that there can only be one area that can be designated. I think in some cases it should be plural because of the size of the facility. I would say "areas," if that is acceptable. That way it is not limiting. A good example would be a campus of a university. You might want three designated areas for some of them. I don't want to restrict, but that might help a little bit with the problems that we have had in the past.

Renee Parker:

They just had A.B. 455 up in the Senate before I came up here. This is the language from that bill, and they made substantial changes. They had some problems with this language. I do know what their concerns are, if you care.

Kim Guinasso, Principal Deputy Legislative Counsel:

Typically, throughout NRS the singular includes the plural. If we want to require them to designate more than one area, however, we need to flesh that out.

Assemblywoman Giunchigliani:

I forgot that. I would think that at least the size of the building could be an indication. I don't want to restrict people. People have to be able to take care of business in a public building. Sometimes when you have a large facility there could be two areas that they could designate. If there is some language that we could add to indicate that, it might be a good idea.

Kim Guinasso:

This does speak in terms of each public building. I think that might get at the concern. You said something about a university, if it's a large area, but this goes to each public building.

Assemblywoman Giunchigliani:

That might be an interesting argument because they designated UNLV [University of Nevada, Las Vegas] one site. They have 15 or 20 buildings. That could become cumbersome because of classes and that type of thing, but with a campus of that size there should have been more than one designated area.

Co-Chairwoman Koivisto:

My recollection is that it is an outside area at UNLV. We might need to indicate an area or areas as appropriate, or building or buildings as appropriate.

Assemblyman Conklin:

I wonder if it's possible to turn this language around and say, "If a public area is not completely open to the public, then you must post what areas are." What we are saying is that you must have an area. Maybe that is the wrong message. Maybe the right message is, if the entire location cannot be open, you must post, in a conspicuous place, what is open.

Assemblywoman Giunchigliani:

I understand what you are saying; sometimes that is a better way to go. I am just thinking how you would determine what is truly open to the public in a place like the Grant Sawyer Building. There are some offices that you have to make appointments to get into. How do we differentiate?

Co-Chairwoman Koivisto:

We are getting off-track. I think we are referring to public buildings and public entities. Public entities should all be open to the public.

Assemblywoman Gansert:

I was just wondering what the Senate did, because maybe they solved these issues for us and we could use what they have.

Assemblywoman Angle:

I am still concerned about this "informally." I can understand the formal when you have a group, but not an informal person. That is in S.B. 224 and in Mr. Conklin's amendment. An informal person, to me, is just someone who sets themselves up to advocate for something. They could then have to file. I am not very comfortable with that language. I can understand groups, but not just a person advocating for a position. I would like to take that language out altogether about the informal person.

Co-Chairwoman Koivisto:

I think we are trying to get at people who collect money and expend money. Whether they are wearing a ball gown or a pair of blue jeans, they are still collecting money and expending money. I think the public has a right to know where they are getting that money from and what they are spending it on.

Assemblywoman Angle:

I have no problem with the money situation, but the way I read this, that is not the caveat in this bill. It is not stated there that you are looking for people who are spending or collecting money. You are looking for people who are advocating. Advocating is a right that we have for any position. That is the thing that is really troublesome to me. We have singular people advocating and now they have to report.

Assemblyman Conklin:

If we were to change this so that, when we speak of "person" or "organized group," we speak of it in terms of organized cash, accepting or expending cash on behalf of whatever, would that be acceptable?

Assemblywoman Angle:

I think that would be more acceptable. I am still concerned about that singular person who is advocating for something. I would have to think on that, but I think the cash would help me a lot.

Assemblyman Conklin:

I understand that concern, but if we don't close that loophole we get one person who goes out and does it by himself and collects substantial money that he never has to report from big business enterprise. They may even pay him to do it, because we have created this loophole for one person to organize. I understand where you are coming from because I know you and Ms. [Janine] Hansen have initiatives. I think they are great.

[Assemblyman Conklin, continued.] Initiatives that come from the public with an interest have the very best of intentions and in no way do we want to restrict that. However, what we do want to stop are business interests, particularly from out of state, coming in, trying to tell us what to do, and spending enormous amounts of cash. Maybe we could find some common ground that makes you a little more comfortable.

