

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

**Seventy-Seventh Session  
April 11, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:05 a.m. on Thursday, April 11, 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 Tick Segerblom, Senatorial District No. 3

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Lee Rowland, Brennan Center for Justice  
Scott F. Gilles, Deputy for Elections, Office of the Secretary of State

**Chair Spearman:**

I call this session of the Committee on Legislative Operations and Elections to order. We will have a work session on Senate Joint Resolution (S.J.R.) 13.

**SENATE JOINT RESOLUTION 13**: Proposes to amend the Nevada Constitution to repeal the limitation on the recognition of marriage. (BDR C-88)

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

Senate Joint Resolution 13 was presented on March 26 by Senator Segerblom ([Exhibit C](#)).

**Senator Tick Segerblom (Senatorial District No. 3):**

We felt it would be cleaner to both eliminate the current prohibition and make it clear that Nevada does not discriminate. That is what the new proposed Amendment 8201 does.

**Senator Settlemeyer:**

I do not believe this belongs in the Nevada Constitution. I gave you my word of honor I would vote for the concept of taking it out of the Constitution. But now we are adding other material. I am sorry this came out before I had a chance to talk to you. I cannot support that. I am sorry.

**Senator Segerblom:**

I apologize for not bringing the amendment to you separately.

**Senator Atkinson:**

I have a different view. I applaud the maker's hard work. Will this go before the voters?

**Senator Segerblom:**

Right. Senate Joint Resolution 13 has to pass this Legislative Session with an identical bill in 2015 to go on the ballot in 2016.

We are not mandating anything. About Senator Settlemeyer's point, to which I apologize, we believe this takes it out of the political realm. We would not have to worry about future Legislatures passing laws or not passing laws. The purpose of the amendment is to make it clear; that is really not an issue.

**Senator Atkinson:**

My question was does it go on the ballot once?

**Senator Segerblom:**

I am sorry, one time.

**Senator Atkinson:**

Then the Legislature has to take action?

**Senator Segerblom:**

No, we would not. With this Amendment 8201, the current provision in law, stating marriage is between a man and a woman, would be unconstitutional.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED  
S.J.R. 13.

SENATOR ATKINSON SECONDED THE MOTION.

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

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**Chair Spearman:**

The next item on the work session agenda is Senate Bill (S.B.) 16.

**SENATE BILL 16**: Authorizes the issuance of administrative subpoenas by state law enforcement agencies. (BDR 23-334)

**Ms. Stonefield:**

Senate Bill 16 is not in a work session document. It was passed by this Committee as amend and do pass on March 19. The bill authorizes the issuance of administrative subpoenas by state law enforcement agencies. It was first heard on February 14 in this Committee. The bill would establish certain procedures, maintain confidentiality and delete the provision relating to an individual thought to be "about to violate" *Nevada Revised Statute* 284.387. It is my understanding that there is some interest in rescinding that motion.

**Chair Spearman:**

Upon further consideration on the effects of S.B. 16, there is concern that the provisions may set some type of unintended precedent. Therefore, we wish to rescind the Committee's previous action.

SENATOR MANENDO MOVED TO RESCIND THE PREVIOUS ACTION  
TAKEN ON S.B. 16.

SENATOR ATKINSON SECONDED THE MOTION.

**Chair Spearman:**

Checking with our legal staff after passing the bill out of Committee, there were further questions about unintended consequences with respect to precedent.

**Senator Manendo:**

Is the bill still alive?

**Chair Spearman:**

Yes, the bill is still alive. We need to rescind it so we can come back at a regular time and address those issues.

**Senator Settelmeyer:**

By rescinding it, it has to pass by this Friday or it is dead. Correct? If we can salvage the bill, we could salvage it either on the Senate Floor or in the other House. I think this effectively destroys the bill that could have been, according to the department heads, worthwhile.

**Chair Spearman:**

Questions need to be worked out.

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

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**Chair Spearman:**

We will now go to S.B. 63.

**SENATE BILL 63**: Revises provisions governing the administration of elections.  
(BDR 24-384)

**Ms. Stonefield:**

Senate Bill 63 was brought to the Committee by the Secretary of State and heard on March 14 ([Exhibit D](#)).

