

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

**Seventy-Seventh Session  
May 14, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:10 a.m. on Tuesday, May 14, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Pat Spearman, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Kelvin Atkinson  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**GUEST LEGISLATORS PRESENT:**

Assemblyman James Ohrenschall, Assembly District No. 12

**STAFF MEMBERS PRESENT:**

Carol M. Stonefield, Policy Analyst  
Melissa Mundy, Counsel  
Mary Moak, Committee Secretary

**OTHERS PRESENT:**

David Byerman, Secretary of the Senate  
Forrest Darby  
Dwayne Chesnut  
Janine Hansen, Independent American Party  
Scott F. Gilles, Deputy for Elections, Office of the Secretary of State  
Alan Glover, Clerk/Recorder, Carson City

**Chair Spearman:**

I will call to order this hearing of the Senate Committee on Legislative Operations and Elections. We will open the hearing on Bill Draft Request (BDR) R-407.

**BILL DRAFT REQUEST R-407:** Provides for the establishment of a public commission to study the Nevada Legislature. (Later introduced as [Senate Concurrent Resolution 8.](#))

SENATOR MANENDO MOVED TO INTRODUCE BDR R-407.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR ATKINSON WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

**BILL DRAFT REQUEST R-1223:** Directs the Legislative Commission to appoint a committee to conduct an interim study regarding the staffing at state correctional facilities. (Later introduced as [Senate Concurrent Resolution 9.](#))

SENATOR MANENDO MOVED TO INTRODUCE BDR R-1223.

**Senator Settelmeyer:**

There are certain locations within the Nevada State Prisons where the staffing ratios are incorrect. Newer facilities that have the same staffing level could be doubled and still be okay.

SENATOR SETTELMAYER SECONDED THE MOTION.

**Chair Spearman:**

You are correct. In correctional facilities, as with hospital facilities, different facilities may require different levels of staffing. The officers cannot have any form of weapons behind the wire. Their safety is totally dependent upon the response time for either their partners or someone else who may hear they are in distress. If you have a correctional officer at a facility with 500 inmates and this officer is small in stature, it is important to get the staffing levels correct to

avoid putting officers' lives as well as the lives and safety of the inmates in jeopardy.

THE MOTION CARRIED. (SENATOR ATKINSON WAS ABSENT FOR THE VOTE.)

\* \* \* \* \*

**Chair Spearman:**

We will open the hearing on Senate Bill (S.B.) 512.

**SENATE BILL 512**: Revises provisions governing legislative operations.  
(BDR 17-515)

**David Byerman (Secretary of the Senate):**

I am joined by Shelle Grim-Brooks, Director of Senate Staffing. Senate Bill 512 was introduced on my behalf by Senator Moises Denis, Senatorial District No. 2. This is a housekeeping bill. This bill will not make any changes to existing practice. I have had some concerns raised that this bill is lowering pay for Senate staff because the wage amounts in the bill do not reflect the numbers on the W-4 forms that the staff receives. The difference is because of the adjustments made subsequent to these wages you see on this list.

Last summer, Ms. Grim-Brooks and I both participated in a reorganization of the work chart for the Senate. We both started on the same day in August 2010 and inherited a system where there were not objective standards for classifying Senate employees. We both felt that was important. We wanted to have objective standards we could look at for determining grade levels and responsibility levels for staff.

Senate Bill 512 does two things. First it adds new job titles on the Senate side. Under *Nevada Revised Statutes* (NRS), Susan Furlong, Chief Clerk of the Assembly, and I have the ability to set new position titles and the salaries for those positions. It is good practice to put in statute what we do in practice. We have a lot of obsolete titles on this list. This is not good practice for the State. I am bringing this bill today to update NRS to reflect the current practice.

The second change in section 2 is more relevant to Legislators. In NRS 218A.670 there is a hard limit on the number of pieces of letterhead paper,

envelopes, stationery and business cards allocated to Legislators. I believe the spirit of this law is we have a set amount of money we want to spend on these printed materials. In a modern office environment, you may not want to use some of the options that you have. You might want to use other options. Section 2 gives the Chief Clerk of the Assembly and the Secretary of the Senate discretion to substitute a like value of other printed materials. For example, if you wanted to only have 1,000 pieces of letterhead paper and 3,000 business cards, as Secretary of the Senate, I could accommodate that request. It does not cost the State any money if we allocate a certain amount of money for each of you to use for these purposes.

The bill does not have a fiscal note. There is no impact on the State of Nevada financially. This is to make the statute more consistent with our modern practice.

**Senator Cegavske:**

Are there any forms for us to fill out?

**Mr. Byerman:**

We just distributed a staff evaluation form for each Senator. It is the second one you have received in the last 2 months; they were for different purposes. It is important for us do a 360-degree evaluation of our staff. That is something that had not been done previously. We want to get your feedback to incorporate that into our planning for the future.

**Chair Spearman:**

I appreciate this legislation. I try not to use too much paper out of respect for the environment. It gets messy after a while too. This seems like a pretty straightforward piece of legislation.

SENATOR SETTELMAYER MOVED TO DO PASS S.B. 512.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

**Chair Spearman:**

We will take up Assembly Bill (A.B.) 442.

