

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

**Seventy-sixth Session  
May 7, 2011**

The Senate Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 12:34 p.m. on Saturday, May 7, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Moises (Mo) Denis, Vice Chair  
Senator Steven A. Horsford  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Policy Analyst  
Eileen O'Grady, Counsel  
Kathy Steinle, GIS Specialist, Information Technology Services Unit, Administrative Division  
Michelle Ené, Committee Secretary

**CHAIR PARKS:**

We have one bill and a work session. The bill in front of us is a redistricting bill. We have had several hearings in the past several days relative to redistricting. We will open the hearing on Senate Bill (S.B.) 497.

**SENATE BILL 497:** Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. (BDR 17-1289)

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SENATOR CEGAVSKE:

This is for Bill Draft Request (BDR) 17-1289. There are three bills total. Could you tell me where they are and what is happening with them?

CHAIR PARKS:

Certainly. We have in front of us S.B. 497. There are two other bills, Assembly Bill (A.B.) 566 and Assembly Bill 567. They correspond to BDR 17-1287 and BDR 17-1288; our BDR is 17-1289. All three bills deal with redistricting of the Senate, Assembly and Representatives of Congress.

**ASSEMBLY BILL 566**: Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. (BDR 17-1287)

**ASSEMBLY BILL 567**: Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. (BDR 17-1288)

SENATOR SETTELMAYER:

We are looking at S.B. 497. Earlier today, the Assembly met on its bill corresponding with redistricting, the Democratic plan. Is that what we are talking about?

CHAIR PARKS:

Yes. The Assembly Committee on Legislative Operations and Elections met at 8 a.m. this morning.

SENATOR SETTELMAYER:

Does S.B. 497 include the changes to the Democratic plan? Specifically, the plan moves Senator Don Gustavson's seat into a different district. Does this include that change or not?

CHAIR PARKS:

That change was completed. Kathy Steinle, GIS Specialist, Information Technology Services Unit Administrative Division, is present today. She will explain to the Committee as to what transpired with that issue.

KATHY STEINLE (GIS Specialist, Information Technology Services Unit, Administrative Division):

The bill you are considering does include that change. We did not have the current address for Senator Gustavson in our database. With the new address, he is now in Senate District 17 instead of Senate District 18.

CHAIR PARKS:

The initial Senate District 18 had an address for him inside proposed Senate District 18. Is that correct?

MS. STEINLE:

That is correct. It really only affected two districts, Senate District 17 and Senate District 18. When the plan was first drawn, we thought Senator Gustavson was in Senate District 18, and actually with his new address, he is in Senate District 17.

SENATOR SETTELMEYER:

Section 1 of S.B. 497 changes a lot of people's district numbers. I question whether we have to do this. *Nevada Revised Statute* (NRS) 294A.330 talks about using the term "reelect"; one of the requirements is to be elected to the identical office with the same district number. Individuals may not want to buy new signs because their number changed for no reason. Why the large change of numbers? You could have kept most of those the same. Within the Republican plan, we try to keep those numbers the same if possible.

CHAIR PARKS:

I think it was an early recommendation that rather than having Clark Districts, Washoe Districts, Rural Districts and Capital Districts, similar to the Assembly, it would be appropriate to put sequential numbers for all members. Of course, with the dual district situation in Clark County, we had to make separate designations. We saw this to be the simplest and most efficient manner.

SENATOR SETTELMAYER:

I have always been Senate District 17, or rather the Capital Senatorial District, and now it is changing. We are changing six Republican numbers and only two Democrat numbers. Why is that? You could have kept those numbers the same; there is no reason not to allow me to continue with Senate District 17.

CHAIR PARKS:

I understand your designation is Capital Senatorial District, not Senate 17.

SENATOR SETTELMAYER:

There is also a number assigned. All of the voter files and things I have done in the past had numbers as well. The same thing corresponds to Senator Mike McGinness in the Central District and Senator Dean A. Rhoads in the Rural District; they had numbers assigned that are now being changed. Senator Michael Roberson also had his number changed, but it is understandable because he is in a double district, so someone has to keep the old number and someone has to get the new number. That change makes sense to me. It is the same thing with Senator Ben Kieckhefer; it was Washoe District, but there was a corresponding number; it is the same with Senator Don Gustavson, Senator Sheila Leslie and Senator Mark Manendo, as well.

SENATOR CEGAVSKE:

Could I have an explanation as to why the Senate, in a nonpartisan effort, did not offer a bill draft for the Republican maps? The Assembly had two BDRs: BDR 17-1287 and BDR 17-1288, which respectively became A.B. 566 and A.B. 567. I would like to request a bill draft be put in for Republican maps as well.

CHAIR PARKS:

I believe that comes through the Minority leadership.

SENATOR CEGAVSKE:

We can do an emergency draft or it can come from this Committee as it did in the Assembly. It could come forward from this Committee. That is what I am requesting.

