

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

**Seventy-Eighth Session
May 19, 2015**

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 4:21 p.m. on Tuesday, May 19, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at 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 Harvey J. Munford
Assemblyman James Ohrenschall
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Glenn E. Trowbridge

COMMITTEE MEMBERS ABSENT:

Assemblyman John Moore (excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senate District No. 17

Minutes ID: 1238



STAFF MEMBERS PRESENT:

Claire Clift, Secretary of the Nevada Senate
Carol M. Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Patricia Hartman, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Carol Howell, Private Citizen, Carson City, Nevada
Clarence L. (Bud) Southard, Private Citizen, Carson City, Nevada
Nick Phillips, Private Citizen, Las Vegas, Nevada
Roger Haynes, Private Citizen, Carson City, Nevada
Joy Trushenski, Private Citizen, Carson City, Nevada
William Birk, Private Citizen, Carson City, Nevada
Juanita Clark, representing Charleston Neighborhood Preservation
Joseph P. Gloria, Registrar of Voters, Clark County
Susan Merriwether, Clerk/Recorder, Carson City
Luanne Cutler, Registrar of Voters, Washoe County
Janine Hansen, President, Nevada Families for Freedom
John Wagner, State Chairman, Independent American Party
Elisa P. Cafferata, President, Nevada Advocates for Planned Parenthood
Affiliates, Inc.
Patrick T. Sanderson, Legislative Committee Chairman, Nevada Alliance
for Retired Americans
Scott F. Gilles, Legislative Relations Program Manager, Office of the City
Manager, City of Reno
Dan Burdish, Private Citizen, Las Vegas, Nevada

Chair Stewart:

[Roll was taken.] First, we have a hearing on Senate Bill 421 (2nd Reprint).

Senate Bill 421 (2nd Reprint): Makes various changes relating to statewide primary elections. (BDR 24-1148)

Senator James A. Settelmeyer, Senate District No. 17:

The concept of Senate Bill 421 (2nd Reprint) is in a bill that I sponsored last session, Senate Bill No. 212 of the 77th Session, which was to get rid of the caucus process and have a primary instead. The concept would be to move the primary that now exists to February, and at that time, conduct a presidential primary in order to save more money or not to spend any more money. It is the same difference as having a 10-page or an 11-page essay on a computer.

The cost theoretically is de minimis because an election is already being conducted. Anything we do to increase voter participation for the selection of a leader of the free world is worthwhile. I know the subject is not without discussion or without some concern. Some people are worried about upsetting their holiday celebrations and the inconvenience. I do not believe that the inconvenience of selecting the leader of the free world through a process that allows you to walk into a voting booth and cast a vote is too much of an inconvenience.

There are some provisions in the bill that need to be tweaked if it moves forward. There are individuals who want to make sure that they have the availability to do the caucus the same day as the actual election, if they wanted to have it for a platform discussion. Those are some amendments that would need to be discussed. It is more of a philosophical question of moving up the primary that early.

Assemblyman Trowbridge:

I appreciate what you are trying to do. For clarification, you are speaking only about having a primary to accommodate the presidential election, correct?

Senator Settlemeyer:

That would be my desire. The bill is to move them all to February but if we decide we only want to do it for the presidential year, that is fine. I was trying to have some consistency. The concept is mainly to try to increase voter participation for the selection of the President. I looked at our caucus system from both parties and I thought the percentage results, even though the Democratic Party had a higher turnout, were very unsatisfactory in that selection.

Assemblyman Thompson:

You are right on target, but if it were to be just for the presidential race, that would eliminate a lot of the worries about campaigning over the holidays.

Senator Settlemeyer:

Unfortunately, that gives us a fiscal note and money is a premium product. We do not have the resources to conduct another election. That is where the concept came from to move up the February election, to eliminate the cost.

Assemblyman Elliot T. Anderson:

I want to approach this from two ways. You said this is an important goal. If the goal is to increase voter turnout, why not spend the money on creating a separate election? My concern is that we are going to make people mad by knocking on their doors around the holidays to raise money. I do not

understand it. If we move the primary, and early voting starts three days before New Hampshire's primary, do you think their secretary of state, Bill Gardner, is not going to move up the New Hampshire primary? My understanding is that New Hampshire has a state law that affirms they have to be the first primary in the presidential selection process. If it is an important goal to increase the length of time for voter participation, why not have the fiscal note and spend the money if it is important?