**ASSEMBLY BILL 442**: Revises provisions relating to campaign practices.  
(BDR 24-816)

**Assemblyman James Ohrenschall (Assembly District No. 12):**

I am pleased to present A.B. 442. This measure came out of a discussion in the Assembly Committee on Legislative Operations and Elections about encouraging participation in elections, whether it is voter or candidate participation. We heard testimony about many first-time candidates who wanted to run for office, wanted to take part and do their civic duty, and then realized how hot it could be in Las Vegas on a July afternoon when you are walking precincts. The candidates realized they did not like fundraising, and it is something they really do not want to have to do—or they realized this was not the right time to file for office due to life events.

Assembly Bill 442 aims to give the Office of the Secretary of State the discretion of waiving penalties when a new candidate has circumstances when campaign contributions and expenses reports have not been filed in a timely manner. We want to give people who deserve a break a break. They might try again rather than have fines occur and turn them off to the process.

This bill had bipartisan support in both Houses.

**Forrest Darby:**

Assembly Bill 442 is a great piece of legislation. It gives the Office of the Secretary of State flexibility. It is important for a lot of people that this passes. I am delighted it has bipartisan support. Many years ago, a friend told me when you have bipartisan support, something is going to pass and everybody is for it, say as little as possible. So that is all I am going to say.

**Dwayne Chesnut:**

I am in favor of this bill. In the last election season on the last day of filing, I filed to run for city council. I thought hard about the decision over the weekend. I looked at my chances since I was starting late with no campaign organization or money and decided to withdraw on the last day of the deadline. My only expense was the \$100 filing fee. I immediately filed my financial disclosure report on February 5 and attempted to file my contributions and

expenses report. The forms were not available online at that time. I called the office in Carson City and was told the reports would be online the following week. The two or three times I tried to file, the forms were not yet available. By the time the deadline came around, I had pushed this to the back burner and missed the deadline. I was a week late filing. The fine was not a tremendous hardship. It seems the fine was excessive for someone who started out, changed his or her mind, withdrew and wound up with more money being owed for a penalty than was actually spent on the campaign. Existing legislation enabled me to get a waiver. Assembly Bill 442 would help this situation. It would make it simpler in the future for people who may be in the same situation.

**Janine Hansen (Independent American Party):**

It is important to say I am representing the Independent American Party so we can say this bill is supported on a tripartisan basis. We have been concerned about this for many years. For people who want to get involved in the process, circumstances arise and they end up having tremendous fines. In 2002, the Independent American Party had many first-time candidates who filed, and many only spent the money to file for office. As a result of that, many of them had horrendous fines. The law was changed in 2004 to make filing requirements more clear, which resolved many of the issues in terms of the law. Some of the candidates are still suffering under huge fines as high as \$65,000. For only submitting a filing fee, this seems incredible to me.

Assembly Bill 442 gives the Office of the Secretary of State an option to be reasonable about certain circumstances. The Secretary of State's Office has stated in the past that it did not have discretion when dealing with filing report delinquency fines. It had limited things to consider. Most of those candidates did not ever run again because of the experience they had. Many races go without challengers. We think A.B. 442 is a positive step to encouraging people to participate in the process. It is especially important for people who are not familiar with the process. Assembly Bill 442 is a bill that allows for compassion and reason within our laws regarding candidates. I fully support the bill and appreciate Assemblyman Ohrenschall's initiative in bringing this forward.

**Scott F. Gilles (Deputy for Elections, Office of the Secretary of State):**

We are neutral on the bill. The Office of the Secretary of State believes it is a policy decision for the body to make as to whether granting a waiver will be built into statute that we may consider.

I am tempted to rebut the anecdote we heard today. I would characterize them as mischaracterizations. I will provide you with the files on any of these cases you have concerns about so you can see how they were handled.

Assembly Bill 442 will give the Office of the Secretary of State more flexibility on granting waivers. Sometimes the extra discretion and flexibility can be problematic. The flexibility will make it harder to treat these cases as uniformly as we do now.

I want to make clear for the record this bill is addressing the factors we may consider when granting a waiver that may only apply to the penalty assigned for a late filing or no filing of a contributions and expenses report. There are provisions that have a penalty schedule based on how many days you are late in filing. The bill would affect only that penalty schedule. This would not apply to more serious general infractions of NRS 294A, for example, receiving a contribution over \$10,000.

The Office of the Secretary of State can grant a waiver for good cause. There is already a regulation in place which requires the waiver be requested in writing. The reports at issue must have been filed first. One of the six reasons for granting a waiver for a late filing may be a death in the family, a financial hardship, a military hardship, if you are out of the Country or out of the State, a natural disaster, or if your organization is a nonprofit entity and the organization is filing the report. Then the catchall category involves a violation not due to a mere inadvertent mistake or neglect. Most late filings occur because people are not aware of or paying attention to the reporting requirements. Once one of those six events were established, we would require some level of documented proof to grant that waiver.

The bill will give the Office of the Secretary of State flexibility and discretion when dealing with these waivers. We will follow the regulation that will require something in writing from the person requesting the waiver. I do not believe this legislation would change that. If it does, then that will need to be addressed.

**Senator Manendo:**

Would this also apply if a candidate takes more than \$5,000 in the primary and then loses? Would there be flexibility in the punishment on the candidate who did not pay back the overage of the \$5,000?

**Mr. Gilles:**

The bill would only apply to that candidate reporting the necessary contributions and expenses reports after he or she lost the primary. Proof of disposal of money collected over \$5,000 before the primary would be required. Failure to do so would be dealt with by our general penalty provision. The penalty is no more than \$5,000 per infraction.

