

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

**Seventy-Sixth Session
March 15, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:37 p.m. on Tuesday, March 15, 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/. 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 Ocegüera
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman John C. Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Eileen O'Grady, Committee Counsel
Terry Horgan, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Curtis Calder, City Manager, City of Elko
Shanell Owen, City Clerk, City of Elko
Larry Lomax, Registrar of Voters, Clark County
Scott Gilles, Deputy for Elections, Office of the Secretary of State
David Fraser, Executive Director, Nevada League of Cities and Municipalities
Mary Henderson, representing the City of Fallon
Mark Vincent, Chief Financial Officer, City of Las Vegas
Beverly K. Bridges, City Clerk, City of Las Vegas
Liane Lee, Legislative Officer, Government and Community Affairs, City of Las Vegas
Cadence Matijevich, Legislative Relations Program Manager, Office of the City Manager, City of Reno
Dan Burk, Registrar, Washoe County
Lisa Foster, representing Boulder City
Dan Musgrove, representing the City of North Las Vegas

Chair Segerblom:

[Roll was taken.] Today we will start with [Senate Bill 134](#). I understand that Senator Rhoads is unavailable, so Assemblyman Ellison will make the presentation.

[Senate Bill 134](#): Amends the Charter of the City of Elko to change the timing of the general municipal election. (BDR S-543)

Assemblyman John C. Ellison, Assembly District No. 33:

We are here today because the City of Elko is requesting its charter be changed to change the time its municipal elections are held. The municipal elections would be moved to the November general election.

Curtis Calder, City Manager, City of Elko:

Senate Bill 134 represents the City's third attempt to modify the charter to change our election dates. We are trying to consolidate our elections within Elko County. It makes a lot of sense. It would reduce the duplication of effort and certainly has a fiscal savings to the City of Elko. In the first year, approximately \$110,000 in savings is anticipated. Every other year after that, the savings is anticipated to be approximately \$30,000. So we not only feel there is a benefit to the taxpayer in savings, but we also expect a greater voter turnout if we can run our municipal election ballot with Elko County's ballot.

Chair Segerblom:

Are there any questions?

Assemblyman Ohrenschall:

In the Elko municipal elections, do the candidates run as partisan or as nonpartisan?

Curtis Calder:

City of Elko elections are nonpartisan.

Assemblyman Ohrenschall:

If this bill passes and they run on the November ballot in even-numbered years, will they be placed after the partisan candidates on the ballot?

Shanell Owen, City Clerk, City of Elko:

Currently in Elko County, all the cities are at the end of the ballot.

Chair Segerblom:

I have a question for our Legal Counsel, Eileen O'Grady. Ms. O'Grady, does the City of Elko currently have the ability to make this change on its own?

Eileen O'Grady, Committee Counsel:

No, it would require a charter change either through the Legislature or by initiative.

Assemblyman Ohrenschall:

You mentioned that this change has been attempted two other times. Was that here at the Legislature? When was it?

Curtis Calder:

Correct. During the last session we brought a bill; however, it was amended late in the session and the City did not want to complicate the matter, so we decided not to push the issue. The occasion prior to that, our change was in a

joint bill through the Nevada League of Cities and Municipalities that included some other cities. I cannot remember the particulars, but it may have been because our city council at the time was not comfortable with the language.

Assemblyman Daly:

Do you have a charter committee similar to those in Sparks and a few other cities? Who made the decision to change the charter? I think it is a good decision; I just want to know what your process was.

Curtis Calder:

Several months ago, we went to the city council and asked if they were still in favor of looking at a charter change for the elections. Once they indicated they were, our city attorney made the first draft for a proposed bill draft and we asked Senator Rhoads to sponsor the bill. Once he agreed to sponsor it, we held a public hearing at our city council meeting. We received no opposition to the bill there.

Assemblyman Stewart:

I want to be clear that this applies only to Elko, is that correct?

Curtis Calder:

Yes, only to the City of Elko.

Chair Segerblom:

It is my understanding that this amends your charter, which is something you could do, but it would have to be a referendum unless we make the change for you.

Curtis Calder:

Yes, that is our understanding. In the past, most of our charter changes have been through the legislative process.

