

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

**Seventy-fifth Session
February 3, 2009**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Joyce Woodhouse at 1:39 p.m. on Tuesday, February 3, 2009, in Room 2149 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 Joyce Woodhouse, Chair
Senator Bernice Mathews, Vice Chair
Senator Valerie Wiener
Senator John J. Lee
Senator William J. Raggio
Senator Barbara K. Cegavske
Senator Warren B. Hardy II

STAFF MEMBERS PRESENT:

Brenda Erdoes, Legislative Counsel
Pepper Sturm, Committee Policy Analyst
Makita Schichtel, Committee Secretary

OTHERS PRESENT:

Ross Miller, Secretary of State, Office of the Secretary of State
Larry Lomax, Registrar of Voters, Clark County
Dan Burk, Registrar of Voters, Washoe County
Alan Glover, Clerk-Recorder, Carson City

CHAIR WOODHOUSE:

We will begin the meeting by adopting the Senate Committee on Legislative Operations and Elections Rules for the 2009 Session ([Exhibit C](#)).

SENATOR LEE MOVED TO ADOPT THE SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS RULES FOR THE 2009 SESSION.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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PEPPER STURM (Committee Policy Analyst):

I have prepared a brief ([Exhibit D](#)) which includes the Committee schedule and jurisdiction, as well as topics heard last session. It also includes contact information for key government officials. Primarily, this Committee will hear bills concerning the Legislature, public officers and employees, elections, and printing and publications issues. We will also consider interim study bills, any bills amending permanent statutory committees, and amendments to the *Constitution of the State of Nevada*. There were three joint resolutions to amend the Constitution approved in the Seventy-fourth Session, which will return to this Committee for final action.

ROSS MILLER (Secretary of State, Office of the Secretary of State):

I have prepared a PowerPoint presentation ([Exhibit E](#), original is on file in the Research Library) and the *2008 General Election Report to the Nevada Legislature Statewide Overview* compiled pursuant to Nevada Revised Statute (NRS) 293.4695 ([Exhibit F](#), original is on file in the Research Library).

The Office of the Secretary of State is the third highest ranking Constitutional Office in the State and the third highest revenue-generating agency. We are responsible for the State's commercial recordings, notaries and securities. The Office is mostly known for its duties as the Chief Elections Officer. We administer and enforce Nevada's election laws, ensuring compliance with the Help America Vote Act of 2002 (HAVA). We also certify candidates, register and file candidate contributions and expense reports, certify ballot initiatives and coordinate with local election officials in the administration of the election.

The 2008 general election was an unprecedented election as Nevada was an early-caucus and battleground state. Because we were an early-caucus state, all of the presidential candidates came here to address Western issues. Our record

number of voters—over 80 percent—attracted national attention as a model for other states to follow. The local county clerks and registrars were prepared for the challenge. We provided more polling locations than ever, including unusual voting locations such as public libraries, community centers and supermarkets, as written in the *New York Times* newspaper article.

In an effort to coordinate county clerks, we established a command center to help centralize the election process. We also utilized four mobile voting trailers which commuted to remote areas to access more voters.

The HAVA Act, enacted by Congress in 2002, was instituted to standardize the voting process across the United States. It provided Nevada \$21 million in federal funding. Out of that amount, about \$6.2 million remains.

SENATOR LEE:

I am proud of the State image you projected nationally during the last election.

LARRY LOMAX (Registrar of Voters, Clark County):

Nevada is bringing technology into the election process. CNN did a news piece on voting booths at the Boulevard Mall in Las Vegas, which reported there is no place in the country like the State of Nevada that makes voting so easy. Clark County fared well in the election. Early voting accounted for 60 percent of votes during the 2008 general election. On Election Day, 210,000 people arrived to vote and found no lines. The four mobile trailers reached an additional 60,000 people who otherwise may not have voted.

Not everything went smoothly, however. During the presidential election, we were inundated by out-of-state observers, mostly lawyers, who monitored the process and, in some cases, caused interference. Litigation about petition deadlines continues to be a problem. Registration can also be a problem as long as we allow organizations to pay people to register to vote. We will be swamped with fraudulent applications, as witnessed with the Association of Community Organizations for Reform Now debacle.

Lastly, there is confusion over the actual close of registration for petitioners. Currently, the law states that a voter is registered as of the date the application is received unless: (1) the application is received within three working days of the date they signed the application, or (2) the application is postmarked within three working days of the date they signed the application.

In these cases, they would be registered the date they signed the form. We need a clear and specific date so voters can understand the timing.

I ask the Committee to allow Nevada counties of varying sizes and resources some flexibility in implementing any new requirements. I also ask that any debates from this Committee on complex issues include the county clerks.

Overall, I concur with the words of one of the attorneys who came to watch our election process: "This is the way voting should be conducted everywhere."

SENATOR RAGGIO:

I also commend your offices for their involvement in the past election. I am, however, concerned about the date change of the primary election. I believe changing it to mid-August, as suggested by your office, resulted in a very low turnout of primary-election voting. The numbers were unacceptable. When the primary election falls after the Labor Day weekend, people are home from vacation, the kids are back in school and the attention returns to these types of matters.

MR. LOMAX:

Perhaps we could move the cutoff back to the end of the prior school year. Federal guidelines require ballots be mailed to overseas voters 45 days prior to the election. We want to get ballots to the soldiers, sailors and airmen overseas so they can participate. The lead time to print ballots is the real issue. The last day we could begin to print ballots, without incurring overtime, was September 4, 2008.