Assemblywoman McClain:

Advocacy sounds like a nice word like altruism. Show me one advocacy project or proposal that does not take money. That is the point. That is what this bill does. It makes the flow of money apparent to the public so they know who is backing what and who is advocating for what.

Assemblywoman Angle:

The money isn't in the bill. I think that is where Assemblyman Conklin and I are going. We are trying to get the money in the bill.

Renee Parker:

I think you are headed in the right direction. It makes sense to put the money in the bill. I don't think that it harms it, as long as you don't do it like we did with the PACs. It needs to be an "or," because if you don't make it "or," these big money groups are just going to form the organization on their own, infiltrate their own money, and set it up so that they don't have to accept it from outside. Suddenly, they are not accepting or falling underneath this statute. They do find ways around it. We had a situation exactly like that last election. It was their own money. They set it up and put all of the money in from a big group in Washington, but they organized it in such a manner that they were not accepting any money, so they fell out of the PAC statute. I just want to be careful that we don't fall into that problem again.

Co-Chairwoman Koivisto:

Can you tell us what they have done?

Renee Parker:

In S.B. 386 that is coming up, there is an amendment that also amends this section of statute in a different way than what is proposed here. The amendment that is proposed in S.B. 386 is what the Senate took and amended further. They had issues with posting conspicuously. I think Senator Titus asked, "Where they are going to put the sign, the same place where they say 'no firearms'?" They have concerns about posting signs similar to the concerns raised by Assemblywoman Giunchigliani. For example, where are they going to

post, is it going to be posted in the designated area, and are they going to see the sign? How will they know where that is?

[Renee Parker, continued.] They didn't want to go with posting the sign at all. They agreed on a process similar to what we have now. If someone is aggrieved, they come to us and we issue a decision saying that a reasonable area was not designated. That is what the statute says now, too. You should be aware of that in your discussions. They have to designate a reasonable area.

A lot of the fights have been over where in the building it is going to be. The building wants to stick them way off to the side, but the petitioners want to get the people as they are entering and exiting the building. That led to a lot of problems last cycle. The Senate ultimately came up with some language that said they could appeal to us. If we determine that they didn't designate the reasonable area or that they inhibited them from petitioning or gathering signatures, we could order an extra day to gather signatures for each day that they lost, up to five days. Our decision could also be appealed to the judicial district court. The court still had the same power. They had some concerns as well. They liked granting extra days, but they didn't want it to be 30 days if they only lost two days, which is what happened last time.

They also had concerns about the Secretary of State's Office issuing the decision, because you are still capturing them at a time when they are gathering signatures. Last time, they had to go to court. By the time they got into court, it was at the end of the process and then jeopardized the ballot. That is where they compromised earlier. They didn't want to post anything or clarify other than to allow us to render a decision to give them extra days if they were aggrieved and then allow that to be appealed.

The other typo issue in here is that it makes our decision effective seven days after it is issued. I think there was a line that was not struck in subsection 4 in the draft that you have before you. I think the intent was for them to appeal to the court no later than seven days after we issue our decision, but it actually is written so that our decision doesn't become effective for seven days. We had phone calls on UNLV and some others. I had to intervene and called the counsels at the different locations. I pulled two all-nighters to get the decisions out because they were in the process of gathering signatures. This is something that is very important to deal with at the time they are aggrieved. It does involve a lot of first amendment issues.

Co-Chairwoman Koivisto:

My recollection of posting a sign was to avoid them having to waste time filing. The public places were to give a list to the county clerks so that when these folks did their filings for whatever, they could have a list of where they could go and petition. It seemed cleaner that way.

Assemblywoman McClain:

That makes perfect sense to have designated areas at every public building and have a list. They can give it to the registrar and when people go to file a petition they can be given a map. They can do their signature gathering in these places only, as far as public buildings are concerned.

Co-Chairwoman Koivisto:

Right, because if they go into the DMV building on Sahara Avenue in Las Vegas, and they are by the door, they are impeding traffic in and out. That creates a problem. If we do away with the signs, we should at least inform these public entities that they need to designate an area and get that list to the county clerks so they can provide it to petitioners. That would do away with the signs and was also part of our bill.