**Chair Spearman:**

Ms. Hansen, in your testimony you made remarks to a specific dollar amount. I have tried to check the records to see if that was part of the information submitted and it is not. So what I would need for you to do is ... I think you said \$65,000 so ... .

**Ms. Hansen:**

I did submit that information about those fines ([Exhibit C](#)).

**Chair Spearman:**

The \$65,000?

**Ms. Hansen:**

Yes. One of the people who has a larger fine already submitted all her information. I will contact the other person to write an affidavit. I do not know if he has the information because he has moved. I will get that done.

**Chair Spearman:**

There were documents submitted, but it did not have the same dollar amount.

For the record, I need to let everyone know that when you testify before a committee, your statements go into the record in perpetuity. It is very important that we get evidence of all the facts for anyone doing research 10 years from now to have a paper trail.

**Ms. Hansen:**

The one I was referring to is my son. I can get a statement from him. I will ask him for that information and get it to you. We already submitted the other one I sent in from another person.

**Chair Spearman:**

You mentioned a particular dollar amount ... thank you.



**Assemblyman Ohrenschall:**

Thank you for hearing this bill. Mr. Gilles stressed A.B. 442 applies only to fines for filing a late contributions and expenses report. It would not apply to more serious violations. We would like to give the Office of the Secretary of State flexibility for cases such as Mr. Chesnut's and similar cases.

The bill is permissive. It does not force the Secretary of State to waive fines. The bill gives the Office more discretion when appropriate. We understood their hands were tied between the statute and regulation. This bill is not aimed to override the *Nevada Administrative Code* regarding waiving penalties.

**Chair Spearman:**

We will close the hearing on A.B. 442.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 442.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

**Carol M. Stonefield (Policy Analyst):**

Assembly Bill 440 was heard in this Committee on May 9 and presented by Secretary of State Ross Miller as noted in the work session document ([Exhibit D](#)). There was opposition expressed to the bill. There was concern about increased opportunity for voter registration fraud. There is an amendment proposed by the Washoe County Registrar of Voters.

**ASSEMBLY BILL 440 (1st Reprint):** Revises provisions relating to voter registration. (BDR 24-987)

**Chair Spearman:**

I would like to go on record saying anything we can do to help our men and women of the Armed Forces is a good thing. This is one of those times. I have heard from several of the military or veteran voters who have said thank you for this opportunity.

**Senator Settlemeyer:**

I appreciate the bill to increase voter participation. The State of Nevada has some of the most expansive time frames to vote. The State allows 2 weeks of early voting. I am worried about letting people register the same day they vote because of the time it takes to check their addresses to make sure they actually reside in the State. It is a little too open in the realm of fraud. I will not be supporting this bill.

**Assemblyman Ohrenschall:**

Making sure our elections are secure is a valid concern. If you look at the testimony in the Assembly and the Senate hearings, the Secretary of State spoke to the fact there is very little fraud in Nevada. The voter registration system is secure.

Assembly Bill 440 extends the deadline for online registration and in-person office registration—not mail-in registration which is more vulnerable to fraud—until the end of the early voting period.

The online voter registration system has proven to be a secure system. There are many requirements in proving who you are and where you live in terms of identification and computers cross-checking each other to validate the data. We know the in-office registration is also secure.

During that last month before election, people get excited about the election. I do not think the voter registration will be more vulnerable to those concerns about fraud.

**Senator Settlemeyer:**

I agree with your initial statement; the system is working.

**Assemblyman Ohrenschall:**

Our voter registration system is secure.

**Chair Spearman:**

I have heard from several public employees. They have said what happened to them when they were sent to Afghanistan or came back from Iraq. If A.B. 440 extends the voter registration date and the system is secure, then why would we not do that? This is a good bill if for no other reason than to allow our men and woman in the service an opportunity to participate.

When I was at Fort Hood, Texas, I went to lunch and by the time I got back from lunch, I was headed to Cuba. Things change rapidly in the service. One never knows if you are going to be there, if you are not or if you are coming back. There have been times when ballots mailed to people overseas have not been received. The legislation that allows us to do some of that electronically will mitigate those circumstances. Certainly this bill, based upon what I have heard from members of the military and veterans, provides an opportunity for them to continue to participate. Those who are fighting for our freedoms should be afforded the right to vote also.

**Senator Manendo:**

In testimony, it was stated people showed up to register to vote but because of the deadline, it was too late for them to register and participate in that election. How many people understood they were registering so they would be eligible for the next election? I received an email back stating there is no way to determine the response on registering to vote for the following election. That was not a question in the survey.

I feel people who really want to register to vote will register to vote. You have to have a cutoff line. There might be people who say I really wanted to register and I really wanted to vote, but the election is over now. Do we move the election? Do we think about giving more days and having the election on June 8 in lieu of June 4 because we want to make sure we capture those people at the very end? You have to have deadlines. We have deadlines in this building. We have 120 days to get our business done. Legislators and lobbyists may say if we had been able to work that bill one more day, we would have made it. We have deadlines for a reason. I am torn. People who really want to participate in the process have a year and a half until the next election to register to vote. Is that 1 week or so going to make a difference? How many people do we capture in that last couple of weeks?

