

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

**Seventy-Eighth Session
May 14, 2015**

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 4:11 p.m. on Thursday, May 14, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Lynn D. Stewart, Chair
Assemblywoman Shelly M. Shelton, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Michele Fiore
Assemblyman John Moore
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Carol M. Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Patricia Hartman, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

None

Chair Stewart:

[Roll was taken.] This is a work session only. We will start with Senate Bill 5 (1st Reprint) and I will now turn the time over to Carol Stonefield.

Senate Bill 5 (1st Reprint): Revises provisions governing elections for nonpartisan offices. (BDR 24-90)

Carol M. Stonefield, Committee Policy Analyst:

All the members should have a binder with the work session document in it. It is on the Nevada Electronic Legislative Information System (NELIS), and there are hard copies of the document at the back of the room.

The first measure today is Senate Bill 5 (1st Reprint), which was heard in this Committee on May 12 and was presented by Senator Settlemeyer. The bill provides that a candidate for a nonpartisan office who receives a majority of the votes cast in a primary election must be declared the winner, and his or her name must not be placed on the general election ballot. The measure clarifies this requirement for certain city elections and adds this provision to the Charter of Carson City. The amendment is behind the bill page. It was approved by the Chair for consideration and was drafted by the Committee's Counsel who is prepared to discuss the contents. [Work session document ([Exhibit C](#)).]

Kevin Powers, Committee Counsel:

In consultation with state and local election officials, this office was able to prepare this mock-up. The mock-up addresses three types of judicial officers: judges of the district court, judges of the Court of Appeals, and justices of the Supreme Court. Some of this is existing law and is just being clarified. The mock-up provides that if only one candidate runs for an office for one of those judgeships, then that candidate's name appears on the general election ballot alone and, of course, if that candidate gets one vote, he or she is elected. If just two candidates file for one of those judgeships, the names are not on the primary ballot, but they go to the general election ballot and then the winner of

the general election would win the contest. If there are three or more candidates for those judgeships, all three would be on the primary ballot. If one of them receives a majority of the votes at the primary, only that candidate's name goes to the general election, and if he received that one vote, then they would be elected to office. If, at the primary, none of the three or more candidates receive a majority vote, the top two candidates go to the general election and the winner at the general election would then get the seat.

Chair Stewart:

Are there any questions?

Assemblyman Thompson:

In this situation, it would not be that one of the candidates would have to get 50 percent plus one vote. It is going to be a majority vote. If the candidate receives 38 percent or 42 percent of the vote, they win, correct?

Kevin Powers:

The language states "a majority of the votes cast," so it is the candidate who receives the majority of the votes cast, which to me, would be interpreted as the candidate who would have to receive more votes than 50 percent of the three candidates and that candidate would then receive the majority of the votes cast. It is a difference between the words majority and plurality. If there are three people and one person gets enough votes to win but does not get 50 percent of the votes, they have a plurality, not a majority. But if the candidate gets about 50 percent, they have a majority of the votes, and that is the difference.

Assemblyman Ohrenschall:

The change from S.B. 5 (R1) that we considered in the mock-up is that S.B. 5 (R1) did not apply to state district court judges, Court of Appeals candidates, or Supreme Court candidates. It only applied to nonpartisan offices such as the Board of Regents of the Nevada System of Higher Education and school board trustees, correct?

Kevin Powers:

The first reprint applied to the three judgeships that I was talking about, but it applied in a way that was not exactly clear, so this mock-up clears it up. We wanted to be exact with regard to these judgeships, how they are treated, and which candidates had to go to the general election for these types of judgeships. This is taking what was already in the first reprint and making it clear for these three types of judgeships.

Assemblyman Ohrenschall:

So the amendment is just a clarification; S.B. 5 (R1) was meant to give judicial candidates a winner-takes-all scenario. If a candidate can get 50 percent plus one of the votes, and if there are more than two people running, then winning at the primary is going to nullify any general election. That candidate will be the winner at the primary election, correct?