Assemblywoman Giunchigliani:

That makes good sense. We could even put in a process for people to be able to go down and view it and even be able to ask for additional designated areas. I think that cleans up the sign posting issues.

Co-Chairwoman Koivisto:

It avoids having to waste time going through the Secretary of State and the courts.

Assemblywoman Gansert:

I am thinking that the list should just be established. We establish the list; these buildings exist and will continue to exist. If someone has a problem, they can ask. It doesn't necessarily have to be with their initiative petition. If we establish where you can go, then at any time you can go in and ask for a change. I am suggesting that this be a semi-permanent list that can be added to if there are not enough sites at certain locations. I don't know if this language says that.

Co-Chairwoman Koivisto:

No, it probably doesn't. That is something that needs to be added and clarified. Is the rest of the amendment okay with everybody?

Assemblywoman Gansert:

When you get to page 6, which was my original bill, I did want to add that the title has to reflect the contents of the initiative. I don't think that actually made it in there. Under the proposed amendment, I would like to add that the title has to reflect the contents of the initiative or referendum. On the last page, I am not sure what the Senate decided upon. It seemed like the time frames were floating around. I think that when I was in the Senate today, it said five days. I was thinking we were going to go to ten, but there was another bill that said seven. I was hoping we could fix that now.

Michelle Van Geel:

I believe Ms. Gansert's bill just referred to initiative, and it was 5 days. We were moving it to the front of the process. That's why we changed it to 30, so you had more time.

Renee Parker:

Assemblywoman Gansert is talking about is the first draft, which Mr. Stewart presented in Senate. In that draft, the 5 accidentally did not get replaced with 30. I think 30 days is how they ended up passing it. They also had another bill where they passed it and moved it up to the front end. Then they took up A.B. 497 and messed with it. Neither A.B. 455 nor A.B. 497 looks anything like it did when it came out of here. Then they said you could challenge the legal sufficiency of a petition 7 days after we deem that the petition qualified. So, they changed it to 30 days after the copy was filed. Ten minutes later they changed it to 7 days.

Assemblywoman Gansert:

I would go with the 30 days at the beginning. I am fine with that. I think that this will end up in conference and we can explain the differences, because I think they should have a longer time frame since we are putting it in the front of the process.

Co-Chairwoman Koivisto:

That was the whole purpose of putting it in the front, so they wouldn't waste their signature-gathering time.

Assemblyman Holcomb:

On page 3, the name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100. It is basically just a public report, correct? This isn't the initiative process. This is about a question that a legislator may not want to tackle. Basically, some people go out there and really try to get it on the ballot.

[Assemblyman Holcomb, continued.] You have people that will believe in it and contribute. I have seen the press do that. Because they did not agree with the issue, they published the names of these people. Those people believed in it, but didn't want to be in the spotlight. I thought that was highly unfair. I thought that if I had been in their shoes and had known that the press was going to publish that, I probably wouldn't have contributed. That is the down side on that.

Co-Chairwoman Koivisto:

Much like candidates for public office.

Assemblyman Holcomb:

To me this is different. One is a legislator and the other is the public. It is an initiative process where the legislators aren't necessarily willing to tackle an unpopular issue. You get some people out there who try to collect signatures to force the legislators to tackle what they would prefer not to. I think it hurts the referendum process. I saw what the press did. I would not have wanted to be in the shoes of the people who had contributed, because the press felt that it was an unpopular issue.

Co-Chairwoman Koivisto:

What we are aiming for is that the public has a right to know who is trying to influence public policy.

Assemblyman Holcomb:

The only problem with that is the press is not fair. They decide to disclose what they want. I have seen the press first hand. I personally support the initiative process. It is a wonderful thing because it allows the people to vote on issues that they feel are really important that, in some cases, legislators are not willing to legislate.

Assemblywoman Giunchigliani:

Since A.B. 497 has been altered, maybe we should take what we think we need to save from that and add it to this bill, so we have one initiative package, rather than having a piecemeal approach. That might be easier whenever we see what comes over from the Senate. I worked on an amendment with Janine Hansen, but I don't know if that is what they took up. Do you know, Renee?