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The bill has been identified by Legislative Counsel as containing an unfunded mandate that relates to supplying electronic equipment to the election board offices by provisions in sections 2, 3, 13 and 14.

**Chair Spearman:**

Based on that information, I would entertain a motion to rerefer to the Senate Committee on Finance.

SENATOR ATKINSON MOVED TO REREFER S.B. 63 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Spearman:**

We will begin our work session on S.B. 375.

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

**Ms. Stonefield:**

Senate Bill 375 was brought to the Committee on April 2 by Senator Segerblom ([Exhibit E](#)).

**Lee Rowland (Brennan Center for Justice):**

When Senator Segerblom presented the bill, we talked through the proposed amendment. He requests consideration of the amendment with changes as presented in this memorandum, [Exhibit E](#), pages 3 to 5.

Since the meeting, we have spent time speaking with the agencies and election officials that would be impacted. We have changed some language and pared down the bill to make it more workable while retaining the core reforms. The first item on the memorandum is the implementation of the bill, [Exhibit E](#), page 3.

**Chair Spearman:**

The Department of Motor Vehicles (DMV) already has a platform to launch most of what is necessary, so is that the reason for the quick start for DMV?

**Ms. Rowland:**

Yes, that is correct. We are giving DMV a year, which seems doable. Even though DMV has had conversations, a fair number of staffing hours still need to be implemented. We want to make sure the DMV has plenty of time in the initial phase.

The scope of the bill has been pared down to exclude agencies that do not make sense, [Exhibit E](#), pages 3 and 4.

We exempted the Department of Wildlife because 90 percent to 95 percent of its transactions are at private businesses, such as Wal-Mart and outdoor stores. Trying to impose these duties on private commercial workers is not workable.

Both the Special Supplemental Nutrition Program for Women, Infants and Children and the Children's Health Insurance Program are funded federally and overlap cliental with agencies already covered in the Department of Health and Human Services. We would not capture additional voters, plus they also serve children. For those reasons, we would be imposing regulations without getting a return on the investment.

Item 3 is a language change that gives flexibility to the Secretary of State in developing regulations, [Exhibit E](#), page 4.

Item 4 changes the transmission deadline for consistency with federal law so we do not have two sets of deadlines, [Exhibit E](#), page 4.

Item 5 deals with the electronic transmission of data, [Exhibit E](#), pages 4 and 5. We have asked to amend the final sentence in paragraph d to read "Voter registration information collected under section 17 of this Act shall not be used for commercial purposes." This deletes the rest of the language, "including for comparison with any existing commercial list or database." Ending with "commercial purposes" is consistent with what the Secretary of State's Office already does without adding any ambiguous language.

The current bill allowed voters who moved within the State to vote a full ballot. Given the existing technology, we realized it is not possible to make sure a person does not vote in two counties. Item 6 changes the full ballot to a provisional ballot, [Exhibit E](#), page 5.

Item 7 amends section 9 of S.B. 375 to ensure identification requirements for first-time voters are consistent, [Exhibit E](#), page 5.

**Senator Settlemeyer:**

[Exhibit E](#), page 34, within section 25, subsection 1 states a person should be able to vote "at the precinct or the office of the county clerk in the county where the elector resides." Is a voter still required to provide proof he or she lives at that address or in the area?

**Ms. Rowland:**

Yes, with a written affirmation under a penalty of perjury filed with every provisional ballot. As modified by this memo, the provisional ballot would be counted if the person was an existing registered voter. The clerk would affirm registration and ensure the voter had not voted twice. There is no possibility if someone changed his or her address of voting at two addresses. The clerk would hold on to the provisional ballot to make sure that person only casts one ballot.

**Senator Settlemeyer:**

We have individuals who move from Lyon County to Carson City, and it has created a huge problem. I am appreciative of the bill for trying to solve that issue. Does S.B. 375 require the individual to have a driver's license or some form of information that shows residence at that address or does the voter just have to sign a piece of paper saying I live here?

**Ms. Rowland:**

Yes, it does not require a documentary proof, just the affirmation under penalty of perjury affirmed by the clerk.

**Senator Settlemeyer:**

[Exhibit E](#), page 35, section 26, subsection 9, line 43 mentions electronic mail. Are we letting people register with email addresses?

**Ms. Rowland:**

No, sir. That reflects an existing law which states the county clerk has the option of notifying someone by email rather than by postal mail, if requested.

