

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Sixth Session
February 17, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:33 p.m. on Thursday, February 17, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/76th2011/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; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Tick Segerblom, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Marcus Conklin
Assemblyman Richard (Skip) Daly
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Richard McArthur
Assemblyman John Ocegueda
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Elliot T. Anderson, Clark County Assembly District No. 15

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Adrian Viesca, Committee Manager
Terry Horgan, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Carole Vilardo, President, Nevada Taxpayers Association
Kyle Davis, Policy Director, Nevada Conservation League
Maud Naroll, Chief Planner, Budget Division, Department of
Administration
Terry Care, Member, Executive Committee, Uniform Law Commission,
The National Conference of Commissioners on Uniform State Laws,
Chicago, Illinois
Scott Gilles, Deputy for Elections, Office of the Secretary of State
Larry Lomax, Registrar of Voters, Clark County
Alan Glover, Clerk/Recorder, Carson City

Chair Segerblom:

[Roll was taken.] We will open the hearing on Assembly Bill 127.

Assembly Bill 127: Eliminates the requirement for compiling sets of books of legislative measures and related materials. (BDR 17-956)

Assemblyman John Ocegüera, Clark County Assembly District No. 16:

I am here to present A.B. 127, which would eliminate the requirement for legislative employees to publish the bill books. We actually have already done that, but *Nevada Revised Statutes* (NRS) 218A.420 requires that the books containing bills, resolutions, journals, indexes, and histories be printed. During the 2009 Legislative Session, we spent over \$1,000,000 printing those books. It also cost about \$430,000 to pay for the personnel who put the books together. For those of you who have never been here before, you probably do not realize that 27 people sit in a room and put together 8" x 5" books that contain every bill and resolution. By the end of the session, all our desk drawers were full of bill books.

I believe there are a number of benefits to be gained by eliminating this requirement. The benefits include not only the money saved, but the transparency and accessibility. Now, with the new Nevada Electronic Legislative Information System (NELIS) that was developed during the interim, the information you are getting, such as the presentation I am making is immediately in front of you on your computer ([Exhibit C](#)). The public has this access as well. Someone listening over the Internet can look this presentation up and follow along as I am speaking. This is immediate transparency, so anything we are seeing they are seeing, and that is a good thing. In the future, we may not need hard-copy exhibits for the public either. They will know we can accept electronic exhibits, which is good.

The amount of paper we used last session was phenomenal. I do not remember the amount exactly, but I know we will be saving a lot of trees—a forest, for sure. This will also put Nevada in line with 17 other states. From Hawaii to Maine, a number of states have gone paperless, and I would like to see us go paperless, too. This bill codifies something we have already done.

Assemblyman Hardy:

Mr. Ocegüera, how many full-time employees does this eliminate?

Assemblyman Ocegüera:

Twenty-seven. It is unfortunate that 27 people are no longer employed during the session, but it is a savings of \$430,000.

Assemblyman Goicoechea:

Our issue is not with the NELIS program. The problem is our note-taking ability, and I think other people are struggling with it even in your caucus. I make notes but then, all of a sudden, they disappear. We will continue to work with you and Mr. Malkiewicz on that, and hopefully, some kind of chat-room program can be developed that allows our caucus to converse and yours as well. I know the Senate has expressed concern over the same issues, but we will continue to work with you. We are supportive of the NELIS program. It works well.

Chair Segerblom:

Are there any other questions? [There was no response.] Is there anyone else who would like to speak in favor of the bill?

Carole Vilardo, President, Nevada Taxpayers Association:

We are in favor of the bill.

Kyle Davis, Policy Director, Nevada Conservation League:

Obviously, we are in support of the bill. It will conserve paper, and that is a good thing.

Chair Segerblom:

Is there anyone else? Is there anyone opposed to the bill? [There was no response.] I will close the hearing on A.B. 127 and accept a motion.

ASSEMBLYMAN CONKLIN MOVED TO DO PASS
ASSEMBLY BILL 127.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HORNE WAS ABSENT
FOR THE VOTE.)