Senator Settlemeyer:

We always have this terrible question around here—what is more important, spending money on education or other things? Most of the time, we have determined that money for education is the goal. If there is an additional \$2 million, \$6 million, or \$10 million, it always goes to education.

As far as the concept of what New Hampshire does, I believe their law is predicated on the results and the day of the election, and not on early voting. In looking at this, the amount of attention and the ability of these presidential candidates and the ability for us and our constituents to ask these individuals questions in Nevada will force them to not be here as a flyover state for two or three days. They will basically have to live here for a month, and I do not think that is a problem to be able to ask questions about their views on open space, public lands, Payments in Lieu of Taxes, and everything else that is a concern to our voters.

Assemblyman Elliot T. Anderson:

You hit on what I believe is the genesis of the New Hampshire law—getting attention. I think they will contemplate that, and I believe they are watching us. We would be taking away from their attention, so they would move up the date of the primary and we would have an arms race with the calendar. In addition, it is hard for me to support this legislation because we are getting into unforeseen territory that jeopardizes our early calendar status, not to mention that it would make our constituents mad at us for campaigning during the holidays. I am sorry, but I cannot support this bill.

Senator Settlemeyer:

I understand, and that is why we are trying to hold the primary election as late in February as possible to still fit within all of the other calendars. I also understand your concern with New Hampshire.

Assemblyman Ohrenschall:

My question is about moving the election to February and having it as a primary election. I understand that the majority of the polling locations in Washoe and Clark Counties are schools. I imagine this would be done during school hours,

such as 7 a.m. to 7 p.m. Will people have to find other polling places, or what is the solution to that issue?

Senator Settlemeyer:

I think the polling location hours in Clark County are 7 a.m. to 7 p.m., which are mostly in the shopping malls and would have the highest voter turnout. As far as the utilization of school facilities, there is the same problem with that in June because some of the schools are not out yet. There may have to be different approaches in order to find good locations for people to vote, and I understand the concept of the inconvenience.

Assemblyman Trowbridge:

Section 33 of the bill states that "If a major political party does not desire to participate in a presidential...", they do not have to participate; there is a way out, correct? The only people who would be disrupted by holiday campaigning would be members of the party that elected to do this. So if party "A" does not want to, they could opt out, correct?

Senator Settlemeyer:

What occurred with the amendment that was put in this bill in the Senate was to try to alleviate the concerns of the minority party that believed that the majority party was trying to inadvertently do something that they disagreed with. We wanted to leave the option for the parties to opt out of the process if they thought that the caucus was more desirable. I did not want to force either one of the political parties down a road where they did not want to go. But for my constituencies, after the last caucus in the areas that I represent, Republicans and Democrats were dissatisfied with the entire caucus process of having to show up for the election on one particular day and at one particular time. That disenfranchises the military, the elderly, and others, and to me, it was unacceptable. That was the genesis of the bill.

Assemblyman Trowbridge:

Is it completely voluntary for either party and not required?

Senator Settlemeyer:

If they wish to opt out, they are more than welcome.

Assemblyman Thompson:

You said you wanted to increase voter participation. Have you thought about looking at the expansion of early voting hours? Have you looked at doing same-day registration? And most importantly, we are a citizen legislature, meaning that many of us may work 9-to-5 jobs, and if we campaign during winter hours, it will be dark when we get off work. If we are trying to make

that face-to-face connection with our constituents, what would be the remedies to get increased voter participation because the phone calls are easy clicks in our face versus face-to-face contact.

