

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

**Seventy-fourth Session
February 13, 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 13, 2007, 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 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

GUEST LEGISLATORS PRESENT:

Senator Dean A. Rhoads, Rural Nevada Senatorial District

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Lynn Chapman, Vice President, Nevada Eagle Forum
Janine Hansen, President, Nevada Eagle Forum
Matt Griffin, Deputy for Elections, Office of the Secretary of State

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CHAIR CEGAUSKE:

Today, we will hear Senate Bill (S.B.) 73 and S.B. 78.

SENATE BILL 73: Provides for allowances for certain travel expenses incurred by Legislators during the legislative interim. (BDR 17-265)

SENATOR DEAN A. RHOADS (Rural Nevada Senatorial District):

A similar bill to S.B. 73 was passed by the Nevada Senate during the 73rd Session with a vote of 20 to 0 and heard in the Nevada Assembly but never got out of committee. It provides allowances for certain travel expenses of up to \$5,000 for the interim period. My district contains 73,000 square miles which is two-thirds or about 67 percent of the state. The distance from Denio to Caliente is 502 miles. That is longer than the drive from Reno to Los Angeles. The law currently allows an allowance for travel to public meetings such as county commissions, city councils, town boards and school district meetings. I have an amendment that adds "or any meeting of a political subdivision" to section 1, subsection 1, page 2, line 5. Senate Bill 73 applies to trips whose one-way distance is 50 miles or more and a round-trip distance of 100 miles or more.

Nevada Legislative District Size Analysis ([Exhibit C](#)) lists the legislators affected by S.B. 73. The other document ([Exhibit D](#)) is a representation of airline flights from Reno to Elko. Direct flights have been discontinued so now I must fly to Salt Lake City and then to Elko which costs \$1,050 round-trip. When I travel to Pioche, Caliente or the southern part of my district, I fly to Reno and then to Las Vegas. To return home, I rent a car and drive back. That total trip cost is around \$700.

SENATOR RAGGIO:

Did you make a presentation to the Assembly last session?

SENATOR RHOADS:

Yes, I made it to the Assembly Ways and Means Committee. They ended up not taking any action.

SENATOR RAGGIO:

This transportation issue affects a number of legislators. I trust the Assembly committee's inaction was not a result of partisanship. Last week, we encouraged people to go to Elko for a cowboy poetry gathering and found out a

flight was no longer offered. They would have to fly to Salt Lake City first and then to Elko. The cost was tremendous. Because of issues like this, S.B. 73 makes good sense.

SENATOR RHOADS:

I take three days off from work to attend a two-hour meeting in southern Nevada.

SENATOR MATHEWS:

I represented Washoe County Senatorial District No. 2 for two terms. You are right about this issue. This Committee needs to do something about this soon.

CHAIR CEGAVSKE:

Senator Warren B. Hardy II and Senator Mike McGinness have large districts as well.

SENATOR HARDY:

It is a chore to get around my district, even to Boulder City.

CHAIR CEGAVSKE:

I will close the hearing on S.B. 73 and open the hearing on S.B. 78. Since the Chair is responsible for introducing this bill, I will have Vice Chair Raggio act as Committee Chair.

SENATE BILL 78: Revises the provisions relating to misconduct in the signing or filing of petitions. (BDR 15-770)

SENATOR RAGGIO:

As Vice Chair, I open the hearing on S.B. 78. I recognize Senator Cegavske and am ready to hear her testimony.

CHAIR CEGAVSKE:

Senate Bill 78 enhances the existing penalty for misconduct in the signing and filing of petitions, and adds other related prohibitions to Nevada law concerning petitions. The measure applies not only to initiative and referendum petitions, but to any "other petition circulated in pursuance of any law of this state or any municipal ordinance." Senate Bill 78 has six stipulations. A person shall not: one, sign the name of another person or a fictitious person on a petition; two, file a petition or cause a petition to be filed knowing it contains a false or

wrongful signature or statement; three, willfully add to, revise or alter any petition with the intent to falsify the name or any information concerning the age, citizenship, residence or qualifications of another person who signs the petition; four, offer or provide any consideration, gratuity or reward to another person with the intent to induce that person to sign his or her own name to or withdraw his or her name from any petition; five, sign his or her name to or withdraw his or her name from a petition in exchange for any consideration, gratuity or reward; or six, willfully subscribe to any false statement concerning his or her age, citizenship, residence or other qualification needed to sign the petition.

Some of these provisions exist in current law; however, S.B. 78 clarifies them and adds other petition misconduct provisions. A person who violates these provisions is guilty of a Category D felony. The previous penalty for petition-related offenses set forth in chapter 205 of the *Nevada Revised Statutes* (NRS) was a misdemeanor. Under S.B. 78, each individual violation is considered a separate offense. Finally, a Category D felony is punishable by a minimum term of not less than one year and a maximum of not more than four years in state prison. The court may also impose a fine of not more than \$5,000.

Senate Bill 78 is important because Nevada is one of 24 states with the initiative and referendum process. The right to petition the government to request legislative action is critical, and this process should be protected from any fraudulent actions. Verifying petition signatures is always a daunting task for our city and county election officers. Any legislative efforts to prevent falsification of names on petitions should help make signature verification less difficult. While statistics are difficult to come by, we have heard countless reports of petitions containing false signatures and incorrect personal information. Petition circulators often pad or seek a number of signatures far greater than the number required in anticipation that a certain percentage of signatures will be invalid. Senate Bill 78 addresses the payment of bribes or offers of reward in exchange for petition signatures. Our election process should never be driven by unscrupulous efforts to pay off or buy an individual voter's support or opposition of any initiative, referendum or other petition-related issue. Finally, S.B. 78 is about integrity and respect for our sacred right to petition. We hold our laws and the *Constitution of the State of Nevada* in high regard, and we expect no less from our citizen-driven petition process.

