

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

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

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:21 p.m. on Thursday, May 19, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Dina Titus
Senator Bernice Mathews
Senator Valerie Wiener

GUEST LEGISLATORS PRESENT:

Assemblywoman Heidi S. Gansert, Assembly District No. 25

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Kim Guinasso, Committee Counsel
Michael Stewart, Committee Policy Analyst
Jonathan Sherwood, Committee Secretary

OTHERS PRESENT:

Larry Lomax, Registrar of Voters, Elections, Clark County
Renee Parker, Chief Deputy Secretary of State, Office of the Secretary of State
Lucille Lusk, Nevada Concerned Citizens
Janine Hansen, Nevada Eagle Forum

Chair Cegavske opened the work session on Assembly Bill (A.B.) 64.

[ASSEMBLY BILL 64 \(1st Reprint\)](#): Revises provisions relating to ethics in government. (BDR 23-1079)

Michael Stewart, Committee Policy Analyst, gave an overview of A.B. 64 using the "Work Session, Senate Committee on Legislative Operations and Elections" document dated May 19, 2005 provided to the Committee ([Exhibit C](#), original is on file at the Research Library). He explained a proposed amendment developed by witnesses and Committee members, which he included in the work session document.

SENATOR RAGGIO MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 64.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Cegavske opened the work session on A.B. 185.

[ASSEMBLY BILL 185 \(2nd Reprint\)](#): Revises provisions governing petitions for initiative and referendum. (BDR 24-711)

Mr. Stewart explained A.B. 185 using [Exhibit C](#). He said there was a proposed amendment to the bill which he included in [Exhibit C](#). Chair Cegavske said she had met with Assemblyman Marcus Conklin, Assembly District No. 37, to discuss A.B. 185 and the proposed amendment. She said because A.B. 185 and Senate Bill (S.B.) 224 were very similar, the Committee and the Assembly Committee on Elections, Procedures, Ethics and Constitutional Amendments would try to pass out bills that mirrored each other.

[SENATE BILL 224 \(1st Reprint\)](#): Revises provisions relating to elections. (BDR 24-698)

Mr. Stewart said there were issues in the proposed amendment that the Committee needed to be aware of. He said one of the provisions included ballot measure committees (BMC), though they were not discussed in the previous work session. Kim Guinasso, Committee Counsel, said she had spoken with

Assemblyman Conklin about the provision on the BMC and if the amendment was adopted to A.B. 185, then the various ballot advocacy groups (BAG) in existence would need to be dealt with. She said she had discussed various methods of addressing those groups with Renee Parker, Chief Deputy Secretary of State, Office of the Secretary of State.

Senator Beers said the proposed amendment to A.B. 185 included language that would require any person who obtains signatures for a petition to register with the Office of the Secretary of State and file a statement of organization as well. He said this was not what the Committee wanted in the bill, as the language would prohibit citizens from downloading a signature petition online, going door-to-door to obtain signatures, having it notarized and then sending it in. He asked if that was the goal of the amendment. Chair Cegavske said the amendment contained suggestions from Assemblyman Conklin. Senator Beers said he understood the need for groups to register when filing a petition, but did not contemplate having an individual register. Senator Raggio said he understood the term "person," in legislative parlance, to apply to both an individual and an entity. Mr. Stewart said that was correct. He then explained the distinction between the amendment to A.B. 185 and the proposed amendment to S.B. 224 was that the proposal for A.B. 185 took on a contribution-and-expense role in terms of reporting.

Senator Beers expressed some concern over the provision in the amendment which would require a petitioner to maintain a resident agent within the State. Mr. Stewart said that provision was different from the one proposed in S.B. 224. Senator Beers said he was not comfortable in putting so many requirements on citizen activists.

Assemblywoman Heidi S. Gansert, Assembly District No. 25, said she had not spoken with Assemblyman Conklin about the proposed amendment to A.B. 185. She said the proposed amendment was language proposed for S.B. 224 and was being put into A.B. 185. She said she did not have a problem with deleting the entire section of the amendment under "Ballot Measure Committees" in Tab B of [Exhibit C](#).

Mr. Stewart continued to explain the proposed amendment to A.B. 185 under "Public Hearings" in Tab B of [Exhibit C](#). He said that the provisions in Roman Numeral III of the proposed amendment were taken from A.B. 455.

[ASSEMBLY BILL 455 \(1st Reprint\)](#): Makes various changes related to elections.
(BDR 24-1334)

Senator Titus said she agreed that people should be able to obtain signatures in public buildings, but she said she felt requiring a sign to be placed in each building for the petition location was going overboard.

Mr. Stewart described "Single Subject" of the proposed amendment to A.B. 185 using Tab B of [Exhibit C](#). He said concern had been expressed over the use of the word "accurate" in "Proposed Amendment" of Tab B, item B, subitem 1 of [Exhibit C](#) and said the Committee may need to address the definition of the word. He said issues of challenges were addressed in the "Proposed Amendment," section as well under item B, subitem 3. Mr. Stewart said the proposed amendment to A.B. 185 also addressed the "Definition of Person" in Tab B.