Senator Settlemeyer:

Regarding early voting hours, it has been fascinating to have the discussion of trying to get some consistency with the early voting hours in our Senate Committee on Legislative Operations and Elections. It was interesting to learn the counties' opinions were that the printed times were when people showed up to vote, so there is no need to extend the times. Then other counties said that everything was fine, to leave the times the way they were, and not to expand them, because it was hard enough to find people to work at the polling locations. I find that having two weeks of early voting is sufficient to get more people to the polls. I believe that we should expand voting hours to at least 7 a.m. to 7 p.m. consistently; however, each county weighed in and determined that it would be too much of a fiscal impact for them to do it. This could be problematic because I have a few polling locations at Topaz Ranch Estates and Lake Tahoe that were open for three hours that could be hard for voters to find. However, they do have the ability through mail-in ballots to vote. As far as same-day voter registration, I am shocked by this. I am not a fan of that concept. So, no, it was not included in the discussion. Regarding having more daylight hours, we voted for Assemblyman Edwards' daylight saving time bill, so that will give everyone an extra hour.

I started campaigning on January 1 for the Senate. Because I had 27,000 voters to contact, I had to start campaigning early, and because of the areas that I represent and their distances, I started knocking on doors at 11 a.m. and quit when the sun went down. I found out that was the time frame when people started answering their doors and when they went to bed, and that is definitely when you want to quit. As far as utilization of the clock or better time frames to knock on doors, I envy you because you have more dense areas in which to campaign, and I think you can take advantage of that.

Assemblyman Thompson:

There are a lot of working families in my district so people will not be home during the day.

Senator Settlemeyer:

There are also people in my district who work shift hours which is problematic. It is fascinating to learn what time people will answer their doors. Often I woke them up at 11 a.m. because they were a shift worker or they worked for a casino or the police department. My district has changed due to judges'

decisions telling me what counties to represent and our own opinions. It has been interesting to see that evolve because every district is different.

Assemblyman Ohrenschall:

I need clarification on Assemblyman Trowbridge's question about opting out. The option to opt out would only be for a party in the presidential preference primary versus caucus and would not be for candidates running for state Legislature or county commissioner, correct? Those candidates could not opt out, correct? So those elections would still be in February and voters would still be seeing us campaign on Thanksgiving and Christmas, correct? I do not think my constituents would be happy to see my face because too much of good thing can be too much.

Chair Stewart:

I have thought long and hard about this legislation. I have heard all kinds of issues, and we are going to consider them very carefully, but not so much today. I know of the expense and campaigning year-round from October until November the next year. I am familiar with all the arguments. I do not think anyone is going to tell me anything new. I will pledge to you that I will deal with all of these issues carefully, and I will work with representatives of the Democratic and Republican Parties and we will consider them. So anything that you bring up, I probably have already heard.

Assemblyman Elliot T. Anderson:

Your discussion about another bill passing in your Committee made me think of another issue we need to vet, because I know the Senate is considering a bill that the Assembly has passed that states a candidate must be a resident for six months in the district that they are running in, correct? If the primary is moved up to February, I think the deadline has already passed. Is there a due process problem if we pass this bill considering that the other piece of legislation is moving?

Senator Settlemeyer:

We have to change the bill regarding the number of days required for residency requirements. We will reduce the one-year residency requirement in Nevada instead of the two-year requirement. I believe that addresses our issue.

Assemblyman Elliot T. Anderson:

I was referring to the time in the district because that is another part.

Senator Settlemeyer:

If you are referring to 180 days, I believe the candidate can meet that requirement.

Assemblyman Elliot T. Anderson:

I think it is something we need to look into.

Chair Stewart:

Is anyone in support of this bill?

Carol Howell, Private Citizen, Carson City:

I am in favor of Senate Bill 421 (R2). I am going to ask you to remember one thing—7 percent [Republican voter turnout in Nevada's 2012 presidential caucus]. There is opposition from the politicians about campaigning through the holidays, but I want to make it clear that we have candidates who are campaigning for the presidency. All of you are in constant campaign mode and are always campaigning. Those of us who are active in our parties know that. So, whether you start campaigning in November or end in February does not matter. When looking at why we turned into a caucus state in lieu of the presidential primary, it was originally vaunted that it was going to get people involved. That is what the county precinct is supposed to do and has always done. The reason the parties are supporting the caucus in lieu of the primary is because of the money they can make charging the candidates on the ballot by selling their contact information that was garnered during the caucus.

