

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

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

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:02 a.m. on Tuesday, April 2, 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:

Senator Moises (Mo) Denis, Senatorial District No. 2
Senator Justin C. Jones, Senatorial District No. 9
Senator Ruben J. Kihuen, Senatorial District No. 10
Senator Tick Segerblom, Senatorial District No. 3
Senator Debbie Smith, Senatorial District No. 13
Assemblyman John Ellison, Assembly District No. 33
Assemblyman Peter Livermore, Assembly District No. 40

STAFF MEMBERS PRESENT:

Carol M. Stonefield, Policy Analyst
Melissa Mundy, Counsel
Kaci Kerfeld, Committee Secretary

OTHERS PRESENT:

Scott F. Gilles, Deputy for Elections, Office of the Secretary of State
John Wagner

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Gail Tuzzolo, Nevada State AFL-CIO
Stacey Shinn, Progressive Leadership Alliance of Nevada; Nevada Immigrant Coalition
Tray Abney, The Chamber Reno-Sparks-Northern Nevada
Theresa Navarro, Progressive Leadership Alliance of Nevada
Aldo Vennettilli, American Federation of State County and Municipal Employees, Local 4041
Al Martinez, President, Service Employees International Union Local 1107
Paul McKenzie, Building and Construction Trades of Northern Nevada
Robert Bennett
Vanessa Spinazola, American Civil Liberties Union of Nevada
Ron Dreher, Peace Officers Research Association of Nevada
Rob Joiner
Pat Sanderson, Nevada Alliance for Retired Americans
Danny Thompson, Nevada State AFL-CIO
Graham Hollister, Jr.
Andrea Engleman
Lawrence A. Werner, City Manager, Carson City
Alan Glover, Clerk/Recorder, Carson City
Cadence Matijevich, City of Reno
Dwight Dortch, City Councilman, City of Reno
Mike Cathcart, Business Operations Manager, City of Henderson
Brian Reeder, Nevada Chapter Associated General Contractors
Elisa Cafferata, Nevada Advocates for Planned Parenthood Affiliates
Lee Rowland, Brennan Center for Justice
Terri Carter, Department of Motor Vehicles
Larry Lomax, Registrar of Voters, Clark County
Mayra Ocampo, Service Employees International Union Local 1107
Jorge Adame, America Votes
Yvanna Cancela, Culinary Workers Union Local 226
Mary Porter
Michael McMahon, Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services
Renee Olson, Administrator, Employment Security Division, Department of Employment Training and Rehabilitation

Chair Spearman:

I will now open the hearing on Senate Bill (S.B.) 393.

SENATE BILL 393: Revises provisions governing the procedure for filling certain vacancies in a nomination. (BDR 24-535)

Senator Debbie Smith (Senatorial District No. 13):

Senate Bill 393 has a fairly basic concept. I brought this bill because last election cycle in Washoe County, there was a situation where a person on the ballot moved from the State after the primary election. There is ambiguity in the way the law is written, and the person was ultimately allowed to be replaced by another person on the ballot after the primary. The two places in the law where this is addressed—with the campaign cycle and after you are elected—conflict with each other. Because of this conflict, the person was allowed to be replaced after the primary in this particular Assembly race.

I want you to be aware of the possible scenarios if a person could be replaced after a primary just because the person moved. All kinds of nefarious things could happen. You could not get someone to run, and you could put someone on the ballot and that person could move, and then you could replace the person. The intent of the law was that if someone on the ballot dies or is declared mentally incompetent, you should be able to replace that person. The other piece of the law is if you move, you need to be replaced, which actually applies after the person is elected.

This bill clarifies the original intent of language from long ago. As you will see in section 1, subsection 4, if a vacancy occurs after the primary election because the nominee dies or is declared mentally incompetent, then that vacancy is filled by the nominee's party central committee. If it occurs for any other reason, that person's name stays on the ballot for the general election. This simply clarifies the way the law was intended from many years ago and sets up a situation where games cannot be played with any type of an election by a candidate deciding to move so that the party gets to replace them. We need to be more controlled in the way we allow candidates to move on or off the ballot. If we are past the primary election, the person would either need to die or be mentally incompetent to be replaced, otherwise that person's name stays on the ballot. There are serious decisions that get made when people make a decision to run, and I would hope that we see it that way and see that names stay on the ballot except for those two cases.

Senator Settlemeyer:

What was the final resolution of the situation that happened in Washoe County?

Senator Smith:

A person was allowed to be put on the ballot and run. This was in Assembly District 27. The person who was put on the ballot did not win but could have come in after the primary election and won.

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

The Secretary of State supports this change. It does exactly what Senator Smith suggested and clarifies potential unclear and gray situations. This would fix what happened last summer. Under existing law, we had to make the determination of whether a vacancy did exist. That is where the facts got muddy. We talked or received letters from the candidate's brother, landlord and the central committee, and then made a determination without actual confirmation from the candidate that she did in fact move out of the State. A vacancy was created, and the central committee appointed another person to the ballot. This was all very late in the game against the deadline and caused quite a bit of stress for our Office. Senate Bill 393 would alleviate those concerns, so we support it.

SENATOR MANENDO MOVED TO DO PASS S.B. 393.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Spearman:

We will now open the hearing on Assembly Joint Resolution (A.J.R.) 6.

ASSEMBLY JOINT RESOLUTION 6: Recognizes Nevada's partnership and friendship with, and expresses support for, the State of Israel. (BDR R-458)

Assemblyman John Ellison (Assembly District No. 33):

This resolution is meant to recement the close relationship that Nevada and the United States has with the State of Israel. We all read the papers and watch news about Iran and its nuclear weapons program. This resolution speaks to the importance of maintaining stability in the Middle East by supporting Israel. The resolution also talks about the contributions of the Jewish community, to the

cultural history of our State and the community's support for Israel. As many of you know, the Nevada Legislature had its first Jewish caucus.

Although Israel is over 7,000 miles away, you might be surprised how much we have in common. Israel and Nevada both have nearly 300 days of sunlight each year and share an interest in solar-powered development. We both have limited water resources and share the need to conserve and find ways to strengthen those limited resources. Finally, Israel and Nevada share Ormat Technologies, an Israeli company that employs over 1,000 Nevadans in geothermal plants in Nevada and has its office in Reno. I urge your support for the resolution. The intent is to pass A.J.R. 6 at the Senate in time to be represented on April 4 for the Jewish Federation of Las Vegas reception at the Legislature commemorating the Holocaust.

Senator Barbara K. Cegavske (Senatorial District No. 8):

If we look at our community in Las Vegas and throughout the State, we have many notable elected officials and those who are in prominent positions from the Jewish community. As the resolution mentions, Governor Brian Sandoval will visit Israel on a trade mission to expand existing cooperative efforts and to work on creating new links with Israel. In 2012, Nevada exported over \$100 million in goods to Israel and has participated with scientists for several grant awards for the U.S.-Israel Binational Science Foundation. I hope that we have made our point and that you will support this resolution.

John Wagner:

Israel is a country that has always been a friend to the United States. The Israelis are our only friends in the Middle East, and I think they deserve our support and the support of this bill.

SENATOR MANENDO MOVED TO DO PASS A.J.R. 6.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Spearman:

We will now open the hearing on Senate Joint Resolution (S.J.R.) 15.

SENATE JOINT RESOLUTION 15: Urges Congress to enact comprehensive immigration reform. (BDR R-1208)

Senator Moises (Mo) Denis (Senatorial District No. 2):

This resolution is comprised of 15 succinct paragraphs which support resolving that Congress needs to take action on this important issue. I will not read all 15 paragraphs, but I will share a couple with you and point out the essence of a few others that substantiate the conclusion that immigration reform is badly needed. I have been serving on the Task Force on Immigration and the States with the National Conference of State Legislatures for the past 8 years. We went to the Mexican border, the Canadian border and to the offices of the Federal Reserve System in New York. As a bipartisan committee, we came to the conclusion that immigration reform is good for our Country and needs to be done.

The first two paragraphs state that the United States is predominantly a Nation of immigrants that draws strength from the diversity of its residents and that these hardworking persons who aspire to become citizens of the United States have contributed to the prosperity of Nevada in extraordinary ways through the years. The resolution goes on to say, in part, that a comprehensive approach to fixing our broken immigration system would strengthen the economy of our State and our Nation.

It also says that immigration reform keeps families together and upholds our values as a Nation. That reform must include a realistic pathway to citizenship for all hardworking, taxpaying and aspiring citizens to meet reasonable citizenship requirements. Reform must build the strength and unity of working people and guarantee the same rights and basic fairness for all workers, no matter their country of birth or origin. Law enforcement at the border of the United States should focus on preventing criminals and others wishing to do harm to our Nation from entering our Country.

Together, those and the other considerations support the substance of the resolution which states that the 77th Session of the Nevada Legislature, Senate and Assembly, jointly urge Congress to enact comprehensive immigration reform which addresses four things. The first thing to address is earned legal residency, accompanied by a clear path to citizenship. The second is the future immigration of families and workers. Third is improved immigration enforcement and border

security that is consistent with our Nation's values. Fourth is a funding stream to address the entire fiscal impacts on state governments.

I should clarify that the last of those statements referenced a funding stream, basically meaning that the comprehensive immigration reform should not place any unfunded mandates on the states. If, for example, there is a requirement to learn English, then the federal government needs to provide money for the State to do that. That came from the Task Force. Congress is now dealing with this important thing. I have had this discussion with a few of our Congressional Delegation members, including one who is related to me. He is doing many of the things in S.J.R. 15. We need to give a gentle reminder that this is something economically important for our Country as well as good policy. We need to fix the immigration situation.

Senator Ruben J. Kihuen (Senatorial District No. 10):

I am currently the only Legislator serving in this body who is an immigrant. The issue of immigration is close and dear to my heart. My family and I are a perfect example of what can happen when you give a hardworking immigrant family an opportunity to succeed in America. We are all citizens today, thanks to the last immigration reform passed in 1986.

It is no secret that our immigration system is broken. You know it is broken when people who are doing things the right way have to wait 15 or more years for their applications to be processed. You know it is broken when families are being broken apart every day. You know it is broken when hundreds of people sacrifice their lives every day crossing the border illegally rather than going through the onerous and cumbersome immigration process.