**Senator Settlemeyer:**

I was afraid we were creating a situation where a voter would not have to show any form of evidence of living at a particular address by just using an email address.

I am still concerned with section 25. Does S.B. 375 establish the concept where a person can register to vote on the day before or the day of the election, or is that not being addressed?

**Ms. Rowland:**

Nothing in this bill changes registration deadlines. All it does is provide a provisional ballot fail-safe for voters who should be registered and are not on the polling place listed for that precinct, which is parallel with statute.

**Senator Settlemeyer:**

I appreciate the work you have done on the bill. I am in support of many aspects of it, but section 25 really bothers me.

**Chair Spearman:**

Many of the provisions here parallel statute. We are trying to make sure those who are eligible and registered do not encounter hindrances or other encumbrances to their civil right to vote.

**Ms. Rowland:**

That is the core intent of the bill. We have not discussed other elements, including the preregistration of 16- to 17-year-olds. Allowing them to register at DMV is an important element.

The entirety of the intent of S.B. 375 is to make sure voter registration never acts as a barrier to any eligible and registered Nevadan.

**Chair Spearman:**

My great-grandfather was a slave, my great-grandmother was full Cherokee. My grandmother was the first in her generation to be born free. The first time she went to vote, election officials asked her to tell them the number of jelly beans



that were in the jar. When she just gave them a number, they said it was the wrong number. Tell us how many red, how many black, how many green jelly beans are in the jar? The object was to make sure that regardless of the answer, her right to vote was taken away. I really appreciate S.B. 375; I am only the fourth generation free in my family, and voting is very important.

**Senator Cegavske:**

In [Exhibit E](#), page 37, is section 29, subsection 6 still intact?

**Ms. Rowland:**

Yes, as it is presented in the mock-up Amendment 7843. This in no way reduces the State's ability to investigate election-related crimes and use that as evidence. It ensures an administrative error that includes a noncitizen in the rolls in the transfer would be caught by election officials, and that person would not be registered. We want to make sure the person is not held criminally liable by unintentionally putting himself or herself on the voter registration list.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 375.

SENATOR ATKINSON SECONDED THE MOTION.

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

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**Chair Spearman:**

There are other things left to be considered. This meeting is in recess at 8:37 a.m. and will come back to order at the direction of the Chair.

I will call the Senate Committee on Legislative Operations and Elections back to order at 3:15 p.m.

We will be in a work session to consider S.B. 49.

[Senate Bill 49](#): Revises provisions relating to public officers. (BDR 24-382)

**Ms. Stonefield:**

Senate Bill 49 was heard in the Committee on March 12 and presented by the Secretary of State ([Exhibit F](#)).

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

I would like to clarify the Secretary of State's amendments and comment on Senator Atkinson's amendments.

With respect to the Secretary of State's amendments to the gift sections, the new gift law clearly defines a gift and a restricted donor and has the standard rule that a public officer may not receive a gift from a restricted donor.

Section 30 of S.B. 49 then provides a list of exceptions to that rule. The changes to section 30, by definition, broaden acceptable gifts, particular to attendance at charitable events where the dinner and the ticket may be paid for by a restricted donor. That is allowed. Travel and fees for an educational seminar are also allowed to be paid by a restricted donor. We are okay with broadening these areas because this bill ultimately does say these gifts are acceptable, but S.B. 49 requires that those gifts be disclosed on the financial disclosure statement if their value exceeds \$200.

These amendments are still in line with our ultimate goal on gifts to have more disclosure. Our big iceberg intent is not to change everything with the way this body does business and prevent you from having these meetings, educational seminars and conferences where you go to enhance learning and meet with people. We are making clear those types of things that are gifts by definition will now be disclosed.

In respect to Senator Atkinson's amendments, I want to clarify our understanding and the Committee's understanding on how these conceptual amendments will work.

Our amendment has the reporting of contributions or campaign expenses within 72 hours if they exceed \$1,000. Senator Atkinson's amendment has the threshold raised to \$2,000. The time period for which real-time reporting accrues is during the early voting period prior to primary and general elections. This would be both for the even-year statewide cycles as well as the odd-year municipal election cycles.

Senator Atkinson's amendment also adds additional reports in the off years. In those off years, when you are not running for office, you have one annual report. This would require quarterly reports during the off years for any elected public officer.