**Assemblyman Ohrenschall:**

Mr. Gilles has some data from the last election.

**Mr. Gilles:**

Our data from the 2012 election cycle showed that due to the expanded period of registration in 2012, we had 7,300 people register online past the deadline and, therefore, not eligible to vote. That number does not include people who went online to register to vote, saw the message they were past the deadline

and stopped the process. That also does not take into consideration people who may have attempted to register in person after the deadline at the various clerks' offices to no avail. A significant number of people from 2012 who attempted to register during the period this bill covers did in fact register but were still unable to cast their ballots.

To Senator Settelmeyer's comment, we do have a good-sized early vote period. It is not the most expansive early voting period in the Country. If you are not registered right now, by the time our expansive early-voter period starts, you do not get to vote regardless of the options available to cast your ballot. You have to be registered well before the start of early vote. There are at least nine to ten other states where registration and early voting overlap. We have not heard concerns from those states whether it is problematic to administer or whether any potential security issues exist with that.

**Senator Manendo:**

If 7,300 people in the last election were registered to vote in that time period, how many were there in the previous election? Is this a normal trend that you capture 3,000 to 5,000 people every election? Is there something we are not doing to let people know the registration deadline? Is this a public relations thing? Sometimes 10 percent of the electorate votes in some elections. Municipal elections should be at the same time because you have 5 percent of the population making the determination for 95 percent of the people. They are the ones making the decisions because they take their civic duty seriously. How many people registered to vote in that same time period 3 years ago who were then unable to vote?

**Mr. Gilles:**

I do not have the numbers in front of me for the 2010 election. We have the ability to capture those statistics. Online registration was only available in Clark County for the 2010 general election. It started the beginning of September 2010. We have had the opportunity to advertise it as an option. As far as the number of people who tried to register in person or by mail during those periods prior to the 2010 election, I do not have those numbers. I am not sure if the clerks captured those numbers based on the data they have. I can look into it if you like.

**Senator Manendo:**

During 2010, were there another 7,300 people—or was it 4,000-some people—who tried to register to vote but could not because it was after the deadline? Is it trending worse because people are just not registering to vote? Did those people in 2010 who we captured after the deadline participate in the next election? We registered people in our district who were in their 60s. They did not really care but appreciated hearing what I talked about and decided to vote for the first time. They also registered in the time period because they went out and participated. Hopefully, they continue. We have to draw the line. Do we move the election date because we missed some people who could not make it in the 2-week time period? They could not make it on Election Day, so we had better move the Election Day a week later. We went from September to June and thought that was the fix all to people participating. It was not; it just extended elections so now we have campaign signs going up on Thanksgiving.

We want to make sure we get as many people participating in the process as possible. I wish every single person who was eligible to vote would register and vote. That is my dream. This is America. I love it. I do not get it when people say “I am not going to participate in the process. What do I care?” I do not get that. I was not raised that way.

**Mr. Gilles:**

Some of your concerns illustrate why this is good legislation—because there are people who become engaged during that final month before the election. Those final 2 weeks are when people get hit with a lot of the ads and more discussion about the issues. We know people are more engaged with elections during those final weeks. This is exactly why this bill is beneficial. Under this legislation, someone will be able to exercise his or her constitutional right to register and vote 2 weeks before the election. The deadlines in place now would preclude those people if they become engaged late. That is the intent of the legislation. When you address concerns about the people who do not become engaged until late, that is exactly why this bill is in place—to allow them to exercise their right to vote.

**Senator Manendo:**

What is engaging them in the last 2 weeks? They are not registered, so they are not getting direct mail. They are not getting fliers on their doors. My volunteers and I do not go to a house that does not have registered voters. The television and radio ads are on ad nauseam. The campaign signs are too. I want to figure

out what energizes a nonregistered voter at the eleventh hour to say “now I want to register and vote.” Candidates attempting to energize their base are already sending out emails and making phone calls. I will call a household because the husband is a registered voter and the wife is not. We will talk to him and say you have had my sign up in your yard for 6 months, is there any way you can get your wife, your son or daughter to participate? At some point you just have to throw in the towel about getting that person to the polls. I do not know if another week will matter. I am so torn.

**Assemblyman Ohrenschall:**

When you spoke earlier about the municipal elections, that is an issue I care about. When I see a 10 percent turnout, it is troubling. When I look at our primary and general elections and more than 50 percent of our electorate cannot vote because they are not on the rolls, I am dismayed. They have not registered for whatever reason. It could be they are working two or three jobs. It could be it was not high on their priority list at that time. They got enthused that last month. Maybe it was the Presidential or the senatorial debates; maybe it was an article in the newspaper. Maybe it was an issue that mattered to them and suddenly they woke up and said funding for seniors matters or funding for schools or gun issues matters. Whatever it is, they say to themselves, we need to get registered and we need to vote. There are 7,300 people who register to vote but because of an artificial deadline in statute, they cannot vote. If they lived in another state, they could vote. They are not convicted felons. There is no reason they should not be able to vote, but we put a roadblock in front of them that troubles me. The fairness of it concerns me. The issue you brought up about the municipal elections and how a small minority of people are deciding these elections concerns me. Even though 7,300 people is a small fraction of voters in our State—those 7,300 people could have participated. I think it is worth pursuing this legislation.

