

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

**Seventy-Fourth Session  
May 24, 2007**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Ellen Koivisto at 3:57 p.m., on Thursday, May 24, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Ellen Koivisto, Chair  
Assemblyman Harry Mortenson, Vice Chair  
Assemblyman Chad Christensen  
Assemblyman Ty Cobb  
Assemblyman Ed Goedhart  
Assemblyman Ruben Kihuen  
Assemblywoman Marilyn Kirkpatrick  
Assemblyman Harvey J. Munford  
Assemblyman Tick Segerblom  
Assemblyman James Settelmeyer

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Marcus Conklin, (excused)  
Assemblywoman Heidi S. Gansert (excused)  
Assemblyman James Ohrenschall (excused)



**STAFF MEMBERS PRESENT:**

Lorne Malkiewich, Director  
Patrick Guinan, Committee Policy Analyst  
Terry Horgan, Committee Secretary  
Trisha Moore, Committee Assistant

**OTHERS PRESENT:**

Joseph Turco, representing the ACLU (American Civil Liberties Union) of Nevada  
Matt Griffin, Deputy for Elections, Office of the Secretary of State

**Chair Koivisto:**

[Roll taken] We will start with Senate Bill 490. Patrick Guinan will refresh our memories about the bill.

**Senate Bill 490:** Revises provisions governing the prefiling, reprinting and transmittal of bills and resolutions. (BDR 17-789)

**Patrick Guinan, Committee Policy Analyst:**

[Mr. Guinan read a description of the bill and possible amendments from his work session document ([Exhibit C](#)).]

**Lorne Malkiewich, Director:**

Assemblyman Conklin has been attempting to get consensus legislation drafted because one of the points Senator Townsend's amendment raised involved adding new bills to the December 15 deadline. This proposal ([Exhibit D](#)) changes that deadline so the additional bills given to legislators go back to the September 1 deadline. The general principle of Senator Townsend's proposal was to delete all the local government bill draft requests (BDRs), but then add about half of them back in by supplying them to legislators. The net result would be a reduction in the number of bills, but more bills would be in the hands of legislative requestors.

If you look at page 2, line 40 of the mock-up ([Exhibit D](#)), the additional bill for each incumbent Assembly Member is added for the period before September 1, rather than the period from September 1 to December 15. If you turn to the top of page 3, line 2, the two additional measures given to Senators are also added to the period before September 1. As a result, the additional bills do not go to freshmen legislators. This amendment would add back about 120 bills of the 240 bill draft requests removed from governmental entities.

Another change from what Senator Townsend had proposed to you is on page 5 of the mock-up. The original proposal removed bill draft requests from the constitutional officers, with the exception of the Governor. This proposal reduces the number of bill draft requests allowed the Governor to 100 from the current 125 and spreads the remaining 25 bills among the other constitutional officers. In general, the numbers have been cut roughly in half from previous levels.

The biggest new provision in this mock-up is language at lines 37 through 40 on page 5 which says that all these Executive Branch requests must be prefiled by December 15 or they are deemed to be withdrawn. As a result, we should have 100 bills in progress by December 15 and if not, the Legal Division has less work to do.

There is another technical amendment on page 6, Section 8, subsection 3, where the language states, "Measures submitted for prefiling pursuant to ..." that section of the *Nevada Revised Statutes* (NRS) are going to be evenly divided between the Houses and introduced in the appropriate committees.

Except for a little technical change on the first page, the remainder of the mock-up is either material from Senator Townsend's initial request, or material from the existing bill draft.

**Chair Koivisto:**

Are there any questions from the Committee?

**Assemblyman Segerblom:**

No one has mentioned to me that they are upset at losing these bill drafts. Has anyone mentioned it to you?

**Lorne Malkiewich:**

No, I have not heard anything. I am surprised, because I would expect that the local governments would not be happy about losing these bill draft requests. We discussed the principle behind this change at the previous hearing on this bill. Members of the Legislature, either Committee Chairs or individual legislators, should be signing off on these bills before they get submitted for drafting, so we have actually increased the number of BDRs some legislators receive.