Kevin Powers:

With regard to the judgeships, the candidate will be the winner of the nomination at the primary and the candidate's name will have to go to the general election ballot. However, he or she will be the only candidate on the general election ballot, so only one vote would be sufficient for that candidate to win the election.

Chair Stewart:

Do I have a motion to amend and do pass S.B. 5 (R1)?

ASSEMBLYMAN TROWBRIDGE MADE A MOTION TO AMEND
AND DO PASS SENATE BILL 5 (1ST REPRINT).

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

Chair Stewart:

Is there any further discussion?

Assemblyman Ohrenschall:

My concern with this scenario is the low voter turnout at primary elections. There will just be a small group of voters picking the winners for these offices, and it will not be vetted at the general election. Unfortunately, many of our constituents take a powder in the primary election and get interested in the general election in November. I am concerned that this winner-takes-all scenario in the primary election is going to benefit incumbents, those with access to a lot of campaign funds, and those who may have a well-known last name. I am regrettably voting no.

Chair Stewart:

We will now vote on S.B. 5 (R1).

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL
VOTED NO.)

Assemblyman Trowbridge will present the floor statement. The next bill before the Committee is Senate Bill 19 (1st Reprint).

Senate Bill 19 (1st Reprint): Authorizes the board of trustees of a school district to place an advisory question on the ballot at a general election. (BDR 24-477)

Carol M. Stonefield, Committee Policy Analyst:

This bill was heard in this Committee on May 12, and was presented by representatives of the Washoe County School District. The bill proposes that a board of trustees of a school district be permitted to submit an advisory question on a general election ballot. The measure limits the submission to one advisory question per general election. There are no amendments offered on this bill. [Work session document ([Exhibit D](#)).]

Chair Stewart:

Is there a motion to do pass S.B. 19 (R1)?

ASSEMBLYMAN OHRENSCHALL MADE A MOTION TO DO PASS
SENATE BILL 19 (1ST REPRINT).

ASSEMBLYMAN MUNFORD SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN FIORE, MOORE,
SEAMAN, AND SHELTON VOTED NO.)

Assemblyman Munford will present the floor statement. The next bill before the Committee is Senate Bill 274 (1st Reprint).

Senate Bill 274 (1st Reprint): Enacts provisions governing the State's delegates to any federal constitutional conventions. (BDR 24-600)

Carol M. Stonefield, Committee Policy Analyst:

This bill was heard in this Committee on May 5, and was presented by Senator Settelmeyer. Senate Bill 274 (1st Reprint) provides for procedures for appointing delegates to constitutional conventions called pursuant to Article V of the *United States Constitution*. The bill includes provisions relating to appointments of delegates and alternates, qualifications of appointees, and geographic distribution of pairs of delegates and alternates. The bill requires delegates and alternates to take an oath to uphold the *U.S. Constitution* and follow the instructions of the appointing authority. The bill provides that an act or vote contrary to instructions is void, and provides penalties including forfeiting the office. There were no amendments offered. [Work session document ([Exhibit E](#)).]

Chair Stewart:

Is there a motion to do pass S.B. 274 (R1)?

ASSEMBLYMAN OHRENSCHALL MADE A MOTION TO DO PASS
SENATE BILL 274 (1ST REPRINT).

ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Is there any discussion?

Assemblyman Elliot T. Anderson:

At first I thought it would be a good thing to limit delegates and then I thought more about it. One technique to persuade people is the foot-in-the-door technique, and I am worried that this could convince future Legislatures to support an application for a convention. For those reasons, I will be voting no.

Assemblywoman Seaman:

I am not a supporter of Article V, but I understand that if it does happen, this sets up the rules and regulations, so I will be voting the bill out of Committee, but I reserve my right to vote no on the floor.

Assemblyman Ohrenschall:

It is a tough call for me but I am going to support this bill. We cannot buy into future Legislatures, so we cannot control what is going to happen, but I like the idea that if this does happen, it will keep the delegates faithful. We have done that as recently as last session. I believe that the Nevada Legislature passed Senate Bill No. 458 of the 77th Session which enacted the Uniform Faithful Presidential Electors Act, which ensures that the electors we send to elect the President of the United States will be faithful to the will of the body politic. We have done something like this before, as have other states with the Uniform Faithful Presidential Electors Act, so I will support the bill. I think it is good to have it on the books and, of course, we cannot control what a future Legislature will do, and I do not believe that a vote for this bill is supporting a Convention of States, but at least it is trying to make sure as to what the delegates are going to do.