Clarence L. (Bud) Southard, Private Citizen, Carson City, Nevada:

I am a 23-year Navy veteran. I have been involved with the Republican Party both in Lyon County and in Carson City since the mid-1990s. I have participated in the caucus and served as the parliamentarian. My experience with the caucus was displeasing because of the burden placed on the central committees to make this function happen, to start with, and the outside interference in our county programs. In 2012, by the time we made it through the state and selected our national delegates who voted in Washington, they did not vote for the candidate that we had chosen. I think that the caucus is an antiquated system and may have been adequate back in the 1700s or 1800s, but it has no place in Nevada now. Our state is advanced; we are in the twenty-first century, and we need to move forward to having a primary so people can participate in it.

Nick Phillips, Private Citizen, Las Vegas, Nevada:

I am in support of S.B. 421 (R2). I believe that we need to have an option to be a primary state in the event we so choose. We are a 24-hour state, and whether people live in southern Nevada and work in casinos, or in rural mining areas where it would be more difficult for them to be able to make it to caucus locations for a 15-, 20-, or 30-minute period, having early voting that would come along with a primary would be important to garner more people to vote for President of the United States.

There were earlier concerns brought up about New Hampshire. I have been told by very reliable sources that New Hampshire is fine as long as those votes are not released prior to their votes.

I think the political action committee (PAC) is an important aspect regarding campaigning. If candidates knock on someone's door on Thanksgiving or Christmas, they will probably lose some votes. I think that most of you here who have been elected realize you should not be asking your constituents for turkey while asking for their vote. You can use a PAC to overcome that obstacle. As far as the mailers, just because there is a longer period of time in which you are able to campaign, it does not mean that the amount of money you have will be doubled or tripled to accommodate that expense. You will still have to take that money and use it for the entire period.

Assemblyman Ohrenschall:

My question concerns a preemption of delegate selection rules by state statute that previously were left up to Republican National Committee (RNC) and Democratic National Committee (DNC) rules. I feel that it is interfering with the processes of the national committees and state and local parties. I wonder what your comments are on that, because prior to this, we were allowing the Republican and Democratic Parties to decide how to send delegates to the national convention to pick the leader of the free world and now we are meddling with that process.

Nick Phillips:

I am much more familiar with RNC rules than DNC rules, so on our side, we are allowed to do one of two things. We can either do winner-take-all or we can do a proportional allocation of delegates. This would not affect that. As far as the binding of delegates and the related rules, that is still under party control and has not changed. This gives us an official vote through an early voting process as well as the primary election that is done by the state or counties to be able to tell us what those numbers are rather than in a caucus process. That is my understanding and position on your question.

Assemblyman Elliot T. Anderson:

I want to follow up on your Christmas comment, Mr. Phillips, because people go on vacation around Christmas. During the closing of a primary, a candidate could possibly lose a week to two weeks of constituents being away from their homes. So it is not just as simple as one day, is it?

Nick Phillips:

Certainly people leave town during that time, but the question that I was responding to was the matter of annoying people by knocking on their doors on Thanksgiving Day or Christmas, not so much as the reduction of time.

Assemblyman Elliot T. Anderson:

I would argue that if they are home and they are spending time with their families, their families could stay for more than a day, so we are still at their door, and most of the time they hate us anyway when we come to their door. I literally have seen signs that say we are tired of your walk card—stay away. This does not happen in my district, of course, but it happens in some of the more competitive districts especially those that get the majority of campaign candidates.

Roger Haynes, Private Citizen, Carson City, Nevada:

I agree with the previous comments. I want to add that the weakness of the caucus system is due in large part to the small turnout that the caucus operates under. With a small turnout, it becomes feasible for a small, enthusiastic group of supporters to take over the caucus. I think that is a danger of the caucus system that going to a primary cures and makes it a more democratic process.

Joy Trushenski, Private Citizen, Carson City, Nevada:

I support S.B. 421 (R2). I participated in the last caucus in Carson City and it was very poorly attended. We did a lot of work in preparation for the caucus and there was little to show for it because of poor participation. More people would vote in a primary than would attend a caucus.