This can be fixed through comprehensive immigration reform aimed at repairing this broken system, stimulating the economy and offering a fair path to citizenship for undocumented immigrants who have done nothing but work hard, support their families and contribute to the Country's economy by spending their hard-earned money here. Instead of being appreciated for their contribution and hard work, they are oftentimes persecuted, detained and deported.

Some of the key elements of the comprehensive immigration reform package currently being negotiated by a very bipartisan group—four Republicans and four Democrats in the Nevada Senate, as well as with the President,

U.S. Senate and Congress—would allow undocumented immigrants to come forward and register, pay an application fee and a fine, and—if they pass a criminal background check—earn legal status and eventually become United States citizens. Applicants would also be required to learn English and pay any back taxes owed. They would have to stand in back of the line just like everybody else. Any future levels of permanent and temporary immigration to the United States would be based on the demand for labor in the United States.

This comprehensive immigration reform scenario generates an annual increase in United States gross domestic product (GDP) of at least 0.84 percent. This amounts to \$1.5 trillion in additional GDP over 10 years. What would this mean for Nevada? The latest study focusing specifically on Nevada is from 2007 from the Progressive Leadership Alliance of Nevada. This study found that Hispanic immigrants—not including Asians, Europeans, Africans, etc.—in Nevada paid roughly \$2.6 billion in federal taxes and \$1.6 billion in State and local taxes, including \$500 million in sales taxes, in 2005. According to the report, the money that immigrants earn and spend in Nevada accounts for almost 25 percent of the State's GDP. Hispanic immigrant employment, income and spending results in the creation of 108,000 jobs in Nevada. Moreover, Hispanic immigrants comprised about 16 percent of the State's entire workforce and an even higher share in selected industries, such as 81 percent of the agricultural workforce, 47 percent of the construction and mining workforce, and 22 percent of the entertainment and tourist services workforce.

In addition to the economic benefits to our Country, there is also widespread support among the populace in support of some form of comprehensive immigration reform. A recent study shows that 71 percent of Americans polled show support for allowing undocumented immigrants to stay in the Country versus 21 percent who believe they should be forced to leave. Moreover, the study shows more Americans believe that newcomers in the United States strengthen society and traditional American customs and values.

We live in the greatest Country in the world, a country made up of immigrants. It is incumbent on us to not only send a message to Congress that we want to see action immediately on comprehensive immigration reform but also to the families who are here working hard, doing the right thing, paying taxes and not getting anything in return. The only thing they want is an opportunity to succeed. It is time for Congress to act on comprehensive immigration reform.

Gail Tuzzolo (Nevada State AFL-CIO):

I wholeheartedly endorse this legislation. I have been to immigration court three different times to testify as a character witness. I have seen hardworking families who have been here for years, kids who have grown up in the Clark County school system who all of a sudden found agents at their doorsteps ready to deport them without a bit of warning. It is personal and heartbreaking, and we need to fix this system.

Stacey Shinn (Progressive Leadership Alliance of Nevada; Nevada Immigrant Coalition):

We urge you to urge Congress to pass comprehensive immigration reform.

Tray Abney (The Chamber Reno-Sparks-Northern Nevada):

The U.S. Chamber and the AFL-CIO nationally have come to an agreement on a federal comprehensive immigration reform. We support those efforts as well. As I was reading through this bill, I was also looking at our agenda for economic vitality that guides the public policy positions of my Chamber. Some of the support statements are as follows: we support greater border security; stricter enforcement of current federal immigration laws; continued federal support for local governments burdened with detaining undocumented immigrants; increased legal immigration levels that allow employers to find and hire willing workers based on professional service requirements and market demand; the establishment of a comprehensive guest worker program with absolute identification and time limits on workers who come here from outside our borders; programs that allow for employers to easily and accurately determine legal status of all potential employees; and penalties for employers who knowingly hire illegal immigrants. Many of those points are included in S.J.R. 15.

Theresa Navarro (Progressive Leadership Alliance of Nevada):

I have been an activist in the Reno-Sparks area for 40 years. I have been involved with the immigration issue for about 10 years. I work with families every day who have been affected by this, with no illegal issues as far as comprehensive immigration reform is concerned. Families are being destroyed daily in this community, and it is unfair. I would like to share with you one example that happened about 3 years ago. I worked with a young man who came here with his family when he was less than a year old. He went to school here and to the University of Nevada, Reno. Undocumented people usually ride bikes. They cannot drive because they cannot obtain driver's licenses. When he

was 20, he took the car because he had to run to the store for his mother. He was stopped for a minor traffic violation and was going to be deported. He did not even know Mexico, and he did not speak Spanish. To him, this was his Country. He was deported to a Country where he could not even speak to anyone. Those scenarios that are happening daily need to change. The only way to change this is with comprehensive immigration reform.

Aldo Vennettilli (American Federation of State County and Municipal Employees, Local 4041):

I rise in support of immigration reform, and I also urge you to ask Congress to pass it.

Al Martinez (President, Service Employees International Union Local 1107):

I have submitted a statement in support of S.J.R. 15 ([Exhibit C](#)), and I will read part of it to you. A roadmap to citizenship for 11 million undocumented immigrants strengthens our Nation as a whole. Immigrants have shaped the American identity and contribute to our national and Nevada economies. We are a Nation of immigrants and a Nation of laws.

Legalizing immigrant workers in Nevada and increasing their spending power would add 23,000 jobs to the State's economy and grow tax revenues by \$249 million, according to an economic study sponsored by the Center for American Progress. The \$249 million in tax revenues could pay the yearly salaries of over 5,600 kindergarten through Grade 12 teachers in the State. If all undocumented immigrants were expelled from Nevada, the State would lose more than \$1.3 billion in revenue. We deserve an immigration system that benefits our Nation and State, reflects our values and makes sense. Voters want immigrations solutions, not cheap political talk.

Passing commonsense immigration reform leads to an immigration process that goes after employers who undercut honest employees by taking advantage of cheap labor. Citizenship for undocumented immigrants leads to a lower poverty rate, more civic participation and more workers willing to join unions, learning their rights and speaking up against abusive employers. This also leads to greater access to, and investment in, higher education. Therefore, we want to keep these families together.

Chair Spearman:

Being a former history teacher, I appreciate the testimony we have heard. I do not think comprehensive immigration reform is new to our Country because two amendments in our Constitution were part of an earlier version of comprehensive immigration reform. Those are the Thirteenth Amendment, which outlaws slavery, and the Fourteenth Amendment, which correctly identifies persons of African descent over what the U.S. Supreme Court had earlier ruled in *Dred Scott v. Sandford* of 1857, that persons of African descent could not be citizens because they were only three-fifths of a person. That 1857 decision was overturned by the Fourteenth Amendment. Senator Kihuen, you are the only immigrant in this body, but three generations ago, my foreparents came over on a slave ship, and they happened to be the ones who made it.

Senator Manendo:

This issue is still very much alive and well in America. We know it is extremely alive and well in southern Nevada. This issue has not and will not go away until Congress acts. My grandparents on my dad's side came over on a very slow boat from Italy, going through Ellis Island. My family did that. Times were extremely tough in those days for people who immigrated. They were treated differently and looked down upon. But they kissed the ground they walked on and thanked God that they were in the great Country of America.

SENATOR MANENDO MOVED TO DO PASS S.J.R. 15.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Senator Manendo:

I will now open the hearing on Senate Bill 457.

SENATE BILL 457: Revises provisions relating to certain city elections. (BDR S-706)

Senator Pat Spearman (Senatorial District No. 1):

Senate Bill 457 proposes to revise election provisions for certain city charters. As you know, there are still cities in Nevada that elect members of the city

governing boards at citywide elections. Even though a candidate must reside in a certain geographic area—a ward—all of the qualified voters of the city get to vote on who will represent that designated portion of the city on the governing body. In my opinion, that is akin to the voters of Las Vegas getting to vote on a Senator or Assembly member from Reno, Elko or Tonopah. At every level of government—from Congress to city hall—we all must deal with the views of elected officials from other political subdivisions. But that is the nature of representative government—the people, represented, get to choose the person who will speak for them. It is not right that the voters in other wards of the city get to vote on the member who represents a specific area in which they do not reside. That is the reason that I brought forward S.B. 457.

Opponents to S.B. 457 will argue that the Legislature has no business telling the cities how to run their affairs. In Article 8 of the Nevada Constitution, sections 1 and 8 provide those powers to the Legislature with regard to municipal corporations. Section 8 specifically sets out that the Legislature shall provide for the organization of cities and towns by general laws. This section also provides that the Legislature may authorize the electors to adopt charters. Those charters can be found in Volume 46 of the *Nevada Revised Statutes*.

In 1876, the Court held that municipal corporations are creatures of the Legislature and derive all of their powers, rights and franchises from legislative enactment or statutory implication. It is clear that the Legislature has the authority to revise the charters of the cities. The question is whether the Legislature should revise them. Some of you will remember when S.B. No. 304 of the 76th Session was enacted, which proposed to establish ward voting in these same four cities. The bill passed the Senate unanimously and passed the Assembly by a vote of 29 to 12 with 1 excused. The bill was subsequently vetoed by the Governor. He wrote that he was not opposed to ward voting, rather he thought there were some technical difficulties with the provisions relating to elections in Reno. Senate Bill No. 304 of the 76th Session called for the elimination of the at-large Council Member on the Reno City Council. That at-large member was to transition to a newly created sixth district.

Even though the Governor vetoed S.B. No. 304 of the 76th Session, which required the ballot question, the Reno City Council placed an advisory question on the ballot anyway. The question read, "Shall the five (5) City Council

members representing wards continue to be voted upon by all registered voters of the City in the General Election?”

The vote on that advisory question was 66,208 in favor of continuing the present system to 20,954 who were opposed to the current system. To the casual observer, that should indicate that the voters in Reno are content with their system—even the minority communities. However, I would like to advance a different theory. I would like to remind the Committee of the plain language ballot question proposal I presented last week, Senate Bill 325.

[SENATE BILL 325](#): Revises provisions relating to elections. (BDR 24-953)

The Reno advisory question ballot language was confusing. I have provided you a summary of the ward voting in Reno on the advisory question ([Exhibit D](#)). This includes correlated U.S. Census Bureau data with ward election results obtained from Washoe County.

