

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

**Seventy-Seventh Session
April 2, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:09 p.m. on Tuesday, April 2, 2013, 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 nelis.leg.state.nv.us/77th2013. 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 James Ohrenschall, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Wesley Duncan
Assemblyman Pat Hickey
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Andrew Martin
Assemblyman Harvey J. Munford
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Ellen Spiegel, Clark County Assembly District No. 20



STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Kevin Powers, Committee Counsel
Karen Pugh, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

John Wagner, representing the Independent American Party
Lynn Chapman, representing Nevada Families for Freedom
Janine Hansen, representing Nevada Families for Freedom
Alan Glover, Clerk/Recorder, Carson City
Megan N. Salcido, Government Affairs Coordinator, Office of the City
Manager, City of Reno
Jessica Sferrazza, Private Citizen, Reno, Nevada
Yolanda King, Director, Budgets and Financial Planning, Clark County
Howard Watts, Field Director, Progressive Leadership Alliance of Nevada
Dan Musgrove, representing the City of North Las Vegas
Lisa Foster, representing the City of Boulder City
John R. McCormick, Rural Courts Coordinator, Supreme Court
Liane Lee, Legislative Officer, Office of Administrative Services,
City of Las Vegas
Daniel Burk, Registrar of Voters, Washoe County

Chair Ohrenschall:

[Roll was taken. Committee rules and procedures were reviewed.]

We have three measures that we are going to hear today. We will start with Assembly Bill 314, presented by Assemblywoman Spiegel.

Assembly Bill 314: Makes various changes relating to lobbyists. (BDR 17-1027)

Assemblywoman Ellen Spiegel, Clark County Assembly District No. 20:

I would like to start by providing some background of what prompted me to bring this bill forth. Last year, I became aware of a situation where someone intentionally lied to the Planning Commission of the City of Henderson. The matter was cleared up during the Planning Commission's meeting, but it made me think how they, like other public bodies, as a general practice of good faith, take the word of the people who are testifying before them at face value. Planning commissions and other public bodies are making recommendations based on the testimony that they hear. I started thinking about what it means when somebody is lying. In statute, it is illegal for

lobbyists to lie to legislators, but I became acutely aware of other issues related to lobbying which could occur. As a rule, we are all striving to make good public policy and enact good legislation that works for Nevada. These things require honesty, integrity, and a process that works.

Earlier in the session, I was told there have been instances of lobbyists who have strongly suggested to legislators that they not talk to people on all sides of an issue, and that some lobbyists have even tried to trick legislators into breaking the law. A number of lobbyists whom I have spoken to, and who are attorneys, have said that they are at a disadvantage. A lobbyist who is an attorney has a professional code of conduct and a series of ethics requirements that she must live up to, which will not allow her to libel legislators, trick them into breaking the law, or tell them that they cannot speak to persons on the other side of an issue. This prompted me to think about a lobbyist code of ethics.

I started doing some research and discovered there are several states that have enacted a lobbyist code of ethics. I found two separate lobbyist associations that have their own voluntary code of ethics. Each has determined that as a professional association, their members are striving to raise the bar for lobbyists as a highly ethical profession that provides a much valued and necessary service in the legislative process. They have these codes of ethics that their members subscribe to, so they can point to the codes and say, This is what we do. This is what we believe in. We hold ourselves to a high level of integrity so you can trust that when we are talking to you, we are being truthful. If we tell you something that turns out to be a mistake, we are going to correct that mistake.

As I continued my research, I learned that several states had taken the code of ethics from the American League of Lobbyists ([Exhibit C](#)) and codified it into law. I reviewed this code of ethics with several lobbyists here and looked to see what made sense and what did not. I then took that to the Legislative Counsel Bureau (LCB) and, rather than codifying a third party's code of ethics, decided to take out what we thought would work for Nevada and put that into law. That is how we came up with A.B. 314.

Section 3 of the bill sets forth a voluntary code of conduct for lobbyists. Sections 4 through 9 establish a mandatory code of ethics. Section 10 requires there to be training provided to the lobbyists on the code of ethics, which can be incorporated into the existing lobbyist training that I believe went into practice this session. Section 15 establishes the period of time a lobbyist's registration is to be suspended for violation of the act, and the other penalties involved for breaking it.

Chair Ohrenschall:

The language in the voluntary declaration, is that taken from the America League of Lobbyists?

Assemblywoman Spiegel:

It is not necessarily taken verbatim but that was the impetus. I provided as exhibits both the codes of ethics from the American League of Lobbyists ([Exhibit C](#)) and the National Association of State Lobbyists ([Exhibit D](#)), and they are available on the Nevada Electronic Legislative Information System (NELIS).

Chair Ohrenschall:

That is interesting. Until you brought this bill, I did not know those organizations existed. I wonder how many of the lobbyists in our building are members of those organizations. One question I have in regard to the voluntary declaration is would the lobbyist listing available on the Legislature's website delineate who has voluntarily signed the code or not?

Assemblywoman Spiegel:

That has not been specified, but there could be tremendous value in having that made available to the public.

Chair Ohrenschall:

This brings to mind the State of Arizona and its Citizens Clean Elections Commission, which designates a candidate as a Clean Elections candidate if he or she does not accept donations from special interest groups. I was particularly interested in section 6 on page 3, lines 33 through 42, regarding representing clients with adverse interests. Would that be specific to a particular session? For instance, if Mary Jones lobbied during the 2009 Session for the large oil companies, and then in the 2011 Session the small independent gas station owners wanted to hire Mary Jones, would she be able to represent them or would she be precluded from representing parties of diverse interests in the same session?

Assemblywoman Spiegel:

It would preclude lobbyists from working on both sides of an issue for the current session only. However, if they subscribe to the voluntary portion of the code, they would also not be able to use confidential information they learned from one client against the interests of that client in a future session.

Chair Ohrenschall:

Which is entirely reasonable.

Assemblyman Hickey:

I am concerned about the enforcement of the bill as noted in section 15. It states that violations will be reported to the Legislative Commission. Did you take into consideration violations that occur outside of the session as well as during the session? In addition, with respect to the Office of the Attorney General, I know portions of how we regulate ourselves as a Legislature exempt the Attorney General from oversight over activities, but I assume you must have spoken with them and they are comfortable, statute wise, with possibly playing a role in the administration and the enforcement of this, correct?