Chair Stewart:

We will now vote on S.B. 274 (R1).

THE MOTION FAILED. (ASSEMBLYMEN ELLIOT T. ANDERSON,
MUNFORD, SHELTON, THOMPSON, TROWBRIDGE, AND
STEWART VOTED NO.)

The next bill before the Committee is Senate Bill 293 (1st Reprint).

Senate Bill 293 (1st Reprint): Revises provisions relating to the disposition of unspent campaign contributions. (BDR 24-596)

Carol M. Stonefield, Committee Policy Analyst:

Senate Bill 293 (1st Reprint) was heard in this Committee on March 25, and was presented by Senator Greg Brower and Assemblyman Pat Hickey. This bill requires a person, including a former public officer, who qualifies as a candidate by receiving one or more contributions in excess of \$100, to dispose of all contributions that have not been spent or committed for expenditure if, within four years after receipt of the contribution, the person does not file a declaration or acceptance of candidacy or appear on the ballot at any election.

The bill also provides that a former public officer who has any unspent campaign contributions as of October 1, 2015, which is the effective date of this act, shall, on or before September 30, 2017, file a declaration or acceptance of candidacy, appear on a ballot, or dispose of the unspent contributions. The bill specifies that such former public officers are subject to campaign finance reporting requirements as long as they have unspent campaign contributions. There are no amendments. [Work session document ([Exhibit F](#)).]

Chair Stewart:

Is there a motion to do pass S.B. 293 (R1)?

ASSEMBLYWOMAN SEAMAN MADE A MOTION TO DO PASS
SENATE BILL 293 (1ST REPRINT).

ASSEMBLYWOMAN SHELTON SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Shelton will present the floor statement. Next we will hear Senate Bill 307.

Senate Bill 307: Revises provisions relating to public officers and candidates for public office. (BDR 17-768)

Carol M. Stonefield, Committee Policy Analyst:

Senate Bill 307 was heard in this Committee on April 23, and was sponsored by Senator Michael Roberson. Senate Bill 307 aligns certain provisions in the Nevada Lobbying Disclosure Act and Nevada's Financial Disclosure Act. The bill revises the definitions of "expenditure" and "gift" as they relate to reporting by lobbyists and public officers; requires that lobbyists must disclose expenditures made for educational or informational meetings, events, or trips provided to legislators; provides that public officers and candidates must report on their financial disclosure form statements any meetings, events, or trips that have been provided by interested persons, which is a term that is defined in the bill; and removes the categorical reporting of expenditures made by a registered lobbyist and, instead, requires the itemization of such expenditures as set forth in regulations adopted by the Legislative Commission.

The bill provides that a lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch and a member shall not accept any gift from a lobbyist. This prohibition applies whether or not the Legislature is in session. The Secretary of State is required to provide access through a secure website for the purpose of filing these statements electronically.

Finally, S.B. 307 provides that the required nonelection year contribution and expense reports, as well as the disposition of the unspent contribution report, must be filed 15 days after the end of that nonelection year. The measure requires monthly reporting of contributions and expenses throughout the election year.

There is an amendment to this bill that has been approved by the Chair for consideration. It was drafted by the Committee's Counsel, and he is prepared to present that to the Committee. [Work session document ([Exhibit G](#)).]

Kevin Powers, Committee Counsel:

There are two components to the amendment. The first component would remove sections 34 through 39 that deal with campaign contribution and expense reports. By eliminating those sections from the bill, the bill would keep existing law and the existing schedule with regard to filing campaign contribution and expense reports. The bill originally proposed changing election year reports to monthly reporting and that would no longer occur under the bill because those sections would be removed from the bill.