Look at Wards 3 and 4. Please notice that they have the highest concentrations of racial/ethnic minorities; the lowest median household income; the lowest educational attainment; the lowest voter turnout; and the highest support for the present citywide voting scheme. I suggest to you two possible explanations—there may be more. Either the voters in Wards 3 and 4 really like a system that results in their being represented by a person selected by the rest of the voters of Reno, or they did not understand the ballot question.

I gathered from reading newspaper articles that an earlier version of the ballot question—one crafted by a committee appointed by the City Council—proposed a ballot question that was phrased in terms of “change” from the current citywide system to one of ward voting. However, the language that eventually appeared on the ballot required a person who desired change to vote no, while a person opposed to change had to vote yes. As an aside, I will note that—like survey questions—we can phrase a question to get the answer we want.

I must also point out that S.B. 457 eliminates the at-large district in Reno and requires the City Council to redraw boundaries to create a sixth ward. This bill takes great pains to provide for a transition at the 2016 general election in hope of avoiding another gubernatorial veto.

This bill could help underfunded candidates who cannot afford to run citywide campaigns, and minority candidates who may feel that their vote does not count because the rest of the city ends up deciding the ward's representatives.

This is a fairness issue. We Legislators all run in specific districts. While we try to take a statewide view on what is best for Nevada, we all keep in mind who sent us here and who we represent. We are the voice for our neighbors and our constituents. The Constitution says that the Legislature has the authority to do this, and I argue that we should. I am only asking that we give the voters of these four cities the same consideration that we want and have for ourselves in the Legislature.

Senator Settelmeyer:

You indicated in previous testimony on S.B. 325 that when people are confused, they vote no. Why did that not work in this situation?

Senator Spearman:

In my testimony, I said that there were two options for people who do not understand the question. They will either vote no or they will not vote on the issue. There is another answer, those who either voted no or those who simply did not vote on the issue.

Senator Settelmeyer:

I will have to look at the results of that election to see how many people did not participate in the election of that question.

Senator Atkinson:

The same thing occurred in North Las Vegas. A couple of the wards were deciding for everybody who the representatives were going to be. It makes no sense for people in Wards 2 and 3 to be voting for the Ward 1 representative when we all knew that is from where the dominant votes were coming. The City of North Las Vegas thought about it and had a huge battle about it. There was a compromise to put it on the ballot after the next election, and voters overwhelmingly voted for it. I believe what you said; it is contrary to what others say about how people read questions. We were very clear what they were voting for, and it passed by over 70 percent. I have not seen the way it was worded when you said it was in Washoe County.

Senator Spearman:

It was worded, "Shall the five (5) City Council members representing wards continue to be voted upon by all registered voters of the City in the General Election?"

Senator Atkinson:

Ours was worded a lot friendlier, and it passed by over 70 percent. It was obvious people knew what they were being asked and what they were voting on. The way you read that one it even makes me confused.

Senator Manendo:

That was quite a battle that took more than one session to accomplish. It was interesting that even the wards that seem to draw the most votes in election after election—which is why we felt it was important to break down and have the individual wards—voted for that question and saw the importance of making sure each particular ward had different representation. I think candidates can probably save money as far as campaign costs because they are running in smaller districts. Imagine if the Clark County Commissioner ran at large across Clark County. What happens is you have people who say they are not going to do that because it is too daunting of a task.

Paul McKenzie (Building and Construction Trades of Northern Nevada):

We strongly support this legislation. We too found the ballot question in Washoe County to be confusing. During the days preceding elections, we spend a lot of time communicating with our members, who also found this question confusing. One of the major problems we had was that, because our members are active voters, many of them voted early. By the time they had an opportunity to understand the question, they had already voted and felt they had voted the wrong way on it. We support this legislation, and we think the question should be reworded and run again if this legislation does not make it out of the Houses.

The other reason we support this legislation is that in numerous elections we have a candidate in a ward who is a clear winner in the primary election. Several years ago in Sparks, a candidate had about 49 percent of the vote out of five candidates in the primary election. In the general election, which was citywide, his margin of defeat was almost 20 percent. The rest of the City definitely influenced the outcome of that election. Those in the ward did not get the person they wanted to represent them. That disenfranchises those people

who would run to represent their neighbors. The people who have money and are the biggest influence on the election are the ones who win most citywide ballots. Local neighborhoods should be represented by those who live there and know the neighborhood best, not by people who have the most influence citywide and have the most backing from big money in the elections.

Robert Bennett:

At the time of the Washoe election, I spoke to many people who were confused about this issue. A newspaper article was highly misleading and seemed to imply just the opposite of what it stated. Many prospective candidates are not well-heeled and wish to be of service to the community, yet find themselves locked out because they do not have the financial resources to do a major campaign throughout the entire City.

Vanessa Spinazola (American Civil Liberties Union of Nevada):

The ballot language in Washoe County was confusing. Maintaining the status quo of having people elected outside of their wards could potentially lead to a violation of the Voting Rights Act. With the election of Oscar Delgado this past election season, we did not have that issue. Reno is a 40 percent minority city. In the past, we have had an all-white representation on the City Council. If we do not change the law, we are looking at possibly having the U.S. Department of Justice monitoring our elections in Reno.

Ms. Navarro:

I will read prepared testimony in favor of S.B. 457 ([Exhibit E](#)).

Being on the City of Reno Charter Review Committee was very frustrating. We wanted the wording to be more specific and clear on that question. Some felt that it was too wordy. For the first time, we now have a Latino on the Reno City Council representing us. People ask me about running for an office all the time. It is too hard financially. I would never run because I do not have the money, especially in the general election. It has to be changed.

Ron Dreher (Peace Officers Research Association of Nevada):

I ran for City Council in 2004 and 2008 in the City of Reno. We predicted the ballot question would be disingenuous as you have heard. To get an appropriate response for Ward 1 voting, you had to vote no to get yes and yes to get no. It was very confusing and conflicting. I will not say that the voters are naive, but I will say the people sometimes vote in a hurry. Every time a Senator gets up to

sponsor a bill, he or she says the district he or she is representing. We also hear from the Congressional Districts in Washington, D.C., and the senatorial districts all throughout the states, that the person represents a certain ward, district, etc. However, when you run for an election in Reno, you run in a primary election for the ward, and for the general election, you have to run citywide, which is almost cost-prohibitive unless you are very wealthy. In 2004, I won the primary but it was nearly impossible to go citywide.

We should be able to represent the people in our ward as you all do. When you are a Legislator, you vote for the entire state of Nevada. This issue could be somewhat discriminatory against minorities because they cannot afford to run citywide. The population you are seeing on the chart provided by Senator Spearman, [Exhibit D](#), demonstrates the populace we have in the City. You would have a different result if voters were questioned whether they want to vote for the candidate in their wards only. I have heard what North Las Vegas went through with the same issue. It is time that we do this the right way. The Governor had a way out last time, which was the ward-only confusion with the councilman-at-large position. We have taken that out, and we can move forward.

Senator Atkinson:

In the primary election, you run in your ward, and the general election you run at large. Some wards where the candidates come from are higher populated, and certain wards have a much higher turnout than the others. These voters may make the decision that they did not like you in the primary, so they are going to vote for their friends. That is the most ridiculous thing I have ever heard.

Senator Manendo:

People want to vote for their own. They are going to vote for their neighbors. If you live on the other side of the city, they probably do not know you like they know the other person, who ran in the primary. When you look down upon it, it is all about the small community and what you do to accomplish your goals as an elected official and to represent your constituents and your neighbors.

Senator Atkinson:

It is one thing to run out of money in a primary when you are running in a ward. The next thing you have to do is run at large. Where do you get funded for that? If you spent \$25,000 in the primary, you would technically need

\$100,000 because voters in the other three wards have no idea who you are. Has an African American ever been on a ward?

Mr. Dreher:

Senator Bernice Mathews started off as a City Councilwoman in Reno.

Senator Manendo:

Was she the first?

Mr. Dreher:

I am not sure.

Senator Manendo:

If you have to really think about that, then it speaks volumes.

Senator Atkinson:

She was the first African-American female in the Senate too.

Ms. Shinn:

This will more than likely be on our racial equity report card for 2013. It was on our 2011 report card. For obvious reasons, it is more difficult to run a citywide campaign due to economic reasons. We have historically had primarily white men as city council.

Rob Joiner:

I am native of northern Nevada and spent more than 30 years in local government. I have worked, paid taxes and lived in all three local governments that you are discussing, so I have a vested interest in what you do. In North Las Vegas when this was enacted, there was a lot of fear and apprehension leading up to it. My understanding in talking with Legislators from that area, is that afterwards, those fears were unrealized and all the people in previous elections who had been elected at large also got reelected running in their wards. It is time to standardize this legislation for those few cities left that have not done so.

I ran for office in Carson City and won my primary in the ward and in the general, but I lost citywide. It goes back to the issue of equity, fairness and inclusiveness. It is very difficult if not impossible to run a cost-effective campaign. When I knocked on doors, it was hard to make people understand

that they could vote for me, that the voting was not by ward. They do not understand the issue. It is time to fix this and quit making erroneous questions and saying we took it to our people or our city charter committee and they just do not want it. It is time to do what is right instead of what a few individuals who manipulate the system want.

Senator Settlemeyer:

Why should we not then apply this to everything, such as the Douglas County Commissioners or the Nye County Commissioners and have them run by district? Why the worry about the municipalities? In Carson City, we call it a city, but it is basically Ormsby County.

Mr. Joiner:

I do not have a direct answer to that. I am talking about consolidating the municipality of Carson City in 1969. It is a city-county. Carson City benefits from the tax structure of being both a city and county. It should be a closer representation to the people where they pay their taxes. It starts in your ward, on your block and in your neighborhood where people know you and want you to support them. We talk about that in Washington, D.C.; why do we not talk about it at the local level? It is time to make the change.

Pat Sanderson (Nevada Alliance for Retired Americans):

We think this is a great bill. We want to vote for people whom we know and understand. The only way that can be done is when they come from your district. In Douglas County, we have commissioners elected at large. I would like to see that changed too, but this is a good first step.

Danny Thompson (Nevada State AFL-CIO):

Districts and wards are set up as boundaries for people to understand. It seems simplistic because they do understand that. This process runs counter to that, and we do not support it. This would be akin to making Legislators run statewide or run in the county. If you all ran statewide, only people from Clark County would get elected because that contains the population base. This is wrong, and it should be stopped.