Assemblywoman Gansert said she had no problem with the proposed amendment, and she did not have a problem if the Committee wanted to remove Roman Numeral I.

Ms. Guinasso said the BAG were currently addressed in statute. She said they are required to register with the Secretary of State's Office and file campaign contribution and expenditure reports. She said the timeline for registration and filing for the BAG would be different if Roman Numeral I of the proposed amendment to A.B. 185 were adopted. She said if the amendment were adopted as currently written, there might be a conflict of definition between a BAG and a BMC as certain groups would then be defined as both. Ms. Guinasso said the Committee could amend the language in Roman Numeral I of the proposed amendment to A.B. 185 to make the BMC a subset of the BAG.

Senator Beers expressed concern over "Public Hearings" in Tab B of the proposed amendment to A.B. 185. He said he did not know how the provision would be helpful to the State and would be hesitant to accept the provision.

Ms. Guinasso said her previous remarks concerning Roman Numeral I of the proposed amendment to A.B. 185 were slightly inaccurate. She said that political action committees were required to register with the Secretary of State, and that while many BAG were political action committees, some were not and thus, Roman Numeral I would address those BAG. Senator Beers asked which

groups would be affected by the "Ballot Measure Committees" in Tab B of the proposed amendment. Ms. Guinasso said committees for political action are currently required to report to the Secretary of State. She said the definition for a committee for political action was:

Any group of natural persons or entities that solicit or receive contributions from any other person, and intends to make contributions or intends to make expenditures designed to affect the outcome of any primary, general, or special election or question on the ballot.

She said it was a very broad definition and would normally capture any BAG but for the second subsection which specifies the term, the definition does not include:

An organization made up of legislative members of a political party whose primary purpose is to provide support for the political efforts and entities solely because it provides goods or services to a candidate; an individual natural person; an individual corporation or other business entity which filed articles of incorporation pursuant to Title VII; a labor union; personal campaign committee or the personal representative of a candidate; and the committee for the recall of a public officer.

Ms. Guinasso said many of the exceptions would no longer apply if the proposed amendment to A.B. 185 were adopted. She said it would be in respect to the BAG and not other political activity.

Senator Titus said the initiative process needed to be cleaned up but said the proposed amendment to A.B. 185 was too confusing. She said Roman Numeral I was redundant to what was already in statute and contained constitutionality issues in regard to the First Amendment. She said Roman Numeral II would be expensive, time-consuming and unwieldy. She said Roman Numeral III's requirement for a posted sign was close to ridiculous. She said Roman Numeral IV was close to what was already passed and supported using that as the amendment. Senator Titus said the one problem she had with Roman Numeral IV was the word "accurate." She explained that accurate was subjective and could be interpreted in numerous ways and, therefore, should be removed from the proposed amendment. Chair Cegavske said she had spoken

with Assemblywoman Gansert about the word "accurate," and both agreed the word should be removed.

Senator Raggio said he did not want the legislative history to reflect that the Committee was asking for inaccurate filings. Chair Cegavske said she understood his concern and the reason the word "accurate" was being removed was because it was subject to various interpretations. She said there were already checks in place to ensure accuracy of filed petitions, and thus, the word could be removed from the proposed amendment to A.B. 185.

Senator Beers expressed concern over "Single Subject," item B, subitem 2 of the proposed amendment, saying the Fiscal Analysis Division of the Legislative Counsel Bureau should not be preparing fiscal notes for initiatives. Senator Titus said the Fiscal Division was already preparing fiscal notes for ballots, and the proposed amendment would not change anything in that regard.

Senator Beers asked if, in item B, subitem 3 of the proposed amendment to A.B. 185, the Committee really wanted to make hearing issues over the propriety, correctness and accuracy of initiative and referendum language more of a priority for the courts than a 30-day hearing. Mr. Stewart said A.B. 497 contained language which would clear up the issue of legal sufficiency in the statute.

ASSEMBLY BILL 497 (1st Reprint): Revises provisions relating to initiatives and referendums. (BDR 24-442)

Mr. Stewart said the proposed amendment to A.B. 185 dealt with a front-end challenge versus a back-end challenge to initiative petitions and the "Proposed Amendment," item B, subitem 3 dealt with a front-end challenge. Chair Cegavske said if the length of time in A.B. 185 did not correspond to the length of time outlined in A.B. 497, the Committee would need to ensure that the length of time in both was the same.

SENATOR TITUS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 185.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Cegavske opened the work session on A.B. 345.