Assemblywoman Spiegel:

I have not gone to the Attorney General's Office with this. The language that is here is in existing statute related to other lobbying activities. This will really start with the Director of the LCB, which is where complaints are to be directed.

Assemblyman Hickey:

I am curious, if a complaint is made, exactly how it would be adjudicated.

Assemblywoman Spiegel:

I can look into this some more and get back to you on that.

Chair Ohrenschall:

The way I read it, Mr. Hickey, that power, pursuant to section 15, is vested in the Director, so it would not necessitate a meeting of the Legislative Commission. Mr. Powers, can you comment on this issue?

Kevin Powers, Committee Counsel:

That is correct; the primary enforcement mechanism would be complaints to the Director. The Director would report those complaints to the Legislative Commission and the Attorney General. The Legislative Commission would not have to take any particular action; it is just an informational report. As far as the Attorney General's Office, they would exercise their prosecutorial discretion to determine whether they need to investigate and initiate some sort of criminal prosecution. As far as the administrative enforcement, it would be the Director under section 15.

Chair Ohrenschall:

Thank you. Are there any other questions?

Assemblyman Elliot Anderson:

I am assuming any violation is a misdemeanor, as per our previous discussions about penalties not prescribed.

Kevin Powers:

That is correct.

Assemblyman Elliot Anderson:

Why is the end of section 15, subsection 4 being struck out?

Assemblywoman Spiegel:

It was struck out because a different penalty was put into place earlier in the bill, in subsection 3.

Chair Ohrenschall:

Are there any other questions?

Assemblyman Martin:

I have a question about the terms used in section 15. It looks as if you are using the term "legislative day" as in "30 legislative days." What is a "legislative day"? Additionally, I noticed a subtle change in the language from revocation to suspension. What would their appeals process be?

Assemblywoman Spiegel:

"Legislative day" is a term that we devised. Our regular sessions last 120 days, and we wanted to put in a mechanism where a penalty could carry over from one session to the next whether or not it was a consecutive regular session or whether a special session had been called. We use the term "legislative day" to reflect the days when the Legislature is actually in session.

Your second question had to do with the appeals process. On page 7, line 16 through the rest of the section includes a provision that a lobbyist whose registration has been suspended may request a hearing on the matter before the Director. They can appeal to the Director and they can also appeal to the Legislative Commission.

Assemblyman Martin:

In regard to the language change, if a lobbyist continually violates the code of ethics, he can be repeatedly suspended. But seemingly under this bill, he is never losing his license, so you are striking the word "revoked" and substituting the word "suspended" throughout, is that correct?

Assemblywoman Spiegel:

Yes, that is correct. We could at some point put back the "revoked" language but the idea is that if you are a lobbyist, and your ability to lobby is suspended for all of these legislative days, then you are not going to be representing

clients. By the time you reach 360 legislative days, you are having difficulties coming back. But it would still be possible.

Chair Ohrenschall:

Are there any other questions for Assemblywoman Spiegel? [There were none.] If there is anyone else in support of Assembly Bill 314, please come forward. [There was no response.] Is there anyone in opposition to A.B. 314 who would like to speak?

John Wagner, representing the Independent American Party:

I have some questions about this bill, particularly on page 2 regarding the rules of conduct. The bill states that the rules are voluntary, but if you are going to make it public that someone did not sign it, that will make it seem as if you are doing something wrong, which I do not particularly appreciate.

Rule 8 states, "I will not act in a manner that demonstrates disrespect for governmental institutions." If there is an "ax the tax" rally out in front of this building and a lobbyist goes out to participate in the rally, that is going against a government institution. This would indicate that lobbyists are not allowed to participate in a demonstration. Rule 9 makes mention of the "public good." What is the definition of "public good" as used in this bill? Additionally, rule 9 requires that a lobbyist "devote a substantial amount of time." This sounds like involuntary servitude to me. As far as acting to advance "public confidence and trust", I believe in that, but I do not like the idea of having to spend "a substantial amount of time providing lobbying services."

Chair Ohrenschall:

That portion of the bill, section 3, would be a voluntary declaration that people could choose to sign, and I do not believe there is anything in the current language of the bill that would make public which lobbyists do or do not sign it. That was something we talked about when the sponsor presented the bill, but I do not think that was actually part of the bill. Are there any questions for Mr. Wagner? [There were none.]

Lynn Chapman, representing Nevada Families for Freedom:

I did see that it was voluntary, but I notice that lot things in this building start off as voluntary and end up mandatory, so I am a little concerned about that. I do not plan to sign anything like this. On page 2, lines 38 to 41, it states a lobbyist "will treat adversaries and allies with respect and civility." I personally have always done so but I cannot say that I have always been treated with civility and respect. As for not acting in a way that may be seen as disrespectful of governmental institutions, you could have a disagreement or you see things differently and people may take it as disrespect. Lastly, rule 9

requires a lobbyist to devote a substantial amount of time on their lobbying activities. I come here on my time and on my dime. Nobody pays me.

Chair Ohrenschall:

Are there any questions for Ms. Chapman? [There were none.] Is there anyone else who would like to speak in opposition to A.B. 314?

Janine Hansen, representing Nevada Families for Freedom:

We want to say that we always feel well treated in this Committee, and we appreciate that. There are some other committees where we might not be able to say that. We try always to act in an ethical way when we are lobbying. I understand Assemblywoman Spiegel's intent, but I think the reason this bothers me is that it is hard to enforce honesty and integrity. All these rules are not going to make a dishonest man honest. I think that sometimes we go too far in trying to enforce that. Even though you are making this voluntary, I will not sign it, not because I do not plan to be honest, upright, and abiding by the rules, but I always find it objectionable that the government is going to be determining whether I am honest or not.

In his concurrence/dissent to the U.S. Supreme Court decision *American Communications Assn. v. Douds*, 339 U.S. 382 (1950), Justice Robert H. Jackson stated, "It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error." That is the reason that we are here as citizen lobbyists; to keep the government from falling into error.

I would like to talk about section 5 of the bill where it states if a lobbyist determines that he or she unknowingly and unintentionally provides inaccurate information to a legislator, he or she must tell the legislator that fact. The other day in this Committee, we had a disagreement about a U.S. Supreme Court decision. People can have honest disagreements. Lawyers can disagree, people can disagree. Unless it is willful, it bothers me to have this in the state law.