Chair Segerblom:

I will open the hearing on Assembly Bill 15.

Assembly Bill 15: Repeals requirements for the compilation and publication of certain biennial reports and statistical abstracts. (BDR 29-428)

Maud Naroll, Chief Planner, Budget Division, Department of Administration:

Thank you for scheduling A.B. 15 with A.B. 127 because, while we are not talking about saving trees, this is about two publications that have been electronic-only for several biennia. We are talking about saving time and about consolidation. The silver lining about being short on resources is that it forces us to take a hard look at what government does and what we can still afford to do.

Assembly Bill 15 implements the results of taking that hard look at what government does. In 1977, 34 years ago, it seemed like a good idea to pull all the data about our state into one publication called the Nevada Statistical Abstract. Now, if we want data, we go to Google and find all the information we want. The internet search engines have really made pulling together a state statistical abstract very obsolete. Assembly Bill 15 would drop the requirement that the Department of Administration produce this statistical abstract every biennium which would save staff time. The planning group in the Budget and Planning Division was four full-time-equivalent employee positions and now we are two-and-a-half.

A time of scarce resources also lets us look at consolidation. The Priorities and Performance Budget, which is on the Budget Division's website, is a one-stop

compendium of information on what activities agencies perform, how they are organized, what resources it takes for them to perform those activities, what priority we put on those activities, and performance measures on those activities. It includes almost all the information that is currently required in the Biennial Report. It is intended to consolidate the one-volume Biennial Report, the one-volume Budget in Brief, and the three volumes of the Executive Budget into a one-volume publication that we think is going to be considerably more useful to you than those five volumes. So, as part of this consolidation, A.B. 15 would drop the requirement to produce a separate biennial report.

Chair Segerblom:

Is there an actual cost savings in dollars?

Maud Naroll:

Not a dollar amount of cost savings, but we could use existing staff for higher-priority matters such as improving performance measures.

Assemblywoman Kirkpatrick:

I worry because everything is going electronic, but some of us like paper. Some search engines can be edited, so I am concerned that we are entering an age in which facts can be changed. My own children do not know how to use an encyclopedia because they just go to the Internet. Are some of us still going to be able to purchase this, because I do not want us to lose sight of our history.

Maud Naroll:

The question of these two publications—the Biennial Report and the Statistical Abstract—going paperless is a ten-year-old question. We went paperless roughly a decade ago. As for looking for information, we used to tell our children that the *Encyclopedia Britannica* was the good source. Now we have to teach people to look at where their information is coming from. If you are looking up medical information, are you looking at the Centers for Disease Control, or are you looking at Joe's blog or Sue's blog? Are you looking at the Bureau of Land Management's site when studying wild burros, or are you, again, looking at Sue's blog with pictures of wild horses.

Assemblywoman Kirkpatrick:

If I called and requested this information in a hard copy, would I be able to purchase it? I know I need to get with the times, but at the same time I am forever losing information on my computer. I just want to be assured that I can call and purchase this item if my computer crashes, or if I have a constituent who cannot afford a computer or does not have access to the Internet. If the answer is "No," I understand, but it is no secret how I feel about electronics.

Maud Naroll:

When we went all electronic about ten years ago, I would get calls from people who used to purchase the documents asking if they were still available. I would say, "I'll bet you're sitting in front of your computer." The answer was always "Yes." I would tell them to type in our address, and then I would say, "It is on your desktop. All you have to do is go to our site, and there it is." Now, for statistical information, all people have to do is go to Google to get the information, so "Google" is all they have to remember. The last time anyone asked any sort of question about the Statistical Abstract was in 2009, when we received one email from a teacher in New England.

Assemblywoman Flores:

Just for clarification, these things are not currently being published in paper form, is that correct?

Maud Naroll:

Yes.

Assemblywoman Flores:

So, all this bill is asking is to compile a couple of different publications into one, is that correct?

Maud Naroll:

Actually, we are asking that the requirement to produce these two publications be removed. The Priorities and Performance Budget will be in a separate budget bill. The staff member who works on the Biennial Report cannot remember the last biennium anyone ever had comments about that publication.