William Birk, Private Citizen, Carson City, Nevada:

I served for over 23 years in the military. It is hard enough for military personnel to get absentee ballots, but we would be completely disenfranchised if we do not go back to a primary. There is no way that military people could participate. I support this bill.

Juanita Clark, representing the Charleston Neighborhood Preservation:

In view of the caucus and the military and because I have worked at a caucus trying to encourage people to understand the importance of getting them there to participate, we are in support of this bill.

Chair Stewart:

Is anyone else in Las Vegas in support or opposition?

Joseph P. Gloria, Registrar of Voters, Clark County:

I am in opposition to the bill. All of my viewpoints are strictly administrative. It is a big machine that we fire up when we get ready for an election, and moving the primary to February creates many logistical issues for us.

We have been partners with the Clark County School District for many years, and we have worked hard to develop an even-year calendar regarding the children being out of school when we vote. The main reason we schedule people to vote on the second Tuesday in June is because the majority of schools are closed for the school year. There are many considerations that work in our favor when the children are not in school. The reason is not because the children are not there, but because we are able to obtain the voting room of our choice. Parking is not an issue either so it is not a hardship for the disabled voters and the elderly since we can obtain the closest room near the parking lot. Having people vote in February makes it very problematic, and in conversations with the school district, they have not assured me that they would be able to shift an in-service date of February to accommodate us.

There has been a lot of talk about campaigning during the holiday season. We have to train 3,000 workers in preparation for an election. It will be virtually impossible for us to get a full training schedule put together between November and the Thanksgiving and Christmas holidays. This would result in increased costs because in the month of January, we would have to increase our staff time and would probably have to create a weekend calendar to schedule training for our workers for the February primary.

I have been here on many occasions to talk about the technology issues that we have in Clark County and what we are trying to do to address them. We were going into a very aggressive campaign this off-season to upgrade our absentee system and also our tabulation software, and early voting browser. We are prepared to move forward with that upgrade. This move will severely impact our timetable for implementing that technology and improving the voting processes in Clark County.

In that time period from October to February, there are seven holidays to take into account when we will be working in full swing, and this would increase our overtime costs.

Assemblyman Ohrenschall:

How many poll workers do you have to get to conduct the primary elections? Do you think you will be able to get them to work and get the training done during the holiday season?

Joe Gloria:

We will train about 3,000 workers and that includes our team leaders, clerks, and Edge [Sequoia AVC Edge] machine operators. We are going to have an issue because we will have to shift the majority of our training closer to the election cycle, which will cause us to work more overtime and weekends and schedule much of that training outside of our normal work hours. That will be the impact that we foresee from moving the primary to February. There is no way we will be able to get a large turnout of people for training between Thanksgiving and Christmas.

Chair Stewart:

Is anyone opposed to the bill in Carson City?

Susan Merriwether, Clerk/Recorder, Carson City:

I am in opposition to this bill as written. I am sure the majority of the other clerks throughout the state will agree with what Joe Gloria has stated in his testimony. In Carson City, our election workers are mostly retirees, and they go south for the winter. So I agree with Joe that during the months of November and December, it will be very difficult for us to find people to work for us in Carson City and for most of the northern counties throughout the state. Having the election held in June has worked well for us because of the polling locations being located in the school districts. The hours at the polling locations for all of the counties are 8 a.m. until 6 p.m., which are consistent throughout the state. The temporary polling locations are the sites that vary because of different jurisdictions.

Luanne Cutler, Registrar of Voters, Washoe County:

We, too, are testifying in opposition to this bill as written. I want to echo the concerns of my colleagues, both in Las Vegas and in Carson City. We also have worked very hard to foster a relationship with the school district. Sixty percent of our polling places are schools. In the last primary, when school was still in session, we had a great deal of difficulty with schools that had what is known as the single point of entry. Trying to move the voters through the single point of entry, which entails their being examined by school personnel, and so forth, was a serious problem. Former state Senator Sheila Leslie was locked out of one of the schools. So it would be very problematic for us. I am also concerned about the 600 poll workers we need to hire in Washoe County in order to get them trained in time. There are many logistical challenges that we would face.