As my colleague mentioned, what does it mean by "public good"? I looked up the term on the Internet and it says, "Public good may be consumed without reducing the amount of available for others and cannot be withheld from those who do not pay for it. Public goods and services include economic statistics and other information, law enforcement, national defense, parks, other things for use as a benefit of all. No market exists for such goods, and they are provided to everyone by governments." We often have disagreements in this building about what the government should provide and what the public good is. There is a constant exchange of ideas in this building from different political points of view and different philosophies as to what is the public good.

So when you impose this on people you create a situation where dissent or free speech, or active lobbying might be infringed.

I have a problem with the due process as described in section 15 of the bill. It states on page 7, line 18, that if the Director decides to suspend our lobbying privileges, we could request a hearing on the matter from the Director, and the Director's decision can be appealed to the Legislative Commission. We have a continual flow in our Nevada Legislature to move away from due process. You think due process is in administrative court or with the Director, or someone else, when actually all of your constitutional rights are denied you in an administrative process. You have no right to counsel, and you have no right to your constitutional right of being innocent until proven guilty. You are guilty until proven innocent in all of these kinds of administrative procedures. You have no right to appeal to a jury. I know that is very messy. Freedom is very messy, but I always have concerns when you have administrative procedures that take away individual liberties.

We are not opposing this bill because we oppose the concept; we believe in being as honest as we can. Nevertheless, we have some concerns about the unintended consequences and what it will mean for people who object to signing up with the government. It is objectionable to me to have to be held accountable by the government; I am supposed to be holding you accountable.

Chair Ohrenschall:

I believe the sponsor's goals are that lobbyists not only have a duty to their clients, but because of the role they play in this state legislative process, in educating legislators, she and I both feel they also have a duty to the public and the legislators. If a lobbyist might be dishonest or disloyal to his client, then what kind of information might he be providing to the legislators? I agree there needs to be a balance and some of the terms, such as public good and disrespect to the institution, should be clearly defined. Are there any questions from the Committee for Ms. Hansen? [There were none.]

Janine Hansen:

Mr. Chairman, I believe the objectives are good. I just worry that more and more laws make us less and less free. And they do not make us more honest. There are always ways around things and it bothers me, because it creates disrespect for the law.

Chair Ohrenschall:

That is a very true statement. Thank you, Ms. Hansen. Is there anyone else who wishes to speak in opposition to Assembly Bill 314? [There was no response.] Is there anyone neutral on the measure?

[There was no response.] Assemblywoman Spiegel, would you like to give any closing remarks?

Assemblywoman Spiegel:

I appreciate your taking the time to have this conversation with me today. I think it is an important conversation because of the integrity of the process that we go through during these 120-day condensed sessions that we have. I had not been aware of the criticism expressed by those in opposition prior to walking into this room today. I was listening and have noted the comments that were made.

Some of the comments that I found most interesting were that much of the bill talks about clients. I think that we should perhaps look at making a distinction between lobbyists who are doing their work on behalf of clients versus citizens who are nonpaid lobbyists and are pursuing matters because of a particular passion that they have. That is something that I will go back and take a look at. I think also that the conversation about the time frame noted in section 5, regarding immediately informing a legislator of any inaccurate information, was of interest. There is a distinction between unintentional inaccurate information and intentional inaccurate information. Section 5 speaks of unintentional inaccurate information. But it has also been brought out that the word "immediately" could be ambiguous and not provide enough direction. I will come back to you with an amendment that changes the time frame to something like "as soon as practicable" but no sooner than one business day.

As far as the due process comments that were made, the one thing that I would like to remind everyone is that lobbying in this building is a privilege. Coming as an individual Nevadan and speaking to any of us in committee, or testifying in a hearing, is the right of every Nevadan. Lobbying on a particular cause and having individual meetings is a different process, and that is a privilege. If there are some who do not want to adhere to a certain level of standards, such as speaking truthfully, those privileges might not be something that should be extended on a perpetual basis.

Chair Ohrenschall:

Assemblywoman Spiegel, I want to thank you for bringing this bill. I think that anything that raises the bar is very important. I believe the right to advocate and to lobby is guaranteed by the First Amendment. During session, we find ourselves sequestered up here very far from our homes, and lobbyists do play a major role in terms of educating legislators and committees on the different issues. If there is an issue with their honesty or their loyalty, then I think that is an issue that does not just affect the clients but also affects the public.

You mentioned other states have passed something similar to this. Do you know which states?

Assemblywoman Spiegel:

I have a large chart from the National Conference of State Legislatures (NCSL) that I can forward to you separately.

Chair Ohrenschall:

Thank you, and we have a comment from Mr. Hickey.

Assemblyman Hickey:

Again, I laud you for the intention behind this, although I agree with the statement made that where there are no laws there are no thieves. Assemblywoman Spiegel, I would love to hear from some of the lobbyists about this bill. I believe that hearing more from them between now and the time I might have to make a decision on A.B. 314 would be helpful.

Chair Ohrenschall:

Are there any other comments or questions from the Committee?

Assemblywoman Kirkpatrick:

I would like to see the chart you have from NCSL. Nevada was one of the first states to put lobbyist training in place. Last session we created a program on compact disc (CD) and even the old guard had to complete it. It is a good refresher for everyone and helps the lobbyists know what legislators should and should not be asking for.

One thing that I have learned in this building is when somebody says, "I believe," you had better go check your facts, because most people think that takes them off the hook for giving inaccurate information.

Chair Ohrenschall:

I think the training this Legislature provided really is trendsetting. Are there any other questions or comments? Thank you, Assemblywoman Spiegel, for presenting this bill. I would appreciate seeing any possible amendments you might want to suggest.

I will close the hearing on Assembly Bill 314 and turn to our colleague, Assemblyman Munford, who is here to present Assembly Bill 401.

Assembly Bill 401: Revises provisions governing the designation of certain city nonpartisan offices. (BDR 24-58)

Assemblyman Harvey Munford, Clark County Assembly District No. 6:

I am here this afternoon to present Assembly Bill 401 for the Committee's consideration. This is a rather long bill, but most of the changes conform to Nevada law through the primary amendment in section 5. Currently, *Nevada Revised Statutes* (NRS) 293.195 provides that elections for all city offices in Nevada must be nonpartisan. This bill would require that elections for all offices, except municipal judges, must be partisan. Simply stated, under A.B. 401 voters will know the party affiliations of candidates for city offices, just as they do when evaluating candidates for the Legislature, major state offices, and congressional offices. Party labels provide a quick way for voters to identify candidates who share their policy preferences. Party labels provide important cognitive information. They convey general policy information about candidates, which helps the voters to reach reasonable decisions.