Senator Atkinson:

When we did this in North Las Vegas, I got beat up pretty bad. The North Las Vegas City Council ran someone against me that next election and

spent \$225,000 trying to beat me. Do you think it is a matter of the question, or do you think that people tend to accept this concept as well?

Mr. Thompson:

People are confused by this. You try to explain to people that they live in a certain ward and that is where they vote. We are very active in campaigns, and this was a very confusing concept to people. The State law should not allow this to go on. If there is a defined boundary in which a ward or a district is, then only the people from that ward or boundary should vote for individuals as their representatives. That is what people expect. This should go to a ballot question; the State law should mandate it.

Senator Atkinson:

I am glad you said that. We campaigned on this issue because our compromise made it a ballot question. We ended up having to campaign and educate people on it. About eight out of ten people whom we talked to thought they were voting for a member in their ward. They did not understand.

Graham Hollister, Jr.:

We should be electing our people from the district by the people of the district, mainly because it is fair. People in those instances get to vote for the person who represents them. Otherwise, Douglas County is voting for people who represent three other districts. We should not have that kind of disparity and unfairness.

Andrea Engleman:

I supported this legislation in 2011. I believe in vote by ward. We got it on the ballot in Carson City in 1992 and it tied, whereupon the Board of Supervisors said it was dead. For 20 years, we have been trying to get it back on the ballot. After the Governor vetoed the bill, it went before the Charter Review Committee. The Charter Review Committee supported a ballot question, and the Board agreed to it. In the 2014 election, we will have a ballot question about vote by ward. I am asking for Carson City to please be deleted from this bill. I have also submitted written testimony in opposition of S.B. 457 ([Exhibit F](#)).

Larry A. Werner (City Manager, Carson City):

I do not take a position one way or another on ward voting. I am here about the process of the Carson City Charter Review Committee, which is a duly constituted charter review committee that talks about the City's Charter. It is

a citizens' committee. The members recommended to take this to a vote of the community to determine whether ward voting is appropriate for Carson City. The Board of Supervisors took that up and did agree with that recommendation, and it is by motion to be scheduled for the next general election. I am more concerned about the process than the issue of ward voting versus nonward voting.

Senator Atkinson:

Do you run in wards during the primary election and then at large in the general election?

Ms. Engleman:

Candidates run citywide and vote in the primary election and general election. Carson City's population is approximately 55,000. It is not a big town, and everybody knows almost everybody. It is smaller than an Assembly district and it is still walkable. We have very little media. We have a newspaper which has a circulation in town of about 7,500, and all of our TV stations are in Reno. It is expensive to buy TV ads. Radio and cable is about the only media there is for advertising.

Senator Atkinson:

Do you have four wards in which the primary and general are elected at large?

Ms. Engleman:

That is correct.

Senator Atkinson:

The argument for Carson City is that it is only 55,000 people. As small as the town is, if you divided the voters out, there would only be around 12,000 voters in each ward, which would make it significantly less.

Ms. Engleman:

Our clerk is here. He can give you the breakdown. Our ballot question will have people nominated by ward who then run in the general election citywide.

Senator Atkinson:

Is it not very expensive to run at large in the wards here?

Ms. Engleman:

Our clerk can give you those numbers.

Senator Settlemeyer:

Carson City is unique because it has four wards, but it also has a mayor voted on at large. If this bill passed, how would you determine the mayor?

Ms. Engleman:

That would not change. The mayor would still run citywide.

Senator Atkinson:

That was also the case in North Las Vegas.

Alan Glover (Clerk/Recorder, Carson City):

The Board of Supervisors has placed this issue on the ballot for the next election. I am a strong believer of having people decide how they want their charter to run. Carson City is not really a city, it is a consolidated municipality. We operate more like a county than we do as a city.

Carson City is different from Henderson, Reno or Sparks. The populations differ greatly, with Carson having 55,274 people, Henderson having 260,000 people, Reno having 227,000 people, and Sparks having over 91,000 people. The average district in Henderson is 35,768 voters. In Reno, the average size of a district is 31,471. In Carson, the average size of a district is 9,759. Carson is a very compact, homogeneous area. We do not have pockets of poverty where minorities are concentrated. It is well spread out through the municipality.

The cost of running elections has been brought up as one of the reasons to change to ward voting. The average cost to run for supervisor in Carson City is \$9,693. Four years ago, we had an incumbent who spent a large amount of money, and he lost. We have had turnover.

Carson City has a provision in its Charter that if you get 50 percent plus one additional vote, then you are elected. In last year's election, Ward 2 and Ward 4 were open. Under our Charter, if you got 691 votes in Ward 2, you could have been elected to the Board of Supervisors. In Ward 4, if you got 909 votes, you would have been elected. That represents 13.5 percent of the vote in Ward 2 and 17.09 percent in Ward 4. Very small groups of people can elect someone to the Board of Supervisors. I encourage you to delete

Carson City out of the bill and let the voters decide. We will draft ballot language that is clear and concise. Carson City is much smaller than Henderson and Reno. Sparks is the only one we come close to, and it is still much larger than we are.

Senator Atkinson:

Are you asking us to take Carson City out of the bill and let you write a ballot question?

Mr. Glover:

Yes.

Senator Atkinson:

Do you want to put this on the ballot and let the voters decide if they want to have ward-only or continue with at-large voting?

Mr. Glover:

Yes.

Senator Atkinson:

Will you make sure it is a clear and understandable question?

Mr. Glover:

Yes, I will make sure we draw it that way.

Ms. Engleman:

I support Senate Bill 325 on the clear ballot language bill. I will make sure the question is clear.

Assemblyman Peter Livermore (Assembly District No. 40):

I am here in opposition of S.B. 457. In the 2011 Legislative Session, I supported this bill. I ran three times for City Councilman and was elected three terms through campaigns. I am not supporting this issue, although committees have previously brought it to the Board of Supervisors. The difference with this bill from what I voted yes on before is that it does not place a ballot question on the ballot. It is time to ask this question again, even though there was a question asked over 20 years ago, which resulted in a tie. Because of that ballot question, I am supporting the request to take Carson City out of S.B. 457.

Senator Atkinson:

Are you advocating to put this on the ballot?

Assemblyman Livermore:

Yes.

Senator Atkinson:

When we do that for all the people who want this on the ballot, can we at that time talk to the Chair about moving the city elections to the same cycle as ours?

Assemblyman Livermore:

It makes sense when the people get a right to create policy. We are asking the voters of Carson City which way they would like to elect their supervisors.

Senator Settelmeyer:

Carson City supervisors are currently elected at the traditional same general and primary structure. It is not a special election for the municipality, correct?

Assemblyman Livermore:

That is correct. As a supervisor, I ran citywide, and I had to campaign throughout the four wards. Carson City is a small community of about 55,000 people, but it is a changing community too. I see a change coming with the new freeway. It is going to create separate neighborhoods and may be the reason why people should be elected by ward instead of citywide.

Cadence Matijevich (City of Reno):

The City of Reno is opposed to this bill, specifically sections 7 through 10 and 13 through 14, as those are the sections of the bill that pertain to the City of Reno. The City of Reno placed an advisory question on the ballot in November 2012 asking our voters if they wanted to retain the current system for electing members to the City Council at large in the general election. Council members are voted by ward in the primary and at large in the general election. There were 87,162 voters who answered the ballot question and the results were 75.96 percent in favor of retaining the current system. There were 24.04 percent in favor of changing to voting by ward only. I have provided a copy of the ballot question ([Exhibit G](#)). We give our voters credit that they understood the question and what they were voting for, and that they voted to keep the system that has been in place since our Charter was adopted.

We believe that the issue of how the members of our local government are elected is a local issue because we are a charter city, and that charter is created by the electorate. The overwhelming majority of voters are in favor of our current system and want to retain it. We are opposed to the elimination of the at-large member of our Council and the requirement to create a sixth ward within the city. This member of our Council is a position that has been in existence since our Charter was created in 1971. The City just went through the redistricting process in 2011. As you know, it is a very time-consuming and costly process. Because we have not heard from our voters that they wish to eliminate the at-large position, we respectfully enter our opposition.

Senator Cegavske:

You gave the number of people who voted for the ballot question. What is your overall voting population? This was in a general election for wards, correct?

Ms. Matijevich:

In the 2012 election, we had a total of 124,098 total registered voters. I do not have the number of total voter turnout in the election, but 87,162 voters voted on the question. If we had 100 percent voter turnout, that would have meant that 36,936 voters did not vote on the question. If you add that number to the no vote of 20,954—assuming 100 percent voter turnout and all of those who did not vote on the question would have voted no—we would have had a no vote of 57,890.

Senator Atkinson:

The voting population in the City of Reno is 124,000, correct?

Ms. Matijevich:

Yes, in the 2012 general election.

Senator Atkinson:

How many wards are in the City of Reno?

Ms. Matijevich:

There are five.

Senator Atkinson:

Do you know what the population is of each ward?

Ms. Matijevich:

I do not know the exact population, but it is approximately 30,000 by ward. We are required by our Charter to have wards within 5 percent of one another. We just went through the redistricting process in 2011.

Senator Atkinson:

When you did that, was there any consideration of minority population in any of those wards?

Ms. Matijevich:

There was consideration of that. We also do have a requirement that the wards be contiguous so we cannot create islands. As we look at creation of the ward boundaries, some of that is not within our control based on where people live. We do have a ward in the City of Reno that is a minority-majority.

Senator Atkinson:

What minority?

Ms. Matijevich:

It is Hispanic.

Senator Atkinson:

What is the percentage of that ward?

Ms. Matijevich:

I do not have that information.

Senator Atkinson:

Is it represented by a minority?

Ms. Matijevich:

Yes, it is represented by Councilmember Oscar Delgado. He was elected in the 2012 general election.

Senator Atkinson:

The City of Reno is still using ward-only voting in the primary and then at-large voting in the general, correct?

Ms. Matijevich:

That is correct.

Senator Atkinson:

The City is still very comfortable with that concept?

Ms. Matijevich:

Yes. Perhaps Councilmember Dwight Dortch would better answer that, as he is an elected official in our city.

