

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

**Seventy-sixth Session
March 31, 2011**

The joint meeting of the Senate Committee on Legislative Operations and Elections and the Assembly Committee on Legislative Operations and Elections was called to order by Chair David R. Parks at 6:18 p.m. on Thursday, March 31, 2011, at Lawlor Events Center, Reno, 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.

SENATE 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

ASSEMBLY 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 Ocegura
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

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STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Carol Stonefield, Policy Analyst
Sonia Folsom, Committee Manager
Kathy Steinle, GIS Specialist, Information Technology Services Unit,
Administration Division
Michael J. Stewart, Supervising Principal Research Analyst, Research Division
Adrian Viesca, Committee Manager
Michelle Ené, Committee Secretary

OTHERS PRESENT:

Jim Wheeler
Theresa Navarro, Chair, Progressive Leadership Alliance of Nevada
Kim Bacchus, Nevada Legislative Affairs Committee
Charlene Bybee, Nevada 912 Americans
Lonnie Feemster, President, National Association for Advancement of Colored
People, Reno-Sparks Branch No. 1112
Jim DeGraffenreid, Chair, Nevada Republican Study Committee; Nevada
Republican Party
Scott Wasserman, Chief Executive Officer and Special Counsel to the Board of
Regents, Nevada System of Higher Education
Toni Harsh

CHAIR PARKS:

I will open the joint meeting for the Senate and Assembly Committees on Legislative Operations and Elections. We will be discussing the redistricting and reapportionment process taking place in the current Legislative Session. I would like to recognize a guest Legislator with us here today: Assemblyman Ira Hansen, Assembly District No. 32.

MICHAEL J. STEWART (Supervising Principal Research Analyst, Research Division):
This will be a brief version of the presentation at your last joint hearing on March 24 in Fallon. This hearing will be a learning session on the redistricting and reapportionment process. The goal is to further educate the Committee and general public. I have prepared a PowerPoint presentation ([Exhibit C](#)).

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The latest set of fact sheets on reapportionment and redistricting ([Exhibit D](#)) is in front of you. This is a good guide to help with the process. As of today, we have updated our Fact Sheet No. 14. These fact sheets include county population, racial data by county, racial and population data of the Senate and Assembly Districts; information on population deviations in each of the Senate and Assembly Districts; regional makeup of the Nevada Legislature—the number of lawmakers since 1991 from Clark, Washoe and the balance of the State; the regional makeup based on the 2010 U.S. Census and potential legislative scenarios on districts. It also contains fact sheets concerning voter registration by political party in each Assembly and Senate District and voting population by legislative district. The last fact sheet shows population and racial data by counties, cities and Census-designated places.

For the members of the public, we have a lot of information on the Internet, including meeting announcements, publications, reports and our newsletters. We have other sorts of information that we have gathered on our Website. If you visit our Website <<http://www.leg.state.nv.us>>, you will see a link, "Nevada Reapportionment & Redistricting" on the left side of the page. The National Conference of State Legislatures is also an excellent source of information for redistricting.

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

I am here to give a brief demonstration of our redistricting software.

I have prepared a PowerPoint presentation, Census Geography and Redistricting ([Exhibit E](#)). In the presentation, I explain the process and terms used. The Legislature selected autoBound redistricting software. It is written by a company named Citygate GIS. The redistricting tools used by the autoBound software actually sit on top of Environmental Systems Research Institute's ArcGIS software.

You can follow along as I demonstrate how the program operates. When we build districts, our goal is to give them equal population within a reasonable deviation.

For an Assembly Plan with 42 Districts, we are going to use the total State population of 2,700,551. That gives us a target population of 64,299. In our

current Assembly Districts, you can see most of them need to add population to reach our new standard of 64,299 people. You can see the population numbers for the districts on the provided handout ([Exhibit F](#)). I will be referring to page 1, entitled, "Nevada State Assembly Districts—2010 Population." I will use our autoBound software to show you how to add population to Assemblyman Richard (Skip) Daly's District 31 by moving precincts into District 31 from another district which has too much population.

If anyone in the public is interested in using the software, looking at plans and developing plans, we have two public workstations in Carson City and Las Vegas. There is training and assistance available from staff of the Legislative Counsel Bureau (LCB). We would be happy to sit with you and do it for you or show you how to use the software so you can use it on your own. You access the public workstation on our Website <<http://www.leg.state.nv.us>>, clicking on the Nevada Redistricting and Reapportionment button. The home page of the redistricting page has two phone numbers on the bottom, one for the Las Vegas Office and one for the Carson City Legislative Building. We will set up a time and meet with you. We encourage interested members of the public to come in and use our workstations.