I believe that voters are entitled to full information about candidates, and party affiliation is an essential piece. Without party information, voters tend to rely on whatever clues are available. For example, one major clue is name recognition. Excessive reliance on name recognition can skew an election unfairly towards incumbents. Research also indicates that citizens are more likely to engage and turn out to vote when party information is available. According to the National League of Cities, 10 out of the 30 most populous cities in the United States have partisan elections. This bill will add Las Vegas and Nevada to the list by disclosing party information in city elections.

Chair Ohrenschall:

In those cities that require candidates for municipal offices to list their party affiliation, do you know if voter turnout and participation is healthy? I know we recently held city elections from our part of the state, and turnout was very low.

Assemblyman Munford:

I do not have that data. I do know that in large urban cities with partisan elections, they usually have large turnouts. I think parties are so much a part of our country; they have been around all the way back to the first president of the United States. As the country grew and expanded, different issues came up and different ideas and people wanted different voices. They wanted someone to represent and speak for them on various issues that were important for their well-being and welfare. Even today, parties tend to give the voter something that he can identify with.

Chair Ohrenschall:

Are there any questions?

Assemblywoman Kirkpatrick:

In section 25, subsection 1, paragraph (d) of the bill, you added the city attorney. Are you expecting them to also list their party affiliation?

Assemblyman Munford:

They were added later but, yes, I did include them. This includes everyone, except for judicial candidates, who will remain nonpartisan.

Assemblywoman Kirkpatrick:

On the local level you deal with land-use items, grants, and zoning issues. I do not see where party affiliation would make a difference.

Assemblyman Munford:

In Clark County, and to some degree even in the northern part of the state, I think parties tend to cluster. Usually in that area where that permit or zoning has to be approved, I think party identification is pretty well known.

Assemblywoman Kirkpatrick:

We are often chastised by our parties, whether Republican or Democrat, when we endorse a candidate in the primary at the local level. The parties themselves do not want to do that because they would have to choose between the five Democrats who are running in Ward 3, and so they might hamstring themselves. Do you see that as keeping people from getting involved in the process and taking a stand?

Assemblyman Munford:

I see your point. Presently, I know in southern Nevada there are municipal elections going on today. Historically those elections that have occurred in an off election year tend to have a low turnout. I believe the turnout could be increased if there was a party announced, because people feel that the candidate might be more conducive to what their philosophy is and they might have a tendency to get involved a little bit more.

I know the turnout in these municipal elections has been around one fourth of the registered voters. Is that a true representation of the people? I do not believe so.

Chair Ohrenschall:

Mr. Munford, I find in nonpartisan races that some of my constituents will contact me because they want to know the party affiliation of the candidates on the ballot, whether it is for the Board of Regents or city council. They are a little upset because it is not listed either on the ballot or on the candidate's

campaign literature or billboards. I suppose there is that aspect of the public's right to know. Are there any other questions for Mr. Munford?

Assemblyman Munford:

I know myself, as an African American, that many of the advances we have made are due to party affiliation. Whether you go back to Lincoln, or to the civil rights era and John F. Kennedy, parties played an important role in the progress and advancement of African Americans and many minority groups.

Chair Ohrenschall:

Thank you, Mr. Munford. Are there any questions for Assemblyman Munford? [There were none.] If there is anyone who would like to speak in favor of Assembly Bill 401, please come forward.

John Wagner, representing the Independent American Party:

We support this bill. Over the years, I have tried, as a state chairman, to get some of our party members to run for city and county offices, but they do not like the idea of nonpartisan offices. They want to have a party name out there. This bill would encourage them to become more involved in the local races in Las Vegas, Reno, and Carson City. It is possible to find out how a person is registered by going down to the courthouse and asking the registrar of voters, but most people will not do that. So from that standpoint we support this bill.

However, I have some comments regarding the use of the terms "independent" and "nonpartisan" and the abbreviations "IND" and "NP" on page 12, lines 18 to 30, and page 19, lines 7 to 19. Strangely enough, this is same concept that I tried to introduce as an amendment to Assembly Bill 48.

Chair Ohrenschall:

Mr. Wagner, I want you to know that I noticed that similarity as well. However, this bill deals solely with city elections, not with statewide elections, and your comments and proposed amendment were in regard to a bill pertaining to statewide elections. I do not believe this bill is an appropriate one on which to discuss that issue. There may be another bill before our Committee that will be an appropriate venue, but this bill deals only with city elections.

John Wagner:

I understand, Mr. Chairman, but as I look at the statute referenced on page 18, NRS 293C.260, I would assume that it is valid for all elections, not just city elections. I have had some discussions with Mr. Gilles of the Office of the Secretary of State on this issue, and I plan on meeting with him as soon as possible so we can straighten this issue out.

What happens is that in an election, we run an Independent American Party candidate in a partisan office, and there is also an independent candidate running for the same office. There may be two or three different independent candidates, none of whom are in the same party. What then happens, someone will come to me and say she voted for our candidate. I ask her, "The Independent American Party candidate or the independent candidate?" The voter then comments that she did not know there were two independents on the ballot. I believe this situation is confusing to the voter.

Chair Ohrenschall:

I appreciate your comments, Mr. Wagner. Are there any questions for Mr. Wagner? [There were none.] Is there anyone else who would like to testify in support of Assembly Bill 401? [There was no response.] I will now move to hear from anyone in opposition to A.B. 401.

Alan Glover, Clerk/Recorder, Carson City:

I sent all members of the Committee a letter detailing my opposition to A.B. 401 ([Exhibit E](#)). Carson City is a little different from other cities, as we are a consolidated municipality that acts more like a county than a city and runs elections under NRS Chapter 293, not Chapter 293C. On behalf of the Sheriff, the District Attorney, the City Treasurer, and the Assessor, all of whom are elected as nonpartisan and have been since 1969, when our charter was approved by this body, we are opposed to this bill.

A point I would like to make about this bill is that people who are not affiliated with a party or a minor political party are able to vote in our primaries, but if this bill were to pass and include Carson City, 4,325 people would be disenfranchised. They would not get a ballot because there are no candidates for some of the judicial positions in some years, as they have a six-year term. We have a provision in our charter that states if a candidate receives 50 percent of the vote plus 1, they win in the primary. That would take these people completely out of the equation on electing the people who represent them.