[ASSEMBLY BILL 345 \(1st Reprint\)](#): Expands membership of Peace Officers' Standards and Training Commission. (BDR 23-1326)

Mr. Stewart gave an overview of A.B. 345 using Tab C of [Exhibit C](#). He explained a proposed amendment to the bill which would remove the requirement that the minimum age of 60 be reached before being able to retire as an enforcement officer with the State Department of Agriculture.

SENATOR TITUS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 345.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Cegavske opened the work session on A.B. 419.

[ASSEMBLY BILL 419 \(1st Reprint\)](#): Makes various changes relating to public officers and employees. (BDR 23-1020)

Mr. Stewart explained A.B. 419 and the proposed amendments using Tab D of [Exhibit C](#).

Senator Raggio asked if the provision concerning whistle-blowing was in section 5 of the bill. Mr. Stewart said section 5 set forth a 60-day time frame after which the alleged reprisal or retaliation took place during which an appeal can be made as related to a whistle-blower. Senator Raggio said his concern was with the term "activity related to political campaigns" because it would be subject to potential misconception.

Chair Cegavske asked for a motion from the Committee. As no motion was made, she opened the work session on A.B. 455.

Mr. Stewart explained A.B. 455 using Tab E of [Exhibit C](#). Mr. Stewart said there were a number of proposed amendments to the bill and asked if he should go through each proposed amendment individually. Chair Cegavske said it was important to address each proposed amendment to the bill and agreed to hear all of them individually. She said the Committee could decide on each proposed amendment as it was heard.

Mr. Stewart described proposed conceptual amendment 1 in Tab E of [Exhibit C](#), which would make the language permissive in section 2 of A.B. 455. Senator Titus asked if the language had not been made permissive because there had been problems with voter registration forms in the past. Mr. Stewart said he believed the recording of the control number was for quality control. Senator Raggio said he remembered the problem with the language not being permissive was that people could receive unreasonable amounts of voter registration forms from the county clerks.

Larry Lomax, Registrar of Voters, Elections, Clark County, said he had requested the change in language to be permissive in order to place limits on the number of voter registration forms required to be issued to an individual. He said the nonpermissive language would allow an individual to receive an unlimited number of forms. He said tracking the forms was not an issue.

Senator Beers said it seemed as if the provisions in section 2 of A.B. 455 were already being done by the county clerks. He also expressed concern over destruction of old voter registration forms being deemed criminal behavior. He asked for section 2 of A.B. 455 to be completely removed from the bill. The Committee agreed to this request.

Mr. Stewart explained the proposed conceptual amendment 2 of A.B. 455 as expressed in [Exhibit C](#). He said the proposed amendment would delete all provisions in A.B. 455 which prohibited a person from running for office or circulating an initiative or referendum petition if he or she has failed to file a campaign-finance report, financial-disclosure statement, or pay a civil penalty associated with filing such reports in an untimely manner. Senator Raggio said he agreed with the proposed amendment, but said the penalty was too severe and that it was fair game for a candidate's opponent to point out that the

person had not paid the fine or did not file. The Committee supported proposed conceptual amendment 2 to A.B. 455.

Mr. Stewart explained proposed conceptual amendment 3 to A.B. 455 using Tab E of [Exhibit C](#). He said the proposed amendment would delete all provisions in the bill which allowed a nonresident college student to be an election-board officer. Senator Raggio said he supported the proposed amendment because people should not be labeled as a particular type of individual. Chair Cegavske agreed with Senator Raggio's assessment. The Committee agreed as a whole on proposed conceptual amendment 3 to A.B. 455.

Mr. Stewart explained proposed conceptual amendment 4 to A.B. 455 in [Exhibit C](#). He said the proposed amendment would add a civil penalty to public agencies that denied petitioners the ability to circulate their petitions. Senator Titus said the proposed amendment was not a good idea because assessing a fine on an agency was just as bad as giving an unequal amount of days to a petitioner for any days lost. She said the petitioner should be granted the right to circulate the petition but should only be given a day for each day lost. Senator Titus said adding in language to ensure the right to petition in a public building was fine, but the language imposing the civil penalty on public agencies needed to be deleted.

Senator Beers expressed concern that adding days for days lost would delay an election. Mr. Lomax said it was a valid point. He said the county clerks could deal with some added time, but too much time would prevent ballots from being printed. Senator Beers said because of Mr. Lomax's point, he agreed with the \$5,000-per-day fine in proposed conceptual amendment 4 to A.B. 455.

Senator Titus said she appreciated the fact that too many days would cause undue problems for an election, but if one day were given for each day lost, it would never be too great of a delay. She said if the proposed language were accepted, a judge could give three days for one day lost, and the time frame would be greater. Senator Beers asked if there had been repeated cases of petitioners being denied the right to circulate their petitions in public buildings. Senator Beers said if the petitioner received one day for each day lost and was repeatedly denied with no penalty to the public agency, then nothing would be solved. He said increased court costs were not the answer. Mr. Lomax said he was concerned with unlimited amounts of time being granted to petitioners for days lost.