CHAIR PARKS:

I need to get clarification from Eileen O'Grady, Counsel, on the process. I do not remember what the Joint Standing Rules state. The Joint Standing Rules reference one plan from each House. I realize, as you indicated, two plans emerged from the Assembly. I do not have an answer for you right this moment.

SENATOR CEGAVSKE:

Before we vote, I would submit to have a bill draft for the Republican plan brought to this Senate Committee. I did not sit on the Assembly Committee; therefore, I was not

able to voice any concerns or objections. With the Senate only having one of the bills—again, we are trying to be nonpartisan on this—I really would like to have it fair and have a bill draft put in. As a former Chair of this Committee, I know you do have the prerogative to bring a bill draft forward for us, which is what I am requesting.

CHAIR PARKS:

Under Joint Standing Rule No. 13.4, Procedures of the Redistricting Committees and Exemptions, subsection 3 states, “The chairs of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts ... .”

SENATOR CEGAVSKE:

I understand, but with the lenience shown in the Assembly, I am just asking for the same in the Senate. The Chair of the Assembly Committee on Legislative Operations and Elections allowed two bill draft requests; I was hoping there was a reason for this.

CHAIR PARKS:

I will leave it up to this Committee to make a request for a bill draft.

SENATOR HORSFORD:

The request is to permit the Committee to request a BDR for the Senate Republican plan?

CHAIR PARKS:

Yes.

SENATOR HORSFORD MOVED TO INITIATE A BILL DRAFT REQUEST FOR THE SENATE REPUBLICAN REDISTRICTING PLAN.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR PARKS:

We will move back to S.B. 497. Any further questions for our nonpartisan staff, Ms. Steinle? Not seeing any, what is the pleasure of the Committee?

SENATOR HORSFORD MOVED TO DO PASS S.B. 497.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER VOTED NO.)

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SENATOR SETTELMAYER:

I am perplexed about the concept of reassigning all of the numbers when it did not necessarily have to be done. The Secretary of State has always had a system where everyone has a district number. We are changing a lot of those numbers needlessly. After looking at the Democratic plan, I am concerned with section 2 of the Voting Rights Act, which establishes requirements that are not optional. It is my opinion that this could be done if a politically cohesive minority group that is large enough to constitute the majority in a single member district has a good chance of electing its only candidates of choice. Otherwise, you are fracturing. I will not support this bill.

SENATOR CEGAVSKE:

I am perplexed. We just made a motion to allow the Republicans to have their bill drafted, and someone just made a motion to pass out the Democrat plan. That does not make any sense. I am really puzzled. Why would we make the motion to allow a Republican bill draft and then make a motion to push out the Democrat bill without having both bills here?

CHAIR PARKS:

We have one bill in front of us. We have requested another bill to be drafted, submitted to the Senate Floor and referred to this Committee before we can take action. We are just moving forward. At any time, you can move your bill forward as well.

SENATOR CEGAVSKE:

We have one bill being moved out of this Committee that offers the exact same concept—redistricting for the State—without having both of them together in this Committee to debate their merits. We are going to send one out and then send the other one out without any comparison or debate.

CHAIR PARKS:

We have already had two hearings on these plans. Last night, no one made any comments in the second public hearing. We have to move things forward. We have a bill in front of us we can act on.

CHAIR PARKS:

Vicenta Montoya presented testimony this morning at the Assembly hearing and requested her written letter ([Exhibit C](#)) be made part of the record.

We will open up the work session on A.B. 82.

**[ASSEMBLY BILL 82 \(1st Reprint\)](#)**: Makes various changes relating to elections.  
(BDR 24-407)

CAROL STONEFIELD (Policy Analyst):

Assembly Bill 82 was sponsored by the Assembly Committee on Legislative Operations and Elections on behalf of the Office of the Secretary of State. I have provided a work session document ([Exhibit D](#)) on this bill.

A section by section summary ([Exhibit E](#)) provided by the Office of the Secretary of State is arranged in the order of the sections of the bill. This bill proposes various changes which are in the work session document, [Exhibit D](#).

Page 3 of the work session document, [Exhibit D](#), is a proposed amendment from Senator Steven A. Horsford.

At the beginning of this meeting, an additional proposed amendment was submitted by Senator Valerie Wiener ([Exhibit F](#)). This proposed amendment would go to section 50 of the bill; it relates to the disposal of unspent campaign contributions.

SENATOR HORSFORD:

My amendment to this bill strengthens provisions already provided for in the campaign and expense disclosure process which the Secretary of State seeks to become law. We need to bring State law into conformity with federal law by prohibiting foreign nationals from making campaign contributions to any state or local candidate. The amendment prohibits candidates, political action committees, political parties and other political groups from receiving contributions from individuals who are not citizens of the United States.