Section 37 refers to the reporting of any cash-on-hand balance. The concern addressed with this amendment deals with someone reviewing past reports filed by the Legislators. Inevitably, there will be discrepancies based on what they have now and what they reported in the past. That is not due to incorrect reporting but because of a different standard of reporting throughout the years. Right now, you have to report all contributions and expenses of \$100 or less in the aggregate. You do not have to itemize, but you have to aggregate. Every dollar in and every dollar out will be accounted for. That was not the case prior to last Session, and it has been inconsistent over the years as to whether the aggregate was reported. There is a standing concern with discrepancies going backwards. This amendment will have everybody reporting cash on hand at zero starting January 1, 2014.

**Senator Settlemeyer:**

Does the real-time reporting requirements during the early voting time frame only apply if you are up for election? The 72-hour reporting would not apply to us during the municipal election period. I want to make sure that is clear on the record.

**Mr. Gilles:**

It could potentially apply to you, but in a very slim situation. If you are not up for reelection and you are spending your campaign monies on independent expenditures, this could trigger a reporting requirement. I believe this real-time reporting would apply to your expenditures; that would be the intent.

**Senator Settlemeyer:**

I do not keep track of when the municipal elections are down in Las Vegas or elsewhere. Do you understand my concern?

**Mr. Gilles:**

Your requirements to report during that election cycle only trigger based on your activity relative to that election cycle. If you are involved in independent expenditures for the City of Las Vegas ...

**Senator Settlemeyer:**

As long as I do not play in the game, I do not have to report?

**Mr. Gilles:**

Correct.

**Senator Settlemeyer:**

I am still concerned with the 72-hour period. It creates a situation that convinces people to not participate in the political process. I appreciate your amendments Senator Atkinson; I think they have improved the bill, but I do not care for the 72-hour reporting. I want to get that on the record.

**Senator Manendo:**

The quarterly reports during off years would have us filing during the Legislative Session. Am I reading that right?

**Mr. Gilles:**

That is correct.

**Senator Manendo:**

Maybe we can all get together in one big room and work on the reports. That part is so unnecessary. By law, we are not allowed to accept contributions 30 days before, through and 30 days after the session. It is already 6 months into that period. I disagree with that portion of the amendment. I do not know if the sponsor of the amendment has any comments or is amenable to changing that part.

**Senator Atkinson:**

In discussion, it became difficult to switch the reports for different sessions, making different rules for different years. Folks would get themselves in more of a bind trying to remember which ones are due which year by not keeping them consistent. My experience has been like you, Senator Manendo; I do not have any contributions coming in during this time, and there are few expenses as well. I do not think it will be that onerous or time-consuming.

**Mr. Gilles:**

The off-year quarterly cycle would also apply to statewide officers as well as county officers and city officers. Even though they are not in an election year, they will have the additional reports throughout the calendar year.

**Senator Manendo:**

If it is not that big of a deal, then just complete the reports monthly.

I appreciate the good Chair from the Senate Committee on Commerce and Labor who has worked hard. For whatever reason, his name and my name have been swirling around here as the ones holding up this bill. I will tell you now, for the record, no reporter has talked to me about where I stand on this bill. That is very offensive.

I appreciate the hard work you, your staff and the Secretary of State's Office have put into S.B. 49. This is something agreeable that we need to do. I have been on the record for voting on reforms in the past, and I have no problem with that.

**Senator Atkinson:**

I commend the Secretary of State's Office. This has been a huge undertaking. This is not easy. Folks have their opinions about what should happen from this Committee. We have talked about S.B. 49 being imprinted from federal legislation. We have to remind ourselves that our federal colleagues have political staff and Congressional Hill staff to assist them with reporting requirements. We are a citizen's legislature. All of us have jobs, all of us are expected to do those jobs because, frankly, those jobs pay our bills, feed our families and direct how we live. Those become a priority once we leave here. This bill adds to what we are going to be doing.

I want to say for the record:

Many may perceive that these are my amendments and mine alone. But I will assure you that I have talked to a lot of people and a lot of our colleagues and not only in this House, but I've talked to colleagues in the other House to try to get to where we are today. Again, it's been give-and-take. Someone will perceive this as being watered down; I perceive it as a compromise. I would like to get somewhere 100 percent, but not even my bills ever get there. And so I think it is a place that we're going—it's a good starting point. We will be better off if we pass this today. We will be better off tomorrow than we are today, and we will be a few steps closer to having real form of reform and real transparency in this State when it comes to our reporting documents.