Mr. Lomax said he understood the need for days being reimbursed if they were lost, but a limit needed to be placed on them. Senator Beers said the court action alone would probably take five days. Senator Titus asked why the petitioners would not file their complaints with the Office of the Secretary of State in order to keep the process out of the courts, since the proposed amendment would have the Secretary of State imposing the fine on the public agency. Senator Beers said the language could be changed to a flat fine of \$5,000 and days reimbursed commensurate to the days lost. He said the problem was repeated violations by public agencies.

Renee Parker, Chief Deputy Secretary of State, Office of the Secretary of State, said the law currently provides if a petitioner has not been granted a reasonable area, the petitioner appeals to the Secretary of State. She said if the Office determines that a reasonable area had not been granted, then a letter is issued stating that a reasonable area had not been granted. She said time is lost to petitioners as a result, and nothing can be done until it goes to a court. Ms. Parker said the Office of the Secretary of State has no power to grant any additional days based on any that are lost. She said it would be helpful if the Office of the Secretary of State could grant lost days to the petitioners, subject to judicial review.

Senator Raggio said the petition process is important and needs to be granted, but reasonableness needs to be put into place. He said a group of petitioners should not be allowed to take over an entire building in order to circulate their petitions. He said a reasonable area needed to be designated to petitioners in public buildings and agreed with Senator Titus. Senator Raggio said he did not want to delay any elections or call into question the validity of an election, either. He said Senator Titus' suggestion on reimbursing a day for each day lost was a good one, and perhaps, the Office of the Secretary of State should be granted the authority to give those lost days up to a maximum of five days. He said impeding the petition process at one location would not stop the process and there were other places the petitioners could go as an alternative.

Senator Hardy said he agreed with Senator Titus, and the additional fines on public agencies were unnecessary.

Senator Raggio asked that the proposed amendment be changed to authorize the Office of the Secretary of State, in the event a complaint is filed by a petitioner and it has been determined by the Office that access had been

denied, to grant up to a maximum of five days for days lost. He said the language should also allow the courts to extend the period equal to the time lost by a petitioner, to a maximum of five days. Chair Cegavske asked if Senator Raggio was accepting the rest of the proposed conceptual amendment 4 to A.B. 455. Senator Raggio said he did not support the fines at all.

Senator Titus wanted to remove the entire section 5 of A.B. 455 and replace it with the proposed amendment from Senator Raggio. The Committee as a whole agreed with the proposals from Senator Titus and Senator Raggio.

Mr. Stewart explained proposed conceptual amendment 5 to A.B. 455 using [Exhibit C](#). He said the amendment would change the date of the primary election from the first Tuesday in September to the Tuesday of the 12th week before the general election. He said the amendment would not affect current candidate-filing deadlines, challenges, and other deadlines associated with the primary election in the *Nevada Revised Statutes* (NRS).

Senator Titus said she had supported a bill passed out of the Committee which moved the primary election to May. She said it did not make sense to have an eight-month primary and a six-week general election. She said if the date of the primary election was moved to August, it would cause problems because it was the middle of summer, people were not in the schools because of vacation and voter turnout would drop.

Senator Beers said if the choice was to either not move the date or to move it, it would be preferable to move it back two weeks in order to help the county clerks. Mr. Lomax said if it were a choice between moving the primary election back one week or two weeks, he would prefer two weeks because schools would have the staff and be open, but the kids would still be out for summer.

Senator Mathews asked how long the current primary-election timetable had been in effect. Senator Raggio said the primary was changed in 1954 to June and then moved back to September the following year because the public did not want a long general election. He said he supported proposed amendment 5 to A.B. 455 as long as it was not changed all the time and moved back to a date that was unfeasible. The Committee supported proposed amendment 5 to A.B. 455. Senator Titus and Senator Wiener were in opposition to the proposed amendment.

Mr. Stewart explained proposed amendment 6 to A.B. 455 using [Exhibit C](#). He said the proposed amendment would delete provisions in the bill extending provisional voting to all elective offices. The Committee as a whole supported the proposed amendment.

Mr. Stewart then discussed proposed amendment 7 to A.B. 455 using [Exhibit C](#). He said the proposed amendment would delete provisions in the bill clarifying that an absentee ballot may be submitted by a person other than the voter. Senator Beers asked if Mr. Lomax had any concerns with a voter being able to request an absentee ballot for up to two years instead of just one year. Mr. Lomax said the county clerks did not have a concern with that. The Committee as a whole agreed with proposed amendment 7 to A.B. 455.

Mr. Stewart explained proposed amendment 8 to A.B. 455 using [Exhibit C](#). He said the amendment would delete section 30 of A.B. 455. The Committee supported the proposed amendment. Senator Titus and Senator Wiener opposed the proposed amendment.