Assemblywoman Kirkpatrick:

Language on page 2, lines 9 through 16 of the bill, speaks about someone being appointed to a vacancy. Do they serve until the next municipal election or the next general election?

Shanell Owen:

In section 1, subsection 2(b), "If the appointee is filling a vacancy occurring in an office for which an election is held pursuant to subsection 1, 3 or 4" On page 1, though, if you will notice, it indicates that "A vacancy in the City Council must be filled by a majority vote of the members . . . within 30 days after the occurrence of the vacancy." So I think that would still be the case.

Assemblywoman Kirkpatrick:

I just want to be clear on which election, because typically, with municipal offices, they have the 30 days to fill the seat, but then the appointed person serves only until the first election. He or she would not be waiting the full two or four years, so what is your intent for how the seat would permanently be filled?

Shanell Owen:

It would depend on what vacancy that person was filling.

Assemblywoman Kirkpatrick:

So which election would it be? Are they going to wait until the next general election?

Shanell Owen:

It would be whichever seat it is that the individual was filling; so if that seat would expire in 2017, that is when it would be up for reelection.

Assemblywoman Kirkpatrick:

It all goes back to the general election, correct?

Shanell Owen:

Yes, it would go until a general election.

Assemblyman Ellison:

I was a City Councilman for eight years and left six or eight months prior to the expiration of my term to fill a seat as a County Commissioner. When I left, the Board took applications and voted on a candidate to take my place. That candidate occupied that seat until the election.

Assemblywoman Flores:

On page 2, line 40, there are three dates mentioned in section 3, subsections 1, 2, 3, and 4. It says you want to have an election in 2011 and you are going to elect the mayor and two city councilmen. Then, in subsection 3 on page 3, line 10, you are going to have another election for two members of the City Council, not including the mayor, in 2012. In subsection 4, you are going to have another election in 2014 of two City Council members and the mayor. Is that for the purpose of limiting the mayor's and city councilmen's terms to three years so you can get everyone on track for the elections in even-numbered years? Is that how that works?

Curtis Calder:

That is exactly right. This enables us to get everyone on the county election track. We are planning on holding our municipal elections on the current cycle this June. If this bill passes, those individuals will be elected for three and a half year terms. The terms of the two city councilmen remaining on our council will be shortened to three and a half years as well, if this bill passes. When we get into the 2012 election, we will be back on cycle to have four-year terms.

Chair Segerblom:

That would then shorten the existing terms. Legal Counsel, is that permissible?

Eileen O'Grady:

Yes, that is constitutional.

Curtis Calder:

Mr. Chairman, for the record, our two existing councilmen are aware of this and are in favor of shortening their own terms to benefit the overall election process.

Chair Segerblom:

Seeing no further questions, I will close the hearing on S.B. 134. Because the next bill is mine, I will relinquish the gavel to the Vice Chair so I can present the bill.

Vice Chair Flores:

We are going to open the hearing now on Assembly Bill 132.

Assembly Bill 132: Revises provisions governing the dates for certain elections.
(BDR 24-684)

Assemblyman Tick Segerblom, Clark County Assembly District No. 9:

Assembly Bill 132 would require municipalities that are not currently on the even-year election cycle, such as Reno, Sparks, Carson City, and as Elko wants to be, to move to the even-year cycle. However, today I am offering an amendment to my own bill which would make it permissive as opposed to mandatory. In other words, if Las Vegas wanted to move their municipal election to the even year, it could. If Henderson did not want to make that move, it would not have to.

There are two purposes for this bill. First is the fact that we have incredibly low turnouts in municipal elections in southern Nevada. If you compare general election turnouts versus municipal election turnouts on the fourth slide of my PowerPoint ([Exhibit C](#)) you will see that the turnouts are abysmal. The voter

turnout in the 2010 general election in Clark County was almost 65 percent. The municipal election turnout in 2009 was 15 percent. In the 2008 general election, the turnout was 80 percent, but the 2007 municipal election turnout was 11 percent. It is really a disservice to our communities to allow that small a percentage of the people to make decisions which are so vital to us, and in particular, now when we are trying to push all these services back to local governments.