I find it interesting that the representative for the Independent American Party, a minor party, spoke in favor of this bill because they would not be allowed to vote in the primary. And, if minor parties were able to nominate candidates, like the major parties do, you could not protect the integrity or secrecy of the ballot because there are so few candidates from some of these minor parties in a precinct. That is the reason under the *Nevada Revised Statutes* that it was established that they could not have primaries under state law, because there are not enough of them to protect the secrecy of those ballots.

Our election process has worked well here in Carson City and we would very much like to keep it that way. The Treasurer, Sheriff, and District Attorney are not policy people. The trend in the country over the last few years has been to make election officials, such as myself, nonpartisan.

Chair Ohrenschall:

Are there any questions for Mr. Glover? [There were none.] Is there anyone else who would like to testify in opposition to this measure?

Megan Salcido, Government Affairs Coordinator, Office of the City Manager, City of Reno:

Our city council has adopted a position in opposition to this bill because they believe that the offices' nonpartisan nature lend an atmosphere of collegiality among the council members. As they work on zoning, land use, public works, and parks and recreation, all appreciate the nonpartisan nature of their offices and they enjoy the collegiality that is promoted by that.

Chair Ohrenschall:

Thank you, Ms. Salcido. Are there any questions? [There were none.] Is there anyone else who wishes to speak in opposition to A.B. 401?

Jessica Sferrazza, Private Citizen, Reno, Nevada:

I had the honor to serve on the Reno City Council from 2000 to 2012. Local government issues are neighborhood issues, which are not partisan issues. Assembly Bill 401 is bad public policy. Local government is closest to the people. When constituents call their local representatives, they are not concerned with party affiliation. They are concerned about zoning issues, whether or not the graffiti in their neighborhood is cleaned up, and how many police officers and firefighters patrol the streets. They do not care what party a candidate is affiliated with when they want to know about their abandoned vehicle zoning laws being changed, the planning of city parks, the rehabilitation of neighborhood streets, whether digital billboards are permitted, afterschool programs for kids, senior activities, special events, et cetera. As a matter of fact, I cannot think of one partisan issue that came before the Reno City Council in the 12 years that I served. This bill has the potential to polarize local government elected bodies based on partisan platforms.

Chair Ohrenschall:

Are there any questions for Ms. Sferrazza? [There were none.] Is there anyone else in opposition to the measure who would like to be heard? [There was no response.] Assemblyman Munford, are there any closing remarks that you would like to make?

Assemblyman Munford:

Mr. Chairman, I would like to respond to the comments made by the gentleman from Carson City. They had some validity but you know, there is a strong push to move all the elections to the general election schedule. The Clark County commissioner positions were at one time nonpartisan, but they moved the election of those offices to the November ballot and they became partisan. I think there would be more participation and involvement by the electorate if they move their elections to November.

Chair Ohrenschall:

Assemblyman Munford, thank you for bringing this bill. Our Committee is always interested in anything that has the potential to increase voter turnout. We always admire you for taking the tough stands whether they are popular or not. Are there any other questions for Mr. Munford? [There were none.] Assemblyman Munford, if you would come back up and rejoin the Committee. I will close the hearing on A.B. 401. I will be presenting Assembly Bill 439, Vice Chairwoman Flores if you would take over.

[Assemblywoman Flores assumed the Chair.]

Assembly Bill 439: Revises provisions governing the dates for certain elections. (BDR 24-985)

Vice Chair Flores:

I will open the hearing on Assembly Bill 439, which will be presented by Mr. Ohrenschall.

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

Assembly Bill 439 is a measure that I believe is very important. I first became involved with this issue in 2009, when my colleague, former Assemblyman and now Senator Tick Segerblom, introduced Assembly Bill No. 256 of the 75th Session. During that hearing representatives from the Clark County election department estimated that if the municipal elections were moved to the even year and coincided with our statewide primary and general elections, there would not only be a dramatically increased turnout, there would also be a potential savings of \$1 million every two years to Clark County. If that bill had passed in 2009, Clark County would have an additional \$2 million to spend on essential services, not on an odd-year election.

In 2011, Assembly Bill No. 132 of the 76th Session passed. That measure was an amended version of this bill, which made it optional for those municipalities that still have odd-year elections to switch to the statewide primary and general elections schedule. Assembly Bill 439 would make that switch mandatory, and

I believe the benefits are exactly what I stated: increased voter participation and cost savings.

Vice Chair Flores:

Are there any questions from the Committee?

Assemblywoman Kirkpatrick:

I know that this apparently works well in the north, as they do this in Reno, but what is the percentage increase in voters in the north compared to the south? Also, where are the city offices on the ballot? I ask this because there is always some voter drop-off, and I wonder if we would be hurting those races that are at the bottom of the ballot. If that is the case, maybe it is time that the Assembly run every four years and the Senate every six years; otherwise you will have all these people on the ballot every two years. And why is it that the city races are every four years and the Assembly every two? If we are going to have the discussion, let us have the whole discussion and see what the side effects are as we go forward.

In my district, during presidential elections, not only does the ballot list the presidential race but also the congressional as well as all the judges, then the Senate and Assembly. Now you would be adding a new set of races into that mix. Imagine the number of flyers a typical voter would receive at home every week. I am curious if we have thought all of that out. I am wondering how they deal with it in the north.

Assemblyman Ohrenschall:

You bring up very valid points. As to the voter turnout in Washoe County, I do not have those statistics with me but I can get them to you. I believe the Registrar of Voters for Washoe County is here, so that might be a question he can answer. As to how the voters react, and the demographics, that is also data I do not have, although I can safely say we have a more diverse community in southern Nevada.

In regard to the overall turnout and voter drop-off, perhaps the Secretary of State could answer that in terms of how the ballot would be structured. There obviously would be some voter drop-off. Just as we see in state legislative races, many people go to the polls to vote for president or governor and U.S. senator and they get a little less interested as they get to the Assembly or Justice of the peace. That is unfortunate but it is a fact of every election. However, when you look at the very low turnout in our most recent municipal election in Clark County, I would think that even with the anticipated drop-off it would be a greater participation rate than what is happening now.

In terms of having the Assembly members serve a four-year term and the Senate members serve a six-year term, I believe there is a move to amend the *Nevada Constitution*. That was actually on the ballot in the 1960s or early 1970s, and the voters voted it down, but it may be time for that to be revisited.

