

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

**Seventy-fourth Session
February 6, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 1:32 p.m. on Tuesday, February 6, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara K. Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven A. Horsford

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michelle L. Van Geel, Committee Policy Analyst
Brian Campolieti, Committee Secretary

OTHERS PRESENT:

Christopher Hansen, Chairman, Independent American Party
Janine Hansen, President, Nevada Eagle Forum
Ross Miller, Secretary of State
Larry Lomax, Registrar of Voters, Elections, Clark County
Dan Burk, Registrar of Voters, Washoe County
Alan Glover, Clerk/Recorder, Carson City
Barbara J. Griffin, Clerk/Treasurer, Douglas County
Richard L. Siegel, President, American Civil Liberties Union of Nevada

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CHAIR CEGAUSKE:

I open today with the adoption of the Senate Committee on Legislative Operations and Elections Rules for the 2007 Session ([Exhibit C](#)), which are the same as the 2005 Legislative Session. Are there any comments on the rules before you?

SENATOR RAGGIO MOVED TO ADOPT THE SENATE COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS RULES FOR THE
2007 SESSION.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CEGAUSKE:

We will have a presentation by Michelle L. Van Geel, Committee Policy Analyst, on the Committee Brief for the Senate Committee on Legislative Operations and Elections ([Exhibit D](#)).

MICHELLE L. VAN GEEL (Committee Policy Analyst):

It is my privilege to serve as your Committee Policy Analyst this session. As an employee of the Legislative Counsel Bureau, I am prohibited from supporting or opposing any measures before the Committee. The Research Division staff and I are available to assist with research needs of the Committee throughout the session.

Pages 2 and 3 of [Exhibit D](#) discuss the jurisdiction of the Committee as well as the types of bills to be heard. The Committee will discuss Titles 17, 18, 23, 24 and 29 of *Nevada Revised Statutes* (NRS). Along with bills in these subject areas, the Committee may consider measures proposing amendments to the *Constitution of the State of Nevada*. The Committee will also choose topics of the studies the Legislature will conduct in the interim between sessions. Page 4 of [Exhibit D](#) gives a summary of major deadlines most affecting the Committee.

The document Bill Draft Requests Concerning Elections, Ethics, Lobbying, Legislative Affairs, and Constitutional Amendments ([Exhibit E](#)) lists items that may come before this Committee. Some bill draft requests (BDR) are introduced

in Assembly Chambers and some may not be introduced at all. Pages 5, 6 and 7 provide contact information for key election and ethics officials as well as governmental contacts relating to public employers and peace officers.

BRENDA J. ERDOES (Legislative Counsel):

I submitted copies of Recent Legal Issues Relating to Initiative Petitions Proposing to Amend the Nevada Constitution or Proposing to Add a Statute or Amend a Statute ([Exhibit F](#)). This document presents issues regarding initiative petitions, an area of litigation since 2003. Some litigation was addressed by statutes and constitutional amendments, one being A.J.R. 1 of the 22nd Special Session. Issues remain relating to initiative petitions. These issues are either a confusing section in the Constitution which no longer applies or a confusing section of statute which has been struck down.

ASSEMBLY JOINT RESOLUTION 1 OF THE 22ND SPECIAL SESSION: Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum. (BDR C-14)

The single subject rule this Committee enacted during the 73rd Session has been upheld. It was challenged in different manners and the Nevada Supreme Court said this rule was acceptable. That rule is now in NRS 295.009. The NRS requirement to describe the initiative petition behind the rule was also upheld.

Signature requirements for initiative petitions pertaining to A.J.R. 1 are another issue. Senator Dean A. Rhoads, Rural Nevada Senatorial District, introduced BDR C-260. Those are mutually exclusive choices how to solve the 13 Counties Rule presented in 2003.

BILL DRAFT REQUEST C-260: Proposes to amend Nevada Constitution to revise provisions relating to signature requirements for initiative petitions. (Later introduced as [Senate Joint Resolution 3.](#))

SENATOR RAGGIO:

Regarding the *Nevadans for the Protection of Property Rights v. Heller* case, the Nevada Supreme Court stated a threshold requirement to an initiative petition was needed to amend the Constitution. It must propose policy and not administrative details. What does that mean?

MS. ERDOES:

That involves cases in Nevada that started with local government cases where people proposed initiative petitions. The court responded by stating the initiative petition can only be proposed by city ordinance. The court decided the Constitution does not have administrative procedures, it only has substantive law.