Renee Parker:

I had to leave when they were in the middle of A.B. 497, so I'm not sure what they did with that bill. I know what they did with A.B. 455. They did pass the

one moving the primary back to the Tuesday 12 weeks before the election. They pretty much gutted the rest of it.

Assemblywoman Giunchigliani:

That would be early or mid August. It is a Tuesday. This is not an exempted bill, I am assuming. [Co-Chairwoman Koivisto answered in the negative.]

**ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS SENATE BILL 224, WITH THE FOLLOWING AMENDMENTS:**

- THE AMENDMENTS SUGGESTED ON PAGES 1 AND 2 CLARIFYING FINANCIAL STATEMENTS TO STATE "ACCEPT OR EXPEND"
- ACCEPTING THE DEFINITION OF "PERSON"
- ADDING LANGUAGE TO IDENTIFY THAT A "PERSON" IS NOT AN INDIVIDUAL ACTING ON BEHALF OF AN ORGANIZATION
- ADDING A NEW SECTION ON PAGE 4 FOR NRS 293, "...FOLLOWING THE QUALIFICATIONS ON A STATEWIDE INITIATIVE OR REFERENDUM PETITION..."
- REMOVING "POST CONSPICUOUSLY," BUT HAVE THE DESIGNATED AREAS FORWARDED TO THE CLERKS TO HAVE AVAILABLE TO THE PUBLIC
- ADDING A NEW SECTION TO NRS 295 REGARDING THE FISCAL ANALYSIS DIVISION AND WHERE THEY HAVE TO PLACE THE FILINGS OF THE SECRETARY OF STATE
- ACCEPTING THE LANGUAGE ON PAGE 7 WITH THE CHANGE FROM 5 DAYS TO 30 DAYS
- CLARIFYING THAT A NONPROFIT CORPORATION IN SECTION 1 EXCLUDES TITLE IV NONPROFIT CORPORATIONS
- INSERTING "SECRETARY OF STATE" INSTEAD OF "ATTORNEY GENERAL"
- ALL OF THE LANGUAGE IN BLACK ON PAGE 3 OF THE WORK SESSION DOCUMENT.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

Michelle Van Geel:

On page 5 of the amendment, regarding gathering signatures, I wasn't sure if that whole line, where it talks about the decision by the Secretary of State, needed to come out.

Kim Guinasso:

I understood from Ms. Parker's testimony that shouldn't read that way. It should be that the decision of the Secretary of State is a final decision. Then the person who was aggrieved may file in the First Judicial Court not later than seven days after the decision of the Secretary of State. Right now, it deems the Secretary of State's decision final seven days later, which is not what was intended.

Assemblywoman Giunchigliani:

Correct, my amendment would include that fix.

Kim Guinasso:

Was it part of your motion to take care of the existing sections for ballot advocacy groups (BAGs)?

Assemblywoman Giunchigliani:

Correct, the BAGs would all be rolled together. We tried to do an interim study several years ago to look at all of our election statutes and try to waive them, but we didn't get there. It still needs to be done. Yes, that would be my intent.

Michelle Van Geel:

On the bottom of page 5, it was brought to our attention that if the Secretary of State agrees that a person has been aggrieved, they cannot offer the remedy. Because of the way it is worded, only the court can provide a remedy. My question is whether the Committee wanted to consider a change to that language, so that, if the Secretary of State agrees that a person has been aggrieved, he can provide some sort of remedy. That way, a person would not have to appeal a decision that was in his or her favor.

Assemblywoman Giunchigliani:

This would be in a case where the Secretary of State's decision was upheld and it didn't go to the court system. In that case, that makes sense to have him be able to establish a remedy for those individuals. If it was an interference of the timelines, the remedy should not exceed the number of days that the individual alleged to have been interrupted.

Assemblywoman Gansert:

Could we include that the title must reflect the contents of the initiative or referendum? Did we pick that up? [Co-Chairwoman Koivisto answered in the affirmative.] Regarding the locations where you can gather signatures, should we create a permanent list of areas that are available that can be appealed or added to? Since we know these sites and buildings already, should we establish the list, make it available at the county clerk's office, and let people challenge it?