Dwight Dortch (City Councilman, City of Reno):

There have been comments today about how the Legislators are elected in their districts. I would argue that a city council position is much different from a legislative position. The decisions you make at the Legislature impact the majority of the citizens of Nevada equally. Whereas, when we are making personal land use decisions in people's backyards under this new system, they would only have two members of a seven-member council who represent them. You could tend to have a majority of the council push projects they did not want in their wards into one ward. The other five members would not be held accountable.

There is a very good argument that our current system is the best system for a city. You have to run in your ward in the primary and be one of the top two vote-getters to get out of your ward and run in a citywide race. In a general election, we have never had a member win his or her ward and not win the citywide race also. The argument that if you win in your ward you can lose citywide is not valid because it has not happened. Even though in the last Session the Governor did veto the bill, we took it to the voters. I do not think the language is confusing because it asks if you want to continue the system we have. When you ask people if they want to hold seven or two members of their council accountable, everyone will say that they want to hold all seven members accountable.

Senator Atkinson:

I agree and disagree with what you said. You said the question was worded in a way that was very clear to you, but I still do not agree that the voters knew exactly what they were voting for. From the way it was read, it could be interpreted a different way. I do not know what people are afraid of by allowing people to vote in that ward for that person only. Are they worried that if that

happens, they will not carry the votes in their own ward? It will decrease the cost of elections, and it will decrease the amount of people they have to reach out to.

I disagree that people want to hold the entire council accountable. I think they do on certain issues. As Legislators, we deal with issues that just affect our districts as well. People want a person they can hold accountable and someone they can consider their person.

Mr. Dortch:

I agree. That is the whole purpose of having to run in your ward and be one of the top two vote-getters in your ward to make it to the general election. People come to their ward representative when they have an issue. For example, there was a rock-crushing plant being proposed directly adjacent to a residential neighborhood. About 200 people showed up from the ward opposed to the rock-crushing plant. It was in my ward, but because I was a member of the homeowners' association, the attorneys had me recuse myself. In this situation, the only person on the council who would be representing that neighborhood is the mayor. You would have five other members of the council making a very personal land use decision directly adjacent to your residence, and only one person on the board you would be able to hold accountable. People come to their member in that situation. This has no impact on me—this is my third term, so I am termed out. This is the best policy for the City of Reno.

Senator Atkinson:

What makes the City of Reno different from the Clark County Commission? Those candidates also run in districts, and they have a higher population than Reno. There have been situations where they have also had to recuse. The Commissioner who is recused ends up having to lobby the other Commissioners to either make sure that something happens or does not happen. This situation happens there too, and they have more citizens. They run in commission districts too.

Mr. Dortch:

I do not want to argue whose system is better. Our system is better for the City of Reno. We have taken this to our citizens. Even if you think the ballot question is confusing, 76 percent of the vote is an overwhelming majority. To tell the voters that we put this on the ballot, they voted, and now the Legislature may change it anyway is disenfranchisement.

Mike Cathcart (Business Operations Manager, City of Henderson):

We are in opposition to S.B. 457 mainly for the reasons alluded to by Mr. Dortch. The City of Henderson has not experienced any negative issues with our at-large voting system. Our Council is elected citywide, and we believe that fosters a community. The Councilmembers represent the entire city when they are making land use decisions and other big decisions facing the city. It creates a community atmosphere in the City of Henderson. Saying that, we would be open to having our officials contact the bill sponsor. We have not had an opportunity to discuss a local determination on this issue.

Brian Reeder (Nevada Chapter Associated General Contractors):

The Associated General Contractors agrees with the testimony from the City of Reno. We think that running in the ward during the primary election and citywide during the general election works for Reno. We are opposed to the bill.

Mr. Abney:

We are neutral on this bill. We did not take a position on the similar bill in 2011, nor did we take a position on the ballot question in 2012. We urge this Committee to be cautious of overturning a vote of 76 percent of the people of Reno. There have been legitimate concerns stated about the benefits of ward voting. The Chamber did not take a position on that because of the conflict in discussion within our own group on that topic. We did not think the ballot question was confusing but can see how some people thought it was. When you have 76 percent of the people vote on something, that is a strong mandate. To have the Legislature—two-thirds of which are made up of Legislators located in southern Nevada—tell the people of Reno that 76 percent of them were wrong in how they want to govern their City, I would urge caution.

Elisa Cafferata (Nevada Advocates for Planned Parenthood Affiliates):

There was not a full-blown educational campaign around either side of this question in Reno. While the numbers seem compelling, I cannot tell you the number of conversations I had with friends and volunteers working on other election issues who said they cannot understand the question and did not know what it was about. The more we discussed it and the more they became familiar with the issue, more of them said they would vote against it because they wanted to have their own representatives. There is an at-large seat and an at-large mayor. Even when an individual Councilperson has to recuse him or herself, there are two people representing their interests on a citywide basis.

Senator Spearman:

A friend of mine who lives in Henderson was desperately trying for a week to get someone from the City to talk to him to help straighten out a problem he was having with sewage. The City sewage had backed up into his home. He and his wife are elderly and are recent cancer survivors. They called person after person, trying to find someone to listen to them. In desperation, he asked me if I could help. I do not represent him in the Senate and I was not sure who his Assembly representative was, so I told him to talk to someone at the City. He said he had tried and they had sent him to two or three different people. I told him to talk to the person who represents him from his ward, and he said that is everybody. His story punctuates the urgency of positive consideration of this legislation. It is not to say that we are contravening the alleged wishes or desires of the 70,000 people who voted.

I have four degrees from the Army, a master's, a bachelor's, and I am working on a doctorate degree. If I had seen this question, I probably would not have known how to vote. "Shall the five (5) City Council members representing wards continue to be voted upon by all registered voters of the City in the General Election?" I will break that question down. "Shall the five (5) City Council members representing wards ..." gives the impression that the City Council members are representing wards, but it also gives the implied impression that each ward has a representative. That is not the case. Everyone is going to say yes to shall they "be voted upon by all registered voters?" because they want registered voters votes to count. The language itself—contrary to some of the opinions shared by testifiers before me—is a bit confusing. I would venture to say that if the language had simply asked do you want someone from your ward to represent you or do you want to do away with the ward voting system, then the outcome would probably have been vastly different with the same percentages on the other side. The purpose of this bill is not to take away the opportunity for citizens in each city to vote. There are 18 incorporated cities, and 14 of them have the ward voting system. If we entertain the amendment suggested by Assemblyman Livermore and take Carson City out of the bill, then there would be 17 incorporated cities of which 14 would have the ward voting system. That is 77 percent—or 86 percent if you take out Carson City—that have this system, and it appears to be working well. As stated by the American Civil Liberties Union, to continue in this manner is simply requesting the Department of Justice to monitor the elections.

When you look at the statistics from the Census Bureau, you will see that there is a disproportionate amount of people voting in Wards 1, 2 and 5, and Wards 3 and 4 are not really represented. Everyone else from the City is electing people to represent Wards 3 and 4. This bill is attempting to bring back fairness. If the system works well enough to select someone from a ward during the primary election, for the sake of continuity that should be carried forward through the general election.

Senator Manendo:

Why do you not have at-large primary elections since you are already doing a primary election in wards and you have at-large voting in the general election?

Mr. McKenzie:

The at-large seat has an at-large primary election. The ward seats are ward-only. Then all of them go to at-large voting for the general election.

Senator Manendo:

We will now close the hearing on S.B. 457.

Chair Spearman:

We will now open the hearing on Senate Bill 375.

SENATE BILL 375: Revises provisions relating to elections. (BDR 24-496)

Senator Tick Segerblom (Senatorial District No. 3):

Senate Bill 375 tries to streamline and modernize the process for electronic registration by allowing different government entities where people sign up to then use that data to immediately register people. It is a concept used in other states. It is the wave of the future, and we are trying to get in front of the curve. The bill itself was created by Lee Rowland.

Lee Rowland (Brennan Center for Justice):

Nevada has an election system that overall would be the envy of many states. You have no-fault vote by mail and a robust early voting period; you are a leader in online registration—first in Clark County and then at the State level. One wonderful aspect of Nevada is that it is one of the states that has not been marred by the hyperpartisanship surrounding election law that many states have seen in the last 2 years. That is to be commended. There is one area that Nevada does not fare as well, and that is in the voter registration rates.

In 2010, Nevada had the third lowest voter registration rate out of all 50 states. Only 57.8 percent of eligible Nevada citizens were registered to vote as of 2010. That means up to 700,000 eligible citizens in the State are not participating in elections. The good news is that there is a commonsense, nonpartisan approach to raise the registration rates that boosts both civic participation and the election integrity of the voter registration system. That is something that the Brennan Center for Justice calls Voter Registration Modernization. The Brennan Center is a nonpartisan public policy and law institute based at New York University School of Law. We seek to improve the systems of democracy and justice. As part of that, we try to help states—and at the federal level as well—eliminate barriers to full participation in elections. Right now, the major barrier that Nevada has is the voter registration rate. Senate Bill 375 is an attempt to comprehensively overhaul the registration system to use existing modern technology to upgrade the system and propel Nevada into the next level and be a national leader for model registration and model elections.

The Brennan Center of Justice has been a leader in documenting the experiences of other states that have modernized their systems. Voter Registration Modernization dramatically raises registration rates; increases election integrity and the accuracy of the voter rules; reduces opportunities for fraud because there are fewer errors and duplicates in the system; and saves money on election administration. Those are all tangible benefits other states have seen after automating their versions of voter registration at the department of motor vehicles (DMV). This bill does that and goes one step further. The core of the bill is automating voter registration at a wide selection of government offices. It gives all Nevadans the choice to conveniently and digitally be registered to vote, using the information they just provided during any government transaction. When potential voters are already doing business with a variety of State offices, they can take the information they have just given, hear the requirements for voter eligibility in Nevada, affirm that they are eligible and say yes to send the information already given to the election officials to register to vote. It eliminates a separate paper form.

The elimination of paper, while it sounds simple, has massive benefits. There are no handwriting errors and no possibility of a lost or misplaced form; the data can be transferred basically immediately and securely to election officials, who then have a record that that person has asked to vote. In states that have experimented with this, we have seen an incredible increase in registration.