Mr. Stewart discussed proposed amendment 9 to A.B. 455 using [Exhibit C](#). He said the amendment concerned section 32, subsection 13 of A.B. 455 and dealt with assistance provided to voters in completing registration forms. Senator Beers asked if the choice was between defining what assistance was or to delete reference to assisting voters in registering. Chair Cegavske said that was the choice. Senator Beers asked what NRS 293.5235 referenced in regard to assisting voters in filling out registration forms. Mr. Stewart said NRS 293.5235, subsection 12 stated:

A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

Mr. Stewart said the language in NRS 293.5235 was similar to the language in A.B. 455. He said there was no definition in NRS 293 that defined what assisting was.

Mr. Lomax said the problem the county clerks had was when people would assist voters in filling out the registration forms and then would keep the form. Senator Beers asked if the language needed to be changed where registration forms could not be retained or delivered by those assisting in completing the forms. Mr. Lomax said that would be a significant change, as petitioners, typically, would assist people in filling out the registration forms and then deliver them afterward as part of the petition process. Chair Cegavske asked if Senator Beers' meaning was that if a person signed and completed a registration form, that person would be responsible for getting it to the county clerks. Senator Beers asked if not turning in registration forms needed to be criminalized. Mr. Lomax said section 33 of A.B. 455 contained a provision which would require the person assisting in filling out the registration form to sign the receipt which is retained by the voter in case the form was not turned in.

Senator Hardy asked if the Committee was looking for someone to blame in regard to assisted voter registrants. He said if that were the case, why not say those who assist people in filling out voter-registration forms are not liable if they fail to turn them in. Mr. Lomax said that disclaimer was already on the registration form. Senator Hardy then asked why there was a need to find someone to blame. Mr. Lomax said there were a number of accusations, in the previous election cycle, of forms being thrown away. Senator Hardy said he was troubled by the move away from self-responsibility in registering to vote. He said he understood the needs of some people who require assistance, but those numbers would be nowhere near mass fraud. Senator Titus said the individual assisting another individual was not the issue. She said the concern was with voter-registration drives. She said there needed to be a way to keep those groups accountable.

Chair Cegavske said the problem was ensuring registration forms were turned in and that if fraud was occurring, someone could be held accountable.

Lucille Lusk, Nevada Concerned Citizens, said the problem was people did not know the actual definition of assisting. She said the problem could be resolved if the language in section 32 of A.B. 455 were changed to say if a person who assists another in registering to vote retains the form, the one assisting must enter his or her name on the duplicate form.

Senator Hardy asked why the clerks could not track the forms given to an individual. He said if the forms were returned and there were any gaps in the numbers, the clerks could see that something had occurred and could hold that individual responsible. Senator Beers said the problem was when an individual took a large number of forms and distributed them to others who would assist because accountability would be reduced. Senator Beers said the problem could be addressed by the provision in section 33 of A.B. 455, where one who assists another in registering to vote was required to put his or her name on the receipt which goes to the voter. Ms. Lusk said the problem was still in the definition of assisting. However, she said, if anybody who assisted another person in registering to vote was always required to put his or her name on the receipt, she did not have a problem with it.

Senator Hardy said the problem was enforcing the provision in section 33 of A.B. 455. He said it would be too difficult to prove if someone assisted in registering another to vote, especially if the forms were mailed in. Mr. Lomax said his concern was not the issue of assisting others in registering to vote. He said his concern was when registration forms were surrendered to another party to be turned in and nothing was done with those forms. Mr. Lomax said if the proposed amendment were accepted, at least a signature would be on the form for the clerks to hold someone accountable.

Senator Beers said it would benefit the people registering to vote to have anyone who assists in filling out the registration form always sign it in order to maintain consistency. Ms. Lusk said the issue would then be back to the definition of assist. She said a clearer definition was necessary and different circumstances. Senator Hardy asked who would abide by the law. He said the law-abiding citizen will already sign the form since he or she is not trying to get around the law in the first place. Senator Hardy said the only way the provision would be enforceable would be to have the people requesting the forms to be distributed sign with the name of the organizations for which the forms are being received in front of the clerks at the same time they receive the forms. Mr. Lomax said the organization is not the problem. Mr. Lomax said the clerks already know what organization received the registration forms. He said the clerks wanted to know to whom the organization gives the forms. Senator Hardy suggested the organization receiving the forms be held responsible if the forms were used in a fraudulent manner. Mr. Lomax said if that were the case, the Republican and Democratic parties would no longer receive registration forms.

Senator Beers asked that proposed amendment 9 of A.B. 455 in [Exhibit C](#) be accepted. The Committee as a whole agreed to support proposed amendment 9 to A.B. 455.

Janine Hansen, Nevada Eagle Forum, asked if the Committee's acceptance of proposed amendment 5 to A.B. 455, [Exhibit C](#), would change the filing date for minor political parties in the State, as well. Mr. Stewart said the acceptance of proposed amendment 5 to A.B. 455 did not change any of the filing dates, and those dates would remain the same.