Assemblywoman Kirkpatrick:

I really would like to understand how this works. I am all about saving money, but I believe in the north they have a different makeup than we have in the south.

Assemblyman Ohrenschall:

I will try to get you that information.

Assemblyman Elliot Anderson:

Mr. Ohrenschall, I am open to the concept of improving voter turnout. I was wondering if you have compared this to what other states do and how it affects their turnout. I understand some states may not have as many offices up for elections; they may not elect regents or judges, for example. Do you have any data on what other states do?

Assemblyman Ohrenschall:

I do not have that data right now. I can get that to you.

Vice Chair Flores:

Mr. Ohrenschall, I recall from last session that we talked about this issue and about some logistical concerns, particularly what was going to happen to those persons who had just participated in the most recent election. Will those individuals serve shortened or longer terms?

Assemblyman Ohrenschall:

The way Assembly Bill 439 is structured, if someone is currently a municipal officeholder, and this were to pass into law, his or her term would not be shortened; it would be extended by one year. Only candidates who run for office after this passed into law would serve a shortened term, and they would know that they are running for a shortened term, so no one would have the rug pulled out from under them. No one would be elected to a four-year term and only be able to serve three years.

Vice Chair Flores:

I believe that was the exact situation that we said we would come across when this bill was presented last session.

Assemblyman Ohrenschall:

That is correct. Assembly Bill No. 256 of the 75th Session made it optional. In a separate measure brought forward last session by Senator Rhoads, Senate Bill No. 134 of the 76th Session, Elko did move on to the even-year elections that coincide with the state elections.

Vice Chair Flores:

I am glad that you brought that up, because I recall that we did not mandate that everyone move to the same election cycle. Can you elaborate on what Elko ended up doing?

Assemblyman Ohrenschall:

The City of Elko moved their municipal elections to coincide with our statewide primary and general elections.

Assemblywoman Kirkpatrick:

Vice Chair Flores, I believe you are correct that we gave them enabling legislation, so they had to choose whether or not to follow the statewide schedule. I believe that it still presents an issue, as we still have incumbents who would be up for reelection this time and would be shortened a year next time, so I am not sure how that works on term limits. If they are shorted one year, they can never make that one year up, so they would not have 12 years in office but only 11.

Vice Chair Flores:

Does our legal counsel have an opinion on that?

Kevin Powers, Committee Counsel:

If you will give me a moment to review the statutes.

Vice Chair Flores:

Can we talk a little bit about the anticipated cost savings that we would achieve with this? Have you actually come up with a dollar figure?

Assemblyman Ohrenschall:

The fiscal notes are all zero on this bill. I am relying on testimony that was provided in 2009 by Clark County that there would be a \$1 million savings every two years. Obviously, there would be savings from other parts of the state. I believe Yerington has odd-numbered year elections and there may be a few other small municipalities that also have odd-numbered year elections. However, the big cost savings would be from our part of the state.

Vice Chair Flores:

Have you estimated how long a ballot would be if we were to add all of these various elections that are currently at other times?

Assemblyman Ohrenschall:

Those are excellent points, and obviously it varies depending on the municipality and the election year. This election the City of North Las Vegas has some council seats up, and I believe a municipal judgeship, but depending on what ward you live in, there might be two to four more offices and possibly a municipal question that might be on the ballot.

I think when we harken back to the old days of voting with our punch card ballot system, yes, it was very laborious for the voter to go through all the different offices, but with the new electronic system, the voter can move easily through each office until they get to the cast the ballot button. Perhaps the Secretary of State can answer this more clearly, but I think that drop-off has become less of a concern with the electronic voting machines that we now have.

Vice Chair Flores:

We have some clarification from legal counsel on the question regarding term limits.

Kevin Powers:

The term limits provision for local officials and legislative bodies is in Article 15, Section 3 of the *Nevada Constitution*, which provides that candidates be termed out if they have served 12 years or more at the end of their current term. With this bill, if their term ends and they only served 11 years, they would be eligible to run again under the term limits provision.

Assemblywoman Kirkpatrick:

They would serve 15 years in total, because they would get another 4 years.

Kevin Powers:

The provision of the *Constitution* is based on eligibility to be a candidate, so as long as you are eligible to be a candidate and you are elected to that office, you can serve the remaining term. Your eligibility is determined when you become a candidate. So again, if that last term puts you at 11 years, you would be eligible to be a candidate because you had not hit the 12-year mark. If you are reelected, you would then serve a full term.

Vice Chair Flores:

Thank you for the clarification. Do we have any further questions for Mr. Ohrenschall? [There were none.] If there is anyone in support of the measure, please come up.

Yolanda King, Director, Budgets and Financial Planning, Clark County:

Larry Lomax, our registrar of voters, is coincidentally conducting municipal elections in Clark County today, so he is not able to be here. He wanted me to note for the record that Clark County is in support of Assembly Bill 439, specifically because there is \$1 million savings to the taxpayers.

Vice Chair Flores:

Do we have any questions for Ms. King? [There were none.] Is there anyone else in support of A.B. 439 who would like to speak?

Howard Watts, Field Director, Progressive Leadership Alliance of Nevada:

I am here to testify today in support of this bill. I think it is very timely that the bill is brought up today when we have elections going on here in the cities of Las Vegas, North Las Vegas, and Henderson. It is also very interesting that even though I work for an organization that is involved in politics, we hear almost nothing about the elections down here in the cities today. We support this bill because it would provide a cost savings and, contrary to some perceptions about our organization, we do favor things that make our government more efficient. Additionally, we support electoral reforms that expand the access to people.

I have worked as a poll worker during municipal elections and during federal elections, and the difference is stark. This would definitely increase the turnout for those city elections. To address the length of the ballot, we are talking about adding a couple of spots to a ballot that has county commissioners, district court judges, justice of the peace, and constable. In my mind, the ballot would go in geographical order beginning with the president, the senate, congress, state legislature, county commissioners, and then the city races right after that. In terms of drop-off, I actually think that it is not going to affect anything above them. I think, once again, that is completely offset by the drastic increase in turnout we would see for voters in those city elections.

Finally, regarding the term adjustments, there is no ideal way to do this where terms are not going to be adjusted in some way, shape, or form. I think that this bill takes the right approach by making sure that people know what they are getting into. I believe that just because there is change, including a change to terms, does not mean that we should not pursue this at all.