Page 6 addresses the Affidavit of Signer and Affidavit of Circulator which are still unsolved. That issue is whether the person who circulates an initiative petition must be a registered voter in Nevada. A Colorado case struck down a similar provision as did Nevada. We still have that requirement. Colorado tried to fix it by allowing one person, who was a signer on the petition, to be the affidavit signer. That has not been well received.

Page 7 addresses filing with the Secretary of State. This is an existing legal issue of how many signatures are required. A United States district court case in 2005 prohibited the Secretary of State from using the November 2004 election as the controlling election. Passage of A.J.R. 1 and a vote of the people in 2008 would solve this issue.

The challenge to legal sufficiency was put in NRS 295.061 and upheld. The *Herbst Gaming v. Heller* case of the Nevada Supreme Court challenged the prohibited smoking initiative petition. This was a difficult case to analyze. The Eighth Judicial District Court has considered this and not reached a solution. The prohibited smoking initiative passed throughout the state, but is still not enforced in Clark County.

SENATOR BEERS:

Have there been any changes in the Idaho cases involving bears that might lead us back to 14 of 17 counties being allowed again?

MS. ERDOES:

To my knowledge, no. I will research that again and keep you up to date.

CHAIR CEGAVSKE:

Someone in Las Vegas requests time to speak on this issue.

CHRISTOPHER HANSEN (Chairman, Independent American Party):

Consider overturning the single issue regarding petitioning laws. It is not constitutional, takes away rights from people to propose what they want and puts it in the hands of judges.

CHAIR CEGAUSKE:

Would anyone else care to address this area?

JANINE HANSEN (President, Nevada Eagle Forum):

The single subject rule would lead to serious problems in the courts for anyone petitioning. Ordinary people in Nevada can no longer initiate a petition. Unless you have money to defend against everyone who wants to stop your petition in the courts, you will never get it on the ballot. The people will never have the opportunity to vote. The purpose of the initiative petition process was so the people keep this power to get initiatives on the ballot, and the people—not the courts and not the Legislature—vote on these issues. That has been circumvented and undermined by these two regulations from last session calling for single subject. That rule narrowed from the Nevada Supreme Court definition. The people are more restricted than the government in the initiative process.

Another problem is with the 200-word description which is subject to litigation. When you file on the date required, your timeline to get on the ballot is reduced. This denies people the right to petition because without money you need more time. My nephew Jonathan Hansen, the attorney for one of these issues, wrote a brief statement ([Exhibit G](#)). The Committee should be concerned with maintaining the initiative process for the people. Both items mentioned limit people this opportunity.

CHAIR CEGAUSKE:

We have a presentation from Secretary of State Ross Miller regarding election issues.

ROSS MILLER (Secretary of State):

I provided the Committee with a copy of our Annual Report Fiscal Year 2006 ([Exhibit H](#), original is on file in the Research Library) completed the end of Fiscal Year 2006 by former Secretary of State Dean Heller. Nicole Lambole, Chief Deputy Secretary of State, is with me as well as Scott Anderson, Deputy for Commercial Recordings, and Matt Griffin, Deputy for Elections. They are

3 members of a 136-person staff who maintain offices in Carson City, Reno and Las Vegas. They oversee commercial recordings from the Notary Division and Securities Division. Our office generates about \$100 million in revenue for the state; much of that comes through the Commercial Recordings Division. That breaks down to about \$750,000 per employee. The Commercial Recordings Division alone generated \$89 million last year due to implementation of the electronic Secretary of State (e-SoS) system implemented under former Secretary of State Heller. In 2005, e-SoS was recognized for its progress in converting paper documents to electronic transactions. Nevada is second behind Delaware for per capita filings. We continue digitizing most procedures and working with other governmental agencies to make the process more integrated.

The Securities Division is primarily located in Las Vegas with a staff of 22 processing the securities licensing and enforcement. They have six peace officers in Las Vegas and two in northern Nevada. The Division generates about \$20 million in state revenue as well as all enforcement proceedings. We have an aggressive investor education program which we will unveil to communities to make them aware of resources. In addition, we will investigate investment schemes throughout the state. This office is concerned with the role of the Secretary of State as the chief elections officer.

We are preparing for the 2008 election. There are many presidential candidates, so the national media may scrutinize Nevada's electoral process. We continue to work with county clerk offices throughout the state that have legislation we support. Issues include punch card language removal, voter verifiable paper trail language and timeline clarification. Mr. Lomax will address this later today.