SENATOR RAGGIO:

Is there any further testimony regarding S.B. 78?

LYNN CHAPMAN (Vice President, Nevada Eagle Forum):

Section 1, subsection 4 of S.B. 78 will be difficult for petitioners. Sometimes, people sign their name wrong, cross it out and rewrite it. This might be a problem. In cases like this, we knowingly took the name of that person out with good reason. Another problem is in section 1, subsection 1. I was a notary in 2004 and noticed the letter "g" written the same throughout some petitions. I called Janine Hansen and informed her of the situation. She came to the conclusion these names were forged and removed them promptly. We were policing ourselves because we did not want these false names.

SENATOR RAGGIO:

Existing law under NRS 205.125 indicates that a person willfully signing a name of another person or a fictitious person shall be punished. The only change is with the penalty.

Ms. CHAPMAN:

We are already policing ourselves. It does not do any good for us to allow false names.

SENATOR RAGGIO:

We do not understand your concern. No part of the law is changing other than the penalty. Are you in opposition to S.B. 78?

Ms. CHAPMAN:

We are in opposition to some parts, not the entire bill.

JANINE HANSEN (President, Nevada Eagle Forum):

We support the intent of S.B. 78 but have a few concerns. When we discovered forgeries on our petitions, it was to the benefit of our campaign to remove them; we did not want them to go to the county clerk. We did not need this law because we wanted to make sure our petitions were as accurate as possible. There will always be bad signatures. People may not know they are not registered to vote. Then there are felons who do not want to tell anyone who they are, that they moved or changed their name. You can count on at least 20 percent of the names to be incorrect. The person collecting signatures cannot verify them on the spot. This is why we police ourselves.

Section 1, subsection 2 of S.B. 78 mentions revision or alteration of petitions. People who sign petitions may forget to include the date or forget their address. We have to go back and record the date for them.

SENATOR RAGGIO:

We agree with what you are saying. Section 1, subsection 2, line 6 states "a person shall not willfully add to, revise or alter with the intent to falsify the name of another person" You have to prove a person willfully did the alteration; you would want to support that.

MS. HANSEN:

I have been falsely accused several times. I willfully entered information without the intent to falsify. I have reason for concern because we will be subject to a possible felony. Anyone could claim we committed a felony if they oppose the petition. This could be used against someone who is trying to do the right thing.

SENATOR RAGGIO:

It seems you would want something in the law preventing someone from taking and falsifying a petition.

MS. HANSEN:

I am not sure I want the penalty to be a felony. I agree with the intent of S.B. 78 but have concerns it might be used as intimidation. I am unsure how section 1, subsection 3 will be applied. Circulators are hired to get signatures; would S.B. 78 exclude the circulator's signature?

SENATOR RAGGIO:

You cannot give a consideration, reward or inducement to the person you are asking to sign. This has nothing to do with the circulator.

BRENDA J. ERDOES (Legislative Counsel):

Section 1, subsection 3 of S.B. 78 will not apply unless you pay a person to sign it. It would only apply if you told your circulator you would pay them to sign it personally while they were gathering signatures.

MS. HANSEN:

The person gathering signatures for the petition must sign as the circulator. After that, about 90 percent of those circulators sign the petition themselves. Should we say they do not get paid for signing as a circulator? I would like this issue clarified.

MS. ERDOES:

Senate Bill 78 would not apply to the circulator's petition signature unless you paid him or her for their signature in favor of the petition. Anyone who signs as a signer cannot be paid for that signature.

MS. HANSEN:

The Secretary of State's Office should issue suggestions to circulators stating payment for his or her signature in favor of the petition would violate S.B. 78. I want to be sure we will not be guilty of altering a petition when we remove suspect signatures. We alter a petition with the intent to clean it up, not the intent to falsify.

SENATOR RAGGIO:

Unless you alter the petition with the intent to falsify, there is no violation.

MS. HANSEN:

Who will police and enforce S.B. 78? Who will administer action to protect Nevadans?

SENATOR RAGGIO:

The agencies charged with violation enforcement of S.B. 78, whether it be a district attorney, Attorney General or the Secretary of State for election law purposes, will decide if they will file criminal charges.

MS. ERDOES:

Senate Bill 78 does not change anything regarding enforcement and how it works. Prosecution continues to be based on the facts and how a prosecutor views those facts.

MS. HANSEN:

Does the Secretary of State's Office enforce this?

MS. ERDOES:

Many of these issues come under the jurisdiction of the Secretary of State's Office but they could be taken to the Attorney General's Office as well.

MATT GRIFFIN (Deputy for Elections, Office of the Secretary of State):

The only change S.B. 78 makes is the removal of a city attorney's office or municipal prosecutor's office because misconduct in signing or filing petitions becomes a felony. There is enforcement capability for the Secretary of State's Office as well as at the county level. Due to this violation being a felony, city attorneys have no jurisdiction.

MS. HANSEN:

I have one more issue regarding section 1, subsection 4, line 31. About 20 percent to 30 percent of all petitions contain false information. That puts every person filing a petition in possible jeopardy.

SENATOR RAGGIO:

The person filing a charge must be convinced a violation has occurred. The key word is "knowing" a violation occurred, not "assuming" one occurred.

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CHAIR CEGAVSKE:

I will now adjourn the Senate Committee on Legislative Operations and Elections
at 2:15 p.m.

RESPECTFULLY SUBMITTED:

Brian Campolieti,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____