Chair Segerblom:

Are there any other questions? [There was no response.] Would anyone like to speak in favor of the bill?

Carole Vilardo, President, Nevada Taxpayers Association:

This bill is similar to the previous bill. I agree with Assemblywoman Kirkpatrick. I am electronically dysfunctional and illiterate. I put everything on paper, so you have transferred the expense to me. If I want something, I must print it. That is fine and I accept it.

What I like about A.B. 15 is that we are actually repealing a law that no longer is being used and is obsolete. As a sidebar to the Priorities Budget, we are now actually looking at what we do and how we do it, so we will be able to clean up some of the statutes that are no longer needed.

Chair Segerblom:

Is there anyone else in favor of the bill? Is there anyone opposed to the bill? [There was no response.] Seeing none, I will close the hearing on A.B. 15. Is there a motion?

ASSEMBLYMAN OCEGUERA MOVED TO DO PASS
ASSEMBLY BILL 15.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Kirkpatrick:

I reserve the right to change my vote on the floor of the Assembly.

Chair Segerblom:

I will open the hearing on Assembly Bill 100. This bill was introduced by me for former State Senator Terry Care, but I have asked Assemblyman Ohrenschall to take my place and introduce the bill.

Assembly Bill 100: Enacts the Uniformed Military and Overseas Absentee Voters Act. (BDR 24-327)

Assemblyman James Ohrenschall, Clark County Assembly District No. 12:

Assembly Bill 100 is a uniform act—the Uniform Military and Overseas Voters Act. Uniform acts are promulgated by the National Conference of Commissioners on Uniform State Laws, a nonprofit, nonpartisan organization founded in 1892. Its mission is to get the states to have uniformity in state laws where it will be helpful to the citizens of the country as a whole.

We all respect our independence and our right to have our own independent laws, but in many cases there are benefits to having uniformity among the states, whether it relates to child support enforcement, custody of a minor, or business practices. The Uniform Commercial Code (UCC) has probably been the greatest success of the National Conference of Commissioners on Uniform State Laws, and they have been very helpful to commerce, among other issues.

The Uniform Military and Overseas Voters Act is being introduced in ten states this year, including Nevada. It would make it easier for our servicemen and women who are overseas to be able to cast ballots. Currently, there are many different laws in different jurisdictions and different states. Someone recently noted how often people move and change their physical addresses but have kept their same email addresses. This bill will make it possible for voters to cast

their ballots from abroad. Former State Senator Terry Care is a Commissioner for Nevada on the National Conference, and he is here to help present the bill.

Terry Care, Member, Executive Committee, Uniform Law Commission, The National Conference of Commissioners on Uniform State Laws, Chicago, Illinois:

Mr. Ohrenschall neglected to mention that he is also a Commissioner, as are you, Mr. Chairman, and Assemblyman Horne. In Nevada, many of the appointments to the Uniform Law Commission are made by the Legislative Commission.

The Uniform Law Commission approved a drafting committee for this Act in 2008 [([Exhibit D](#)) and ([Exhibit E](#))]. Many of the provisions in A.B. 100 are actually law already in Nevada. The wording is a little different, but the substance is there. In 2009, Congress passed the Military Overseas Voter Enhancement (MOVE) Act that covered federal elections and does much of what this bill would do for state elections.

The question arose, if Nevada has its own laws and we already have the MOVE Act, do we really need to go forward in Nevada with this Uniform Act? The Uniform Law Commission decided we still needed to go forward because the Commission would still like to see uniformity in the language, and there are a couple of provisions in the bill that Nevada does not have and that we hope all 50 states will eventually adopt.

I requested this bill when I was still in office and sent copies of it to the Secretary of State's Office for comment. Many of you know Matt Griffin, Deputy Secretary for Elections in the Secretary of State's Office last session. We had been communicating, but he made a career move and has since left the Secretary of State's Office. So until about 48 hours ago, I had not communicated that much with the Secretary of State's Office as to what is now A.B. 100. About a month ago, I belatedly sent a copy to Mr. Lomax, Registrar of Voters in Clark County, because I know this bill will have an impact on local elections officials who, obviously, might have something to say about it. I have not heard back from Mr. Lomax, but I know he testified on behalf of a similar bill in 2009. I believe it is fair to say he generally supports legislation like this, but as to the particulars, I will have to let him speak for himself.