We have heard testimony that the online registration system and the in-office registration system, in terms of doing away with a deadline, are secure. The original bill that called for same-day voter registration would have done away with any deadlines. In an effort to compromise in the Assembly, we decided to set a firm deadline: 4 days before the election, the end of early voting, would be the firm drop-dead date in Nevada. People could register to vote during that early voting period when there is a lot of excitement and enthusiasm. Mr. Gilles spoke about how many people got frustrated and decided they would not go forward with the online registration once told they could not vote. That is

neither good for the State nor good for participation. Yes, everyone should know the laws and the deadlines for voter registration. Most people, not unlike us, are busy juggling everything, keeping a roof over their heads and being unaware of the deadlines.

The Clark County Clerk's Office has done a good job informing people about the early voting deadlines and registration deadlines. I have seen the billboards on the freeway, I have heard the radio ads. They have done a good job trying to educate people. But people are struggling. Just because they get excited and decide they want to participate 2 weeks before Election Day is not a good reason to put a roadblock in front of them.

**Senator Atkinson:**

Do we have an account of how many of the 7,300 people who registered actually voted?

**Mr. Gilles:**

We could confirm if they voted based on their vote history. They could not have voted if they registered after the deadline. They would not have been on the rolls for early voting in the counties or at the precincts on Election Day. For those 7,300 people, the Website would have given a clear message that they registered after the deadline and were unable to vote in the upcoming election. Presumably they got that message and did not show up to vote. If they did, they would not have been on any type of roll to cast their ballot.

**Senator Atkinson:**

I am in the same place as Senator Manendo, trying to figure out where we draw the line. We keep moving things with our elections, and I am not seeing positive results. Assemblyman Ohrenschall mentioned the Legislature doing something about municipal elections. We need to do something about that. It is a much bigger issue than what we are discussing today, and it is costing us a lot of money.

Assemblyman Ohrenschall mentioned people not knowing. In today's age, with the amount of commercials, mass media, social media, how can people not know? How much handholding can we do? When do we stop registering folks and have a period of time when we just get people to the polls?

I did not vote for moving the primary to June. I did not think we needed to do that. The voter turnout numbers are worse. With kids getting out of school in June, etc., folks are thinking about vacation. They are not thinking about voting in primaries. I really do not know where I am with the issue today.

**Chair Spearman:**

I appreciate the way my colleagues have voiced their concerns. But I go on the record again saying that as a veteran, not being able to participate in an election has happened to me before. I do not know about the 7,300 people who try to register after the deadline. I do not know why they did or did not become engaged until the last week. I do not think questioning their motives or lack thereof for registering should excuse the fact that one of my constituents in the Nevada State National Guard said to me, "Pastor, this has happened to me three times when I was on my way to Iraq, and three times when I came back from Afghanistan." She has served this Country valiantly, 6 different years, putting her life in harm's way and returning with a platoon of 65 to 70 people. I do not know about the 7,300 people, but I do know about 75 military persons who came back and missed the deadline. She said to me:

I do feel like that extending the period of early voting would positively impact the military community. There have been occasions where I did not register for an absentee ballot because I didn't know that I was leaving, so then I was unable to vote. Also there was a time when I was in Iraq where I did not receive my absentee ballot in time. With extending the period of early voting, that gives the opportunity for service members to establish their vote if they are scheduled to leave or have any unforeseen circumstances arise. In my views, this bill would definitely improve the voter turnout for service members and let our voices be heard.

I do not know about the 7,300—I really do not. I do not know about the 5,000. I do not know about the 300. I do not know about those who are sitting in the safety and comfort of their living rooms and have an opportunity to see and hear the ads ad nauseam. I do not know about the people who have the door knockers come to their doors during the current period of registration. I do not know about them, but what I do know about are veterans. If this bill allows even one veteran who has put himself or herself in harm's way an opportunity to vote, at the very least, we ought to pass this bill and let the full Senate debate. It is a matter of integrity for our service people.



As a veteran, I know what it feels like to get called to go to a foreign country. You had no idea you were leaving. You did not request an absentee ballot because you thought you would be here for Election Day. I know what it felt like before we had early voting. To hope and pray my unit did not get called up to go someplace and I would be here for Election Day. I know what that feels like. I know what it feels like to get a call at 2 p.m. on Tuesday and by 4 p.m. on Saturday, be in place waiting to see whether I was going to Iraq or Afghanistan. I know what that feels like. So I hope my voice carries some weight. My voice is for the 75 people in Sergeant First Class Kris Litle's platoon. I think this is a worthy bill. My opinion, as humble as it may be.

**Senator Settlemeyer:**

I appreciate the integrity of the voting process. Prior to going to Vietnam, my father made sure he voted by mail prior to leaving. He was adamant he should have a choice about who was going to be President.

I have safety and security concerns. Just as important as that individual voting, it is also important for the integrity of the process. My constituents and the emails I received, military individuals included, are concerned about fraudulent individuals nullifying their vote.

The other issues we discussed were security and integrity. Studies done at schools show if you take away the metal detectors, the kids feel safer. The metal detectors make them feel as if they are not safe in those schools. Sometimes it is not a question of reality but perception. People need to feel good about their electoral process. I believe that is why you accepted the amendment not to allow the same-day registration on the actual day of the election. Which brings me to the question, what is the difference? If you are allowing somebody to walk in and register during early voting period and vote that day, what is the difference?