With that, I would be glad to work with Assemblyman Ohrenschall to try to compile some additional data on drop-off and the effect of having all the elections combined, in order to provide a bit more background evidence.

Vice Chair Flores:

Mr. Watts, what type of burden do you believe we would be looking at, from your perspective as an organization that spends a lot of time and resources on getting the word out and getting voters to the polls? It seems to me it is going to probably increase the amount of time and ultimately the amount of money that it will take for us to be amongst an even more crowded field.

Howard Watts:

I think that is an excellent question. I do not think I can give a perfect answer, but in my estimation, organizations like ours will find it is a benefit because we do not have the resources to go out and talk to underrepresented communities about these municipal elections. Moving the elections over, so it is all together, would allow us to parlay some of those resources to talk about all of the positions at once. In some aspects, I see it as a cost-saving measure, although I understand the idea about it crowding the field.

My response to that is, if you are going to keep the municipal elections separate, then you need to look at segmenting even more things out from the statewide primary and general elections. Right now having two or three positions held in a completely separate election cycle—when on the other election cycle we are holding everything from president to the district court judges, justice of the peace, and constable—is a huge inequity, so I would say that we need to parse it out more evenly, or it just makes sense to combine it all. As far as city council candidates and the resources they need to raise, I cannot speak to that issue personally. I can say that in other parts of this state, as well as in other states, candidates are able to run on the same cycle very effectively, so I do not think that this would cripple the ability of those candidates to get their names out into the community.

Vice Chair Flores:

Do we have any further questions from the Committee? [There were none.] Thank you, Mr. Watts. Is there anyone else in support of A.B. 439?

Jessica Sferrazza, Private Citizen, Reno, Nevada:

I was not planning to speak in support of this bill, but after listening to the discussion, I thought I would share my experience. In regard to being on the ballot during the even years with congressional and presidential races, I think you have to compare the possible drop-off to the total lack of turnout. It would be interesting to see today, when the tally is done here in southern Nevada,

what the turnout is compared to the drop-off that you see, for instance, in a Reno City Council race. To give you some figures, out of 124,098 people registered to vote in the City of Reno, 93,640 voted in the 2012 election cycle.

To answer Assemblywoman Kirkpatrick's question on where the placement would be on the ballot, the nonpartisan races are last. It is no different than in a grassroots effort—you are going into neighborhoods to campaign. In fact, I find it is actually more economical to run during a presidential year. The different interest groups not only are able to do their endorsements for presidential, congressional, and legislative races, but they will send out mailers on behalf of the nonpartisan races as well.

Vice Chair Flores:

Are there any questions for Ms. Sferrazza? [There were none.] We will move on to opposition to the measure.

Dan Musgrove, representing the City of North Las Vegas:

I believe this is an issue that you can look at it in many different ways. It is important to the City of North Las Vegas and our elected officials to do anything we can do to increase voter turnout. But I am not sure that scheduling municipal elections as a part of the overall general election would necessarily change that.

Unfortunately, no one has the ability to look at a ballot and say that a municipal voter was consistent across the ballot and did vote for every office listed, or that they experience some voter fatigue as they worked their way down. One question we have is, are they a knowledgeable voter? Voting is not easy; you need to know the issues. We want an informed voter, not someone who is pushing buttons as they work their way down the ballot. We want them to know and understand the questions, and I think that when you have the ability to separate our issues, our questions, and our candidates, you are going to get a more informed voter. Do we have the numbers? I wish we could find a way to boost those numbers, and that is going to work against us today, because at 7 p.m., when the polls close, we are going to see a dismal turnout. If we could figure out a way to get those numbers higher, the argument would go away. At least we know that it is an informed electorate that is coming out, because they actually take the time to vote for those offices.

I think you brought up a good point, Vice Chair Flores, concerning campaign costs. If I take off my local government hat, I am a contract lobbyist. I am one of those people who candidates and elected officials call, asking for campaign contributions. My clients only have so much money, and it becomes a real battle for candidates to raise enough money to compete in a marketplace where

there are so many grabbing airtime, advertising space in newspapers, and consultants. I think that tends to put a tough obstacle in front of all candidates when so many are in the mix. At least at the municipal level they are only competing in a very narrow time frame and reference.

I would like to point out there is a problem in section 43 of the bill. We have people running for office today who, if they receive 50 percent of the vote plus 1, will be elected and their terms will in fact be shortened. Section 43 says that those elected in 2013 will be on the ballot in 2016 during the general election, which would be a three-year term. Any person who has registered to run for office in this cycle would be negatively impacted and only serve a three-year term. If you are going to process this bill, we would ask that you move it to at least the 2015 cycle so that those elected in 2015 would know when they registered that they would be running for a three-year term.

It would be interesting to do a study on whether or not the numbers truly bear out that municipal elections would be treated fairly in a large general election.

Vice Chair Flores:

Thank you, Mr. Musgrove. I believe you are correct in noting that section 43 contains a mistake. Based on the testimony of the sponsor, it is not the intent of this bill to shorten the election terms for candidates elected to office in this election cycle.

Dan Musgrove:

We would ask that the error be corrected.

Vice Chair Flores:

Are there any questions? [There were none.] Clark County previously stated there would be a cost savings of \$1 million, which is not a little bit of money. And given the state of cash-strapped Clark County, I would imagine that they could find better uses for \$1 million. Historically we have seen lower participation rates in these years, especially for the municipal elections. I would ask you, if not this, then what can we do for our municipal elections?

Dan Musgrove:

One thing to note is that the cities actually pay the election bureau to run a municipal election. The \$1 million cost savings Clark County spoke about when they testified in 2009 works out to approximately \$4,000 in savings to the City of North Las Vegas. Granted, Clark County has a larger part of the financial burden for elections and that is a part of their county responsibility. So it is an important number to bear in mind. In terms of what we can do with the municipal election, I wish I knew. I believe city elections and city issues are

unique. I think it is important that they have a unique stage on which to be debated, and I believe it is incumbent upon the candidates to find people interested in making a conscious decision to choose their elected officials.

Obviously, the cities themselves do not have the resources to do information campaigns to inform the electorate. That maybe something we as a state need to address. I believe it is all about trying to get people engaged in the electoral process.

Vice Chair Flores:

Are there any further questions? [There were none.]