I will walk the Committee through the Act, but understand we have some work to do with the Secretary of State. The Secretary of State's Office and I are concerned about potential fiscal impacts. I do appreciate that money is tight this session, so we certainly do not want to do anything that would endanger the bill. If there is a way to skirt fiscal issues, we certainly want to do that.

Page 22 of the bill lists the text of repealed sections. That is existing Nevada law that would be changed or supplanted by A.B. 100.

On page 2, sections 4 through 10 cover the definitions in the bill. "Covered voter" means a "uniformed-service voter." If you drop to section 10, you will see what the Uniform Law Commission considers to be a "uniformed-service voter," and subsection 3 clarifies that to be "on activated status" and not just a member of the armed forces. You actually must be on active duty, so that is one small change to Nevada law. Section 4 also clarifies an overseas voter includes a "spouse or dependent of a uniformed-service voter."

Section 11 discusses which elections would be covered and has a broader scope than what is currently the case in Nevada law—it is pretty much everything. Section 12 discusses the role of the Secretary of State as the chief elections officer in Nevada.

Section 13 goes to eligibility, and here I must point out a provision that is not currently in Nevada law and is a policy decision the Uniform Law Commission wrestled with. Section 13 discusses what it takes to be eligible under this Act. If you look at subsection 3 of section 13 beginning at line 38, it reads, "Was born outside the United States and, except for the residency requirement, otherwise satisfies the voter eligibility requirements set forth in" Nevada statutes, et cetera. Believe it or not, there are about 20,000 Americans who are American citizens who have never set foot in the United States. People have questioned why those who do not own property or pay property taxes should vote; however, many people who have never set foot in the United States do pay property taxes for a variety of reasons. But that is a provision that does not currently exist in Nevada law. As an aside, it is estimated that there are approximately 5 million Americans with the right to vote living abroad. These people are either in the military or simply civilians living overseas.

Section 14 goes to an overseas voter's registration address. Section 15 discusses methods of registering to vote; email is permissible. Section 16 concerns methods of applying for a military-overseas ballot. Section 17 goes to the timeliness and scope of application for a military-overseas ballot. Section 18 is the transmission of the unvoted ballots, and here again is the 45-day provision that the Uniform Law Commission is trying to get enacted in every state in the country. This is not currently in Nevada law. Certain election officials will say Nevada does not have time to do this, especially if the primary election comes close to the general election, as it used to in Nevada. Section 18 specifies, "For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act . . . not later than 45 days before the election or, if the

45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters" That is not currently a requirement in Nevada law.

Section 19 goes to the timely casting of the ballot, and section 20 concerns the federal write-in absentee ballot. Section 21 addresses receipt of the voted ballot. Section 22 addresses the use of the declaration. Section 23 covers the confirmation of a receipt of the application and the voted ballot.

Section 24 goes to use of the voter's electronic mail address. In this section is a provision that says a local elections official may use the address only to communicate with a covered voter about the voting process, so it states that an electronic-mail address is confidential and is not a public book or record within the meaning of Nevada law. The fact that an overseas voter is registered to vote would be a public record, but we are just talking about making public, or not making public, that voter's email address. For example, a soldier in Afghanistan registering to vote electronically has better things to do than receive a lot of spam when the whole purpose of doing this is for that voter to be able to vote.

Section 25 goes to publication of an election notice. Section 26 discusses prohibition of nonsubstantive requirements, and section 27 concerns equitable relief.

That was an overview of the bill, but, again, I have not had the dialogue I need to have with the Secretary of State's Office. We are currently discussing the bill, and I would suspect the Secretary of State's Office will come back with some comments to me that we can give to the Committee for purposes of a work session.