**Assemblyman Ohrenschall:**

Assembly Bill 440 calls for online and in-person, in-office registration, which have proven to be secure with minimal instances of fraud. It does not allow for registration during the extended period by mail-in ballot, which is more vulnerable to fraud. Fraud has been very minimal. There was the elderly lady in Las Vegas who was apprehended and prosecuted. I believe we are offering a very secure system. I would not support anything that would allow increased voter fraud.

**Senator Settlemeyer:**

What is the difference between disallowing somebody to register and vote on Election Day and allowing somebody to walk in during early voting and register and vote that day? It is the same concept. That is where I am at. I appreciate the comment. I know where I am at and you cannot change that.

**Chair Spearman:**

Senator Settlemeyer, in response to your questions, it was a compromise not because of security but because they were trying to get something through. If the system is secure 7 days before this new deadline, what happens to compromise the security system 7 days after it?

If nothing else, we need to vote A.B. 440 out of the Committee and let the full Senate decide. I would like to err on the side of the military personnel—who for no other reason than their orders took them away—within this new deadline. Extending it 1 day may allow one more person an opportunity to register and vote. I am not talking about a mother, a father, a sister or brother. I am talking about the people who were actually there. If it sounds like I am emotionally engaged, it is because I am.

**Senator Atkinson:**

We can debate this, have feelings involved and be emotionally charged. I get that. I am still uncomfortable. The emotion does not change me. I have some concerns.

I have not talked to you, Assemblyman Ohrenschall, before today. I could have talked to some folks on the Committee. I have been in six elections. I have been around the election process in this State for a long time. My concerns are not going away because of the debate today. It is what it is. We can choose to vote on this today and see where we are or we can give it until Thursday when members can have the opportunity to get some of their questions answered.

**Assemblyman Ohrenschall:**

I apologize we did not have the opportunity to discuss this bill. I would be happy to answer any questions.

**Senator Manendo:**

Madam Chair, I know how passionate you are, and I understand. I do not know if anyone respects you more in this building than I do. We sit next to each other in a couple of committees.

I never knew my dad healthy. My dad was disabled from the Korean War. My dad could never throw a ball over his head because he was so deformed from his military service. We lived in poverty because my dad was sick. We were almost homeless because the government said sorry you are sick and injured and have a good life. I understand making sure we do all we can for our veterans. Even when my father was 100 miles from home, sitting in a hospital bed for years, he made sure he was registered to vote. Maybe he was overseas, but he made sure he did his civic duty because he loved his Country enough that he participated in the process regardless of where he was. I understand when you are overseas you cannot register. The military has such wonderful people. Service members take their responsibilities to their Country to a whole other level. Generally, they get registered before they go. I do not see people in the military waking up and saying "I want to register to vote today." They do it; they vote all the time. Yes, maybe we can capture a few who slipped through the cracks; other people may have slipped through the cracks, too. Everybody is important. How many people from that primary—who registered to vote and would be captured in this—went on to vote in the general election?

**Mr. Gilles:**

I do not know the number of people who registered online during the period which this bill covers because we have not run those numbers. I can easily do that when I get back to the office. Those people who registered in that time frame were not allowed to vote because they registered late. With this bill, they would be allowed to cast a vote.

**Senator Manendo:**

They were not able to vote in the primary. How many of those went on to vote in the general election once registered? Did they even participate then?

I am torn on this bill. Assemblyman Ohrenschall did a great job at the hearing. That brought me closer just listening because my initial thoughts were I am not sure I can get there at all. I think the proponents move me closer. I am not comfortable. My colleagues want to vote on this bill today. I think there is time. Nobody on either side lobbied me. This is just me and my head and

communications I have had with my constituents to get their feel. This is where I am.

**Mr. Gilles:**

We would have to determine those individuals who registered in that period of time and one by one see if they had a vote history for the general election. We could obtain that number with help from the clerks.

**Senator Manendo:**

I appreciate that. Also my colleague mentioned a piece of legislation a few years ago that moved the primary to June. I did not vote for that either because I felt that would move people the other way.

Some people are just not engaged. They might be registered, just not engaged. They have a sign in their yard, but they are not engaged. People's lives are more important than other things for all different reasons. I am frustrated by that, but I respect it.

**Chair Spearman:**

I want to address my colleagues in respect to the dedication the military has and make sure I clarify my intent. It is not that people in the military suddenly wake up and decide they want to vote. If I were in the military right now, I would be unable to serve in this body. I could be sitting here at 9 o'clock, get back to the office where an email or telephone call tells me to pack the duffle and start the shuffle. You do not know where you are headed; you just know you are going someplace. I have been alerted and moved within 10 hours and could not tell my family where I was going let alone make arrangements to have an absentee ballot sent to me. I have been overseas thinking I am coming home in October and then get notice I am not returning home in October. You are coming home in May, but you will only be there for 4 days because you are being sent someplace else. If this legislation helps even one person in the military, that is a good thing.

We will postpone the vote until Thursday. Those of you who need to talk to somebody else to figure out which way this is going, do it.

**Assemblyman Ohrenschall:**

I appreciate you giving me some extra time. I will talk to every member of your Committee and see if I can address some concerns. We cannot force people to

be more interested and participate. The examples you brought up about military members are very poignant.

**Chair Spearman:**

We will close the hearing on A.B. 440 and open the hearing on A.B. 441.

