

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

**Seventy-Sixth Session  
March 3, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:36 p.m. on Thursday, March 3, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/76th2011/committees/](http://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](mailto: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 Cresent Hardy  
Assemblyman Pat Hickey  
Assemblyman William C. Horne  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblyman Richard McArthur  
Assemblyman John Ocegüera  
Assemblyman James Ohrenschall  
Assemblywoman Debbie Smith  
Assemblyman Lynn D. Stewart

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Steven Brooks, Clark County Assembly District No. 19

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Patricia D. Cafferata, Private Citizen, Reno, Nevada  
Larry Lomax, Registrar of Voters, Clark County  
Scott Gilles, Deputy for Elections, Office of the Secretary of State  
Gail Tuzzolo, representing the Nevada AFL-CIO  
John Wagner, State Chairman, Independent American Party  
Sam McMullen, representing the Las Vegas Chamber of Commerce  
Carol Howell, Private Citizen, Carson City, Nevada  
Chuck Alvey, Private Citizen, Reno, Nevada

**Chair Segerblom:**

[Roll was taken.] Next Thursday we will have our first redistricting meeting. There will be a presentation from some national experts, and then our staff is going to walk us through how the process works mechanically. On Thursday evening, March 24, we will have a meeting in Fallon. The night of Thursday, March 31, we will have a meeting in Reno. On Saturday morning, April 2, we will have a meeting in Las Vegas. Those will be our public meetings, so if you know anyone who is interested, please let them know. We will send out a memo detailing all this information and we would like to encourage people to participate. All this information will be on the website if it is not there already.

We will now turn to Assemblyman Hickey's bill, Assembly Bill 157.

**Assembly Bill 157:** Revises the date of the primary election. (BDR 24-580)

**Assemblyman Pat Hickey, Washoe County Assembly District No. 25:**

All good public policy should be reviewed, and especially something as recent and significant as the change made to the date of the primary election. That date was changed by this body in the last session, and it is good public policy to review it because, in this case, we are talking about policy that affects the voting public. Assembly Bill 157 changes the date of the primary election from

the second Tuesday in June to the second Tuesday in September in even-numbered years.

You will soon be hearing some very compelling testimony from numerous registrars of voters and from the Secretary of State's Office. They will give you practical reasons why moving the primary to an earlier date—in this instance June—was extremely helpful to their efforts. They not only conducted a good election, but were able to comply with certain federal requirements that our members of the armed services overseas get their ballots on time.

I want to talk with you from the standpoint of the public and not necessarily dwell upon how it affects us as persons who are elected by the public or how it affects those who deliver election services. When the notion of moving the primary was first discussed during the last session, none other than Senator Harry Reid thought it was not a good idea. I would like us to consider the question of whether moving the date of the primary election as early as it is now, and effectively making our campaign season nine months long, has helped the voting public and therefore the citizens of Nevada. Filing in March and campaigning through November makes the election season in Nevada longer than the major league baseball season.

One of the reasons given for moving the primary back from August to June was to give voters more time to gather information on candidates, but I would argue after our experience in the last election that most voters would tell us we gave them too much time to gather information. I am sure you had some of the same experiences campaigning that I did, and especially when we got to the end of the campaign, where we were constantly hearing one candidate's commercial after the other.

The long election campaign also resulted in an additional amount of money being spent. You and I know that \$50 million was spent in the U.S. Senate race alone, most of it in the general election. But, again, with a longer primary, there were considerable moneys spent both by Nevadans and by other entities interested in the outcome of the election in the primary season as well. For those of us who have some concern about the effect that money is having upon elections and campaigns, the amounts that result from longer election seasons are not insignificant. In 2004, Senator Reid's reelection effort spent less than \$7 million. By 2010, he spent \$22 million and candidate Sharron Angle spent \$28 million. Shortly, we will have another U.S. Senate race that may be equally as contentious and possibly as heavily financed by those concerned about it. So, I think these are concerns, and I would argue that people do not need that much time to make up their minds.

I realize the setting of election dates affects other candidates besides us, but it is ironic that we, who proudly consider ourselves part-time citizen legislators who meet every two years for 120 days, have effectively turned ourselves into full-time politicians every other year, especially when we have to campaign for up to nine months. Over the long run, this is going to have a chilling effect upon voter turnout. Anecdotally, going door to door, I would say voters simply thought the campaign season was unbelievably long. I would also argue that the longer season makes campaigning in the rurals especially challenging when you have a really, really large district and you are trying to visit it in both the primary and the general election seasons. That makes it difficult.