Mr. Stewart explained proposed amendment 10 to A.B. 455 using [Exhibit C](#). He said the proposed amendment would delete sections 34 and 46 of A.B. 455. Mr. Lomax said the way the amendment was written in [Exhibit C](#) was not quite accurate. Mr. Lomax said section 34 of A.B. 455 would delete the requirement for voter registration to occur in person at the county clerk's office during the last 10 days of the registration period. Mr. Lomax explained the proposed amendment would restore the requirement for in-person voter registration during the final ten days of the registration period. The Committee as a whole supported proposed amendment 10 to A.B. 455.

Mr. Stewart discussed proposed amendment 11 to A.B. 455 using [Exhibit C](#). He said the proposed amendment would delete section 47 of A.B. 455. He said if section 47 of A.B. 455 were deleted, whatever was referenced in section 47 would still remain in existing law. Senator Raggio said the Secretary of State was asking for cash-on-hand information, and it was all volunteered. Brenda J. Erdoes, Legislative Counsel, said that was how she understood it.

Senator Mathews said the cash-on-hand information was voluntary to the point where if the information was not given, the Secretary of State posted who did not give the information on his Web site. She said she did not think it was very voluntary.

Senator Hardy said there must have been a good reason not to report cash on hand, but he could not remember it. Ms. Erdoes said there had been many candidates who ran long campaigns, and that made tracking money for those campaigns difficult. The Committee as a whole supported proposed amendment 11 to A.B. 455.

Mr. Stewart said A.B. 455, after having all proposed amendments accepted by the Committee, would contain sections 5, 11, 12, 28, 29, 32 and 33.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 455.

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Cegavske opened the work session on A.B. 497.

Mr. Stewart gave an overview of A.B. 497 using Tab F of [Exhibit C](#). He said there were some proposed amendments, and he would describe all of them individually. He described proposed amendment 1 to A.B. 497 using [Exhibit C](#). Mr. Lomax asked if the registration form was not received within three days, if the current laws would apply. Senator Beers said a person would be deemed registered to vote on the earlier of the day he registers to vote, provided the registration form was received by the county clerk no more than three working days, excluding weekends and holidays, after he or she completes the application; or the date the registration is processed by the county clerks. The Committee as a whole supported proposed amendment 1 to A.B. 497.

Mr. Stewart explained proposed amendment 2 to A.B. 497 using [Exhibit C](#). He said the proposed amendment would delete section 2 and section 3 of A.B. 497. The Committee as a whole supported proposed amendment 2 to A.B. 497.

Mr. Stewart gave an overview of proposed amendment 3 to A.B. 497 using [Exhibit C](#). He said the proposed amendment would delete lines 20 through 34 on page 2, section 5 of A.B. 497. Senator Raggio asked if there had been a suggestion to change the provision in section 5 of the bill to the Secretary of State instead of the Attorney General. Senator Beers said the provisions in section 5, which would be deleted by proposed amendment 3 to A.B. 497 were referenced in the deleted sections 3 and 4 of A.B. 497. Senator Beers said as a matter of philosophy, he believed the government should not be in charge of determining the accuracy of statements of ballot questions and that issue

should be left to the makers. The Committee as a whole accepted proposed amendment 3 to A.B. 497.

Mr. Stewart discussed proposed amendment 4 to A.B. 497 using [Exhibit C](#). He said the proposed change would be to change the date of the challenge of the legal sufficiency to be filed with the district court from five to seven days. He said the change would also make the challenge start seven days after the Secretary of State notified the petitioners and the county clerks that the petition was qualified with their signatures. Senator Raggio asked how many extra dates would have to be established if the proposed amendment were passed. Mr. Stewart said there was no set date when the petition was filed with the Secretary of State. He said there was no set time to file a challenge on a petition. Mr. Lomax said he could not speak for the Secretary of State, but that Office typically faxed the information on petitions throughout the State to the county clerks.

Senator Beers requested proposed amendment 4 to A.B. 497 be changed to delete the language, "notifies the petitioners and county clerks that the petition has qualified pursuant to NRS 293.1278." He also requested the language "petition is filed with the" be placed back into the proposed amendment. Mr. Stewart asked if this would then be the back-end challenge for a petition. Ms. Erdoes said it would be the back-end challenge. Senator Beers asked if the language then needed to be changed to read, "petition is certified by the Secretary of State." Mr. Lomax said the legal sufficiency of the petition came after the clerks had verified it. He said the clerks all reported their total petition signatures to the Secretary of State, and once all were totaled, he or she would declare the petition sufficient or not.