Co-Chairwoman Koivisto:

That is a good idea. We need to know where the list would come from. Perhaps the Department of Public Works for State buildings, and county buildings would be Planning and Zoning.

Assemblywoman Gansert:

It seems like we are trying to create these sites and that the list would be available at the county clerks. You should have the list available when you go in to file for an initiative petition of places where you can gather signatures.

Co-Chairwoman Koivisto:

Yes, exactly. We just need to clarify where that list is going to come from.

Assemblywoman Giunchigliani:

I suggest that in the case of State buildings it be the Department of Administration. They are the ultimate buck-stops-there for the Executive Branch, in case something comes up that they have to rectify, like what happened with the DMV [Nevada Department of Motor Vehicles]. At the local level it should be the manager's office. They can at least peruse the list and decide if it is workable. It would be a permanent list compiled by the Department of Administration for State purposes and the county/city managers for local government purposes, to make sure the people they are ultimately responsible for complied with the intent. Those would be permanent lists that would be made available to the clerks.

Co-Chairwoman Koivisto:

Right, and subject to challenge or additions.

Assemblyman Denis:

I wonder if we want to be specific and actually designate the Department of Administration or just have some comment that says, "...as determined by the State and the county?

Assemblywoman Giunchigliani:

"Or their designee" would be fine.

Assemblywoman McClain:

Are we going to include the exclusion from the next election of measures that fail? If a ballot measure fails, they are excluded from running the same one again the next session.

Assemblywoman Giunchigliani:

That was in A.J.R. 5 and it was taken out this afternoon. They left the three congressional seats, but reduced the threshold to 10 percent and took out the 55 percent threshold to be able to put a ballot back on.

Assemblywoman McClain:

Do we want to put that in here?

Assemblywoman Giunchigliani:

We can't, it's a constitutional issue.

Michelle Van Geel:

Was it your intent to include all of A.B. 497 in here?
[Assemblywoman Giunchigliani answered in the affirmative.]

Co-Chairwoman Koivisto:

We want to add Assemblywoman Gansert as a sponsor.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE AND
ASSEMBLYMAN HOLCOMB VOTING NO. (Assemblyman Seale
was not present for the vote.)

Co-Chairwoman Koivisto:

Let's move on to S.B. 386.

Senate Bill 386 (1st Reprint): Makes various changes to provisions governing elections. (BDR 24-311)

Michelle Van Geel, Committee Policy Analyst:

On page 6 of your Work Session Document ([Exhibit K](#)) is S.B. 386. This was the clerks' election bill. It was presented to the Committee by Larry Lomax and others on May 5. The measure makes various changes to provisions governing elections. Among other things, the measure eliminates obsolete provisions, revises requirements relating to voting systems providing a permanent paper record, revises provisions relating to the observation of voting by members of the general public and representatives of political parties, provides that a candidate may not assist a voter in marking a ballot, provides that a registered voter who is eligible to vote in an election may not cast a provisional ballot, and provides that a voter requesting an emergency ballot shall provide a statement before being issued a ballot.

There are numerous amendments to this bill. Under Tab B is an amendment ([Exhibit L](#)) that has been brought by Renee Parker from the Secretary of State's Office. Additionally, behind that is an amendment ([Exhibit M](#)) that was brought by Janine Hansen. The two pages behind are text from Senate Bill 478, which was not processed. It was one of Ms. Hansen's amendments. In addition, in the bulk of the work session document on pages 6 and 7 are numerous concerns ([Exhibit K](#)) that were raised by the Committee. I have numbered them based on the sections that they were brought up in. I tried not to duplicate anything that was addressed in the formal amendments.

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

My amendment is simple. It just puts regulatory authority in for adopting regulations for the audits and recount procedures for the paper trails that are on the new voting machines. We have never had paper trails before, so we didn't have any procedures. We did emergency regulations, but we want to clarify the authority to do that.