Also, for some of us citizen lawmakers, campaigning now requires us to take more time away from our businesses, our professions, and our livelihoods. Assemblyman Brooks will tell you he has to give notice and essentially quit his job with the City of Las Vegas at the time he files, which in this instance was March. He had to give up an extra three-plus months of his family's livelihood in order to campaign, and that applies to many of us small business owners as well.

I know there was testimony last session to the effect that candidates from both parties appreciated the primary election being earlier because they did not have to campaign in July and August in Clark County's heat. It was not always fun campaigning in the snows in March and April, either, but people who want the offices badly enough do those kinds of things.

Again, I do not believe this should be about us as elected people and how it affects us. I did not have the finances to conduct a poll, but I think you would know the results if you asked the voting public. One local radio station did do an online poll, which is very unscientific, about the issue. It came back with 68 percent voting against the earlier primary.

I know we are going to hear very compelling and practical reasons why having the date of the primary where it is currently set by this body makes a lot of sense, and we did have a very successful election. I would also add that more people early vote and vote absentee than vote on Election Day itself. Even if you have the primary in September or August—and I am open to a friendly amendment from my colleague from Eureka who may want to suggest that—there is an old argument that in late August people are not engaged yet and may still be on vacation. I contend that with early voting and absentee ballots most people can accommodate voting.

In conclusion, in reviewing this policy that was set last session, we should ask ourselves whether the voting public is better served by seeing more money,

more time, and up to nine months of campaigning. I do not think they are better served by it. Having a later primary does not prevent you from starting to campaign, lining up support, and making the contacts you typically do anyway.

**Assemblyman Goicoechea:**

I assume, from your comments, that you would entertain a friendly amendment to the bill that would make the primary election fit the time frame we are going to hear is necessary from the clerks and others in this room, as far as a drop-dead date—the latest date on which a primary election could be held and still be in compliance. We have heard testimony from the Secretary of State, and that date would clearly be 60 days away from a June primary. I hope we can get there.

**Assemblyman Hickey:**

I certainly would welcome that kind of an amendment.

**Assemblywoman Flores:**

Do you have any idea why the primary election date was changed? Perhaps there are some compelling reasons for that change.

**Assemblyman Hickey:**

I believe members of this Committee may be better able to address that question because they were part of the discussion last session. I suspect that the Secretary of State's Office may also want to answer that question.

**Assemblyman Ohrenschall:**

I was here last session and I voted against this change. It was a very close vote. In Las Vegas, our municipal elections are held in odd-numbered years, so after the November election I was tearing down my road signs as people were putting up their signs for the city elections. The voters really are not getting a break because they are proceeding from this very long election cycle to another election cycle that is still ongoing in Clark County.

You spoke about the extended cycle making the influence of money more important. Do you know if this last election cost more money to the candidates in Nevada because of the length of the campaign?

**Assemblyman Hickey:**

I did ask the Legislative Counsel Bureau, but unfortunately the Secretary of State's Office has not had a chance to compile all the data to do a careful study. I think the answer is certainly yes. Two or three extra months would have added to the expense of campaign mailings and other things, but I would

have to get the actual numbers to be able to tell you for sure. It is just my sense that the longer campaign season resulted in more expensive campaigns and in more money being spent.

**Assemblyman Steven Brooks, Clark County Assembly District No. 19:**

As an employee of a public municipality, I must take a leave of absence when I run for office. A campaign season that originates in March and runs until November creates a burden. For those who come after me, I think I have proven that it can successfully be done, but for the record, I want to say that it was a very long stretch to have to campaign for nine months, and particularly without a paycheck.

**Patricia D. Cafferata, Private Citizen, Reno, Nevada:**

I am here in support of A.B. 157. For those of you who do not know me, I have run for a number of offices and been elected to several of them. I represented Assembly District 25 in 1980 and was elected State Treasurer in 1982. I have been the District Attorney in three rural counties, one by election and the others by appointment. I have run both statewide and locally, so I have a different perspective on campaigning. People have two concerns about political campaigns today—the length and the cost. Many times people have expressed concern about politicians spending millions to run for jobs that pay only hundreds of thousands. When one looks at those costs and compares them to what people get paid, it does not make any sense. People cannot relate to that, so those two items are what concern people the most, and they are directly related—the longer the campaign, the higher the costs.