The amendment requires any contributions discovered by a campaign to have been made by a foreign national to be returned within 30 days after the discovery. The amendment establishes a gross misdemeanor for a candidate or any political committee to knowingly receive a contribution from a foreign national; it would also be a gross misdemeanor for a candidate or a political committee to fail in returning such a contribution once discovered. I would appreciate the Committee's consideration of the amendment.

SENATOR SETTELMAYER:

I appreciate Senator Horsford's amendment. The amendment is very important. I wish we could go further and include prohibitions against trips or an expensive hotel room paid by foreign sponsors—people should have to disclose that. It could influence your vote. I have an issue with another item in the bill we discussed during the Committee on A.B. 82.

In A.B. 82, some language relates to the ballot advocacy groups reporting campaign contributions in excess of \$100 rather than \$10,000. I remember when we were doing one for the continuation school bond for Douglas County, we were worried about complying with the Secretary of State and doing all of these different things; the concept was that as long as we did not spend more than \$10,000, we could go to people, get a quick donation and get it going to make sure the bond issue passed. Is there any discussion from the Committee on that particular aspect of taking that language out, or does everyone want to leave it in? I also have a problem with the concept of a floating deadline. On the legal defense fund, we had discussion about instead of making it a fixed day, making it a rolling day as in the law—the second Tuesday after the primary, the report is due. If we accidentally or purposely decide to change our primary date, we can keep it consistent in law without change.

CHAIR PARKS:

With regard to advocacy groups, could you direct us to the page or the section?

SENATOR SETTELMAYER:



This is in sections 48 and 54 of the bill. It seems \$100 is a fairly low threshold; it potentially prevents people from getting involved because of the paperwork. It is a restriction on speech.

CHAIR PARKS:

The existing language is \$1,000. I am trying to remember the motivation for the Secretary of State's Office to reduce campaign reporting to \$100. The American Civil Liberties Union of Nevada may have recommended leaving it at the \$1,000 level.

SENATOR SETTELMAYER:

When you are looking at the language, it does say \$10,000 as far as the expense of money. With the ballot advocacy group I dealt with, we decided to do the continuation school bond for less than \$10,000 and not have to worry about registering ahead of time with the Secretary of State. It was just a bunch of people with children who wanted to get involved and make the Douglas County continuation bond pass. I would hate to see a bill go into effect that would stop participation.

SENATOR HORSFORD:

I agree with that provision. We were talking about going to \$100 in A.B. 82. Is it \$1,000 or \$10,000 for the report?

CHAIR PARKS:

Both of them are in section 48 of the bill. The language dealing with a committee for political action reduces the campaign contribution reporting from \$1,000 to \$100. Section 48 talks about a committee for political action advocates, and the language in section 48, subsection 1, paragraph (a), subparagraph (2) was removed. It stated:

A person, group of persons or business entity receives or expends money in excess of \$10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election.

The Office of the Secretary of State is removing that specific amount and setting a much lower threshold.

SENATOR SETTELMAYER:

Could we ask legal to weigh in on that? The way I am reading it, the amount of money that would be expended by that ballot advocacy group is \$10,000, which is law, and we would be changing the amount to a much lower amount.

EILEEN O'GRADY:

That is correct. The current threshold for reporting is \$10,000, and if you reach the threshold, you have to report. In existing language, it is \$1,000, and it is now going down to \$100. The \$10,000 threshold is being taken out, so the groups would have to report once they receive any contributions in excess of \$100.

SENATOR SETTELMAYER:

For further clarification, that means if five people gave you a \$20 bill and then another person gave you 50 cents, you would have to file a report.

CHAIR PARKS:

Leaving the threshold at the \$1,000 level would be satisfactory.

SENATOR HORSFORD:

I support that as well.

SENATOR SETTELMAYER:

What about your opinion pertaining to the \$10,000 threshold? I would really like to support this bill, especially Senator Horsford's amendment. I am worried about the \$10,000 threshold because it affects the ability for groups to organize and advocate.

CHAIR PARKS:

We would have to go back and make other substantial changes. The \$10,000 figure is in several places in section 48. We would have to address both the \$10,000 that has been deleted as well as the \$1,000 that has been reduced to \$100. We should restore the \$1,000 threshold but leave the deletion of the \$10,000 requested and advocated by the Office of the Secretary of State.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 82 WITH THE AMENDMENTS OFFERED BY SENATOR STEVEN  
HORSFORD, SENATOR VALERIE WIENER AND THE AMENDMENT TO  
CHANGE THE \$100 THRESHOLD TO \$1,000.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND SETTELMAYER  
VOTED NO.)

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CHAIR PARKS:

There being no further business, we are adjourned at 1:10 p.m.

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RESPECTFULLY SUBMITTED:

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Michelle Ené,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
	C	Vicenta Montoya	Written testimony
A.B. 82	D	Carol Stonefield	Work Session Document
A.B. 82	E	Secretary of State	Section by Section Summary of Changes Relating to Elections
A.B. 82	F	Senator Valerie Wiener	Proposed Amendment