Janine Hansen, President, Nevada Families for Freedom:

We oppose S.B. 421 (R2). Major parties can have a presidential primary without moving the entire primary to February. Do you as legislators want to

file for office the first and second week of November the year preceding an election? Do you want to have your primary election in February? Do you want to be raising money and campaigning through Thanksgiving, Christmas, and New Year's? Do you want to be campaigning for an entire year, November to November? Do you think voters want you to be campaigning for an entire year? Do you think that having an entire year of campaigning will turn voters off? I do.

How much money will you have to raise in order to sustain a campaign for an entire year? The cost of campaigns will significantly increase. How many more campaign contribution and expense reports will you have to fill out? How will campaigning for an entire year affect your family, job, business, or quality of life? Is having a presidential preference primary in February that will cost no money worth moving the whole primary to February? In my opinion, it will not. I think it will have a negative impact on the entire election.

Is having the primary in February and filing for candidacy in November of the previous year worth the pain that it will cause candidates, voters, and candidates' families? Have we no regard for the personal and family lives of candidates and voters? It will take a toll on candidates by moving the primary to February. Do yourselves a favor and vote no on S.B. 421 (R2). I have also provided written testimony ([Exhibit C](#)) on the Nevada Electronic Legislative Information System (NELIS) so you can review all of those questions.

John Wagner, State Chairman, Independent American Party:

I represent a minor party and this would put an untold amount of stress on us. The only people I heard testifying in favor of this legislation were Republicans. I did not hear any Democrats say this was a good idea. For us, we have to file at the same time everyone else does. That means that if filing starts the first of November, we would need to have our county and state conventions in the summer. If they want to have the presidential primary at that time, that is fine. Third parties do not have primaries because we are not allowed to have them. We are supposed to have conventions, which we do. If the time frame for primaries is moved back, it makes it more difficult, and for a third party to try to raise money, it makes it even more difficult. We are at a great disadvantage. If this bill is designed to destroy third parties, I think it is doing a good job. We are opposed to this bill.

Elisa P. Cafferata, President, Nevada Advocates for Planned Parenthood Affiliates, Inc.:

I am speaking as someone who has been going to primary precinct meetings from the age of 12 to now being a full-fledged member of the process. I am concerned about this bill because it could exacerbate one of the problems that

we are trying to address. I was at the Republican National Convention when the Nevada delegation voted their preferences as opposed to the percentage of people who voted for the presidential candidate from Nevada. This bill states that we cannot have the precinct meetings to start the process of electing the delegates to the national convention until after the primary has occurred. So now the people have voted, but who is going to be excited about attending a precinct meeting and from there, the county, state, and national conventions? I think this would only encourage a small group of people rather than a broad base of people to participate in the process.

I ran for office in the last election, and I started campaigning after the legislative session. I assure you that the voters do not want to be having a conversation with a candidate at their door in January about the election. I think this would be a very challenging bill.

Patrick T. Sanderson, Legislative Committee Chairman, Nevada Alliance for Retired Americans:

I am against this bill. The Chairman of this Committee is too intelligent to put a Christmas wreath around a candidate's neck to be shown on billboards in our state. I hope the primary election stays as is.

Scott F. Gilles, Legislative Relations Program Manager, Office of the City Manager, City of Reno:

The City of Reno does not support Senate Bill 421 (2nd Reprint) and the sea change it would create in the election schedule for the even-numbered years. The city's concern is that a change in the primary date, particularly a change that is going to push back the primary four months and create a nearly nine-month gap between the primary and general elections, could potentially confuse voters regarding when ballots need to be cast in a primary election. In light of historically low primary election turnout numbers in recent elections, it seems to me that an effort should be made to keep election dates consistent and resources directed toward outreach to engage voters to help increase totals.

The city also sympathizes with the challenges that the county registrars of voters and the clerks are going to have to upend their current election cycle and put on an election in what would be a very expedited manner following this legislative session, if this bill is passed.