Second, as Mr. Lomax will testify to later, changing the election cycle to even years, so these elections can be held simultaneously with the other elections, will save approximately \$1 million. That is a win because we will have better voter participation, and it is a win because it will save us money.

As I said, based upon conversations with different municipalities, I felt it is probably premature to mandate this, so this bill will become permissive. With the Vice Chair's permission, I will ask Legal Counsel to discuss my proposed amendment that this bill be permissive.

Eileen O'Grady, Committee Counsel:

Charter cities would be authorized to choose, by ordinance, between elections in either odd-numbered or even-numbered years, similar to language in *Nevada Revised Statutes* (NRS) 293C.115, where the cities that are incorporated by general law get that choice. We would be putting something similar into each of those city charters that would allow them to choose.

Assemblyman Segerblom:

So the city councils would be able to vote to make these changes, as opposed to having to put a charter change on the ballot?

Eileen O'Grady:

Correct; they can choose by ordinance to change to the other system.

Assemblyman Segerblom:

I think giving the cities the option to save money and increase voter participation would be a very positive thing, and I urge your support.

Assemblywoman Kirkpatrick:

Do you think the low voter turnout is due to lack of people on the ballot? For instance, I live in North Las Vegas, and this municipal election we vote only for one judge. I would think that would be expensive. Does the turnout have anything to do with the number of races on a ballot? Second, would this apply only to the cities and not to the counties, because the counties do not necessarily have charters?

Assemblyman Segerblom:

Counties all vote in general elections in even years. I am sure there are multiple reasons why the turnout for municipal elections is so low, but the reality is that even when there is a mayoral contest as Las Vegas has now, the turnout is not going to be anything close to what it would be during our regular elections. If the turnout is 20 percent, that means 10 percent of the voters are making the decisions. It seems the voters are not participating in the elections and have not bought into the elections, and in turn, the elected officials do not have that much support among the electorate.

Assemblywoman Kirkpatrick:

Could they also change back if any city council decided they did not like the change?

Assemblyman Segerblom:

That is the intent of my proposed amendment, but I would ask Legal Counsel if that is possible.

Eileen O'Grady:

They would just have to change it by ordinance, because under their charters, they have the option to choose either one. So they could make that change between the years.

Assemblywoman Kirkpatrick:

How would we be sure they would not change the election year every four years when there was a new city council?

Assemblyman Segerblom:

And avoid term limits?

Assemblywoman Kirkpatrick:

It is a valid question because they could avoid term limits or they could change it. How would that work?

Assemblyman Segerblom:

I had not thought about that consequence. Hopefully, the public would keep them honest. If it turned out that this change did not work, I would like the cities to have the option to go back to the way they were. If you look at the history, as you will hear from people from Reno, Sparks, and Carson City, once they switch, they love it. So I am not worried about that.

Assemblyman Hardy:

To clarify, general law and charter cities both, with this amendment, would be able to utilize this same bill?

Assemblyman Segerblom:

Right. Mesquite is a general law city, and it could switch right now if their city council voted to make this change. What we are doing is giving the city councils in charter cities the same authority to make the change on their own by just passing an ordinance.

Assemblyman Conklin:

I have the same concern Assemblywoman Kirkpatrick does about a city being able to switch at will, but I understand leaving the flexibility to the municipalities. It could be the right course of action for some municipalities, so maybe the Legal Division can develop language indicating why it would be justifiable to move and what should be taken into consideration. That way people are not considering their own reelection; they would be considering what would be right for the municipality and good for the voters.

Assemblyman Segerblom:

I am sure we can come up with something.

Assemblyman Conklin:

That way you do not have to limit it to the change going only one way.

Assemblyman Segerblom:

Require a supermajority to make the switch?

Assemblyman Conklin:

I do not know if a supermajority would be necessary; I just want to make sure the debate at the city level is about what is good for the voter and the municipality and not necessarily what is good for the elected official.

Assemblyman Segerblom:

Absolutely. I would have no problem with that.

Assemblyman Ohrenschall:

I supported this bill two years ago. As you said, I think it saves money, both for local governments and the taxpayers. I think it increases voter participation, and I think it is also kind to the citizens of the state. Last November, as I was tearing down my campaign road signs after nine months of campaigning, candidates for Las Vegas municipal elections were out in the same desert lots putting up their road signs for another seven or eight months of campaigning.