South Dakota saw a seven-fold increase in registration rates at DMV after simply automating the transfer of data. The core reason: rather than a staff person saying, if you want to vote, there is a form over there, during the interaction each person is given the option while already applying for a license or services to have his or her information sent to election officials. The person simply says yes, and it is done. It is a seamless transaction; there is no friction and no additional bump or hurdle for the voter to overcome.

Similar to that core element, this bill also makes voter registration portable. Just as you can register to vote anytime you interact with these State agencies, you can also update your voter registration. If you file a change of address to receive your veteran's benefits, for example, the Office of Veterans' Services will ask you if you also want this change to update your voter registration. If you say yes, you are done. At that point, you would have applied for your veteran's benefits and updated your voter registration at the exact same time, during one transaction. There is no reason to make a citizen wait in two separate lines to do two separate government transactions when the citizen is already providing the same information.

The third element of this bill expands the State's online voter registration tool. It makes it permanent in the law. It has been a wonderful innovation, first in Clark County and then in the Secretary of State's office, but it is not in *Nevada Revised Statutes*. This would make it permanent in the statutes and open the system to those who do not have an existing DMV-issued ID on file. People would be asked to present their signatures, either by mail or before they vote, so they would have signatures on file. They would use the online tool to register and use electronic signatures to verify under penalty and perjury that they registered to vote, just as you would on a paper registration form.

The last piece of the bill expands voter registration to 16- and 17-year-old Nevadans. That is a seamless fit when you are upgrading voter registration at the DMV to make sure that 16- and 17-year-olds—the first time they are likely to interact with the DMV and apply for a license—also get the chance to register to vote. They cannot vote until they turn 18, but they would be preregistered. They would not be included on poll books or election mailing lists, but like other voters, they would be on the rolls. Their addresses would change if they change addresses at any of the included agencies. When they turn 18, they would get a notice that says they can now vote. It is very important to engage in early education of our young voters to make sure they are engaged,

particularly at that point when they are most likely to visit the DMV, and to make sure they do not miss this massive opportunity at a place where many Americans register to vote for the first time.

Ms. Rowland:

The agencies included in this bill are those that are traditionally considered voter registration agencies, such as offices that offer disability benefits, the DMV and offices that offer public assistance. We have added a few other agencies in a limited capacity. They do not become voter registration agencies, but during certain interactions they offer this opportunity. Those are when registering for classes at any public institution under the Nevada System of Higher Education, applying for any hunting or fishing license and applying for veteran's benefits at the Office of Veterans' Services. We are including new opportunities for nontraditional offices to offer their customers the opportunity to also register to vote when they are already engaged in those transactions, such as getting a hunting license or applying for veteran's benefits. The portable registration works exactly like the initial registration, which is that people would be prompted to consent to have their addresses be updated. The entire system rests on consent. Although we call it automated registration, automated refers to the data that is a paperless process going immediately to election officials. It in no way registers anyone without their consent. Everyone is first told what the requirements for eligibility are, and just like any other voter, he or she has to affirm under penalty of perjury that he or she is eligible to vote and wishes to be registered to vote. Otherwise, the transaction stops there. No one's information will be transferred without consent; it just makes sure we offer more of these proactive opportunities.

As far as the benefits, I have mentioned the massive increases in registration rates that other states have seen. Many states have seen this double. The key in doing this is integrating voter registration seamlessly so that you are eliminating some of the paperwork in the system and making sure people are getting an automatic opportunity during transactions so that there is no separate registration to vote; it is just part of doing business with the government that you already do. The key to this is proposed Amendment 7843 to S.B. 375 ([Exhibit H](#)). This amendment effectuates the sponsor's original intent of the bill by making sure those opportunities are more integrated with government transactions. The registration rates have been tangible, anywhere from double to seven times in the states that have adopted them.

Another excellent benefit is the reduction of errors on the rolls. This is something where Maricopa County, Arizona, has been a huge leader. The Brennan Center for Justice has collected many of the stories of the benefits of voter registration modernization in our reports, particularly *The Case for Voter Registration Modernization* ([Exhibit I](#)) that details some of the benefits that states have seen. Maricopa County actually did a survey of paper registration forms versus the electronically transmitted voter registration data reported by the Brennan Center for Justice titled *Voter Registration in a Digital Age* ([Exhibit J](#)). Those transmitted electronically had five times fewer errors than those on paper. Those errors stemmed entirely from handwriting or data entry errors by personnel shifting from a paper form into an electronic system. That gets eliminated with electronic data transfer. It is not a surprise that when Maricopa County officials did a close autopsy of those records, they found it was really assisting election officials in administering elections safely and accurately because they knew there were so many fewer errors on the electronic voter registration forms. That means fewer opportunities for fraud; no deadweight cluttering up the rolls; and no duplicates sitting around because of typos or data entry errors with people listed under two names because addresses change. People are prompted to update their addresses more frequently when they are interacting with government. It also updates the system to make sure it is current with no outdated registrations at old addresses. That type of deadweight in the voter registration system is frequently pointed to as an opportunity for fraud that could be exploited at the polls. This dramatically reduces, if not eliminates, the opportunity for such fraud.

The benefit that matters is cost. There is no doubt that if done well, this will cost a little money. It is important to invest in upgrading the system so that this data can be transferred securely and is administrable. The Secretary of State's Office has signed in today in support of this bill and will note that it would like to work out some of the details in work session. We want a bill that is administrable and works for voters and election officials alike. No doubt there will be some up-front cost because of the new amendment, so the existing fiscal estimates we may have from agencies are probably not accurate.

It cost the state of Arizona \$130,000 to automate voter registration. It cost the state of Washington \$279,000 to implement both online and automated voter registration. But listen to the benefits. Delaware has gone paperless, and just at DMV it saves the state over \$200,000 per year simply on paper cost, just

printing and mailing. Maricopa County saved \$450,000 in 2008, the first year officials had cost figures after fully automating. They are still saving money. This is so dramatic because it costs 83 cents to process and review a paper registration form and only costs 3 cents to review an automated form. That is because election officials do not need the physical labor with potential errors that then cost more personnel time, and they are not printing and mailing all of those forms. There is dramatic cost savings in the future if you are willing to invest in upgrading the system now.

Our reports detail how many jurisdictions have modernized in different ways and the amazing benefits they have seen. Nevada could not only expect to reap those same benefits, but this really puts a cherry on top of what is already an excellent election system and promises to make Nevada a national leader on registering its populace, getting more of its citizens invested in the democracy, and ultimately having free, fair and accessible elections where voter registration never acts as a barrier for an eligible citizen casting a vote. That is the ultimate goal we should all share.

Chair Spearman:

When you said 83 cents to 3 cents, I was trying to do the calculations, and that is roughly about \$800 for every 1,000 forms that you do not mail.

Senator Cegavske:

I was looking for clarification in your presentation in reference to the sheet you gave us. You talked about South Dakota and Arizona. Do they have the same language that you are presenting to us?

Ms. Rowland:

No. In those states, this reform has been done administratively, not through legislation. There was no kind of legislative language that we could compare to. As far as I know, neither of those states at the same time added the preregistration component. They also did not add the ability for 16- and 17-year-olds to register to vote. I do not imagine that impacts the cost estimate or cost benefits of this in any dramatic fashion, but I wanted to flag that we have put together a proposal. Nevada Secretaries of State have been leaders on engaging the youth vote, and this enables the State to go the extra mile and actually educate and register young citizens at the same time.

Senator Cegavske:

Why would we do this legislatively instead of administratively?

Ms. Rowland:

It is wonderful policy, and as elected representatives, this is squarely in your wheelhouse. At the end of the day, this is about making sure that voter registration is accessible, convenient and a public policy goal. While we assist states and election officials who want to do this administratively, there is really a big push to enshrine this in law so that it cannot be undone and is done right. This is something where we are using modern technology. Any time you are doing that, you want public regulations so people understand how their voter registration data is being treated and processed. This bill, for one, made sure to retain confidentiality over records that are transferred electronically. It still leaves a great deal of discretion to the Secretary of State to implement the details and train State agencies. This is a public policy goal and a public policy benefit. It is appropriate for elected representatives to demonstrate to the voters that they want to make voter registration a priority. The last reason, which is more of a negative than a positive, is because Nevada's voter registration rate is not where it should be. That is an issue for you all to consider as a public policy issue.

Senator Cegavske:

We can debate the reason why we have disenfranchised voters. Did you say there is a higher fiscal note with the amendment than with the original bill?

Ms. Rowland:

No, I am not sure that it would be higher. It may actually be less money because the original amendment envisioned a separate electronic terminal that voters could use. There is not that kind of physical equipment. I would not want to speak for the State agencies, but if anything, the fiscal note would go down.

Senator Cegavske:

Are all five of the areas you encompassed here still in the amendment or has something been taken out?

Ms. Rowland:

I flagged the only change that the amendment makes.

Senator Settlemeyer:

In [Exhibit H](#), page 17, line 24 of the amendment says to “provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency.” If it takes 20 minutes for a person to fill out DMV paperwork, are you saying the employee would need to provide 20 minutes to fill out a voter application? Is that across all agencies? A section says it is different for the Department of Wildlife and Office of Veterans’ Services. Why is that? Why not have it be the same for everybody so you have the same equal footing?

Ms. Rowland:

Those provisions were put in by the Legislative Counsel Bureau to be compliant with federal law. Federal law requires those designated as voter registration agencies—basically everything that already offers voter registration, except for those new add-ons that we have suggested—under the National Voter Registration Act to offer the same degree of assistance in filling out voter registration forms. This bill actually dials that back. Rather than telling someone to take a paper form and go sit in the corner and fill it out, the person has already given the information needed. This is a much more integrated and seamless process, so that assistance is dramatically reduced. The language you are highlighting comes because it is required to comply with federal law. Other regulations require all of the agencies included in this bill to offer assistance to voters if they have any questions. Most of that will be taken care of by the script that the government employee would use, which is left to the Secretary of State to develop, devise and provide training.

Senator Settlemeyer:

Some entities and departments, such as the Natural Resource Conservation Service and U.S. Department of Agriculture (USDA), have fairly complex paperwork dealing with economic situations. In that case, the office staff will basically walk you through the entire thing. I do not expect someone to be walked through a simple voter registration form. I am perplexed by the concept of providing the same amount of assistance.