**Chair Koivisto:**

This is especially important for freshmen legislators because there are over 600 bills in each House. To try to hear over 1,200 bills in 120 days, because

the bills that pass must go through both Houses, is a lot of work considering fewer than half the bills finally make it into the statutes.

**Lorne Malkiewich:**

The percentage actually declined last session, but you are correct; usually a little fewer than half the bills introduced are passed.

**Chair Koivisto:**

Are there other questions from the Committee? If we choose to move on this bill now, the Chief Clerk of the Assembly's amendment ([Exhibit E](#)) must be included. It is a small, technical change that would help the Chief Clerk.

**Patrick Guinan:**

The mock-up requested by the Chief Clerk ([Exhibit E](#)) just has one short change in Section 5 that strikes out the phrase, "upon adjournment or immediately as so directed by the respective House." That refers to the transmittal of bills. It is impossible to transmit bills "immediately" when they are not yet in the Clerk's possession, so the Clerk requested we remove that language for clarity. That is the only change in that mock-up.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS  
SENATE BILL 490 INCLUDING THE CHANGES IN  
AMENDMENT 4053 ([EXHIBIT D](#)) AND AMENDMENT 4106  
([EXHIBIT E](#)).

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CONKLIN, GANSERT,  
GOEDHART, AND OHRENSCHALL WERE ABSENT FOR THE  
VOTE.)

**Chair Koivisto:**

Thank you, Committee. With nine members here, I am going to ask for Committee introduction of a bill draft request. It would direct the Legislative Commission to conduct an interim study of the duties and activities of statutory legislative committees. Historically, the Legislature uses committees that meet during the interim. As a rule, there are six people on an interim committee. They probably meet six times during the interim and quite a bit of the legislation we hear during the session comes from those interim committees. We have some interim committees that have been in existence for quite a long time. There are committees dealing with Marlette Lake, public lands, education, and health, among others. There are quite a number of standing committees and

they have not been reviewed in quite a long time. We need to see if we are getting any legislation from the committees, how much it costs to operate them, and if they are really accomplishing anything. That is the purpose of this study.

**BDR R-1519**—Directs the Legislative Commission to conduct an interim study of the duties and activities of statutory legislative committees. (Later introduced as [Assembly Concurrent Resolution 32](#).)

ASSEMBLYMAN SETTELMAYER MOVED FOR COMMITTEE INTRODUCTION OF BDR R-1519.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CONKLIN, GANSERT, KIHUEN, AND OHRENSCHALL WERE ABSENT FOR THE VOTE.)

Also on our agenda today is [Assembly Concurrent Resolution 31](#) which we requested last week. Patrick will review it for us, and then we can discuss it.

**[Assembly Concurrent Resolution 31](#): Directs the Legislative Commission to conduct an interim study of issues relating to elections. (BDR R-1518)**

**Patrick Guinan, Committee Policy Analyst:**

[Assembly Concurrent Resolution 31](#) requires that the Legislative Commission appoint an interim committee to examine the election process and the administration of elections in the State. There would be six legislators on the interim study committee, one to be appointed as the chairman. The committee would include the Chairman of the Senate Committee on Legislative Operations and Elections, the Chairman of this Committee, one member appointed by the Majority Leader of the Senate, and one member each appointed by the Minority Leader of the Senate, the Speaker of the Assembly, and the Minority Leader of the Assembly. The study would look at National elections, as well as including an examination of the following issues:

- The initiative and referendum process;
- Mail-in voting;
- Challenges to a person who is attempting to vote;
- The order of listing offices, candidates, and questions on a ballot;
- Voter registration on the day of a primary or general election;
- Absentee voting;
- Provisional voting; and,

- Changing the dates of elections held in cities located in a county whose population is 400,000 or more.

Most of the issues on this list are ones this Committee considered in one bill or another during the session. These are bills that, for one reason or another, are not coming out of the Legislature. This study would allow the interim committee to take a closer look at those issues and either recommend or not recommend legislation based on their findings.

Assembly Concurrent Resolution 31 also requires that the Legislative Commission submit a report of the study's conclusions and any recommended legislation to the next session of the Legislature.