The second amendment is in section 21. This is a technical amendment being offered by the Legal Division and was an oversight in drafting. It reflects the original intent of the bill in defining members of the public officer's or candidate's household. So that definition is being amended to reflect the original intent.

Finally, I want to emphasize that the bill becomes effective on January 1, 2016, except with regard to the financial disclosure statement. It does not apply to the 2015 financial disclosure statement. When public officers and candidates file their 2015 disclosure statement on January 15, 2016, those will be covered under the old law. The new financial disclosure statement requirements will occur when the candidates and public officers file on January 15, 2017. All other provisions of the bill become effective January 1, 2016.

Chair Stewart:

With the amendment, we would only have to file 5 reports instead of 1 each month, which would be 12 reports, correct?

Kevin Powers:

That is correct. Existing law is the 5 reports you are referring to and that would remain in place.

Chair Stewart:

Is there a motion to amend and do pass S.B. 307?

ASSEMBLYWOMAN SEAMAN MADE A MOTION TO AMEND AND
DO PASS SENATE BILL 307.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion?

Assemblyman Elliot T. Anderson:

I just looked at this amendment today, and I am still getting my head wrapped around it. I want to reserve my right to change my vote on the floor but will vote it out of the Committee. I want to understand it more, and I want to vet the transparency issues thoroughly.

Assemblyman Thompson:

I am looking at item 2 of the mock-up where it refers to the definition of "member of the public officer's or candidate's household." I want to look at those various compositions. I will vote the bill out of Committee, but I want to reserve my right to change my vote on the floor.

Chair Stewart:

Is there any further discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Ohrenschall will present the floor statement.

Carol M. Stonefield:

Before we move on to the next bill, the Secretary of State's Office compiled contribution and expense reports (C&E) statistics in response to the discussion in this Committee when S.B. 307 was heard and that report is available on NELIS ([Exhibit H](#)).

Chair Stewart:

Next we will hear Senate Bill 403 (1st Reprint).

**Senate Bill 403 (1st Reprint): Revises provisions relating to elections.
(BDR 24-799)**

Carol M. Stonefield, Committee Policy Analyst:

The next bill before the Committee is Senate Bill 403 (1st Reprint), which was heard on May 5 and was presented by Senator Patricia Farley. The bill provides that if a district court determines a candidate for any office violated the residency requirements, the candidate shall reimburse contributors or make donations as ordered by the court. If a person contributed more than \$100, the reimbursement must be in an amount equal to the contribution or some proportion as ordered. If the contributor declines to be reimbursed or cannot be located, or the contribution is less than \$100, the candidate shall donate an equivalent amount, as determined by the court, to a tax-exempt nonprofit entity. Information about these requirements must be provided to candidates.

The bill provides for the grant of extensions and installment plans. The candidate must report all reimbursements and donations made and is prohibited from using any contributions received as a candidate in another election. All reimbursements must be made prior to disposing of other unrelated campaign funds pursuant to Nevada's campaign practices law.

The bill also provides that a legislative candidate is considered an "ineligible candidate" if the individual fails to meet any qualification required for the office or is found by a court to be disqualified from entering upon the duties of the office. Such an ineligible candidate may not be seated as a legislator nor take

the official oath of office. The individual must not be issued a certificate of election regardless of the number of votes cast. There are no amendments. [Work session document ([Exhibit I](#)).]

Chair Stewart:

Mr. Powers, we had some concerns that there would be a conflict between Assembly Bill 177 and this bill. Would you make that clarification?

Kevin Powers, Committee Counsel:

When Assembly Bill 177 (1st Reprint) was approved by the Assembly, that was the first reprint. The first reprint of Senate Bill 403 was drafted so if both bills were passed in that form, they would be consistent. In the Senate, minor amendments were made to A.B. 177 (R1). We do not believe those amendments change the consistency. Senate Bill 403 (1st Reprint) and A.B. 177 (R2), which would become the second reprint of A.B. 177, are both consistent and if they are enacted into law, they can be consistently codified and there are no conflicts.

Chair Stewart:

Is there a motion to do pass S.B. 403 (R1)?