Ms. Rowland:

As far as I am aware, that language—which comes from federal law—does not mean that you need to take the same amount of time as it would take to fill out a complex federal form. It just means that if, for example, you offer language translation services, that you also have to offer it during that transaction. It is

not about giving a comparable amount of time, which I realize in some situations would be almost comical, it is really just about making sure that if you have, for example, a separate privacy area or if you have language translation services, you have to offer the same things during the voter registration transaction as you would with the existing translation. It is not so much about the time or effort required, it just needs to be equally accessible.

Senator Settlemeyer:

I have seen USDA personnel actually take the form and fill it out for someone because it is much quicker. If they do that for someone who votes, I will be offended.

Ms. Rowland:

The benefit is that there is no form. It is just a series of questions, confirmation of eligibility, and yes or no answer if people want to be registered to vote. At that point, all the information needed has already been provided except two things: the signature and party preference. Those are the only two additional questions that would be added on, and I cannot imagine either of those being belabored into a lengthy conversation.

Chair Spearman:

Having Veterans' Services included in this bill is a good idea. A number of veterans are not really sure what to do when they come back. That will really reenfranchise our veterans.

Ms. Rowland:

I made an error in answering one of Senator Cegavske's questions. The Office of Veterans' Services was actually omitted from the original bill, but the addition of that is in the amendment.

Mr. Gilles:

The Secretary of State does support this bill. It will improve voter registration in Nevada if implemented correctly. I have worked with Ms. Rowland, working through the language and issues. At first glance, I do not see anything in the amendment which sets off any alarms. We will need to work through the mechanics a bit more to make sure that everything will work administratively through the appropriate steps, not only for the Secretary of State's Office, but also for the clerks. The clerks deal with the practical issues that this bill will alleviate. This will result in a greater registration rate. More importantly, it will

result in more accuracy on the voter rolls, which will assist the local election officials with how they administer elections. Many times, inaccuracies in registration records result in individuals either not being able to cast a vote or being relegated to a provisional ballot. Provisional ballots are counted at a very low rate. Even if the person is able to vote a provisional ballot based on an inaccuracy in the record, the person may still only vote in the federal races. The down ballot races do not get voted on with a provisional ballot.

This bill is ambitious. The implementation, particularly at the DMV and Department of Health and Human Services, will require significant resources and will be a challenge. The electronic transfer of registration records from the voter registration agencies to county clerks is not revolutionary; it is done in other states. We already have a good system established to help with this process. This bill does not clearly state how the transference of data should work, other than it will eventually be transmitted from the voter registration agencies to the county clerks. There are two ways to make that direct connection, in which you then have a voter registration agency dealing with multiple county clerks for the transmission and receipt of data.

A more appropriate way to go about this would be to use the Secretary of State's Office as the middleman so the data goes through our Office. We are able to do many different things with it. We can make sure it gets to the appropriate county clerk and automatically generates reports of duplicates and changes of address. This way, if one county knows it is getting a new registrant, the previous county knows that the person has changed his or her address. If the person was registered to vote in Clark County and moved to Washoe County, we can essentially establish a system which gives notice to both counties of this change, with accuracy being the key goal. The Secretary of State's Office would be happy to take the lead on this, as the bill directs us.

It was mentioned that online registration would now be available to any person. To provide background, a person currently has to have a DMV-issued driver's license or ID card in order to register to vote online. That accomplishes a couple things on our side. If people register with IDs, they have to provide the licenses or ID numbers, the last 4 digits of their social security numbers, their dates of birth, first names and last names, which are then matched with the DMV database. That is how we verify identity and residency and obtain a digital signature from the DMV records for the clerks. That information is then sent off

to the clerks for their registration records. If we expand that to anyone, there would be a broad group of people who could register online. The process of how that works for people not holding a DMV-issued ID would need to be clear. Our concern, which can be worked out either through regulation or training, is that there is a whole new group of people who are registering online. This group of people, at that point, have only sent registration information to the clerk. They have not had their ID verified or residency identified, and there is not a signature. This can all be captured after the fact, but it results in a situation where the clerks have to follow up with them, or they have to follow up with the clerks before they are actually able to cast a ballot. Those workable scenarios need to be addressed if we are to broaden online registration.

This may be more of a legal conflict, but a portion of the bill sets up a situation similar to a provisional registration if there is no signature. That may conflict with other sections not addressed in this bill, dealing with signatures being critical criteria required before someone can be considered registered. I understand the intent of the bill on how you would deal with that person—the signature would still have to be collected—but you treat the person like a registered voter. The two sections need to be addressed to make sure we are not creating a conflict.

There was one other section regarding the frequency in which the data would be transmitted from the voter registration agencies to the county clerks. In the conceptual amendment, there appeared to be a conflict between requiring two days after receipt for the transmission to take place, and in a section above it, it seemed to contemplate the Secretary of State prescribing that transmission frequency.

Mr. Glover:

We have signed in neutral on this bill. The electronic transmission of this information is much better than having it on a paper form. People use different names when they register to vote, get their driver's licenses, get married, etc. If the information is sent electronically, at least only one name would be used so we could keep using that name for voting. The proposed amendments are extensive, and we did not have a chance to fully review them yesterday.

The bill seems an attempt to eat the whole elephant. We might be better off if we carved it up into parts and tried to digest it. If we could get information from DMV in electronic format, it would really help us. Paper applications are sent to

us and we have problems reading handwriting. People will actually go to the DMV and register to vote, yet not give us their driver's license number.

In my experience with elections, trying to get all of the departments in Nevada to work together to accomplish something is not easy. You must speak to software vendors and work with the agencies to get there. I am concerned about the [Exhibit H](#) amendment in section 17, subsection 1, where it says which offices shall serve as voter registration agencies. Subsection 1, paragraph (a) says each office that "receives money from the State of Nevada to provide public assistance to persons in this State." We believe this might include all of the city and county offices. I do not know how that would work on a local basis, through either the Secretary of State or the county clerk. That could be complicated and expensive.

This is a very ambitious bill. I suggest trying something that may actually work, rather than setting this up for failure. That would be to implement this first only at the DMV. As the software and protocol is developed, it could then be applied to other agencies.

Senator Settlemeyer:

The largest problem in my area is that when people go to the DMV and fill out a change of address form, the DMV does not forward the forms to the county clerk. The voters then believe they have already filed the change of address for their voter registrations, and when they come to vote, they are in the wrong county because the information was never transferred. Then they are told they cannot vote in Carson City and have to go back to Lyon County or Douglas County to vote. This is encouraging people to vote where they do not live. That seems to be the primary problem. It seems as if we are trying to implement the mobile voter concept that has not been implemented anywhere due to cost.

Mr. Glover:

People are going to the DMV and changing their addresses; however, if they are moving from one county to another, they would not be registered in the new county. They should not do only a change of address, they also need to do a new registration application and send it to the appropriate county. It would then be our job to make sure the address provided is accurate. The DMV does not check to see if the address provided is legitimate. The statute states that when a person registers to vote, he or she has to prove who he or she is and where

he or she lives. We do not prove where people live. If the address provided is a legitimate street address, then the system accepts it. If the address is a post office box, mailing drop or a business, then our system would reject it, and we would write to them.

Senator Settelmeyer:

Last Session, the Brennan Center for Justice was in the process of merging different files together in order to establish less fraud. I am a devoted federalist, and I think the federal government should leave us alone. We do not have very much fraud in the State of Nevada because of the policies we have put forward and the Secretary of State's Office. Individuals from both political parties have people come from out of state and as soon as they step off the bus to campaign door to door, they are told to register to vote. I have talked to these people on both sides. They already voted absentee ballots in their home state. Is the Brennan Center for Justice working on a national voter list to determine that people are not voting multiple times?

Ms. Rowland:

Yes. It is actually a form of Voter Registration Modernization that would be required to integrate those systems so that you can have the kind of intercounty check across states. That is something we firmly support. You may also be aware that the Pew Center on the States has developed a private version of that for some cooperating states and has spoken with Nevada about joining a national voter list program. There are many efforts to move toward that, and we absolutely support it on a federal level. That is how we not only get that kind of integrity bump as you are suggesting, but we also make sure that when people change their addresses with the U.S. Post Office that we have records that they have moved from state to state. We can both keep them registered and protect the integrity of the rolls. That is something we do on a national level, but we do it on a state level too. There is an opportunity for Nevada to be a leader and show the federal government how it can be done.

Senator Settelmeyer:

During my first election, I was very worried about voter fraud. I went to Secretary of State Ross Miller and asked him for a file of everyone who voted in the entire state. The next day he handed it to me. He told me there were some anomalies where 27 people had voted twice. I knew of one of the situations that had occurred in Carson City. Sadly, it was a person with dementia who voted during early voting and also voted the day of voting. It was no fault of her

own, per se, and nothing that would affect the election. I tried to get the same information through a counterpart of mine in California, who said there was not a chance in the world California would give that information. It bothers me that the Secretary of State in California would not want to try to compare the two lists to ensure no fraud. The bill has a lot of good merit, but I am concerned about the verification process. I would love to start out with the DMV only so that we can make sure the information is being verified.

Senator Cegavske:

I am concerned about same-day voter registration and the cost and effectiveness of this bill. I agree with the recommendation of starting with one entity first, the DMV, which seems to be a natural fit. In looking at the information we received, I understand that some states did it administratively. Is that something that the Secretary of State can do administratively without this legislation? I am not talking about the five components on top, I am talking about rolling it out. Is it better to start with the DMV or is this something administratively your office and each county has to do separately?

Mr. Gilles:

I believe this can be done administratively, presuming the State agency is interested and willing to participate. We have had informal and early-stage conversations with the DMV about doing something similar to this. Unfortunately, DMV's list of mandates was too thick to make this a priority after last Session. To go about this for a State agency like the DMV or the Department of Health and Human Services, we would have to go through each agency. You cannot implement this on a county-by-county basis. You need the agencies' full cooperation for all of the offices to design and implement a system that allows the electronic transfer of voter records from each one of their offices.

Senator Cegavske:

Would it be done administratively at the Secretary of State and administratively at the DMV in collaboration, or in each county? It was mentioned that in Arizona, only Maricopa County implemented this.