When you look at our constituents, no matter how conscientious they are, a year and a half of politics is a lot, and people get burned out. I think this will increase voter participation, and I thank you for bringing it.

Assemblyman Segerblom:

There were fundraisers for city council candidates while we were having our fundraisers for legislative districts, so we would avoid that also.

Assemblyman Daly:

I would like to understand your proposed amendment, because there are several cities included in this bill that have odd-year elections and several cities that have already switched to even-year elections. I know the City of Sparks switched several years ago from odd to even, and it was a money-saving measure. Are the charter cities in the bill going to be included in your amendment, so that all charter cities are the same and would be able to make this change by ordinance, or would charter cities not in your bill have to make a change to do it by ordinance?

Assemblyman Segerblom:

My intent was that all charter cities, by ordinance, would now have this ability to go either way.

Assemblyman Grady:

I agree with Assemblywoman Kirkpatrick's concern. Could you put a time limit saying that once a change had been made, no other change could be made for 12 years?

Assemblyman Segerblom:

That is fine with me.

Vice Chair Flores:

Are there any more questions from the Committee? [There was no response.] It sounds as though you are going to be considering some amendments. I do not mean to muddy the waters, but I would also note that if we are to make these changes, we would be adding time to the terms of people who were elected in 2009 and people who are being elected this year. Is that correct?

Assemblyman Segerblom:

Yes, 18 months.

Vice Chair Flores:

I am a little concerned with that. Is there a way we could fashion the bill similarly to what Elko is requesting? People who voted in 2009 or who are

voting this year did not know they would be voting for someone into a five-and-a-half-year term as opposed to the four-year term. I am not necessarily suggesting we amend the bill, but it does concern me that you will have people in office for more than five years.

Assemblyman Segerblom:

I was not aware we had the authority to shorten terms, but I would be happy to consider that change if that was the Committee's desire. Obviously, the city councils are less likely to vote to change the election cycle if it will mean their terms will be shortened, but if that is our mandate, that is what they would have to do.

Vice Chair Flores:

I appreciate it.

Assemblyman Stewart:

I cannot understand it, but it says there is a fiscal note for the state. What could that be for?

Assemblyman Segerblom:

While that is being researched, I forgot to mention that this concept, of making it mandatory, passed the Senate last session and was on the Chief Clerk's Desk in the Assembly when we sine die'd, so it almost became law two years ago.

Vice Chair Flores:

We just looked online and did not see a fiscal note. If further research comes up differently, we will acknowledge that in the record.

We are going to move on to supporters of A.B. 132.

Larry Lomax, Registrar of Voters, Clark County:

Clark County supports this bill. As Assemblyman Segerblom stated, it would save the collective five cities in Clark County approximately \$1 million every odd year by moving elections to the even-year election cycle. In an even-year election, we already are going to send every voter a sample ballot. We prepare mail ballots, early voting ballots, and Election Day ballots. Adding two or three contests for each city, where applicable, is of almost no expense to the taxpayer. If there is a question on the ballot, those extra pages in the sample ballot arguing for or against might increase the costs a little bit. So to the taxpayers, there would be a savings of approximately \$1 million. What it would cost the cities, or what the county would charge, would have to be negotiated between those entities. Other than that, the additional benefit, if this were to occur, is that it will free up some of the staff in the Election Department, who

would be doing essentially very little in that odd year, to assist other county departments, which are all very undermanned at this point in time.

Vice Chair Flores:

Do we have any questions from the Committee?

Assemblyman Stewart:

Mr. Lomax, with 18 mayoral candidates on the Las Vegas ballot this year, approximately how many pages will the ballot be? I am concerned about voter fatigue in some cases.

Larry Lomax:

The 18 candidates for mayor in Las Vegas take up one screen on the voting machine, so if you were voting using a voting machine, the voter would look at one additional screen. Printing them on a paper ballot would take part of a page or an entire page by itself.

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

Our office supports this bill; however, we would like to get some things on the record regarding sections 13 through 16, which contain the statutes relating to reporting requirements for certain persons and groups and those reporting requirements' deadlines.