Senator Beers asked what the one-word definition was for what the Secretary of State did to the petition once all signatures were totaled. Ms. Erdoes said the Committee could decide what the word could be since there was no word in statute at the time. Senator Beers said the language should then be changed in the proposed amendment to say "petition is certified by the Secretary of State." Senator Hardy said the issue then became who is notified and how are those people notified. Ms. Erdoes said if the action was by the Secretary of State, the Legislature could require that Office to certify it and ensure it was in writing. Senator Hardy said it would then be incumbent on the individual challenging the petition to stay current on the process.

Senator Beers said proposed amendment 4 to A.B. 497 would then be changed to read, "petition is certified sufficient by the Secretary of State," and delete the language stating, "notifies the petitioners and the county clerks that the petition had qualified pursuant to NRS 293.1278." He asked if the Committee would be comfortable changing the hearing date from three days after the complaint is filed to five days. Senator Raggio asked if making the hearing three days after a complaint is filed was a realistic demand. He asked if the respondents and the court had enough time with that kind of timeline. Ms. Erdoes said it was not, realistically, enough time, and the courts would most likely ignore that time restriction. Chair Cegavske asked what a reasonable time frame would be. Ms. Erdoes said ten days would be good, but would still be expediting the matter. She said 30 days would be the best choice because it allowed all interested parties enough time to prepare. Senator Raggio said the courts had always been mindful of the need for expediency in petition matters, and the existing language of 30 days should be left unchanged.

Senator Hardy asked if the language could just be changed to "the court shall expedite" or something similar. Senator Raggio said the language could say expedite, but it would not change the situation. He said the court already knew to expedite the matters. Senator Hardy said he wanted to avoid the situation when the court did not want to expedite a matter.

Senator Beers said proposed amendment 4 should not change the number of days from 30 days after the complaint is filed in regard to a petition. The Committee as a whole supported proposed amendment 4 to A.B. 497, as proposed by Senator Beers.

Mr. Stewart explained proposed amendment 5 to A.B. 497 using [Exhibit C](#). He said the proposed amendment would delete section 9 and section 16 of A.B. 497. Senator Beers asked to keep section 9 and section 16 of A.B. 497, but change the language to read "any registered voter of the county" in section 9, and "any registered voter of the city" in section 16. He said that would make those sections consistent with the state requirements. Mr. Stewart said there was another proposal in both section 9 and section 16 of A.B. 497. Senator Beers asked for the changes in subsection 4 of section 16 and subsection 4 of section 9 to be stricken. The Committee as a whole supported the proposed amendment to A.B. 497 as described by Senator Beers.

Mr. Stewart described proposed amendment 6 to A.B. 497 using [Exhibit C](#). He said the amendment would change the word "county" to the word "city" in section 19 of A.B. 497. The Committee as a whole supported the proposed amendment 6 to A.B. 497 as described in [Exhibit C](#).

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 497.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WIENER WAS ABSENT FOR THE VOTE.)

Chair Cegavske opened the work session on A.B. 538.

[ASSEMBLY BILL 538 \(1st Reprint\)](#): Makes various changes relating to ethics in government. (BDR 23-272)

Mr. Stewart gave an overview of A.B. 538 using Tab G of [Exhibit C](#). He explained proposed amendment 1 to A.B. 538 using [Exhibit C](#). He said the proposed amendment would delete section 1 of the bill and, if accepted, would require section 3 to be deleted. The Committee supported proposed amendment 1 of A.B. 538 deleting sections 1 and 3 of A.B. 538.

Mr. Stewart explained proposed amendment 2 to A.B. 538 using [Exhibit C](#). He said the proposed amendment would delete section 4 of A.B. 538. The Committee as a whole supported proposed amendment 2 to A.B. 538.

Mr. Stewart discussed proposed amendment 3 to A.B. 538 using [Exhibit C](#). He said the proposed amendment would amend section 5, line 32 of the bill by deleting the words "and conduct investigations." Senator Beers said in the budgeting process there were already investigators, and so, the language in section 5 was unnecessary. The Committee as a whole supported proposed amendment 3 to A.B. 538.

Mr. Stewart explained proposed amendment 4 to A.B. 538 using [Exhibit C](#). He said the proposed amendment would delete section 6 of the bill. The Committee as a whole supported proposed amendment 4 to A.B. 538.

Mr. Stewart gave an overview of proposed amendment 5 to A.B. 538 using [Exhibit C](#). He said the proposed amendment would delete section 7 of the bill. Senator Beers requested sections 7, 9 and 12 of A.B. 538 be deleted as stated in proposed amendment 5. The Committee as a whole supported proposed amendment 5 to A.B. 538.

Mr. Stewart explained proposed amendment 6 to A.B. 538 using [Exhibit C](#). He said the proposed amendment would delete the language, "if the public officer is subject to the provisions of" from section 6, subsection 3 of A.B. 538. Senator Beers said the section listed in [Exhibit C](#) was incorrect. He said the language to be deleted was in section 13 and not in section 6 of A.B. 538. Senator Beers said section 13 dealt with a follow-on effect of having pulled in the broader definition of the term "public officer." He said without that expansion of the term, the additional clause on the top of page 16 of A.B. 538 would no longer be required. The Committee as a whole supported proposed amendment 6 to A.B. 538.