JIM WHEELER:

It is evident by my very presence before you as a private citizen that Nevada is a unique State. Having come from another state many years ago, I know that we, as Nevadans, are extremely lucky because we have an unprecedented access to our lawmakers and elected officials. When I make a call or send any e-mail, I know I will get a response from my Legislators, especially those in my district. If the proposed maps are finalized without adding four Assembly seats and two Senate seats, we will lose a large part of access. It would be beneficial to one party or another if we keep our current Legislator levels. I ask you to look beyond that. Look at redistricting as Nevadans first and party members second. If you divide the districts without party affiliations, without regard to election concerns and give the citizens access they deserve by adding the seats that they need, you will be just what the rest of us are, Nevadans first.

THERESA NAVARRO (Chair, Progressive Leadership Alliance of Nevada):

I want to thank the Committee on redistricting to allow the transparency process to work. We understand there will be meetings, maps and development

and hope the special interest communities will be kept informed. I was impressed by the map presentation. We heard words such as cracking, stacking and packing. We understand redistricting is a complicated and time-consuming process. The people in communities are pleased to be involved and have a voice in the process. Next week, a bill, Senate Bill 304, on ward redistricting is being considered and could have a great impact on our communities. We urge you to support this bill. We ask for a redistricting process allowing public feedback on maps, more public meetings and districts lines that reflect the population's diversity. We ask that you explain the process and why you drew the lines the way you did.

SENATE BILL 304: Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. (BDR S-731)

KIM BACCHUS (Nevada Legislative Affairs Committee):

My concerns have been addressed. My primary concern is that we are equal and fair in the redistricting so equal numbers of voters are in each district and the political representation is fair but not the absolute determinant of how you draw the lines.

CHARLENE BYBEE (Nevada 912 Americans):

On redistricting, the most effective way to represent Nevadans is to have the smallest contiguous districts. It should be drawn to represent the people, not political parties. This should be your top priority. The U.S. Supreme Court clarified the intention of our Constitution was the one-person, one-vote principle. I ask you to consider this when you draw the new maps for our State.

The U.S. Census Public Law 94-171 passed in 1975 requires the U.S. Census Bureau to furnish only counts of total population. We are back to population based in your decision. The Nevada Constitution does the same thing. It requires representation to be apportioned according to population. I am confused because I do not know where, in the U.S. Constitution or the Nevada Constitution, it determined any other data: racial, age, political parties or who we voted for in the last election. I do not see this being required by statute. Why was this data just presented? Is it part of your consideration? When you finalize maps, will you bring them back to the people to see if it best represents the interest of the people of Nevada, your constituents?

You are required by law to hold hearings across the State and get public input. Does it really matter? Will you truly consider our opinions? Is it something you do because you have to, or is it more of a show and not something you are going to consider sincerely when making your decision?

LONNIE FEEMSTER (President, National Association for the Advancement of Colored People, Reno-Sparks Branch No. 1112):

I came here to speak about communities of interest, middle income to low income, recently immigrated populations, historically discriminated against populations, ethnic minorities and nonminorities who sometimes get left out of the process of redistricting. There is a problem with the legislative effort to reach out to the community to ask undercapacity nonprofits to provide outreach lists that they do not have the capacity to provide in the time needed. The State needs to have effective lists for reaching the masses of the normally underserved population.

Many times there is inadequate time for people to understand particular items like redistricting. You need time to educate people. The concept of packing, cracking and stacking takes time to get your arms around. It is important because it is empowering or disempowering whole communities of interest in this State and other areas. The majority—80 percent—of the minority population lives in the urban core of Washoe County; in Reno-Sparks, there are over 300,000 people. There is no kiosk for using redistricting data. This should be done because it gives access to that information and it is powerful. These tools are something we did not have before. I went to the Legislature in 2001, and the redistricting process was overwhelming. I did not know what to recommend. Ten years later, I understand how critical it is.

I am trying to make sure people understand. This is not about race, it is about communities of interest. Some people will not run for office because they think the deck is unfairly stacked. In examining the Las Vegas districts, black Legislators are elected in communities that are not predominantly black. Apparently, you do not have to be black in a black area to get elected. We should have communities of interest at heart, rather than Sharron Angle versus Harry Reid. We need to look at income and race. That comes best when you have people from these communities looking at who they want to elect, not just those being elected looking at who they want to be able to vote for them.

I have another issue when looking through the redistricting data. I apparently have lost 36,000 black people. Do any of you know where they went? I lost 3,000 when I worked for the U.S. Census Bureau. I could not find them. Several of our counties have black people in prison: Pershing has 95 percent, White Pine has 91 percent and Carson City has 69 percent. The legislative data on population stated African American with another race—I call them Negroes—accounted for 254,452 black people. When I looked at the other State Legislature information, it stated 218,000 black folks. I am mixed with another race, but I am concerned when 36,000 black people disappear. How is that going to show up in this process? Where are they?

Prison gerrymandering is a serious problem in this Country. To take the Census, where we have six times more black men in prison proportionately than are represented in the general population, the black community has a problem. Those people come predominantly from Las Vegas and Reno. Those who leave Nevada and go to California or other states, they go to prison disproportionately too. We should not count these people in areas when they have to go back to their communities. Their communities do not get political power or federal funding. This is another problem that has to do with redistricting. When you draw these lines, you are counting those people. The most disenfranchised people in the State are 13,000 black Nevadans who cannot vote because of felony records.