Assemblyman Horne:

Section 13, subsections 1 and 2, address voter eligibility and note that before leaving the United States, the voter had to be eligible to vote. What if I am in the military, get transferred to Germany, and take my family. My child is 17 years old but turns 18 while abroad. As I read this bill, my child would not be eligible to vote as an overseas voter. Is that true?

Terry Care:

The child would be. Look at subsection 2, which reads, "Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age and, except for the residency requirement, . . ." I think that addresses it. It is not the intent of the Uniform Law Commission to disenfranchise someone under those circumstances.

Assemblyman Horne:

I do not see how that does it. "Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age . . ." That means the person had to be of voting age before he left. I am speaking about becoming of voting age while overseas.

Terry Care:

I read it a little differently. I think it is supposed to mean "not yet of voting age but had you been of voting age you would have been eligible." I will state on the record that it is not our intent to disenfranchise the voter in that situation. I can follow up on that to get clarification for you.

Assemblyman Horne:

Thank you.

Chair Segerblom:

Are there any other questions for Mr. Care? [There was no response.]

Scott Gilles, Deputy for Elections, Office of the Secretary of State:

I had a chance to talk to Mr. Care about the bill. There are areas in which the language needs to be clarified to fine-tune it. We do not oppose the bill, but we think there is a little cleanup to do, and Mr. Care acknowledged it as well.

The two sections we want to clear up relate to a potential fiscal impact. Section 12 talks about implementing "a system of approved electronic transmission." If this entails a complex online ballot request or online ballot marking program, there will be a cost involved that we predict to be in the range of \$75,000. Some fiscal notes were produced from my office on that issue and are based on an experience we had with a vendor putting in a similar program in the past. We are still trying to determine if that is the kind of system the bill will require or whether a simple email would do. That needs clarification.

The second potential fiscal issue involves section 23, which refers to "an electronic free-access system" for covered voters to determine if their

applications or ballots have been received. Presently, that is available online through the Secretary of State's website on the My Voter File page. The way the statute reads could be interpreted to include making that available by telephone. If that is also the case, we predict a cost of about \$60,000 to implement that. Again, that needs clarification with Mr. Care.

Regarding the implementation and administration of A.B. 100, the other issue we are evaluating concerns sections 19 and 21. In those two sections, there is an extended deadline for submitting military-overseas ballots. They can be sent up to 12:01 a.m. the day of the election, meaning that as long as they are in the mail the day before the election, the clerks must count them if they are delivered and received by the second-to-last-day of the canvass period. While I do not know if that is a problem in and of itself, the potential problem we foresee is that some cities have different canvass deadlines and timelines and, the way the law is currently written, we are not sure how those would work together.

Those are the main issues we are still trying to evaluate and work with Mr. Care to resolve. Otherwise, we do not oppose the bill.

Chair Segerblom:

As you understand, this does add to existing Nevada law?

Scott Gilles:

Correct.

Assemblyman Stewart:

Do the states coordinate? If you are registered in Arizona and then move to Nevada and register here, are you able to cancel the Arizona registration, or is it possible to be registered in several states at the same time?

Larry Lomax, Registrar of Voters, Clark County:

It depends on the state. In Nevada, if we know the state in which the person was previously registered, and there is an optional block on the registration form where one would write that information, we do notify that state that the person is registered here. Some states notify us if the opposite happens and some do not, but it is not federally required.

Assemblyman Stewart:

Would it be possible, say in a presidential election, if your system does not coordinate with another state's system, like Rhode Island's, for a person overseas to vote electronically in Rhode Island and then vote in Nevada?

Larry Lomax:

Theoretically that is possible, but he would have to be registered at a fraudulent address in each location. That would be true of any voter in the country.

Chair Segerblom:

Are there any other questions? [There were none.] Mr. Gilles, it sounds as though you have offered to work with Mr. Care, and I appreciate that. Thank you. Mr. Lomax, what are your thoughts?

Larry Lomax:

We fully support this bill. We attempted to pass something like this in 2009, but I think this bill does a better job than that one did. If we are allowed to do things as we did them in 2010, we have not identified anything in this bill that would increase our costs.