We are trying to stay compliant with the Help America Vote Act of 2002 (HAVA). Nevada received about \$21 million to administer elections in compliance with HAVA. The Act created uniformity across states and put certain regulations in place. One HAVA requirement was to maintain a statewide voter registration database. Initially, former Secretary of State Heller used Covansys Corporation to maintain the statewide voter database. Covansys Corporation implemented a top-down system maintained at a statewide level and people registered in real time. After 24 months, Covansys failed to perform. Former Secretary of State Heller then contracted with Nevada's statewide voter registration system (NevVoter). NevVoter is a bottom-up system wherein counties provide their information to our office on a nightly basis. We send the

data to the Department of Motor Vehicles to check for duplicates; we also check vital statistics for deceased individuals on voter rolls. We are working with the Department of Public Safety to investigate a mechanism to run records through a criminal repository. Currently, individual counties determine whether an individual is qualified to vote.

CHAIR CEGAVSKE:

Are there any comments from the public?

MR. HANSEN:

We are concerned with enforcement of election laws for state and county officials who violate the laws. We hope the Secretary of State will do a better job of enforcement. During the Nevadans for Sound Government petition, the Nevada Supreme Court and district court in Las Vegas determined government officers and employees violated the rights of petitioners. The Secretary of State has the ability to determine if a crime has been committed. We could not get any action to move forward on this even though they settled out of court. They agreed they had done inappropriate things according to the law on petitioning. The Secretary of State's Office also has the ability to place civil penalties against violators. There were obvious violators, and not one government employee or agent was fined, arrested or investigated.

Larry Lomax violated the rights of one of our Independent American Party candidates. The Secretary of State's Office and the Attorney General's Office took no action, yet the Nevada Supreme Court and district court both ruled in favor of our candidate. This was intimidation and a felony by Mr. Lomax. We are attempting to get Mr. Lomax arrested for this felony. There is no question whether he committed this felony. He admitted he intimidated one of our people from registering to vote. We await a response from the Democratic administration. Former Secretary of State Heller continuously tried to intimidate Independent Americans and failed to prosecute government employees who committed felonies and misdemeanors. We hope action in the Legislature strengthens the laws and allows individuals who are harmed to file complaints.

The Secretary of State, also mentioned voter verifiable paper trails, yet in another court action, Dan Burk informed us these paper trails are never reviewed or used for recounts. Why is this verifiable paper trail not used? These paper trails are essentially useless; we suggest the Legislature looks into this. People should have access to these paper trails to investigate election fraud.

CHAIR CEGAUSKE:

A bill coming through the Committee deals with this issue.

LARRY LOMAX (Registrar of Voters, Elections, Clark County):

The state of elections in Nevada is good. Fraud is not running rampant. We set a standard for the rest of the country. The State of Nevada is looked to as the leader in implementing technology into the election process. The paper trail is used to verify the accuracy of the voting machines and is audited. I am not saying it is perfect, there are improvements to be made. The people of Nevada should be proud of the way elections are conducted throughout the state. We have a combination of touch-screen voting machines with a paper trail; we have an aggressive early-voting program and no-fault absentee voting. I contend we have the most accurate elections in the country. We make voting accessible to more people than ever before. Statistically, approximately 5 percent of the people in Clark County voted early 10 years ago. Now, 50 percent of the people vote early. Compared to all Western states during the same time frame, Clark County has gone from last to first place for early voter turnout. The one exception is Oregon, which is an early voting state.

I am impressed with the new Secretary of State's willingness to work with us. We look forward to working with this Committee as we approach the 2008 election. However, things need to be done in the legislative arena. Even though punch cards left the state prior to the 2004 election, NRS is full of language about punch cards. The NRS lacks any information about optical scan ballots which we now use. Problems in 2004 included maintaining an orderly polling place where people can come and vote without feeling intimidated or pressured. Perhaps we should place limits on the number of poll watchers and restrict their ability to talk to voters at the polling place. We have language about this in the *Nevada Administrative Code*, but nothing firm in the NRS.

Fraudulent registration forms from 2004 in Clark County and Washoe County need to be addressed. People were paid to register voters which created incentives for fraudulent forms. We need accountability from the organizations that circulate these forms. They should be held accountable for tracking forms to help us solve this problem. The other issue is the 100-foot rule, which states there is no campaigning within 100 feet of the entrance to the polling place.

SENATOR BEERS:

Are the fraudulent registration forms driven by the ballot initiative signature-gathering process?