ASSEMBLYWOMAN SEAMAN MADE A MOTION TO DO PASS
SENATE BILL 403 (1ST REPRINT).

ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Is there any discussion?

Assemblyman Elliot T. Anderson:

I need to understand the due process issue. Would this bill kick in after someone's appeals are exhausted? I do not think we can tell them to get rid of campaign account money until all remedies are exhausted. Mr. Powers, can you answer that?

Kevin Powers:

Your question would be answered on page 16, section 13, subsection 5, lines 10 through 15. That sets up the deadline when the candidate would have to do the reimbursements. That deadline is triggered by the entry of the district court's order or if an appeal is taken after the date that the appeal is resolved by a final order. The obligation to reimburse would not occur if an appeal was taken until after the Appellate Court entered its final order.

Chair Stewart:

Is there any further discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Seaman. Next to be heard is Senate Bill 499 (1st Reprint).

**Senate Bill 499 (1st Reprint): Revises certain deadlines relating to elections.
(BDR 24-1149)**

Carol M. Stonefield, Committee Policy Analyst:

Senate Bill 499 (1st Reprint) was heard in this Committee on May 5, and was presented by Senator James Settelmeyer. The bill revises certain provisions relating to elections. It extends the deadlines by which petitions from minor political parties and independent candidates must be filed and shortens the deadlines by which the county clerks must verify the signatures on those petitions.

The dates by which challenges to the qualification of a minor party to place names of candidates on the ballot and for challenges to the candidacy of an independent candidate are revised. The bill also provides that the district court in which the challenge is filed must give priority to the proceedings.

Certain vacancies in nominations are currently required to be filled no later than the fourth Friday in June of an election year. The bill changes that deadline to the fourth Friday in July as it applies to vacancies in nonpartisan offices or nominations for nonpartisan offices and nominations for certain partisan offices.

Where there is no contest for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee. There are no amendments. [Work session document ([Exhibit J](#)).]

Chair Stewart:

Is there a motion to do pass S.B. 499 (R1)?

ASSEMBLYMAN TROWBRIDGE MADE A MOTION TO DO PASS
SENATE BILL 499 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Moore will present the floor statement. Next we will hear Senate Joint Resolution 3 (1st Reprint).

Senate Joint Resolution 3 (1st Reprint): Proposes to amend the Nevada Constitution to provide for the Lieutenant Governor to be elected jointly with the Governor. (BDR C-486)

Carol M. Stonefield, Committee Policy Analyst:

The next measure is Senate Joint Resolution 3 (1st Reprint). It was heard in this Committee on May 12, and was presented by Lieutenant Governor Mark Hutchinson. This resolution proposes to amend the *Nevada Constitution* to provide that the Lieutenant Governor and Governor shall be elected jointly. A successful gubernatorial candidate shall designate a candidate for Lieutenant Governor and the two shall run together. A person who has not been designated as the running mate is prohibited from accepting campaign contributions. Contributions to either candidate constitutes a contribution to the running mate as well. There are no amendments. [Work session document ([Exhibit K](#)).]

Chair Stewart:

Is there a motion to do pass S.J.R. 3 (R1)?

ASSEMBLYWOMAN SHELTON MADE A MOTION TO DO PASS
SENATE JOINT RESOLUTION 3 (1ST REPRINT).

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

Is there any discussion?

Assemblyman Ohrenschall:

As you know, I have been on this Committee every session since I was first elected. We have had different proposals to amend the *Nevada Constitution*. Similar to this bill, Jim Rogers, who was the interim chancellor of the Nevada System of Higher Education, was not too pleased with our Board of Regents back then. He presented a constitutional amendment to have them all be appointed and not elected. I am very hesitant to take away the power from the voters to hire or fire this constitutional officer. I was hesitant then and I could not support it. Lieutenant Governor Hutchinson made a compelling

argument about this being distinguishable because it is two officers, both from the Executive Branch of government, but the Lieutenant Governor also has a legislative role as well.