The second change is to remove the requirement that we produce an initiative guide. We are happy to produce the guides; the problem was that, during this last interim, the court used our guide like a legal treatise. They said that if something was not mentioned in the guide, there was not adequate due process. They had the last preceding general election be the 2002 election instead of the 2004 election, admitting that it was the 2004 elections, but there was some information that wasn't in there. Our concern was that we do the guides as a courtesy to public, not to be relied upon in lieu of legal research by the people's counsel. It caused a difficult situation. The Attorney General's Office recommended that we remove them or clarify that they are not to be relied upon for legal purposes, but are just a courtesy. We had a disclaimer in

the guide, but the court still said that it didn't matter. That is the extent of the amendment.

Assemblywoman Giunchigliani:

I think there is no problem with the amendment Ms. Parker has, but I have problems with this bill from the beginning, with restrictions on electioneering, polling, and access. I am thinking that we should take everything out and just put in the amendment that was just recommended to us.

Assemblywoman Gansert:

I would leave in Section 27, paragraphs (a) and (b). I also had some notes on page 26 about not changing the 100-foot area and that we wanted to allow multiple watchers at polling places. Take Section 13 out, regarding the 24-hour notice. We could delete the provisional ballot sections. I don't know if we need to go through every section of this bill, or if there are precise areas that we want to leave in.

Co-Chairwoman Koivisto:

There may be.

Assemblywoman Giunchigliani:

I suggest that we keep Section 8, because it cleared up the language on the punch cards. Section 9 just cleared up current language. Section 10 clarifies what is a ballot or provisional ballot. Sections 11 and 12 were okay. I think Section 13 was too, because it just gave them notice of who was going to be in a polling area ahead of time. Sections 15, 16, and 17 were okay. Section 18 seems to be fine, because it was just clearing up the Election Board provisions. Section 19 eliminated the old term "poll book" that they don't use anymore to register. Section 20 picked up town boards; that was a bill I passed several years ago where they can be elected from a town board, rather than just appointed. Sections 21, 22, 23, 24, and 27 are the ones that we would keep.

Co-Chairwoman Koivisto:

Did Ms. Gansert say to delete the whole Section 13, or just subsection 2?

Assemblywoman Gansert:

I think it was just deleting the 24-hour notice, which would be subsection 2.

Co-Chairwoman Koivisto:

We will delete Section 13 then.

Assemblywoman Gansert:

If made available or designated is probably the same. We wouldn't be changing it.

Assemblywoman Giunchigliani:

I don't know why they did some of what they did. By not having the 24 hours, you don't even need Section 13 in the bill any longer, because it didn't make any changes to the actual statute.

Assemblywoman Gansert:

On Section 27, I said keep (a) and (b); (c) had to do with the relatives.

Assemblywoman Giunchigliani:

Yes, (a) and (b) are correct; (c) would go away. We wanted people to be able to assist if they had a disability. I say we just take out 27. Section 27(a) and (b) are current language.

It appears that 29 would need to be kept because it just changes the old punch card language. I would not keep Sections 30 and 31; that ties back to who has access to the polling area.

Co-Chairwoman Koivisto:

Are we keeping 28?

Assemblywoman Giunchigliani:

Yes, that is the "spoiled ballot" and can be kept because it deletes the old "spoiled ballot" terminology. We would also keep 29. Sections 30 and 31 we would not. I am not sure about Section 32; it just changes paragraphs, so it depends on what we struck and what may or may not be referenced anymore. The same goes for Section 33; it depends on the deletions.

I would not accept 34 because that affects the eligibility for absentee voting, and therefore I would not include 35. It would just stay as current language. I am not sure why we were striking NRS 293.272 and Section 36. It is just being repealed. NRS 293.272 deals with voting in person being required for a person who registered to vote by mail. I think that might be okay because if you registered by mail and didn't show your ID, you have to show your ID.

Kim Guinasso:

This provision deals with a person who registered to vote pursuant to the provisions of NRS 293.5235, which provides someone who is presently registered and changed his residence after the last preceding general election,

moving from one precinct to another. In that case, he would need to vote in person unless he has previously voted in the county in which he is registered to vote.

Assemblywoman Giunchigliani:

As long as they are registered and not purged. I am going to recommend not doing 36 or 37. I think 38 was technical cleanup about punch cards, return envelopes, and how they do the mailing, so that would stay in. I think 39 is just processing for the absentee ballots, so it could stay in.