The changes that were made in those sections remove references to "primary city" elections and "general city" elections, leaving only references to "primary" and "general" elections. It appears that the revisions are just cleanup, so there is no distinction between a city election and an election for the purpose of the statute. We want to be clear that this is, in fact, just cleanup language and that it relates simply to the timing for the reporting deadlines. One thing we want to put on the record is that it does not intend to remove any reporting obligations for any groups related to city elections. Again, it does not appear that was the intent, but some people might interpret it that way, and we want to clarify that is not the case. If removal of certain reporting obligations for city elections is the intent of the bill, then we would obviously oppose the bill.

Regarding the lengthening or shortening of terms, I believe Committee Counsel mentioned earlier that it is constitutional to extend terms, which is my understanding. It is my understanding that it may not be constitutional to shorten terms. I would ask that be looked at a little more carefully.

Eileen O'Grady:

We found an older United States Supreme Court case, *Higginbotham v. Baton Rouge*, 306 U.S. 535 (1939), that seems to indicate that a legislature has

the power to shorten or lengthen the terms of service of positions such as city offices.

Vice Chair Flores:

Are there any questions from the Committee? [There were none.] At this time, I would like to call up Mr. Fraser and Ms. Henderson.

David Fraser, Executive Director, Nevada League of Cities and Municipalities:

I signed in as neutral on this bill, and the League is neutral on this bill, particularly with the amendment. There are some reasons a city might not want to change to that cycle. Assemblyman Stewart mentioned ballot length and voter fatigue. At the risk of muddying the waters, I would like to clarify the charter amendment process.

It is my understanding that legislative approval is always required on a charter amendment. It was mentioned earlier in the hearing that a city could amend its charter through voter referendum. We have some cities with very good charter commissions that look at their charters and the changes that might need to be made, but they do bring those proposed changes to the Legislature for approval. The statute does allow for a vote to be taken on a proposed charter amendment, but it is my understanding that those votes are advisory only, and that legislative approval is required even after the vote.

Again, it is my understanding that all city charter revisions, regardless of the process that precedes them, require legislative approval, and I just wanted to put that on the record.

Eileen O'Grady:

Nevada Revised Statutes 268.010 allows an amendment of the city charter to be made either by the Legislature or proposed by initiative.

David Fraser:

You said proposed by the Legislature or proposed by initiative. If a vote is taken pursuant to the initiative, does that mean it is binding and the final answer, and that legislative approval is not required?

Eileen O'Grady:

That is correct. There are alternative ways.

Mary Henderson, representing the City of Fallon:

The City of Fallon is a general law city. I want to thank Chair Segerblom for working with us on his amendment to make this permissive. I would also like to

put on the record that the City of Fallon supports A.B. 132 as amended if the amendment goes through.

Vice Chair Flores:

Are there any questions from the Committee? [There was no response.] I am going to move to people in the audience in Las Vegas who are neutral.

Mark Vincent, Chief Financial Officer, City of Las Vegas:

We checked in as neutral, but are deferring to Liane Lee, who is representing us in Carson City. We will testify only if you or she needs us to.

Vice Chair Flores:

Ms. Bridges, are you in accord with Mr. Vincent?

Beverly K. Bridges, City Clerk, City of Las Vegas:

Correct.

Liane Lee, Legislative Officer, Government and Community Affairs, City of Las Vegas:

As you know, our City Clerk is present in Las Vegas to answer any specific questions about our election process.

We want to thank the bill's sponsor for amending this bill to make it permissive for the cities. Our mayor and city council appreciate the opportunity to discuss this in further detail. We are neutral on the bill; however, we do have one small correction. I proposed an amendment ([Exhibit D](#)), which has also been uploaded to the Nevada Electronic Legislative Information System (NELIS) to clarify section 39 of the bill, which pertains to our Las Vegas Municipal Court judges in Departments 1, 4, and 6. The bill, as written, assumes these departments were elected in 2007; however, they were elected in 2009. We want to change the reelection year for Departments 1, 4, and 6 from November 2014 to November 2016.

Thank you for allowing me to present my concerns. We look forward to working with the bill's sponsor.

Assemblyman Horne:

Why the change to November 2016 from November 2014?