MR. LOMAX:

Not in 2004. It was driven by partisan politics from both parties.

SENATOR BEERS:

What about 2006?

MR. LOMAX:

I did not see it happen in 2006. I am not aware of anyone paid to register voters in 2006. The 100-foot rule is primarily policed by the parties and candidate supporters outside the polling place. They watch each other and make sure no one is within 100 feet. I do not have the staff to do it. Occasionally, we send staff out if we get a complaint. People are pretty good about staying outside the 100 feet. The issue in 2004 was that partisan organizations, headed by presidents who publicly supported one candidate or the other, claimed the right to be inside the 100 feet while wearing their organization T-shirts. That made this rule unenforceable because the candidates and others claimed they were there to assist. We need something to prevent loitering within 100 feet or let everyone go up to the door. This issue becomes more of a problem every election.

CHAIR CEGAVSKE:

This will be addressed in bills coming this session. Did you get a list of the bills?

MR. LOMAX:

Yes, I have the list. Another problem in 2004 and 2006 was clarifying the law on written challenges of voters. The law states you can challenge a voter if you live in the same precinct/district or you have personal knowledge. What does district mean? We have always interpreted it to mean a voting district which is a precinct or a single district of precincts. Some people who issued challenges in the last election interpreted it to mean a political district. In that case, a political district could be as big as a county, state or entire country. That means, in order to issue a challenge, you need personal knowledge, live in the precinct or the state. That does not make sense and allows blanket challenges. I received 13,000 challenges and one challenged every Democrat living in the district. The challenge addressed illegal alien registration under false identification. No one in

this room would support blanket challenges where anyone could challenge in any district.

Federal legislation could pass this year to correct HAVA. Significant to Nevada is a bill to decertify all paper trail printers and yet require their replacement with new printers by the 2008 election. That is about \$6 million worth of printers for removal. The bill will not allow a reel-to-reel printer, and it requires paper of archival quality.

DAN BURK (Registrar of Voters, Washoe County):

One thing discussed with the Secretary of State's Office is the possibility of allowing voters to become permanent absent voters where people opt, at the time of registration or thereafter, to vote by absentee ballot in each election. If a person did not vote in the following general election, their status reverts back to letting them vote in the normal manner and we would not have to send a ballot out every year. As Mr. Lomax pointed out, Nevada has the most progressive election system in the United States. The market has changed, and the way we do elections has changed. This is true in terms of early voting. In 1996, we had 4,500 people voting early. During the 2006 election, we had 42,000 people voting early. The way we serve people changes in regard to how we make sure every blue-collar worker, who cannot get time off on Election Day, has the opportunity to vote. We want to discuss this idea with you and talk with the Secretary of State as well.

If an individual wants to circulate a petition in the state, they have 180 days to do so. The petition must be filed with us no less than 130 days prior to the election. We got into a mess during the elections of 2004 and 2006. We cannot get the issues surrounding the petitions resolved in a timely manner. During both elections, we were delayed from producing our ballots; if there are court challenges, we cannot make a decision to print. This means we cannot circulate the ballots in a timely manner. We are backed up to this date as a result. We are not suggesting you shorten the period of circulation. We suggest organizations continue to have the 130 days, but end 30 to 60 days earlier to give clerks time to prepare and courts time to figure out problems. We need a resolution to make sure both our people overseas and residents here at home get their sample ballots.

SENATOR RAGGIO:

Are you saying the law requires petitions be filed 130 days before the election? That is about three-and-one-half months. What is your recommendation?

MR. BURK:

We would like it 60 days earlier to give everyone enough time to circulate petitions and have hearings. My last issue concerns the illegal circulation of voter registration forms in 2004. Once the courts determined any person could circulate a petition, even those who were paid added an economic incentive. As a result, many young people got involved in the process and did not follow the rules. In 2004, Washoe County had to throw out over 6,000 petition signatures because of false addresses. There should be a requirement for those in the business of voting drives to complete training that includes requirements for turning in registration forms and what you can and cannot do. This would provide clarification for these people because we will see this again in 2008.