This law allows us to accept applications to register and request a mail ballot up to the fifth day before the election, and that is a change. Currently, if they have not registered by the normal cutoff date, the fifth Saturday before the election, we cannot accept it. This gives anyone overseas more opportunity to register, and that is a good thing. The way this bill is written, it reads, ". . . the fifth day before the election or the last day for registration" Since I know there is another bill we will be talking about that could change the last day to register all the way up through Election Day, this would have to be addressed. If you are overseas and registering on Election Day, we are not going to be able to deal with you in an effective manner. Also, registering as late as the fifth day would have to be done by electronic transmission. That is too late to be putting something in the mail and expecting it to get overseas and back, so that would need to be addressed.

This bill says it would apply to all elections, which would include the municipal elections. As the dates currently fall for municipal elections, you are not going to be able to meet that 45-day requirement. It is impossible. It would be the same impossibility as if we moved our primary election back to September, as was discussed the other day, so that is something to be considered.

It is my understanding that for elections in which federal candidates are involved, the 45-day requirement is not optional; it is required by the MOVE Act and enforced by the Justice Department, as I testified the other day. That needs to be considered.

Assembly Bill 100 would allow a person to send his ballot the day before the election, and it would be counted as long as it was received up to the day before canvass. In Nevada, the last day to canvass is eight days after the

election, so we would be counting ballots that were received up to seven days after the election. That is not a problem for us because we are already dealing with provisional ballots during that same time period; however, it would be a change for Nevada and one you would need to decide upon.

If you have a work session on this bill, there are a couple of things to consider. This bill currently is written as though we have write-in candidates in Nevada, and we do not. There is something called a federal write-in ballot, which is a different tool, and that could certainly be used, but there is language in the bill that discusses writing in a candidate on Election Day, which would have to be struck.

Other than that, I think it improves the law we currently have. It is not going to cost us anything as long as you allow us to do it the way we did in 2010, and it is going to make it easier for folks overseas to vote.

Chair Segerblom:

Are there any questions for Mr. Lomax? [There were none.]

Alan Glover, Clerk/Recorder, Carson City:

We are in agreement with Mr. Lomax. We worked very hard last session to include some of this language in Nevada's statutes, and this bill is an improvement to the language we had last session.

Section 12 of the bill was mentioned by the Deputy Secretary for Elections. As we get electronic requests for ballots, we scan the ballot and its associated paperwork and send that to the voter. The voter prints it, votes it, scans it, and sends it back to us. In our office, we email people back to tell them we have received their ballots. We also email to remind them if the ballot has not been returned. Electronic voting is really very nice.

One area in section 20 of the bill appears to me to be a change that is a policy decision. It says, "A covered voter may use the federal write-in absentee ballot, in accordance with section 103 . . . for all offices and ballot measures in an election." When you use the federal write-in form, you check a box at the top indicating whether you are a member of the uniformed service or merchant marine, a United States citizen residing outside the U.S. temporarily, or a United States citizen residing outside the U.S. indefinitely. If the voter checked "U.S. citizen residing outside the U.S. temporarily," we send a full ballot. If the voter checked the "indefinitely" box, he gets only a federal ballot, so maybe that needs to be clarified. Are we going to give them a full ballot? From the clerks' point of view, we do not care one way or the other as long as you let us know which ballot these people are going to receive. That is a major change. I guess

the philosophy is if a person never lived in the community, or has not lived in the community for years, does that individual really know any of the local candidates? Most overseas voters are interested in the United States presidential race and then the Senate and House races in that order, so that is something to think about.

Section 21 is the only area about which I have some concern, and maybe it can be worked out. If section 21 is implemented, we would have to keep the elections open until the ninth day after the election. Once those ballots come back to us, we print them. We would have to call the duplicating board back because they need to be duplicated onto one of our ballots so they can be read through the machine. Another issue in that section is that we are required right after the election to verify the election and the machines. We would not be able to do that for the card reader until after all the ballots are cast. The electronic machines are fine, but the card machines, through which we run the paper ballots, would have to be left open. Once the polls are closed, that is it. The election is over and there is nothing you can do. You cannot count any more ballots, which is the safeguard in the system, obviously. So that is an area that needs more thought, and a decision needs to be made concerning what we want to do.