The very first time I ran for office was in 1978, when I ran for State Treasurer. In 1978 filing closed July 21, which resulted in a six-week primary campaign and a six-week general election campaign. It made for a very difficult campaign, but we made it through. The election laws have changed over the years, and now the filing dates have been consolidated into the two-week period we currently have. Once a person files for office, he is committed. He must campaign, and if you have to campaign, you are going to have to spend money. So the sooner you start, the more it is going to cost.

The primary election used to be held the day after Labor Day, but it was moved a few years ago at the behest of the clerks and registrars to August. There were a lot of reasons for that, including what is happening at the national level. The argument from the clerks and registrars was that they could not get the work done in the amount of time allotted. I submit that today technology is quite different from when the primary was moved to August. I realize there are still legal deadlines, but technology has improved and no one is writing things by hand anymore. There is a lot of very sophisticated technology today.

What happened to the August primary was that most people were not paying attention, or they were out of town, or they were getting their children ready to go back to school, so there was a decline in participation in the primary. There was a complaint about the September primary when it was the day after Labor Day because it was claimed that people did not remember that primary. Last legislative session the primary was moved to June. Anyway, I think A.B. 157 is a win-win. You are going to get shorter campaigns, and less money will be required to campaign. I urge you to vote to pass A.B. 157.

**Chair Segerblom:**

Are there any questions? [There was no response.]

**Assemblyman Hickey:**

Former State Senator Raggio had planned to come and speak in support of A.B. 157 but he was unable to make it. He said the primary should be moved to September because it is costing too much time and money in the current situation.

**Chair Segerblom:**

Is there anyone else in favor of the bill? [There was no response.] Is there anyone in opposition to the bill?

**Larry Lomax, Registrar of Voters, Clark County:**

I definitely do wish to oppose this bill. For several legislative sessions, the clerks and registrars asked that the primary election be moved from September to some earlier date to give us time to adequately prepare for the general election. In the 2005 Session, we reached agreement. We were asked what would be the minimum amount of time we needed between the primary and general elections to ensure we could have the ballots prepared. We looked at the issue and decided 12 weeks was needed, so the law was changed during the 2005 Session to move the primary to 12 weeks prior to the general election. We had August primaries in 2006 and again in 2008, but August primaries in Clark County are killers because of the heat.

**Chair Segerblom:**

Do you recall what the turnout was?

**Larry Lomax:**

The highest turnout since I have been the Registrar was in 2006, and that turnout was 27 percent. There were a number of contentious races in the 2006 primary. In 2008, we had the lowest turnout we have ever had. It was a presidential election year, and the caucuses were the main focus of attention; plus, there were no big contentious races. You, the candidates, are what drive

turnout; it is not the time of the year. It is all about how excited the voters are about what is on the ballot—that is what draws the voters. My position is that turnout is not driven by the time of the year; it is driven by what is on the ballot.

Senator Raggio had a bill last session that would have moved the primary back to September, but our position is that a September primary is untenable. We cannot comply with federal law if the primary is in September. There was a lot of discussion, and everyone agreed that they did not like August. The final decision was to move it back to June. The second Tuesday in June was specifically selected because school is out by the second Tuesday but the schools are still up and running with the air-conditioning on. By using the second Tuesday we were able to eliminate 50 polling places in Clark County, and that is a significant savings in money just because we had access to parking and larger rooms and facilities in the schools we used.

If you will pull up the diagram in the Nevada Electronic Legislative Information System (NELIS) on your computers, I would like to review the practical capabilities of conducting an election in September ([Exhibit C](#)). As the bill is currently proposed, we would have had to conduct the 2010 primary on September 14. The general election would have been seven weeks later. That means the primary election would have been held 49 days before the general election. There is a federal requirement that we have the ballots in the mail to overseas soldiers, sailors, and other voters 45 days before the election so, obviously, we are not going to make that deadline.

Remember, after an election we have eight days to canvass, which means we audit the election and get it certified by our elections commissioners, and then it goes for a formal certification. Following the canvass, there is a three-day working period where a recount may be requested. During this two-week period, when the election results are canvassed and could be contested and a recount requested, we cannot start printing ballots because we do not know if there is going to be a recount. Assuming there is no recount, the earliest in 2010 we would have been able to begin printing ballots would have been 35 days before the general election.