Assemblywoman Gansert:

I think they were trying to get them all at the locations, but not necessarily count them.

Co-Chairwoman Koivisto:

So, Section 39 stays.

Assemblywoman Giunchigliani:

Correct. Sections 40 and 41 would stay. Section 41 deals with the poll book that we are deleting. The same goes for 42, 43, and 44. Section 44 just clarifies the hours for early voting. Section 46 could also stay, but we would not accept 47. I think 48 would be okay because it refers back to the sealed containers and the punch cards. Sections 49, 50, 51, 52, 53, 54, 55, 56, and 57 could stay in. I had a question about 58. This was the application request in any 12-month period. I think that would be okay, because didn't we do something in A.B. 455?

Assemblywoman Gansert:

It talks about assessing the charge in here. I think we were trying not to assess a charge.

Co-Chairwoman Koivisto:

That is Section 58? [Assemblywoman Giunchigliani answered in the affirmative.] Back up to Section 57, sub 4, should that be "state or county" or "state and county"?

Assemblywoman Giunchigliani:

I think state or county central committee.

Assemblywoman McClain:

It reads "and."

Co-Chairwoman Koivisto:

That change needs to be made.

Assemblywoman Giunchigliani:

So we would need to keep in Section 57.

Assemblywoman Gansert:

On the top of page 33, I thought we took out... Maybe I am thinking of Frankie Sue Del Papa's group; they didn't want to be charged. They never have charged them, but they were looking at it.

Assemblywoman Giunchigliani:

Correct. "The clerk may assess a charge" is current language. I don't think they have ever charged them.

Assemblywoman Gansert:

I was told they had never charged it, but 50 applications is not . . .

Co-Chairwoman Koivisto:

Are we on Section 58?

Assemblywoman Giunchigliani:

Yes, we are in subsection 3 of Section 58. We are looking at the current language.

Assemblyman Conklin:

It was my recollection that Clark County never charges for the 50 applications, but some of the rural counties charge, which is okay after 50, but what if somebody comes in and gets 10 at a time, five times? Now they are going to get charged. I guess that is a policy decision we could make, but that is the issue we are dealing with here. Right now, I think the interpretation of statute is 50 at any given time. If we change this and on the fifth time someone comes in and asks for eleven, they're going to get charged.

Co-Chairwoman Koivisto:

I think it is 50 at once. It is not cumulative. Do you keep a record of this?

Assemblywoman Gansert:

This makes it a 12-month cumulative period.

Alan Glover, Clerk-Recorder, City of Carson City, Nevada:

They will come in and get 49 every day. There are two issues. They will pick them all up from one county and then use them in a different county. The thought was, why should the taxpayers of Carson City be supplying voter applications for Lyon County or Reno? The other issue that we discussed was more of a control. We are trying to control these. If they come in and ask for 1,000 of them, what do we do? That was kind of the idea. I don't think we have ever charged anyone, but we are attempting to get a handle on them and make sure that they don't go to Esmeralda County. That was the idea of limiting the 12-month period.

Assemblywoman Giunchigliani:

We will keep in Sections 58, 59, 60, and 61. I don't know if subsection 13 still exists, so we will just need to see. That is the only real change there.

Assemblywoman Gansert:

I have 13 as a deletion. It may not exist.

Assemblywoman Giunchigliani:

It's a drafting issue.

Section 62 was okay, because it just clarified that it had to be received by the office of the county clerk if they were hand delivering it. I don't know where else they would hand deliver it anyway. It just seems like rewording more than anything else. I suggest 62 stay in. The only question is subsection 7: If the application is returned by mail, it must be received by the clerk before the close of registration for the next election in order to be counted. That seems to make sense. Section 63 would be deleted, and we would go back to the original definition of electioneering that is in current law.

Section 64 dealt with punch cards, so that could stay in. Sections 65, 66, 67, and 68 would stay. Section 69 parallels what we did in the earlier one, so that would stay. Sections 70, 71, and 72 would stay. Section 73 would be deleted. Section 74 is just transitory depending on if that statute was not affected. I was not comfortable with just getting rid of the 200 threshold, and I don't remember why. I think 75 was okay. Section 76 would stay in.