Liane Lee:

In the bill digest, it says "the terms of office of municipal judges who were elected to 6-year terms in 2007." In 2007, we did not have any judges up for reelection; they were actually up for reelection in 2009. Moving forward, the

elections would be held in 2016 instead of 2014 to reflect those two additional years.

Vice Chair Flores:

Are there further questions for Ms. Lee? [There was no response.] People representing the City of Reno will testify next.

Cadence Matijevich, Legislative Relations Program Manager, Office of the City Manager, City of Reno:

The bill's sponsor requested that I be present today to confirm that, yes, in fact, the City of Reno is on the election cycle as suggested in this bill. We moved to that cycle in 1996, have had success with the change, and have seen our voter turnout increase. We have realized a significant savings as a result of being able to combine our elections with the county's elections. Mr. Burk has additional information, actual figures, dollar figures, and some percentages to share with you about our joint experience once Reno and the City of Sparks made that move.

We are neutral on the bill as it was originally drafted, because the City of Reno was not included. As I understand now, we could potentially be included and our charter amended to give us the option. That gives me some concern, because we had not anticipated our charter being opened. I will certainly have to take this back to our staff and have them analyze it. At this point, we would be neutral; however, we do have concerns about our charter being opened.

Dan Burk, Registrar, Washoe County:

I have provided you with a printout ([Exhibit E](#)) to give you an idea of the effect in Washoe County of changing our municipal elections to the even-numbered years' primary and general elections. These turnout numbers represent the general election, because that gets a larger turnout than the primary election does. While we are neutral on this bill, you can see the benefits that have accrued to both the City of Reno and the City of Sparks. The turnout percentages for 1991, 1993, and 1995 were before the change. After the change, the last three elections give you an idea of the turnout averages we are now seeing in these general elections. These are not turnouts for the total election; these are percentages voting for City of Reno offices.

The second group of numbers reflect turnout before and after the change for the City of Sparks. Sparks made the change after the 2002 election cycle. Once again, you can compare the percentage turnout in its general election in the odd-numbered years to the turnout in its elections after Sparks came over to holding primary and general elections in even-numbered years.

Assemblyman Ohrenschall:

A comment was made by my colleague that he was concerned about the potential for voter fatigue if municipal candidates were added to those on general election ballots in even-numbered years. With your experience involving both Sparks and Reno moving to the even-year ballots, did you find that people stopped voting for municipal candidates because of voter fatigue? By the time they got down the ballot to those municipal offices, how did voting compare with the low turnout you had in the odd-numbered years?

Dan Burk:

At the time this was adopted by the City of Sparks, there was some concern among City Council members that their candidates would get lost on the ballot, especially as they are farther down the ballot, as you pointed out. We have not seen that. On average, we do have a lower turnout in nonpartisan races than we do in partisan contests, and that is a fact no matter what the nonpartisan contest is. As long as there is an interesting contest or a contentious contest, we see just about the same level of turnout as we do in any other election that we hold during even-numbered years.

Assemblyman Ohrenschall:

So your experience has been that you get higher turnout in terms of voting in municipal elections in even-numbered years than in the odd-numbered years?

Dan Burk:

Yes, there is no question that turnouts have been much, much higher than anything we could have expected. Those who did not want to go to a general election that included all the other offices were concerned that they were not going to see much savings in money, and that their candidates were not going to get much recognition. That did not prove to be true. Elections are local; people in Sparks get just as interested in even-numbered years as they do in odd-numbered years. The nice thing about the even-numbered years was that we had a much higher overall turnout, which meant that more people were voting in these contests, by almost two to one, than had previously voted during elections in odd-numbered years.

Obviously, there are two parts to this: One is the turnout, and the other is the savings, and I would like to comment on the savings aspect. The highest we ever charged the City of Reno to run an election was \$127,000, and that was prior to the change. On average, we charged the City of Reno \$85,000 a year for general and primary elections. After the City of Reno changed its municipal elections to even-numbered years—and this is for both the primary and general elections—the average for both elections is now about \$35,000. The most we

charged has been \$44,000, so the City is seeing those kinds of savings from this change.