**ASSEMBLY BILL 441**: Makes various changes relating to elections. (BDR 24-814)

**Ms. Stonefield:**

Assembly Bill 441 was heard in this Committee on May 9, presented by Assemblyman James Ohrenschall ([Exhibit E](#)). The bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so. Opposition was expressed along with concerns about technology and security. No amendments were offered.

**Senator Settelmeyer:**

I worry about the integrity of the electoral process. It is great to increase participation but like in the previous bill, I get worried if it comes at a cost that something might slip through the cracks. I am hesitant on this bill because creating at-large election precincts could lead to problems. Voting at your local precinct, you know your neighbors and that ensures the integrity of the election.

**Assemblyman Ohrenschall:**

There was testimony on A.B. 441 in the Assembly from the Office of the Secretary of State and the county clerks stating they did not feel polling centers would be vulnerable to fraud. This would be similar to what Clark and Washoe Counties and Carson City do with early voting. There are not restrictions in terms of where a person can go to cast his or her ballot.

Assembly Bill 441 would not do away with election precincts; the precincts would stand as they are. There would still be Election Day polling places, such as schools and fire stations in the neighborhoods. This bill addresses the issue of someone who works a 10-hour shift and cannot get back to his or her polling place on the other side of town, or someone who shows up at 6:30 p.m. and is told he or she no longer votes at that location and needs to go vote 3 or 4 miles away. Voting centers give these people an opportunity to vote and lessen the

chance for those mistakes to happen, which are another artificial roadblock preventing a qualified person from voting.

This bill is permissive. There is nothing to mandate any of the frontier counties adopt voting centers. The bill allows county registrars to establish voting centers if they so choose. Larry Lomax, Clark County Registrar, expressed an interest in A.B. 441. If you look at the City of Henderson's municipal elections, that City uses something akin to what we are proposing in A.B. 441 with voting centers. Henderson has not had a problem with municipal elections.

Mr. Lomax addressed the fraud issue of someone attempting to vote at a voting center and then also casting a second ballot at his or her normal polling place by saying it might theoretically be possible until electronic poll books are available, but such an individual would be quickly caught. Someone would not get away with it—like the elderly lady in Las Vegas who was caught trying to vote twice during the early voting period.

**Senator Settelmeyer:**

In small communities such as mine, the election workers know you; you come in and vote and everything is great. In my area, we have the ability to vote out of our precinct under a heightened security process. If you decide you want to vote at a closer place because you cannot make it to your precinct in time, you are allowed. At that voting place, you have to show your photo identification because the poll workers do not know you as well. They make a phone call to the other polling place to redact you from that site to ensure you do not vote twice. If this is already occurring, why do we need the bill?

**Assemblyman Ohrenschall:**

I cannot speak to what is happening in Douglas County. A need for something like this was expressed to me from some of the registrars, including Mr. Lomax from Clark County. The bill is written flexibly enough so the registrars can establish polling center systems if they want to.

Mr. Lomax was hoping to have connectivity at all the locations automatically done by computer. If someone goes to vote at the Meadows Mall in Las Vegas for an Election Day voting center, that voter would be automatically deleted from the Laura Dearing Elementary School precinct. It sounds like the registrars in Douglas County have a lower tech version of what Mr. Lomax intends to do with connectivity. This bill gives that flexibility. The Douglas County registrar

would have the option to implement a check-off system to eliminate the chance for someone to vote twice. I am not sure whether it would work in Clark County because of our big population.

**Senator Settlemeyer:**

I keep coming back to the concept that you can already do it. I question the need for the bill.

**Assemblyman Ohrenschall:**

All I can speak to is what I heard from the registrars and the desire for this flexibility. Every election, I run into someone 30 minutes before the polls close being told he or she is at the wrong polling place, even though that person may have been voting there for many years. Whether that voter can get to the right polling place or choose to vote a provisional ballot, it is an artificial roadblock for someone who has good intentions and wants to vote. The law should not put roadblocks in their way.

**Chair Spearman:**

Mr. Glover, can you shed some light on this process? Am I to understand A.B. 441 is not prescriptive? County registrars do not have to establish additional polling centers.

**Assemblyman Ohrenschall:**

Correct. Assembly Bill 441 is permissive. It would allow county registrars to establish voting centers on Election Day if they choose. It does not force any county registrar in our State to establish a voting center if he or she chooses otherwise.

**Alan Glover (Clerk/Recorder, Carson City):**

Carson City is working on it right now. The key to doing this is having connectivity between your polling sites. We think Carson City might be a good place to try polling centers as we only have two polling sites. It is a matter of finding locations where you have the connection to the computers back and forth. In Douglas County, I am not sure it would work because you have polling sites in Topaz Lake, at Lake Tahoe and the Johnson Lane area. If they could talk to each other, it will work.

In talking with the other county clerks, we will not do this if we think there is any opportunity for fraud.

I do not know if anyone is going to use this bill. We want to use it, and we are figuring out a way to do it. What is the cost of polling centers? How many laptops do we have, or could we get poll books? Electronic poll books are the answer, but can we afford them? We are working on how to lay this out because we would really like to try it. I have always liked the idea of early voting. I do not care who comes into the courthouse and votes. Can we do that in other locations? Parking is a big issue. Carson City is small and compact, so if you have one place to bring everybody, then parking is the problem. Would people drive around the parking lot for a half hour to find a place before they could come in and vote? We need to spread out the polling centers. I am not sure which other counties would even consider using centers.