Lisa Foster, representing the City of Boulder City:

The City of Boulder City respectfully opposes this bill. After the 2011 Session, the council thought they should consider switching to the state general election schedule, but they choose to keep their elections as they are. The primary reason for this is that Boulder City places many of the issues it faces before a vote of the people. They are concerned that if they were part of a large ballot, the questions would be lost and the people in Boulder City would not be able to state their opinion on the issues. In the last decade there have been between 1 and 11 questions on every ballot in Boulder City. It is a part of their community culture and they want to keep it that way.

Vice Chair Flores:

Are there any questions for Ms. Foster? [There were none.]

John McCormick, Rural Courts Coordinator, Supreme Court:

Today I am here on behalf of the judges of the Las Vegas Municipal Court. Currently in A.B. 439, under section 8, it would change the filing period for municipal elections to March, which matches the filing period for the other elections. However, judges currently have a separate filing period in January. This takes into account Canon 4.2(C) of the *Nevada Code of Judicial Conduct*, which prohibits judges from raising campaign funds if they run unopposed in the election. Assembly Bill No. 505 of the 74th Session moved the filing date to January so judges would know if they were opposed or not and could then raise funds for their campaigns if necessary. If this bill does move forward I would suggest that the filing period remain as noted in current statute, *Nevada Revised Statutes* (NRS) 293.177.

Vice Chair Flores:

Outside of that technical amendment, do you have any opposition to this bill?

John McCormick:

Outside of that amendment, I have nothing to say.

Vice Chair Flores:

Are there any questions for Mr. McCormick? [There were none.] Do I have anyone else in opposition to the measure who would like to speak? [There was no response.] We are going to move on to those who are neutral on this bill.

Liane Lee, Legislative Officer, Office of Administrative Services, City of Las Vegas:

We are neutral on this bill; however, we did have some questions about the mechanics of the bill, such as what would happen if the term was shortened or lengthened. We also know that our Las Vegas Municipal Court judges have some concerns that were just addressed by John McCormick.

Vice Chair Flores:

Are there any questions? [There were none.] Do I have anyone else who wishes to testify neutral to A.B. 439?

Daniel Burk, Registrar of Voters, Washoe County:

I am surprised at many of the questions and statements made today; it was astounding. Let me just comment on a couple. The same concerns that were raised here today about getting lost on the ballot were raised by the City of Sparks when they decided to change to the even-numbered years in 2003. Prior to that, the City of Reno made the switch in 1995. At that time, the highest amount we charged the City of Reno for an odd-numbered year election was around \$131,000. We recently ran the congressional replacement elections for Dean Heller's seat, and that alone cost us over \$300,000. For an even-numbered year election, we generally charge the City of Reno no more than \$44,000. For the City of Sparks, the highest cost odd-numbered year election we ever had was \$68,400. The highest we have charged the City of Sparks for an even-numbered year election is just below \$16,000. So there is huge cost savings. I realize we are not on the same scale as Las Vegas, but I am trying to share with you that there are proportional cost savings if individual jurisdictions should decide to come over.

A question was brought up about the length of the ballot. We spend so much time with the electronic ballots that it is really not a concern anymore, but about 12 percent of our voters in Washoe County vote absentee, and there is a concern about the length of the ballot. There have been times when we really have to squeeze to get everything on one ballot, because you do not want to move to two ballots if you can avoid it. One of the reasons why Clark County originally asked the people who were nonpartisan and running

unopposed if they could come over to the primary election and be elected there, as opposed to the general election, because they were getting so many offices running that it was filling up their absentee ballots.

As to turnout, for the City of Sparks there were times when we had turnouts in the off-year elections in the 11 to 12 percent range. There is a huge difference in the amount of turnout that we experience as a result of being on the general election.

The other point that was expressed is in regard to the position on the ballot, which is, of course, dictated by statute. I will tell you this: We do not see what we call under-voting and you called drop-off, where people just skip the race and do not vote on the candidate. We do not see that pattern for city offices. This past election, some of our most hotly contested offices were in the City of Reno, and there was a tremendous amount of interest those contests. And we are not seeing under-voting in the municipal contests. We do see it in the races for municipal judges because people do not know who the judges are.

Our board of commissioners is not taking a position on this bill, but the chairman asked me if I would come, because I had testified previously, to provide information on what we have experienced in Washoe County.

Vice Chair Flores:

Are there any questions for Mr. Burk? [There were none.] I do not see anyone else in the audience here in Carson City or in Las Vegas who would like to speak on A.B. 439. Mr. Ohrenschall, do you have any closing remarks?

Assemblyman Ohrenschall:

I will be very brief. I am glad that Mr. Burk was here to relate to us the experiences in Washoe County. I think no matter how you peel this onion, if Assembly Bill 439 were to pass, it would increase voter participation and would definitely save money. I am obviously open to the amendments that were brought forward in terms of trying to make those technical corrections, and I apologize that I did not catch them in the beginning. Are there some downsides? Of course, there always are. It will more challenging for the candidates having to be in an even year, and there may be some voter drop-off, but the experience in Washoe County says that even with voter drop-off, turnout would still be higher than what we are seeing now.

I briefly searched the National Conference of State Legislatures website to see what other jurisdictions are doing, and it seems varied. Several jurisdictions have odd-year elections for municipal offices, but many others have gone to even years. Some of the large cities in the East keep the odd-year elections.

There is a table that I uploaded to the Nevada Electronic Legislative Information System (NELIS) that shows the turnout for the last five statewide even-year elections versus the Clark County municipal odd-year elections ([Exhibit F](#)). The table speaks to how low the latter's turnout is. I am willing to work with all the parties, and I hope this Committee would consider the measure.

Vice Chair Flores:

Thank you for that presentation. I am going to close the hearing on A.B. 439.

[Chair Ohrenschall reassumed the chair.]

Chair Ohrenschall:

I will open the meeting to public comment. Is there anyone who would like to make any comments here in Carson City or in Las Vegas? [There was no response.] I will close today's meeting of the Assembly Committee on Legislative Operations and Elections. Meeting is adjourned [at 6:10 p.m.].

RESPECTFULLY SUBMITTED:

Karen Pugh
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: April 2, 2013

Time of Meeting: 4:09 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 314	C	Assemblywoman Ellen Spiegel	Code of Ethics, American League of Lobbyists
A.B. 314	D	Assemblywoman Ellen Spiegel	Code of Ethics, National Association of State Lobbyists
A.B. 401	E	Alan Glover	Letter in opposition to A.B. 401
A.B. 439	F	Assemblyman James Ohrenschall	Table of voter turnout in Clark County, 2007-2012