In 2008, I was asked by the Nevada Supreme Court how quickly I could get election-related tasks done—get the mail ballots out, send the sample ballots, and program the voting machines. The absolute fastest we can prepare 175,000 ballots with 305 different versions is 15 days. The ballots must be printed, addressed, and mailed, so the earliest we can complete those tasks and get everything in the mail is 20 days. As I said before, the stance the Department of Justice took in the 2010 election was, if you got the ballots



out—in this case 25 days late—you would be required to accept and count military and overseas ballots 25 days after the election. That is an option that would be open to you if you continue down this path toward moving the primary election to September. I am pretty confident that, as a minimum, that would be something the Department of Justice would require of you.

You can see how long it would take to prepare sample ballots. We would already be into the early voting period. For those of you who remember when we had primary elections in September, those elections used to be held the first week of September and not the second week, as this bill proposes. If this bill were shifted back a week, we could theoretically get the sample ballots out just before the beginning of early voting. Remember, this is based upon the fastest we can do it. The fastest we can do it means 24/7—we are working around the clock every day with no days off and so is the printer. We will do what you want us to, but it definitely increases the opportunity for error. When you are preparing all these ballots and ballot styles, they all must be proofed, and it takes just one mistake to goof up an election and possibly lead to a recount.

I understand your concern about campaigning, but I can almost say it is physically impossible for us to get this done. Ms. Cafferata mentioned technology; we could not even come close if we did not use technology. Clark County now has essentially 1 million registered voters. We have 4,500 voting machines we must prepare. I have invited you to visit the office and watch us get ready for an election. It is a big, big operation and for us to conduct it properly, we need enough time.

August is enough time, but there are problems with August—the heat being the primary one. For those of you who live in Clark County, you know that in both August primaries the schools were not up and running. We met with the school operations people the other day to discuss this issue, and there is going to be a funding issue concerning who will pay for the air-conditioning if we are going to hold a primary election in the middle of August. It could be worked out, but it is another issue that will have to be dealt with.

The other benefit for having the primary election in either August or June is that school is not in session. Security around the schools in Clark County, and probably throughout the state, is now a huge issue. Just to visit a school to see your child necessitates a visit to the office to have your picture taken. The schools are not as amenable as they were in the past to having a quarter of a million strangers coming into their campuses on Election Day, which is what happens in Clark County. Right now, we have worked that out by holding the primaries when school is out. The schools have scheduled an in-service day on

the date of the November election—another reason why the current schedule works well.

As far as campaigning goes, I listened to all those ads, and I got tired of it too, but Nevada has been very proud of its February caucuses. I was very cognizant of when campaigning started. It was December when Senator Reid started his campaign in the last election. Next election, which will be the 2012 presidential election year, campaigning will be starting prior to the actual year as candidates begin lobbying for the caucuses, so it is not just these elections when campaigning starts, and that is something to be aware of.

I understand people get irritated by all the campaigning that goes on, and there is a cost to the candidates who campaign, but there is also a cost to cramming these elections into a very short period of time. It is absolutely factual that we spend \$250,000 more if the primary election is in September because of all the overtime. Moving it back to August saved us about \$100,000; moving it back to June eliminated overtime except in the early voting period, when people vote on weekends. So there is definitely a financial advantage, at least for Clark County, if you can move the primary back to June.

We strongly support leaving it the way it is. The weather is better, there are cost savings, and we are not working overtime. I am not complaining about working overtime—the employees love getting the money—but the County is hurting having to make those payments.

**Assemblyman Hickey:**

Eleven or twelve other states, including Massachusetts and Maryland, manage to have September primaries, and some of them are quite large. When we had the primary this past June 10, the schools were technically closed in Washoe County yet they remained open for us. If this bill moved the date of the primary back to late August, school district employees might be in the buildings preparing for the school year, so I do not think that would necessarily be an additional cost to the taxpayers. I thought I heard you say there were some additional costs for you in having the long primary because you must train people for the June primary and then, again, for the November general election. So there are some additional costs in having the early primary, if I heard you correctly.

**Larry Lomax:**

We created online training for the 1,500 people who worked in the primary election. We filmed it ourselves, so there was no cost to us as far as training them. The people who did not work in the primary election did have to come in for training, but they would have had to be trained anyway. My recollection of

the September primaries in Clark County is that they generally fell during the first week of school, which was every bit as much of a nuisance as the municipal general election, which falls on the last week of school.