**Chair Koivisto:**

It seems to me that over the last several sessions we have passed a hodgepodge of legislation dealing with elections and ethics reform. What this study would do is look at the whole election process and how it works. It would be more in-depth than what we are able to do in our twice-a-week meetings during which we may spend an hour hearing about an issue. I do not think we have the time to spend that we really should spend on some things.

We do not have to pass this bill out of Committee today because there may be other interim study bills coming forward. We probably want to hear all of them and decide which ones we believe to be the most important. We can vote for two more interim studies.

Is there any discussion on this resolution?

**Assemblyman Segerblom:**

I think it is a fantastic idea. I particularly like the parts about registering to vote on election day and randomizing the order candidates are listed on ballots.

**Assemblyman Cobb:**

It concerns me that we have already had hearings on several of these topics. We vote on things after one-hour hearings every day that have a large impact on the State, so I am not sure that this study is necessary. However, if we do adopt this resolution and set up such a study, it would be important to add provisions dealing with potential fraud in terms of voter registration. We also should have some assurance that individuals who are voting in our elections are not only Nevada residents, but American citizens, as well. I would like to see studies of those issues added to A.C.R. 31 if we are going to be taking a thorough look at how our election system works.

**Chair Koivisto:**

A lot of other people are feeling that kind of pressure right now. Are there any other comments from Committee members? Is there any public comment?

**Joseph Turco, representing the ACLU of Nevada:**

Before this hearing, Mr. Guinan reminded me that the interim committee would not be limited to the issues he enumerated. The idea is terrific because voting is key to democracy; however, the list Mr. Guinan read did not specifically address voter disenfranchisement.

If the final conclusions are to have credibility, be widely accepted and respected and used for the future, the study needs to address all those issues. We, at the ACLU, believe that a thorough investigation of these issues will show very little voter fraud. Matt Griffin from the Secretary of State's Office mentioned that there was very little voter fraud and I think this interim committee will bear that out. We think voter fraud is mythical and very rare indeed, but we believe there are plenty of examples of disenfranchisement. I am convinced the interim committee will address both sides of that issue, and if the public is invited, I will see you there.

**Assemblyman Settelmeyer:**

Will issues already being studied as a result of other bills that passed still be looked at by this interim committee? I am concerned that there might be two studies on the same topic.

**Chair Koivisto:**

The same topic would not be studied in two places.

**Assemblyman Settelmeyer:**

If this moves forward, I would like the study to include not only an examination of the issues, but the costs related to those issues. For instance, how much does the initiative and referendum process cost? How much would be saved if we voted by mail? In previous hearings, we heard that voting by mail could actually end up saving us a fortune.

**Chair Koivisto:**

I think that is why Oregon has voting by mail.

**Assemblyman Settelmeyer:**

I would like to be certain the costs are being figured out, as well.

**Chair Koivisto:**

That is a good idea. Are there any other comments or questions? [No response] I will bring the bill back to the Committee and we will hold it until after we have heard the other study bills that are coming forward.

**Matt Griffin, Deputy for Elections, Office of the Secretary of State:**

Ultimately, my job is to make the 2008 Elections as safe and secure as possible while allowing voting by those people who want to vote. I can assure the Committee that the measures being introduced in the bill are being addressed on a daily basis by my staff, me, and the Secretary of State's Office. It is important to be certain we are doing a good job, but we can do better. Over the next few months, my office will be working steadfastly to implement the regulations to comply with the bills that have already passed this session. That will take my office a considerable amount of time to do.

All the suggestions in this bill are well put because all of them have been brought before this Committee. I can assure the Committee that we do look at these things as much as we can to ensure that we are doing everything we can.

**Chair Koivisto:**

Thank you. There being nothing else to come before the Committee, we are adjourned [at 4:22 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblywoman Ellen Koivisto, Chair

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



**EXHIBITS**

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

**Date: May 24, 2007**

**Time of Meeting: 3:45 p.m.**

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance roster
SB 490	C	Patrick Guinan, Committee Policy Analyst	Review of the bill and explanation of possible amendments
SB 490	D	Patrick Guinan	Mock-up amendment 4053
SB 490	E	Patrick Guinan	Mock-up amendment 4106