SENATOR RAGGIO:

We used to hold the primary election in June, but that proved too long a period between a candidate's nomination and the election. What is the most effective way? We need to provide incentives for people to participate in the elections.

DAN BURK (Registrar of Voters, Washoe County):

If there were ever a need to recount ballots, we would need time to do so. In both Clark and Washoe Counties, we have been allowed to utilize the school facilities when they are closed. When the primary election is in the summer, we use schools that are not year-round schools. If we try to use the schools while school is in session, we have the recurring issues of protecting the children from

the unsupervised adults in the building. Although our first concern is voter turnout, there are other issues which must be addressed.

SENATOR CEGAVSKE:

I recall your appearance before this Committee to request changing the deadline to give you more time, which turned out to be a cost-saving measure. I wanted to add that I have voted at the same location for 20 years. This general election was different. The usual workers were not there, and it seemed more chaotic than ever before. More noticeably, the workers did not check identifications (IDs). I am saddened that we are not doing so. Do you worry about the lack of identification?

MR. LOMAX:

It is just as easy for us to check IDs than not. People complain about us not checking them. This seems to be a political issue.

ALAN GLOVER (Clerk-Recorder, Carson City):

The main voter complaint was we were not asking for ID. During early voting, we began telling people they did not have to show ID, but we ended up looking at them anyway. Most everyone had their IDs out and ready, so we looked at those but still allowed anyone without an ID to vote. I agree with Mr. Lomax that it is just as easy to ask for IDs than not. Most people who come to vote are who they say they are. The bigger issue is if they live where they say they live. Not everyone votes in their proper district.

MR. BURK:

I believe the Washoe County election process is fine. I understand other states are moving away from requiring identification. We check every signature to ensure accuracy. The problem is minority groups are often excluded because they do not possess the identification necessary to vote. I am not sure we should be placing additional requirements on people who wish to participate in the process. On the other hand, I understand people need to feel secure with the system; they are concerned about illegal voting.

SENATOR WIENER:

I have a question on the overseas ballot mailing deadlines. During this past election cycle, the Nevada Supreme Court ruled on term limits. This caused some candidates to be removed from the ballots after they were mailed

overseas. How many overseas ballots did you send from Clark and Washoe County, and how would that have impacted the results?

MR. LOMAX:

I did not hear feedback on that issue. We sent about 2,000 ballots overseas.

Mr. BURK:

The ruling occurred right before the primary election. We had to remove two candidates from the ballot, but only one was running in the primary election. It was not a big problem.

I would like to express my appreciation to the Office of the Secretary of State for their support. My report concerns the budget. You heard Secretary of State Ross Miller say we were given \$21 million from the HAVA Act. The last \$6.2 million will be used to cover costly maintenance and restoration. For example, Washoe County spends over \$113,000 to house the touch-screen voting units. The licensing and maintenance contract costs \$2 million per election cycle. We spend over \$56,000 to transport the voting units to the polls and back to storage. We spend over \$12,000 on batteries alone. The system is becoming increasingly expensive. Although I see profound benefits to the disabled voters and increased voting during early voting, we need to think about the budget. What happens when the money runs out in three more cycles?

Although I agree with the success of the early voting, we should consider utilizing a similar, convenient system on Election Day, such as Vote Center Voting. This would create 15 major locations on Election Day rather than the 100 smaller locations Washoe County provided. Then the voter could stop by any of them rather than be forced to vote at the location mandated by where they live. This would save Washoe County roughly \$400,000 to \$500,000.

The last paper-based election in 2002 cost Washoe County \$1.34 million. The last electronic election cost \$2.48 million. It is a good system, and we are required to utilize it for those with disabilities by federal law. We should be able to utilize all the systems we have in order to save money.

MR. GLOVER:

The primary and general elections went well for Carson City, with a significant increase in voting. The early voting numbers continue to increase because of voter convenience. Overseas voting also went well because we have more time between the primary and general elections to get ballots ready to mail. We have

used high school students to help in the general election. It helps them learn, helps voters interact with young people and gives us bilingual help for voters.

One problem is the petition date. I believe this Committee moved the date petitions were to be filed from the third Tuesday in May to the third Tuesday in June, which has since been declared unconstitutional. You may want to consider a constitutional amendment to move it back to May. Getting the petition issue settled early would improve the process. Likewise, petitions for initiatives to statute must be filed no later than the second Tuesday in November, which falls during the election period. We cannot stop the election process to deal with these initiatives. Perhaps we could change the petition initiative date to sometime in mid-November. That statute is quite old. When it was passed, the Legislature met in January. Now that you meet in February, you may have more flexibility in timing.

Nevada has good election law and since the state and county are in difficult financial conditions, I ask you to consider the cost versus the benefits on election issues.

CHAIR WOODHOUSE:

I too was pleased with how well the elections went, especially with the large number of voters. I appreciate using high school students to assist in the process. As a former teacher and principal, I think getting our students involved in the election was a progressive idea. I was in a wheelchair during this election cycle and concerned I would be unable to vote, but I found the accommodations were wonderful. Mr. Lomax, your workers helped me adjust the machine so I could reach it from my wheelchair.

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Thank you and the Office of the Secretary of State for making all these things possible.

The meeting is adjourned at 2:58 p.m.

RESPECTFULLY SUBMITTED:

Makita Schichtel,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____