ALAN GLOVER (Clerk/Recorder, Carson City):

The main issue is how we handle our agreement with Sequoia Voting Systems (SVS). Our agreement with SVS is with the state through the Secretary of State's Office. The state purchased the voting equipment with HAVA funds. This includes the software licensing, service and maintenance in the support agreements. Under the agreements, which soon expire, SVS charges the state \$200 for each precinct to program the election. That fee will increase from \$250 to \$260 per precinct. The question becomes who is responsible for this cost? Is it the state or the counties? A number of counties do not have funds to pay for this. The Secretary of State is working on the issue. We need to determine how we will handle this for the long term. We could continue to have SVS program the election for small counties. Washoe County and Clark County have the software to program their own elections; the other 15 counties do not have that software so we pay this fee to SVS. Our concern is how we will pay for that fee. Will the state pay through the General Fund or the county through their general fund. We should consider having the state do the programming for us through the Secretary of State's Office. When we run punch cards, we get our own programming which takes a little over a week. We no longer have that ability.

The Secretary of State's Office indicated HAVA funds may help us with the 2008 election. Regardless of the approach, it comes down to who actually owns the Sequoia AVC Edge voting machines. It is the intention of the

Secretary of State to maintain ownership of those machines. The best approach would be a dual ownership between the state and the county under one contract. A separate contract with SVS for maintenance and licensing software would put us at a disadvantage. The company does not want to go to eastern and northern Nevada because it costs them too much money. They charge more for support on Election Day. Having the Secretary of State handle this issue is a concern for rural counties without much money. It is all or nothing; this should be negotiated as a group without omitting certain counties. That may be more an issue for the Secretary of State than for this Committee.

Last year's election went well. The AVC Edge voting machines performed as designed. We had some problems with voting screens going blank, but that problem stemmed from speed of production and the myriad of vendors assembling the machines. The manufacturer, in coordination with the Secretary of State's Office, is inventorying our equipment. This problem did not affect the votes, but it took machines out of use during Election Day when we needed every machine we can get. Of special concern were the rural counties that only have a half dozen or a dozen machines; if two go out, it causes problems. Mr. Lomax has given concerns we have as well. Bill Draft Request 24-322 is based on the second reprint of S.B. No. 386 of the 73rd Session. When we drafted BDR 24-322, we took all provisions the Senate and Assembly passed, left out anything controversial and cleaned up some items regarding Elko County. Election clerks in the state want to run a fair, accurate and cost-effective election from which all qualified voters have an opportunity to vote.

BILL DRAFT REQUEST 24-322: Makes various changes relating to elections. (Later introduced as [Assembly Bill 569](#).)

CHAIR CEGAVSKE:

We are working off your BDR 24-322.

MR. GLOVER:

It will not be controversial. The Secretary of State had a few problems collecting fees, but we can work them out. We need to clean up the punch card language.

CHAIR CEGAVSKE:

We call that the kitchen-sink bill for elections. It was a well thought-out bill from the Senate. We should be able to work on it and get the language we need. The

important thing was the cleanup; this would have benefited us for the last election cycle.

MR. GLOVER:

This cleanup becomes essential as we enter a presidential election year. We should go into the year with the best law we can so people know the rules while campaigning.

BARBARA J. GRIFFIN (Clerk/Treasurer, Douglas County):

I want to expand on the elections beyond SVS. The cost of elections in Nevada, particularly throughout rural counties, has significantly increased since HAVA was passed. In Douglas County, our elections used to cost about \$17,000 and now they cost us about \$200,000. The state previously reimbursed some costs. We encourage discussion regarding reimbursement of additional costs to the counties. Several counties are struggling with cost to meet the mandated HAVA compliance requirements. These counties do not have the financial resources to do that. We used SVS and no longer have that ability. The increase for programming will impact some subprecincts of Douglas County.

We support early voting; it increases voter turnout. We have seen significant turnout with early voting and absentee voting. Almost 45 percent of the people either voted through early or absentee ballots. We want to help the counties with costs through total mail-in elections as an option, not mandated to the counties. Oregon does complete mail-in elections and the state of Washington leaves it to the discretion of the counties. I was contacted by the Wyoming Legislative Service Office regarding their bill addressing mail-in elections. We might start with special elections and primaries before general elections. We need to first see how the process works.

Douglas County supports the Secretary of State's NevVoter program. We have a system that is working and successful. Each county uses its own system as we batch up. We want to continue using this system.

SENATOR WIENER:

What is a subprecinct?

MS. GRIFFIN:

Douglas County precincts have numerous general improvement districts. I conduct the elections in those districts and unincorporated towns. Some

districts are small; I have one with only 26 registered voters. It would be costly to have each as a precinct, so I formed subprecincts. For example, I have precinct 40 and within it, I have 40.1. This gives me the ability to conduct the improvement district's election. Sequoia Voting Systems charged us for precincts in the past, and now they will charge for subprecincts as well.