Assemblywoman Gansert:

Section 77 seemed to leave. I had a problem with 77.

Assemblywoman Giunchigliani:

I did too. I had a question mark next to it. We deleted the others, so we will take 77 out. Section 78 would stay because it deals with paper ballots. Section 79 would come out. Section 80 would stay. It would be the same transitory language for the cities that we did for the counties. The amendment suggested by Ms. Parker would also then be added into the bill where appropriate. There are a few changes in the back with the number of days, which starts in Section 111. These are our campaign reports. Who was doing this one? Why were you guys messing with our campaign reports?

Alan Glover:

The reason was that, with the present language, it falls right in the middle of early voting. Clark County was processing hundreds of people doing their reports. It has another effect, which is a policy decision on your part. If you change these dates, it does make that information available to people before early voting starts. That is a policy decision. The practical issue is that there are hundreds of candidates coming in to file them while there is early voting going on. It is kind of hard to handle both.

Assemblywoman Giunchigliani:

It seems to be about a seven-day change in almost all of the sections. Is that about right? Did the Secretary of State's Office have any concerns with that part of it? It makes sense to me if they know what money has been collected before the primary.

Assemblyman Conklin:

Did we discuss this in another bill and change the filing dates?

Assemblywoman Giunchigliani:

Not that I recall.

Assemblyman Conklin:

Maybe it was some off-the-wall discussion. It seemed like there was some discussion about it being better for candidates and the public if they were filed before early voting in the primary, before early vote in the general, and then, instead of filing that last day of the general, which most of us spend campaigning, it would be filed a day or two after. Did that discussion ever take place?

Co-Chairwoman Koivisto:

We had the discussion; I am not sure where it went. I don't think it was in A.B. 455.

Assemblywoman Giunchigliani:

I would suggest we accept the date changes for the filing. The only things that would be left would be Section 120, which is transitory and we need to decide what references we left in the bill with the changes. Section 121 was fine by changing "poll book" to "roster."

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO PASS S.B. 386 WITH THE FOLLOWING AMENDMENTS:

- KEEPING THE SECRETARY OF STATE'S PROPOSED AMENDMENTS
- KEEPING SECTIONS 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29, 38, 39, 40, 41, 42, 43 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 , 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 76, 78, 79, 80, 111, 120, AND 121
- IN SECTION 57, CHANGING "STATE OR COUNTY" TO "STATE AND COUNTY."

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Seale was not present for the vote.)

Co-Chairwoman Koivisto:

We will meet on Tuesday. We are adjourned [at 6:11:22].

RESPECTFULLY SUBMITTED:

Mary Garcia
Transcribing Attaché

APPROVED BY:

Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Elections, Procedures, Ethics, and Constitutional Amendments

Date: May 19, 2005

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
AB 498	B	Michelle Van Geel, Committee Policy Analyst	Work Session Document on A.B. 498
SB 346	C	Michelle Van Geel, Committee Policy Analyst	Work Session Document explaining S.B. 346
SB 477	D	Michelle Van Geel, Committee Policy Analyst	Work Session Document on S.B. 477
SB 329	E	Michelle Van Geel, Committee Policy Analyst	Work Session Document on S.B. 329
SB 252	F	Michelle Van Geel, Committee Policy Analyst	Work Session Document on S.B. 252
SB 252	G	Assemblyman Kelvin Atkinson	Proposed Amendment to S.B. 252
SB 125	H	Michelle Van Geel, Committee Policy Analyst	Work Session Document explaining S.B. 125
SB 224	I	Michelle Van Geel, Committee Policy Analyst	Work Session Document
SB 224	J	Michelle Van Geel, Committee Policy Analyst	Lengthy amendment from SOS and Assemblyman Conklin
	K	Michelle Van Geel, Committee Policy Analyst	Work Session Document on S.B. 386
SB 386	L	Michelle Van Geel, Committee Policy Analyst	Amendment from Secretary of State
SB 386	M	Michelle Van Geel, Committee Policy Analyst	Amendment suggested by Janine Hansen