I hope the Legislative Committee will make an effort to reach communities of interest. These communities can help provide a fairer and more balanced districting process than anything that has happened in the past. We have tools we have never had before. I would like to find those 36,000 black folks.

JIM DEGRAFFENREID (Chair, Nevada Republican Study Committee; Nevada Republican Party):

One of the great features of Nevada is the ability of the public to interact with our citizen Legislature. What the people are asking is the process result in a level-playing field, more even districts than we have now. For example, District 11 has 8,706 and District 13 has 99,112 registered voters, according to the Secretary of State's September 2010 numbers. This is a huge discrepancy; it has to do with population growth. Looking at historical numbers, even in 2001, we started with variations and have gotten worse as the

population has grown. I would echo Mr. Wheeler's call for increased numbers if the population has gone up. It is good to have a citizen Legislature grow with the population so the people still have access to their Legislators. We enjoy this here in Nevada. Our neighbors to the West and most other states do not have that advantage.

SCOTT WASSERMAN (Chief Executive Officer and Special Counsel to the Board of Regents, Nevada System of Higher Education):

I provide counsel to the Board of Regents, Nevada System of Higher Education on redistricting issues. I will be representing the Board and will be participating in your redistricting process.

I attended hearings during the interim, heard your presentations and listened to the U.S. Census Bureau updates. We purchased one of the autoBound software licenses on the LCB contract in order to use the same redistricting tools you will be using. I am here to hear public comment. I will be reporting back to the Board. When the Board makes a recommendation to you, it considers what the public has told you it wants to see in the redistricting plans. I have either attended your joint committee meetings or asked for the DVD copies so I can hear public comment.

Simultaneously, the Board of Regents has been holding meetings. At our September meeting in Reno, I did a similar presentation as the one you heard from Michael Stewart and Kathy Steinle on redistricting. We heard public comment on redistricting of the Board of Regents. In December, we were in Las Vegas, and I did a summary of redistricting for the benefit of people who were not at my presentation in Reno and the public. We heard public comment. At that time, we used the same population estimates you had prior to the 2010 Census so as to talk about themes and look at the population growth in Clark County versus the rest of the State.

In March, we met in Carson City and opened public comment at the beginning of the meeting. I was going to present the Board with an update, but another subject matter, the budget, got in the way, and most of our meeting was devoted to discussing budget issues. My update was to include the actual Census figures and look at how Census figures turned out; the population data was close, but it was not exact. It did not give us the other data: racial and language minority which we need in order to ensure compliance with the Voting

Rights Act. When the Board meets next week, I will give my update presentation.

As of Monday, I have a functioning database on my autoBound software. I will be taking the information I heard from the public, the Board and the Census data and putting it into a plan for consideration by the Board and the members of the public who are interested in the Board of Regents' districts. It will take a week or two to develop those types of plans. The public will have the opportunity to review the plans and give feedback to the Board. The Board will present a plan to your Committees, for your consideration, as their recommendation on the Board of Regents' districts.

I am here to participate and provide any additional information. We will be making a presentation in the near future. If you can give me any guidance on the timing expectations of the Committees, I will bring that back to the Board.

CHAIR PARKS:

Were you involved with the 2001 redistricting and reapportionment?

MR. WASSERMAN:

Yes. I represented the Legislature in the 1991 and 2001 round of redistricting. I was your legal advisor at that time. I came to the Legislature in 1987 and started providing legal advice on redistricting in 1988 until I departed the Legislature in 2005. I did not work for the Board of Regents at that time.

TONI HARSH:

I am here as a citizen. Is it appropriate for me to ask a question of the people seated? Who has served in this position of redistricting and reapportionment before? Could I see a show of hands? I see three. Redistricting is very hard. I went through this as a Reno City Councilwoman in 2001. You have a difficult task ahead of you. I came to see the process. I am impressed with the public outreach and with the tools you have to work with. In 2001, we did not have these tools. We would go to staff with questions, and a few days later, we would find out what moving one precinct would do.

What you are doing only gets done every ten years. You have to make sure you are doing it with accurate information and good process. I am just asking you to bury that into your heart and soul for the citizens you represent. Realize you

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have wonderful tools and you have a hard process ahead of you. Make sure districts make sense and work for Nevada.

CHAIR PARKS:

There being no further business, we are adjourned at 7:16 p.m.

RESPECTFULLY SUBMITTED:

Michelle Ené,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

Assemblyman Tick Segerblom, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Michael J. Stewart	"A Brief Introduction to Reapportionment & Redistricting"
	D	Michael J. Stewart	14 Fact Sheets on Redistricting and Reapportionment
	E	Kathy Steinle	"Census Geography and Redistricting"
	F	Kathy Steinle	Nevada State Assembly Districts – 2010 Population