CHAIR CEGAVSKE:

I will allow public testimony if anyone is interested. In addition, Senator Beers gave Committee members a document ([Exhibit I](#)).

SENATOR BEERS:

This exhibit of the November 4, 2006, issue of *Science News* is interesting reading material for the Committee because mathematicians talk about the different concepts of voting.

CHAIR CEGAVSKE:

Would anyone else like to testify?

RICHARD L. SIEGEL (President, American Civil Liberties Union of Nevada):

The American Civil Liberties Union (ACLU) had frustration during the 73rd Session with a number of issues. The federal government passed the reauthorization of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. This great accomplishment reflects the attitude of the ACLU. The ACLU is developing throughout northern and southern Nevada, and we have four attorneys on our staff.

The ACLU represents the two basic points: access and equality. Equality is most challenged by the 13 Counties Rule. The ACLU helped kill that rule in Nevada as it gave unequal power to people depending on their county.

Equality is also at risk with identification processes for voting. Certain states make it difficult for the elderly, people of color and the poor to vote. As a result, proposals for voter identification are ruled out by federal courts. I agree with Mr. Lomax, we have little fraud in Nevada. The only thing we have seen is the placement of bogus names on voter registration forms, and that was eliminated by the existing system. We do not have people in Nevada voting two or more times. Important functions happen within 100 feet of the polling area. Candidates and interest groups have a vital interest in access to this area; less

powerful groups are hurt when we do not have this kind of access. We would like expansions in terms of these voting rights. Nevada is one of six states that does not allow people to use provisional ballots for anything but federal elections. There is no logical reason why 44 states, plus the District of Columbia, have one system of provisional voting.

A proposal for ex-felon voting is sweeping the country and moving in a positive direction. We tried to fix the process of ex-felon voting; it is a system needing constant attention. Someone also needs to come forward with final day registration that the Secretary of State supported throughout the last few sessions. That measure to allow voting registration up to the final day has had more impact on the quantity of voting than any other measure. People awaken to the election in the final weeks. The later we can give them the opportunity, the better.

CHAIR CEGAVSKE:

Mr. Hansen would you like to comment?

MR. HANSEN:

Mr. Lomax raised the issue of voter challenges. The word "district" needs to be changed. A court ruling said the word "district" did not mean what the Nevada Supreme Court determined. It meant voter district. Subprecincts are considered a voter district, not a precinct. That word needs to be removed. It cost us hundreds of hours because the word was interpreted differently by both courts. The word precinct should stay. Because voter identification is tied to social security numbers, the movement to prohibit the use of social security numbers for voter verification is growing. We had a case in the Nevada Supreme Court this year concerning a man without a social security number who was allowed to vote. I also encourage the Legislature to do something about government employees who violate election laws.

CHAIR CEGAVSKE:

Did you have anything in writing to submit to the Committee?

MR. HANSEN:

No.

MS. HANSEN:

The issues mentioned about the affidavit and the circulator of petitions have been a problem over the last several years. During the 2000 election, we had to have two notary signatures on one petition to qualify. We needed one for the circulator and one for the document signer. That was relieved by administrative rulings during the 2006 election. This problem needs to be resolved. The HAVA is a federal mandate the Legislature chose to accept. You did not have to accept this. I opposed the mandate and warned about the resulting problems. Douglas County said their election costs increased from \$70,000 to \$200,000 as a result of HAVA. This is what happens when we accept federal mandates. We need to be wary of federal election mandates. We had a good system before HAVA.

Changing petitioning to 60 days earlier was addressed. Early petitioning in Las Vegas may work but not in Elko where it gets frigid. You should weigh the logistical aspects for the petition gatherer in places other than Las Vegas. I am unsure what is meant by training for petitioners. Does it mean they have to get official training if they are going to get signatures? If they register people to vote, do they need training? We need to encourage people to follow the law. Paid and volunteer petitioners should have training.

The government should be aware of laws regarding people's voting rights. I was arrested in 2004 in violation of the law you passed in 2003 prohibiting gathering petitions on state and county property. It is not only our people who need training but the government employees. We went through a series of court challenges on this one petition. The Secretary of State's Office needs to know the rules for providing people the option of petitioning. They need to have someone on the property to allow people to petition.

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CHAIR CEGAVSKE:

I adjourn this meeting of the Senate Committee on Legislative Operations and Elections at 2:58 p.m.

RESPECTFULLY SUBMITTED:

Brian Campolieti,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____