The clerks are meeting in June for the County Fiscal Officers Association of Nevada meeting and polling centers will be topic of discussion, along with the cost to put this together. We are replacing people in a precinct setting with a lot of computers where you can come to any table, sign in and vote. This has a lot of advantages if it can be done. I think it will be a matter of cost.

**Chair Spearman:**

Let me understand what you just said. Are you trying to do this, but you do not have the authority right now? Or are you trying to do something this legislation would help you achieve?

**Mr. Glover:**

I am not convinced that we do not have the authority to do it. Carson City breaks all precincts up by ward. Wards 1 and 2 vote at the Community Center. Wards 3 and 4 vote at Fuji Park. I would declare that polling place contains all 26 precincts. But I have been one to push the envelope on that area before and gotten into trouble. We might have the authority to do it. This bill makes it clear we can and encourages polling centers. That is an advantage.

**Mr. Gilles:**

Depending on how Mr. Glover set up his precincts, if all his precincts voted at the one location, he could do that.

The law is very clear. Given the opinion of the Office of the Secretary of State, the Legislative Counsel Bureau and the State, you would need a change in law to allow somebody to vote on Election Day at somewhere other than his or her assigned precinct. That is why you need this necessary enabling legislation.



I do not know about Senator Settelmeyer's situation in Douglas County where someone went to the wrong precinct, a phone call was made and he or she was given a ballot. I assume the person received a provisional ballot at the precinct to which he or she was not registered. *Nevada Revised Statute 293.730* prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. Hence the need for this enabling legislation to allow a vote center to exist within a county wherein all precincts may vote. Otherwise you have to vote in your specific precinct on Election Day with the caveat that situations occur where an individual votes a provisional ballot at a location other than where he or she is registered to vote.

**Senator Settelmeyer:**

I guess Douglas County is clearly disobeying all laws because when I go to vote, I go down to the main voting place which used to be the old Minden Inn. My polling place is Genoa. I have always voted at the Minden Inn. They do not hand me a provisional ballot; they hand me a full ballot. I give them my photo identification, so it is clear who I am. Either Douglas County has been disobeying the law or what it has been doing for years is legal.

**Mr. Gilles:**

I am happy to delve into that and figure out exactly what transpires in Douglas County. Not to come down on Douglas County. It is the Office of the Secretary of State's understanding that a law change is required to allow these centers based on our internal research and discussions with the policy analyst.

**Assemblyman Ohrenschall:**

This bill is completely permissive. It does not force the county registrar to establish voting centers. We were careful to ensure that the county registrar or the clerk would determine the voting center locations. We are not leaving that up to the county board of commissioners. This bill will give the registrars flexibility and help increase participation by reducing the number of people who are registered but unable to get to their polling places on Election Day.

In the large counties, we are spoiled during early voting. We can show up at the Boulevard Mall or Galleria at Sunset or the little trailer by Albertsons and vote at any of those locations, no matter what part of the city we reside. A lot of the younger voters have yet to realize we have a very generous 2 weeks of early voting where you can vote anywhere in the county. But on Election Day you are

restricted to your polling place. For some folks, it is not easy to get back to their neighborhood polling place. This will increase participation.

SENATOR MANENDO MOVED TO DO PASS A.B. 441.

SENATOR ATKINSON SECONDED THE MOTION.

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

\* \* \* \* \*

**Chair Spearman:**

We will open the work session on Senate Concurrent Resolution (S.C.R.) 1.

**SENATE CONCURRENT RESOLUTION 1**: Requires the Legislative Commission to conduct an interim study regarding the taxation of services. (BDR R-260)

**Ms. Stonefield:**

Senate Concurrent Resolution 1 was heard in this Committee on April 18, presented by Wes Henderson with the Nevada League of Cities and Municipalities and Jeremy Aguero with Applied Analysis. The resolution proposes to create an interim study on the taxation of services. A proposed amendment provided by the Nevada League of Cities and Municipalities and the Nevada Taxpayers Association appears in the work session document ([Exhibit F](#)).

**Senator Manendo:**

I am glad we got some clarification and did some work on this bill because I would not have supported what we originally had in front of us. I appreciate your leadership in making sure that we have a much better product before this Committee for a vote.

Senate Committee on Legislative Operations and Elections  
May 14, 2013  
Page 27

SENATOR MANENDO MOVED TO AMEND AND ADOPT AS AMENDED  
S.C.R. 1.

SENATOR ATKINSON SECONDED THE MOTION.

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

\* \* \* \* \*

Senate Committee on Legislative Operations and Elections  
May 14, 2013  
Page 28

**Chair Spearman:**

That concludes our business for today. We will bring this meeting of the Senate Committee on Legislative Operations and Elections to a close. We will adjourn at 10:07 a.m.

RESPECTFULLY SUBMITTED:

---

Mary Moak,  
Committee Secretary

APPROVED BY:

---

Senator Pat Spearman, Chair

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

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	4		Attendance Roster
A.B. 442	C	18	Independent American Party	Documents relating to Carolyn Ann Bauer
A.B. 440	D	3	Carol M. Stonefield	Work Session Document
A.B. 441	E	1	Carol M. Stonefield	Work Session Document
S.C.R. 1	F	4	Carol M. Stonefield	Work Session Document