Mr. Stewart explained proposed amendment 7 to A.B. 538 using [Exhibit C](#). He said the proposed amendment would amend section 16 of the bill to restore the original NRS language as it related to the \$6,000 compensation threshold for candidates and their filing of the statement of financial disclosure. The Committee as a whole supported proposed amendment 7 to A.B. 538.

Mr. Stewart read a proposed amendment ([Exhibit D](#)) from the Senate Committee on Judiciary.

Senator Raggio asked if the proposed amendment from the Senate Committee on Judiciary was appropriate to be put into A.B. 538. Ms. Erdoes said she believed the amendment in [Exhibit D](#) to be germane to A.B. 538. Senator Raggio asked if the Ethics Commission was present at the hearings in the Senate Committee on Judiciary concerning ethical issues. He asked if the Commission on Ethics was aware of the recommendations from the Senate Committee on Judiciary. Chair Cegavske said the chair of the Ethics Commission was present at those hearings. Senator Raggio suggested that the proposed amendments to A.B. 538 in [Exhibit C](#) and the proposed amendment in

[Exhibit D](#) be added as two separate amendments. Ms. Erdoes said the Legal Division could make both sets of amendments work together and not conflict. Chair Cegavske said the first motion would be on the proposed amendments to A.B. 538 in [Exhibit C](#).

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED A.B. 538 WITH THE PROPOSED AMENDMENTS IN TAB G OF [EXHIBIT C](#).

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS TITUS AND WIENER WERE ABSENT FOR THE VOTE.)

Chair Cegavske said the next motion would be for the proposed amendment to A.B. 538 in [Exhibit D](#).

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED A.B. 538 WITH THE PROPOSED AMENDMENT IN [EXHIBIT D](#).

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS TITUS AND WIENER WERE ABSENT FOR THE VOTE.)

Senator Beers requested to add an amendment to A.B. 455 containing the language: "voting machines in Nevada must be Help America Vote Act (HAVA) compliant. No other criteria may be prescribed."

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED A.B. 455 WITH THE NEWLY PROPOSED LANGUAGE.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS TITUS AND WIENER WERE ABSENT FOR THE VOTE.)

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Chair Cegavske opened the work session on A.B. 546.

ASSEMBLY BILL 546 (2nd Reprint): Repeals certain provisions enforced by Commission on Ethics. (BDR 23-899)

Mr. Stewart gave an overview of A.B. 546 using Tab H of Exhibit C. He noted it repealed provisions prohibiting a person from making a false statement of fact about a person or question on the ballot and it would bring statute into line with the U.S. District Court ruling in *Nevada Press Association v. Nevada Commission on Ethics*.

Senator Raggio said he would vote for the bill because it was what the court ordered, but he did not personally agree with the court's decision on the matter. He said there was no way for anyone to challenge someone who is willfully lying about him or her in a campaign. He said a lawsuit for libel did no good during a campaign.

SENATOR BEERS MOVED TO DO PASS A.B. 546.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WIENER WAS ABSENT FOR THE VOTE.)

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Chair Cegavske opened the work session on Assembly Joint Resolution (A.J.R.) 5.

ASSEMBLY JOINT RESOLUTION 5 (1st Reprint): Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum. (BDR C-1399)

Chair Cegavske said everything had been taken out of A.J.R. 5 except for the constitutional districts.

Mr. Stewart gave an overview of A.J.R. 5 using Tab I of [Exhibit C](#). He said the bill, if passed with the proposed amendments would leave in the bill the provision about the Congressional District split-out on the geographic-distribution signature requirement for initiative petitions. Chair Cegavske said it would also take back the number from 20 percent to 10 percent for required signatures. Mr. Stewart said the restoration of the 10 percent was for statewide initiatives. He said proposed amendment 4 would restore the number to 15 percent for municipal initiatives and 10 percent for referendums.

Senator Hardy asked if the proposed amendments would make the required signatures be from Congressional Districts instead of county districts. Chair Cegavske said that was correct. Senator Hardy said the proposed amendments would help prevent people from becoming disenfranchised in the initiative process.

SENATOR RAGGIO MOVED TO AMEND AND DO PASS AS AMENDED
A.J.R. 5.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WIENER WAS ABSENT FOR THE VOTE.)

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Chair Cegavske adjourned the meeting of the Committee on Legislative Operations and Elections at 5:04 p.m.

RESPECTFULLY SUBMITTED:

Jonathan Sherwood,
Committee Secretary

APPROVED BY:

Senator Barbara Cegavske, Chair

DATE: _____