**Chair Segerblom:**

Could you follow up on the question concerning how those other states are able to do it?

**Larry Lomax:**

Every state that had a September primary was sued by the U.S. Department of Justice, and they worked it out for that election, as I stated previously. If they got their ballots out 21 days late, they had to count the ballots that came in up to 21 days late. It may be as simple as that. You may have to be willing not to get your final results until three weeks after the election. It is my understanding that some of those states are trying to move the dates of their primaries earlier.

**Chair Segerblom:**

What do you pay to print sample ballots in the primary and general elections?

**Larry Lomax:**

Well over \$1 million. You bring up an issue where we could look at cost reduction, by the way. The law requires us to send every registered voter a sample ballot. Depending on the number of questions, sometimes that sample ballot can run to over a hundred pages. We print 800,000 sample ballots and pay postage on them, so it probably ranges from \$1.2 million to over \$2 million when there are 100-page booklets.

**Chair Segerblom:**

So the cost is somewhere between \$500,000 and over \$1 million for each election?

**Larry Lomax:**

For a general election, the cost is at least that.

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

The Secretary of State opposes this legislation for many of the same reasons testified to by Mr. Lomax. Our primary issue is with that 45-day deadline. As Mr. Lomax has testified, precedence suggests that if we have a September primary, we will likely face a lawsuit by the Department of Justice, with the probable result that they will require us to accept the overseas voters' ballots however many days past the election as required to reach that 45-day deadline. That is obviously something we prefer not to do.

If this legislation is adopted, our primary election day will be September 11, 2012. To meet the 45-day deadline—meaning ballots would be distributed and received 45 days prior to the election date—they would have to be distributed by September 22, which would be an 11-day turnaround. That is virtually if not absolutely impossible, especially for Clark County, and almost all the other counties as well. It becomes quite a burden on the clerks, and we do not support that.

Mr. Lomax has also indicated that with a September primary, it becomes very difficult even to get the ballots prepared for early voting by October 20—another burden on them.

With respect to the proposed friendly amendment for an August primary, we do not support that. We understand those timelines become doable, but it still becomes a burden on the clerks. As an example, look at the August primary in the 2008 election cycle. Based on the timelines after the primary and the disputes that arose, had the 45-day requirement been mandated at that time, Clark County, and potentially some other counties, would not have met it in 2008.

There was a question from the Committee regarding total campaign expenditures. I do not know if we have those numbers, but I can look into them if the Committee would like. I can say that if we had mandated online filing, I would have that information for you by the end of the day.

In summary, while the Secretary of State appreciates the concern for the candidates over the prolonged election cycle and campaign period, the June primary in the last election clearly proved that date works very well for the clerks and it works well for our Office.

**Chair Segerblom:**

Any questions? [There was no response.] We have a number of people signed in who oppose the bill.

**Assemblywoman Smith:**

For Mr. Gilles, if he is going to analyze cost, an analysis should be done of every race. It was a very different election year, with so many open seats and primary races. I do not know how that could be analyzed in comparison to a longer season. If we are going to look at those numbers, we also would have to see the structure of each race for it to make any sense.

**Gail Tuzzolo, representing the Nevada AFL-CIO:**

A couple of months ago, I was in the Ukraine for a few weeks. My job was to train women who wanted to run for office. The Ukraine has the lowest participation by women in public office; it is even lower than in the Middle East. It was a life-changing experience for me, and I mention it today because there are two reasons why I oppose this bill. I worked with these women who are brave enough to step forward and run for office in a country where elections are stolen all the time, and one of the things they asked me was whether they should really be running if they cannot rely on their ballots being counted. When I see our Secretary of State and Mr. Lomax testify to the integrity we have in our election system here in Nevada, I do not want to have Mr. Lomax cramming the process. I trust that the process that has been put into place is something that makes us proud.

I really want as great a participation in elections as possible, and I think the June primary and the time in between has really helped our voter turnout improve, and that is a good thing for all Nevadans.

**Jeanine Hansen, State President, Nevada Eagle Forum:**

If the primary election date changes, then a number of other dates change, and those changes affect minor party conventions among other things. I looked at voter statistics today, and about 290,000 people in the State of Nevada are not Republicans or Democrats; they are either nonpartisan or belong to minor parties. Those people are nearly one quarter of all the voters in the State of Nevada, and they are not engaged in the primary process. So if you greatly shorten the distance between the primary and the general elections, those voters are not even engaged until much later. That makes it much more difficult in the general election for all the minor party candidates and major party candidates who did not have primaries.