The same occurred with the City of Sparks. The highest we ever charged Sparks for an election cycle, which includes the primary and general elections, was \$68,000. That figure was prior to Sparks changing to the even-numbered-year election cycle. Right now, they are paying \$13,000 to \$14,000 per election cycle, meaning the primary and general elections combined. So they save an awful lot of money and get a much higher turnout. That has been our experience in Washoe County.

Lisa Foster, representing Boulder City:

We have signed in as neutral on this bill. The amendment makes the bill more palatable to us, and we appreciate the opportunity to perhaps make the change an elective option. Should the amendment not go through for some reason, I want to put some of Boulder City's concerns about the bill, as written, on the record.

Boulder City is unique in that it goes to a vote of the people for many things. Anytime they dispose of any land, it goes to a vote of the people. Anytime they attempt to bond for over \$1 million, they go to a vote of the people. Because of the great number of ballot questions this small community has, and the very large Clark County ballot, they are concerned that some of the important questions they ask their populace might get lost. If this proposed amendment is adopted, it sounds as though Boulder City will be able to make that decision internally, and we thank you.

Vice Chair Flores:

Do we have any questions from the Committee?

Assemblyman Stewart:

My question is for the Washoe County Registrar. Have you kept track of the actual votes for mayor prior to the change and after it?

Dan Burk:

Yes, we have done that. That usually is the office that gets voted for the most, unless there is a contentious ballot question the city is voting on. I am sorry I did not provide that information, but I can provide it if you would like to see it.

When the Legislature approved the City of Sparks' charter change, they adopted a change that shortened the terms of those being elected to three and a half years from four years, exactly as has been proposed by the City of Elko. That change began in 2005 in the City of Sparks.

Assemblywoman Kirkpatrick:

Looking at the proposed amendment and at the bill, I do not see where Reno is included.

Cadence Matijevich:

We were not included in the original bill, because our charter would not have needed amending to have our elections in even-numbered years. Nor is it in the amendment being proposed by the City of Las Vegas. I believe making the change permissive is in the bill sponsor's amendment. If I understood the previous conversation, the bill was going to be amended to allow all charter cities to adopt ordinances to change their election cycles at the option of their city councils.

There was also discussion about a resolution process if it was found to be in the best interests of the public to change to either an odd- or even-year election cycle. To date, I have not had the opportunity to take that amendment language to our council for their consideration. Anytime something is permissive, we are generally favorable to it. I think Reno is pretty happy, and may not want or need the option at this point, but I have not had the chance to verify that.

Dan Musgrove, representing the City of North Las Vegas:

I would like to put on the record something that perhaps the maker of the bill, the amendment, and legal counsel would want to consider. I am not sure we would need the flexibility in our charter. Let us say we chose to go to the general election cycle, the even-numbered year cycle, and let us say we chose to make the change a number of years into the future. We would not have to change existing terms of office—either by shortening or by lengthening—but if we wanted to in the future, we could advertise that an individual would be running for a three- or five-year term rather than a four- or six-year term to get them on the cycle.

In 1999, when I lobbied for the City of Las Vegas, Senator Joe Neal passed a bill that increased the size of the Las Vegas City Council from five to seven. In that bill was the provision that one person would run for a two-year term, and another person would run for a four-year term, because those terms had to be staggered. Do we need some flexibility to enable North Las Vegas to allow people to run for a specific length of term to get on the even-numbered election cycle?

Our city council might decide it does not want to affect current office holders, so we would project that change far enough into the future so that it could be set up so everyone ran for a specific term length. That way, the voters would

know the term lengths, such as three and a half years or five and a half years. We appreciate that consideration, and thank you very much.

Vice Chair Flores:

Thank you, Mr. Musgrove. I suggest you talk to the sponsor of the bill. Are there any further questions from the Committee? Is there anyone here in opposition to A.B. 132? [There was no response.] Seeing none, we will close the hearing on A.B. 132, and I welcome the Chairman back to the Committee.

Chair Segerblom:

Is there any public comment? Hearing none, the meeting is adjourned [at 2:31 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 15, 2011

Time of Meeting: 1:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 132	C	Assemblyman Segerblom	PowerPoint
A.B. 132	D	Liane Lee	Proposed Amendment
A.B. 132	E	Dan Burk	Washoe County Municipal Elections Turnout Figures