Terri Carter (Department of Motor Vehicles):

The DMV is neutral on this bill. We have worked with Mr. Gilles in the past on voter registration issues. We are anxious to work toward the electronic version of the transfer of data. There is a programming impact, estimated at 858 hours,

to implement this. I have not seen the amendment that has been submitted, so I cannot say if it will potentially decrease or increase the impact.

Senator Cegavske:

What does 850 hours translate to in dollars?

Ms. Carter:

In this case, the DMV has elected to absorb the 858 hours using existing staff. There is no dollar amount associated to the fiscal note.

Senator Settlemeyer:

Could you explain that to me? You put an endorsement on a veteran's license and you cannot absorb that, and you cannot absorb an endorsement for a concealed and carry weapon (CCW) card, but you can absorb 858 hours for this. How does that work?

Ms. Carter:

Those fees were associated with the vendor that charged the fee for the card design changes. The programming on our side was to be absorbed, but not the costs for the card design incorporating the CCW and veterans' designation.

Larry Lomax (Registrar of Voters, Clark County):

We endorse the concept of electronically forwarding information from the agencies and the DMV. This is a very ambitious bill. I support what Ms. Rowland brought up today if it is fiscally feasible. Minor things in the bill need to be addressed. A paragraph talks about anyone who moves within the state being allowed to vote on Election Day—even if they are in a new county—by simply signing an affidavit saying they moved and were registered somewhere else. We have no way of verifying they are registered in this State. I saw part of the amendment and realized that some areas of concern have been addressed.

We need to sit down with the Secretary of State and the other involved players and discuss how this comes into being. I do not see how this could be completed in 1 year, which is what this bill says. We have tried to work with the DMV staff members for quite a while, and they have been very cooperative, but they have their limitations. Another bill discusses using electronic signatures for overseas voters, and the Secretary of State has said his information technology department can complete this by the end of the year. If you add this

on top of it, I do not see how that would be possible to complete. A lot of issues need to be addressed. The clerks and the Secretary of State need to sit down and agree on what is and what is not good. We have not spoken about this bill, and I am not sure all of the clerks realize what is involved.

Ms. Shinn:

We are in full support of S.B. 375, including the proposed amendments to add Veterans' Services as a registration agency and to more completely integrate registration into existing systems. We believe this is a commonsense way to ensure that no eligible voter is unnecessarily excluded from the franchise of voting due to outdated registration methods.

Mayra Ocampo (Service Employees International Union Nevada 1107):

We support this bill.

Ms. Spinazola:

We also support this bill and the amendments because they increase voter participation.

Jorge Adame (America Votes):

We support S.B. 375. We feel this bill would create a more efficient way to administer voter registration.

Yvanna Cancela (Culinary Works Union Local 226):

We support S.B. 375. Considering the housing crisis we have been hit with in Nevada, I do not think there is a more important measure than something that would allow people to stay registered as they relocate within our State. Allowing people to keep their right to vote as they move through our state is fundamentally important.

Ms. Cafferata:

We have submitted prepared testimony in support of S.B. 375 and the amendment ([Exhibit K](#)).

Mr. Bennett:

I support the bill but realize that the Committee needs to work out many difficult things. I recently moved from Reno to Carson City, and 3 weeks ago I stopped at the DMV and changed my registration. The staff found I could not do it because you can only change registration when you are moving within the

county. The DMV gave me the form, and I have to wait a month before I can submit the form. I will now be eligible to do that. This technical difficulty needs to be addressed. Those with disabilities, either mental or physical, have a great deal of difficulty having to do the many steps. Having this done at one place would ease the burden on disabled people.

Mary Porter:

I have heard a lot of talk about how difficult the preregistration of 16- to 18-year-olds would be to implement. To quote my grandchildren, Girl Scouts and children when they were 16, "oh, my God." That is something that should not be in the bill in order to work with the rest more efficiently.

Michael McMahon (Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

We are neutral on this bill. We submitted a fiscal note of 620 hours, which translates into \$62,000 for actual cost for technology enhancements of the program. I encourage this Committee to consider slowing down the pace and not being as aggressive with the timeline. The rationale is that we have what we refer to as triggering events. These would be the amounts of applications submitted on a daily or monthly basis, plus any changes that we would have for people changing phone numbers, contact information or addresses. Those trigger points in the Division of Welfare and Supportive Services amount to \$17,000 per month. The Nutrition Program for Women, Infants, and Children amounts to \$4,000 per month. These changes would be coming in and going either to the Secretary of State's Office or the DMV, whatever the conduit we would use. It would have a large impact on our daily operations as far as making sure that data went where it needed to go. The bill requires for the data to be transmitted within a 24-hour time period.

Renee Olson (Administrator, Employment Security Division, Department of Employment Training and Rehabilitation):

We are neutral on this bill. It is important to understand the impact to the agency and how we interpret our role. This is new for the Employment Security Division. Just our JobConnect offices, where people receive job placement services, assist around 1,500 people per day in our larger metropolitan offices. If this also includes phone calls—every phone call we get to take an application for unemployment insurance—that is 3,000 calls per day. We could have a large impact to our service provision. We took a conservative approach and estimated only spending 5 minutes with each person explaining voter registration. That

would impact us in our ability to serve those people and the time it would take to serve each person. We came up with an estimate of needing 51 new employees to absorb that impact. Looking at this legislation—I have not seen the amendment—in parts of section 17 where the Department of Employment Training and Rehabilitation (DETR) is now included as an agency, it talks about providing this information in paper form or electronically. If we are helping someone walk through an application either way, it feels like more of a process to us then just transmitting information electronically. With that said, you will see a fairly large fiscal note from DETR. Other administrators within the Department have added information to the fiscal note, but we are probably the largest Division impacted. We would have a lot to figure out in order to determine how we provide those services. We use two different systems that would both have to be updated and have interfaces created. We would have to estimate the number of hours that it would take for each of those systems.

Chair Spearman:

You said that you have two systems that transmit information. Can you enlighten me?

Ms. Olson:

We use one system in our JobConnect offices to register the incoming clients. That is our client server system. We also have an unemployment insurance system that collects the information and creates benefit payments for unemployment insurance payees. They are completely different systems. A lot of it will come down to how much this bill will impact the unemployment insurance claimants who call our centers. We cannot tell how much that will be impacted.

Ms. Rowland:

The organization Rock the Vote submitted testimony in support to be included in the record ([Exhibit L](#)).

The Brennan Center for Justice is committed to working with both election officials and the impacted agencies to make sure this is a workable bill and something they can do with their systems. We are flexible on both the implementation date and the details, although the bill does a good job of giving discretion to the Secretary of State to ensure it is flexible, given Nevada's particular needs. We are committed to continuing to do that. I agree with those

who said this is an ambitious bill, for which we do not apologize. This is ambitious because it is awesome and would make Nevada a national leader in eliminating voter registration barriers to any eligible citizen. That is what this bill would do, and it is well worth the investment.

Chair Spearman:

One thing that strikes me as overdue to whatever system updates we need to do technologically is to be more forward-thinking—so that we are not only just facilitating this bill. It is time for us to be more automated to save paperwork, time and money. Instead of looking at this narrowly, look at the areas of the State which may be interested in partnering with us so that we get a system that will talk interdepartmentally. I am more concerned about trying to do something comprehensive as opposed to applying a Band-Aid.

I will now open the work session to consider Senate Joint Resolution 11.

SENATE JOINT RESOLUTION 11: Urges Congress to propose an amendment to the United States Constitution to allow regulation of independent political expenditures by corporations. (BDR R-1047)

Carol M. Stonefield (Policy Analyst):

As a member of the Legislative Counsel Bureau staff I neither advocate nor oppose legislation. Senate Joint Resolution 11 was heard on March 28. It was brought by Senator Spearman. I have provided a work session document ([Exhibit M](#)) and proposed Amendment 7783 ([Exhibit N](#)).

Senator Settlemeyer:

I appreciate the concept and the amendment adding unions, but I still do not support the idea of requesting a constitutional convention to put forth the concept of an amendment to the United States Constitution.

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED
S.J.R. 11.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR CEGAVSKE AND SENATOR
SETTELMAYER VOTED NO.)

* * * * *

Chair Spearman:

I will now open the work session on Senate Bill 246.

SENATE BILL 246: Revises provisions relating to committees for political action.
(BDR 24-674)

Ms. Stonefield:

Senate Bill 246 was heard in this Committee on March 26. It was brought by Senator Justin C. Jones. I have provided the work session document with the potential amendments ([Exhibit O](#)).

Senator Justin C. Jones (Senatorial District No. 9):

After the hearing, I met with Mr. Gilles from the Secretary of State's Office and his counsel. We went over the amendment, and I think we have something that will be beneficial and ensure that we close the loophole that exists in our current statutes.

Melissa Mundy (Counsel):

It appears there is an inadvertent typing error on page 2 of the bill. The intent was for it to apply to expenditures over \$5,000 and on page 2 it refers to "an" expenditure in excess of \$5,000. With this amendment, that wording could also be fixed to accurately reflect that it is supposed to be expenditures.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 246.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Senate Committee on Legislative Operations and Elections
April 2, 2013
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Chair Spearman:

This meeting is now adjourned at 11:18 a.m.

RESPECTFULLY SUBMITTED:

Kaci Kerfeld,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	11		Attendance Roster
S.J.R. 15	C	1	Al Martinez	Statement in Support
S.B. 457	D	1	Senator Pat Spearman	Ward Summaries
S.B. 457	E	1	Theresa Navarro	Prepared Testimony
S.B. 457	F	1	Andrea Engleman	Prepared Testimony
S.B. 457	G	2	Cadence Matijevich	Ballot Question
S.B. 375	H	33	Lee Rowland	Proposed Amendment 7843
S.B. 375	I	27	Lee Rowland	The Case for Voter Registration Modernization
S.B. 375	J	34	Lee Rowland	Voter Registration in a Digital Age
S.B. 375	K	1	Nevada Advocates for Planned Parenthood Affiliates	Prepared Remarks from Elisa Cafferata
S.B. 375	L	2	Rock the Vote	Prepared Remarks from Heather Smith
S.J.R. 11	M	1	Carol M. Stonefield	Work Session Document
S.J.R. 11	N	2	Carol M. Stonefield	Proposed Amendment 7783
S.B. 246	O	1	Carol M. Stonefield	Work Session Document