When you campaign before the primary election, people ask why you are not on the ballot, and this has created confusion for our candidates. We try to explain that we will be on the general election ballot but are not on the primary; however, that has been a problem for people in the Independent American Party and probably across the board for those who are not involved in primary elections.

Most candidate events will be taking place during the primary election season. So all those people who are candidates only for the general election will not be participating in those events, and they oftentimes are not invited, so those opportunities to campaign, especially for candidates not spending a lot of money, are completely lost. We found this last election cycle, with the primary election in June, that our candidates who did not have primaries had greater

opportunities to participate in the public events. It was understood that they would be on the general election ballot, which eliminated the confusion.

If we had a September primary and the dates were as they had been in 2010, there would have been only one month between September 14 and October 16, when early voting starts. That is not enough time to get anything printed, to really run a campaign, or to raise money. Another problem is faced by organizations, like mine, that publish voter guides. We print the survey results and put them on our website. That can be a very difficult turnaround if it has not been done for the primary. The time factor makes it much more difficult for volunteer organizations to participate in the election. It took a month to get our voter guide published after we got it to the printer, let alone the time it took compiling all the information, so that makes it difficult.

We are not in favor of this bill; however, if there was a compromise that would place the primary earlier than September, we would not necessarily be opposed to that. We think September is way too late for the reasons I just stated.

**John Wagner, State Chairman, Independent American Party:**

I was not always a member of the Independent American Party. I used to be a member of a major party. My party had a primary late in the season. It was hard to knock on doors in the summertime, so I started to campaign even before the filing date and as soon as the weather got halfway decent.

I did not print a lot of material because I did not know if I was going to win; however, I did find out how much lead time I would need to get things printed. I remember it was two to three weeks. A seven-week window between the second Tuesday in September to the first Tuesday in November gives candidates only a couple of weeks, at best, before the beginning of early voting. This span also does not leave much time to walk and knock on the doors of everyone who might be voting in the general election. It is a handicap, and I wonder if those other states with primary elections in September have early voting.

The added costs of overtime Larry Lomax mentioned must be considered as well. As far as moving the date to August, that would be better than moving it to September.

**Sam McMullen, representing the Las Vegas Chamber of Commerce:**

We support this bill. When I first read A.B. 157, I thought the date was being moved to the first Tuesday in September. We would like to see the date moved back to where it used to be. I do not want to take too much of your time, but I will talk to you individually if you have questions about our position.

**Chair Segerblom:**

We have lots of time, so go ahead and tell us why the Chamber wants the primary moved to September.

**Sam McMullen:**

I know there are pluses and minuses, and I do not want to seem disrespectful of the military men and women who are fighting for their very right to vote. I also do not want to be disrespectful of Mr. Lomax or any of the clerks and registrars. They all do a very good job under difficult circumstances. If you look at this last election cycle, we were really trying to keep the voters interested for a long period of time. As much as I would like everyone to be as interested in elections as I am, that is not always the case. Consequently, I think we should try to do something that more appropriately conforms to the expectations of the public in terms of the election cycle and people's interest in becoming informed. Our view is based on multiple years of elections experience, so that is one thing.

The second thing is more practical: we have done a lot of things that have increased the cost of elections. Frankly, it has become very difficult to make sure that the information you want to get out to voters gets there. Of course, a lot of political capital is required to do that, to the extent that the election cycle is lengthened. A longer election cycle makes it more difficult to get the level of information out. I am not for cutting off the information; I would never be for that, but I do think there is some rule of reason concerning exactly how long you campaign and how long the campaign matches the interest.

Those are our basic reasons. I also think there were some good comments made today.

**Chair Segerblom:**

It sounds as though you are ambivalent.

**Assemblyman Goicoechea:**

I assume the Las Vegas Chamber would support an August primary, though, given the objections raised by the clerks and the Secretary of State. If we had to move the primary election back three weeks or 30 days, at least it would shorten that time frame, and I assume the Chamber would support that also?

**Sam McMullen:**

Yes, I think that would be our preference if this bill cannot be passed the way it currently reads.