This has never been about me; it has never been about my reports. I am very confident I've done everything I needed to do by law with my reports. But this is also about looking out for people after us. It's for looking out for people that will follow in different years and will have to follow by these reporting mechanisms. And so we don't want to make it so difficult and so onerous that we turn legitimate people off from trying to be in political office and knowing what's required of them when it comes to these forms we're adding. In my opinion we are adding some stringent reporting mechanisms—72 hours. I understand, my colleague Senator Settlemeyer, but the fact is this is one thing that people have been concerned about. They're worried about the load-up period during early voting. This will, in my opinion, help some of that. Does it go all the way? No it doesn't, but it helps.

And so I think that's the only thing that we can do as a Committee is to continue to move forward. We will hopefully send this to the other House and continue to work on it. I don't think anyone on this Committee thinks that we're done. But we'll have to have conversations with the Assembly. They'll have a difference of opinion with some of our stuff, with some of your stuff, and they'll want to have a conversation about some other stuff. And you know ... will they make it strong in some people's eyes, or will they weaken it? I don't know. But I know that we'll need to talk to them. But I will assure you that through my conversations with some of them is the reasoning for some of my amended language and, hopefully, we can continue to move forward.

**Chair Spearman:**

I would like to echo Senator Atkinson's comments. I appreciate you working with us. My concern has been for the grandmother who wants to make a difference at the school board or the single mother who wants to run for city council or for people who do not have the level of political acumen others might have. My concern has been making sure that we have transparency. But at the same time, S.B. 49 is not so onerous that someone who does not have full-time staff or who may not afford a CPA or an accountant will still want to pursue politics as a way for civic engagement.

Senator Atkinson, I appreciate the work you, and really all of us, did trying to get here. I agree that S.B. 49 might not go far enough. I thank you for the opportunity to have worked with the Secretary of State's Office and with you, bringing the bill to this point. We had to find a balance.

How do you include transparency while at the same time not exclude legitimate candidates because they cannot afford the staff to take care of the reporting requirements. I appreciate what you have done.

**Mr. Gilles:**

Thank you, Madam Chair, and thank you to the Committee and your staff who have helped with this bill.

**Senator Cegavske:**

Thank you for coming by my office and going over some of the issues. I wish we would have had a little more time to go over the new amendments and the things you addressed. Having it a few minutes before the Committee hearing is not always fun when it is this comprehensive. But you get and understand the gist of it.

I had a reporter come ask me personally what I thought of S.B. 49. I told him I have not had a constituent ever ask me for any of this. The only people who want the information are reporters and your opponents.

I do not need to give my CPA full-time employment just off me. These reports will be costly and a hardship for many. Those who live in the rural areas do not necessarily have a bank that is open. You have been gracious enough to extend the reporting time to business days as part of the amendment, correct?

**Mr. Gilles:**

Correct, our amendment does give flexibility as to when the 72-hour clock begins to tick—when you deposit or know later of the contribution.

**Senator Cegavske:**

That is much appreciated. I appreciate my colleague to my left and his attempt to also get in here and look at ways to help ease the burden and give us a little bit more.

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I will be voting no. Not that I balk at doing anything, but because I am the one who needs a CPA to do all those reports. I think it is important because if you do make mistakes, there are fines. If I had even one constituent who asked for this information, that would be a different story. I have never had a constituent in my 17 years ask me for it. I thank you for your work.

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 49.

SENATOR MANENDO SECONDED THE MOTION.

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

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**Chair Spearman:**

Thank you for your hard work. Thank you to your staff and to our staff. We will adjourn at 3:40 p.m.

RESPECTFULLY SUBMITTED:

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Mary Moak,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

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

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	5		Attendance Roster
S.J.R. 13	C	4	Carol M. Stonefield	Work Session Document
S.B. 63	D	1	Carol M. Stonefield	Work Session Document
S.B. 375	E	38	Carol M. Stonefield	Work Session Document
S.B. 49	F	8	Carol M. Stonefield	Work Session Document