Looking back at history, there have been times where there was a Governor of one party and a Lieutenant Governor of another party who have been at odds. I think of Governor Bob Miller and Lieutenant Governor Lonnie Hammargren, and the examples that were brought up with Governor Grant Sawyer and Lieutenant Governor Paul Laxalt. There have been some great Lieutenant Governors elected who were of the opposite party. Myron Leavitt was a Democratic Lieutenant Governor under Governor Robert List, who was a Republican, so I am hesitant to take that right away from the voters. I know it would be more convenient for whomever wins the office of Governor to have someone from the same party in that office, but I believe that the voters know what they are doing. Sometimes they want divided government and people from different parties to keep an eye on each other, so I am voting no.

Chair Stewart:

Is there any further discussion? [There was none.]

THE MOTION FAILED. (ASSEMBLYMEN FIORE, MOORE, OHRENSCHALL, SEAMAN, AND SHELTON VOTED NO.)

Next we will hear Senate Joint Resolution 17 (1st Reprint).

Senate Joint Resolution 17 (1st Reprint): Proposes to amend the *Nevada Constitution* to expand the rights guaranteed to victims of crime. (BDR C-952)

Carol M. Stonefield, Committee Policy Analyst:

Senate Joint Resolution 17 (1st Reprint) was heard in this Committee on May 12, and presented by Senator Michael Roberson. This resolution proposes to amend the *Nevada Constitution* by eliminating existing victims' rights provisions found in Article 1, Section 8, and replacing them with an expanded set of provisions in the form of a victims' bill of rights. [Work session document ([Exhibit L](#)).]

There is an amendment ([Exhibit M](#)) that is behind the bill page which is similar to the one that was discussed in the hearing for the resolution. This conceptual amendment varies only in that these individuals are urging that in section 23, subsection 1, paragraph (h), the word "district" as applied to court is eliminated

because they view that as limiting it just to the district court and so their proposal would read "in the court involving release, sentencing, or any parole proceeding."

Chair Stewart:

Mr. Powers, did you have any comment on the amendment?

Kevin Powers, Committee Counsel:

No, we can accomplish amendments in the drafting process, take them from their conceptual form, and turn them into an amendment.

Chair Stewart:

Is there a motion to amend and do pass S.J.R. 17 (R1)?

ASSEMBLYWOMAN SEAMAN MOVED TO AMEND AND DO PASS
SENATE JOINT RESOLUTION 17 (1ST REPRINT).

ASSEMBLYMAN TROWBRIDGE SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Fiore:

After heavy debate and thoughts on this bill, I believe it needs to be in our statutes. I am fearful of setting precedents every time the Legislature is in session that we tinker with our *Constitution*. So because I do not want our *Constitution* tinkered with every session, I vote no.

Assemblyman Elliot T. Anderson:

I have similar concerns to those of Assemblywoman Fiore. I think a lot of it makes sense, and I would support it if it were going into statutes. I believe that we run into interpretation issues between the intersection of a proposed victim's constitutional rights and well-worn constitutional bedrocks that we have to protect people from the power of the state. We talk about the Fifth and Sixth Amendments and all amendments that were fought and bled for. I understand where the proponents are coming from. The Assembly has already passed a victims' rights bill this session to protect people that are vulnerable victims, and I think that the Assembly is more than willing to make that consideration. I know that in the Judiciary Committee, victims are well advocated for and they should be. It is a matter of where this is being put and, in particular, I think that removing the language in the amendment stating that these proposed measures could not infringe is especially problematic, and I think that was what gave people comfort in the Senate when it passed. For those reasons, I will be voting a respectful no.

Chair Stewart:

Are there any other comments?

THE MOTION FAILED. (ASSEMBLYMEN ELLIOT T. ANDERSON, FIORE, MOORE, MUNFORD, OHRENSCHALL, AND THOMPSON VOTED NO.)

Thank you all for being here. We are going to recess at this time in case some matter comes up. We will adjourn behind the bar tomorrow. [The meeting recessed at 4:47 p.m.]

[The meeting reconvened on the fourth floor of the Assembly on May 15, 2015, at 11:55 a.m.]

Chair Stewart:

[Roll was taken.]