**Assemblyman Conklin:**

The general opposition I am getting to this particular bill is coming from constituents and voters who want the opportunity to dissect the ballot. The claim is that the closer the primary is to the general election, the more advantage it is to the incumbent. The incumbent emerges out of a primary with more money, and the less time there is to affect the outcome, the greater advantage the incumbent has. So those constituents like having that primary because the real differences do not take place in the primary; they take place in the general election. People need time to build a case and get familiar with the constituents they are trying to represent, so I was curious that the Chamber had a position on that.

**Sam McMullen:**

I do not know that I am an expert on this, but our impression is that if you are interested, you will figure it out in the amount of time allotted. Having been involved in campaigns for a long time, I think all that is true. But I think it is a question of balance. People are trying to get the information and we are also trying to marshal resources to get it out to them. Everyone here knows it is a difficult process; it is a process of balance. Again, this is a bill that at least allows us to look at that point of balance and find out where it is timewise as well as, for us, costwise. I have no problem with people taking whatever time they need to figure out the right person to vote for, or what the key issues are on the ballot, but our experience has been that if voters are interested, they can find the information they need and they can find it in a reasonable amount of time. I do not think it takes five months.

**Carol Howell, Private Citizen, Carson City, Nevada:**

I have volunteered and worked on campaigns for candidates since 1984. During this last election, I ran the headquarters for one of the major parties and handled all the volunteers.

I have several objections to this bill. Mustering volunteers to help you walk precincts and get out signs is a crucial issue for all of your campaigns. I am not certain it is possible to man phone banks and get people involved in volunteering in the time frame between a primary in August/September and the general election in November. We in Carson City do not have nearly the heat you have in Clark County, but people are not going to place door hangers in Carson City or northern Nevada during the summer. Door hangers save your campaigns a lot of money because you do not have to mail them, assuming you utilized volunteers and they had time to organize.

I had people standing in line waiting to go over their sample ballots and the issues, but there is just not enough time. Unfortunately, our elections are not



that important for some people. Getting to the workplace, getting the kids to school, or playing baseball is of more importance. The last thing the majority of voters want to do is spend the time to study those ballots, so you need to give them all the time possible.

During a primary, most people have picked the candidates they are going to support. If a party has three candidates running in a primary, it comes out of the primary with one. Then, two-thirds of the voters must gear up and start looking and studying that new candidate. You all need to get out and meet the two-thirds of the people who paid very little attention to you during the primary because they were involved with the other party. I cannot see you spending enough time with the general voters and being accessible in that amount of time. So I do oppose this bill.

**Assemblyman Hickey:**

Mrs. Howell, thank you for your testimony. It is the case that we have moved the primary to June for only one election cycle. What did your party do for all those decades before? We managed to campaign when the primary elections were in August, so I do not think your statement necessarily reflects what your experience has been, other than just this last time.

**Carol Howell:**

In answer to your question, prior to moving the primary to June the party put in lots of midnight hours. I appreciate the June date because it makes it easier for the volunteers to walk with candidates and knock on doors. If you look at Carson City's voter turnout for the primary in this last election, you will see the difference. The percentage of people getting involved in the primary when it was set for June was much greater than when it was later in the year.

**Chuck Alvey, Private Citizen, Reno, Nevada:**

I support the bill—shortening the time between the primary and general elections. Given today's technology, information can be gained by voters much more quickly. Frankly, I get weary of the long campaign cycle, and so many things change during such a long campaign period. If you consider the cycle, particularly those of you in the Assembly who have a two-year cycle, if you have a six- to eight- or nine-month campaign, that is over half the time spent. If I were still in broadcasting, as I was for many years, I would be opposed because I am sure there is a lot of money to be made in advertising with those long election cycles.

**Assemblyman Grady:**

I just received an email and would like to read it to the Committee. It is from Nikki Bryan, Lyon County Clerk/Treasurer.

With all due respect, please consider leaving the primary election in June. In addition to the testimony given today by other elected officials, whom I agree with, there is an additional issue that we have who also serve as county treasurers. The first installment of taxes is due in August, and having the election at the same time is very difficult and increases overtime tremendously. We saved thousands of dollars in 2010 because we had more time to take care of everything that was required. Thank you so much.  
Nikki Bryan, Lyon County Clerk/Treasurer.

**Chair Segerblom:**

Are there any other questions? Is anyone neutral on the bill? [There was no response.] We will close the hearing on A.B. 157. With no other business before us, we will adjourn the hearing [at 2:46 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:** March 3, 2011

**Time of Meeting:** 1:36 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 157	C	Larry Lomax	Chart of election deadlines