My staff had put a note on the bill that had to do with sending information to overseas voters 100 days before an election. We post on our website which offices are up for election because we are required by law to publish those open offices. As soon as candidates file, we publish their names. Ballot questions are a little more interesting because we do not know what the ballot question numbers are. The Secretary of State numbers the ballot issues, and that is taking a little longer than it used to. Of course with all the lawsuits, one never knows if a ballot question will be allowed to remain on a ballot or be rejected.

In the section where it states an overseas voter could request a copy, we would be more than happy to send it to them. I am not sure that it really accomplishes much to send them a notice, but electronic notice is no problem.

This is a good bill; it is just a matter of tweaking and some policy decisions from you concerning what you want to do with it.

Chair Segerblom:

Are there any questions for Mr. Glover? [There were none.] I take your testimony as an offer to work with us on this bill, and I really appreciate it.

Assemblyman Elliot T. Anderson, Clark County Assembly District No. 15:

I am here to stand in strong support of Assembly Bill 100. I was a member of "the few and the proud," and I personally experienced voting while in the Marine Corps. Having been on three deployments during 2001 to 2005, I can tell you that it is very difficult to stay engaged with our first obligation as citizens of this country.

The military spends a great deal of time educating its members on their rights as citizens. In peacetime, I feel it would be a great deal easier on the military administratively to go through this process and make certain they know all the different state laws and issues, but even then it would still be difficult. Of course, everyone knows we are not in peacetime, and with this tempo of operations it is very difficult for the military to cast a wide net to ensure that those who wished to could cast their ballots and make sure all that information is passed down a chain of command. As efficient as the military can be, there is still a lot of bureaucracy in the military. It can be very difficult.

In 2002, I remember inquiring into the voting process. I do remember I was getting ready for deployment and that it was burdensome. To convince someone like me that the political process is too burdensome, to the point of not participating, is very difficult. I also remember in 2004 I was able to vote at home because our pre-deployment leave schedule shifted, so I was able to vote my absentee ballot in person. I got lucky with that election.

In closing, the military can be a very hectic time in any person's life. It can be especially hectic when trying to vote. Keep in mind that a great number of our men and women in the military are very young. For most of them, as for me, it could be their first or second election. They may not know a whole lot about voting. They have not been doing it their entire lives, and they have a lot of other things to worry about. They must worry about being deployed and taking care of each other. They need to be focused on their missions and supporting each other. I realize there may be a number of things to work through on this bill so, if you need any assistance I will take whatever time I can out of my schedule to help, because it is an important bill to me.

Assemblyman Ohrenschall:

The Uniform Law Conference published statistics concerning the 2006 federal midterm election. Registration among our military personnel was higher than the general population—87 percent as opposed to 83 percent—although voter participation was only 20 percent among the military overseas as opposed to 40 percent of the general public. Obviously, there are obstacles that are keeping servicemen and women from participating in the process. This bill helps, and I think we should support it.

Chair Segerblom:

Are there any other questions or comments? [There were none.]

Senator Care, do you know how long it may take to get all these parties together so we could schedule a work session?

Terry Care:

As soon as I get settled in my office I will start on this. I am planning to speak with Mr. Glover, Mr. Lomax, and the Secretary of State's Office about tweaking this bill.

Assemblyman Stewart:

It is nice to have you back in the building, Mr. Care, where you had such a distinguished career. Anytime your name is on a bill, I feel a lot more comfortable with it.

Chair Segerblom:

Are there any questions or comments from the audience? Is there any other business? [There was no response.] If not, the hearing is closed and we are adjourned [at 2:32 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblyman Tick Segerblom, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: February 17, 2011

Time of Meeting: 1:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 127	C	Assemblyman John Ocegüera	PowerPoint
A.B. 100	D	Terry Care	UMOVA—Summary
A.B. 100	E	Terry Care	UMOVA—Frequently asked questions