We are here to reconsider and vote on Senate Joint Resolution 3 (1st Reprint), Senate Joint Resolution 17 (1st Reprint), and Senate Bill 274 (1st Reprint).

Is there a motion to reconsider S.J.R. 3 (R1)?

ASSEMBLYWOMAN SEAMAN MADE A MOTION TO RECONSIDER SENATE JOINT RESOLUTION 3 (1ST REPRINT).

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN MOORE, OHRENSCHALL, AND SHELTON VOTED NO.)

I will consider a motion to do pass S.J.R. 3 (R1).

ASSEMBLYWOMAN SEAMAN MADE A MOTION TO DO PASS SENATE JOINT RESOLUTION 3 (1ST REPRINT).

ASSEMBLYMAN MOORE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN MOORE, MUNFORD, OHRENSCHALL, AND SHELTON VOTED NO.)

The next bill is Senate Joint Resolution 17 (1st Reprint). May I have a motion to reconsider S.J.R. 17 (R1)?

ASSEMBLYWOMAN SEAMAN MADE A MOTION TO RECONSIDER
SENATE JOINT RESOLUTION 17 (1ST REPRINT).

ASSEMBLYWOMAN SHELTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,
MUNFORD, OHRENSCHALL, AND THOMPSON VOTED NO.)

I will consider a motion to amend and do pass S.J.R. 17 (R1).

ASSEMBLYWOMAN FIORE MOVED TO AMEND AND DO PASS
SENATE JOINT RESOLUTION 17 (1ST REPRINT).

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,
MUNFORD, OHRENSCHALL, AND THOMPSON VOTED NO.)

The last bill is Senate Bill 274 (1st Reprint). Is there a motion to reconsider
S.B. 274 (R1)?

ASSEMBLYWOMAN FIORE MADE A MOTION TO RECONSIDER
SENATE BILL 274 (1ST REPRINT).

ASSEMBLYWOMAN SHELTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON
AND THOMPSON VOTED NO.)

I will consider a motion to do pass S.B. 274 (R1).

ASSEMBLYMAN OHRENSCHALL MADE A MOTION TO DO PASS
SENATE BILL 274 (1ST REPRINT).

ASSEMBLYWOMAN SHELTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON
AND THOMPSON VOTED NO.)

Are there any comments?

Assemblyman Elliot T. Anderson:

I object to the meeting being held here instead of in a meeting room because it could have been recorded and there would have been more time for discussions.

Chair Stewart:

The meeting is in recess [at 12:04 p.m.]. [The meeting adjourned at 1:26 p.m.]

RESPECTFULLY SUBMITTED:

Patricia Hartman
Committee Secretary

APPROVED BY:

Assemblyman Lynn D. Stewart, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Legislative Operations and Elections

Date: May 14, 2015

Time of Meeting: 4:11 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|-------------------|----------------|--|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 5 (R1) | C | Carol M. Stonefield, Committee Policy Analyst | Work session document and amendment |
| S.B. 19 (R1) | D | Carol M. Stonefield, Committee Policy Analyst | Work session document |
| S.B. 274 (R1) | E | Carol M. Stonefield, Committee Policy Analyst | Work session document |
| S.B. 293 (R1) | F | Carol M. Stonefield, Committee Policy Analyst | Work session document |
| S.B. 307 | G | Carol M. Stonefield, Committee Policy Analyst | Work session document and amendment |
| S.B. 307 | H | Barbara Cegavske, Secretary of State | Contribution and Expense Statistics Report |
| S.B. 403 (R1) | I | Carol M. Stonefield, Committee Policy Analyst | Work session document |
| S.B. 499 (R1) | J | Carol M. Stonefield, Committee Policy Analyst | Work session document |
| S.J.R. 3 (R1) | K | Carol M. Stonefield, Committee Policy Analyst | Work session document |
| S.J.R. 17 (R1) | L | Carol M. Stonefield, Committee Policy Analyst | Work session document |
| S.J.R. 17 (R1) | M | Carol M. Stonefield, Committee Policy Analyst | Amendment |