Assemblyman Ohrenschall:

Mr. Gloria, I am looking online at the bill's fiscal note submitted by Clark County. I see \$75,000 for fiscal year 2015-2016. Do you have an estimate regarding the fiscal impact the Clark County Election Department would have in lieu of moving the primary to February and dealing with the

logistical problems that it would entail? Would you assist the state party to conduct a presidential preference primary and not move the dates for all the other elections for the state and county offices? And if so, do you have an estimate for that cost?

Joe Gloria:

I need a clarification on your question. Are you asking me if we support an election outside of *Nevada Revised Statutes* (NRS) Chapter 293?

Assemblyman Ohrenschaal:

No, I am asking you if you have any estimates about a fiscal impact. So rather than moving all of the primaries, keep them as they are, assist a state party to conduct a presidential preference primary rather than a caucus and let the party conduct it. Would this be cheaper for the county?

Joe Gloria:

The fiscal note that was submitted was not submitted by the election department. The revised numbers are higher and are driven by the number of voters that we support. For an election supporting only the Republican Party in the presidential preference primary, our estimate is \$335,000. The numbers are higher for a Democratic presidential preference primary, and if they are held in conjunction with each other, the estimate would be \$750,000.

Assemblyman Ohrenschaal:

So, the \$75,000 fiscal note online is not correct. The amount for just the Republican presidential preference primary is \$335,000 and \$750,000 for both parties. Do you have any estimates of what it might cost the Clark County Election Department to assist a state party to solely conduct a presidential preference primary and not have a county run the presidential preference primary?

Joe Gloria:

In fact, we had a discussion with the Clark County Republican Party related to their pending election year in February and provided them with a quote of \$17,000 to support their presidential preference primary in three congressional districts.

Assemblyman Ohrenschaal:

So the quote is actually \$17,000 compared to your estimate of \$335,000.

Dan Burdish, Private Citizen, Las Vegas, Nevada:

I am testifying neutral on S.B. 421 (R2). Since 1988, I have gone to every caucus that the Clark County Republican Party has had except for two. While I have strong feelings on the bill, it is not my intention to testify for or against it, but to give you some historical background.

Twenty years ago, we went through this same thing. Both the Assembly and the Senate considered Assembly Bill No. 695 of the 68th Session, which authorized both major parties to hold a presidential preference primary for the 1996 election cycle but only for the president and it was the decision of the parties. The Nevada Republican Party opted to hold a presidential preference primary while the Nevada Democratic Party elected to not hold a primary but continue with their normal caucuses.

When A.B. No. 695 of the 68th Session was submitted in 1995, I was the treasurer of the Clark County Republican Party and assistant treasurer and audit committee chairman of the Nevada Republican Party. Shortly after the bill was submitted, I became the executive director of the Nevada Republican Party. I know what went on in 1995 and 1996.

In summation, in 1996, despite the fact that we knew Robert Dole would be the nominee, voter turnout was 49.4 percent statewide for a primary on a mailed ballot only. It works. It was a great success at that time. I know of prominent Democrats and Republicans who voted for this in 1995. The rest of my testimony [([Exhibit D](#)) and ([Exhibit E](#))] is on NELIS.

Senator Settelmeyer:

Thank you for hearing Senate Bill 421 (R2). I think the important thing to remember is that four years ago, 7 percent of Nevadans in the Republican Party turned out to vote for the office of the President of the United States of America. I find that unacceptable. The Democratic Party's numbers were even worse. Going back four years prior to that, the Democratic Party turnout was fantastic—it was 11 to 12 percent. Twelve percent of the voters in Nevada selected a leader of the free world.

Chair Stewart:

The hearing is closed on S.B. 421 (R2). We will now start the work session on Assembly Bill 423 and turn the time over to Ms. Stonefield.

Assembly Bill 423: Provides for a study on transportation infrastructure and funding. (BDR S-1074)

Carol M. Stonefield, Committee Policy Analyst:

Assembly Bill 423 was heard in Committee on April 30. It was requested by the Assembly Committee on Transportation and was presented by representatives of the Nevada Chapter Associated General Contractors of America. The bill proposes to establish the Legislative Committee on Transportation Infrastructure and Funding to consist of six members appointed by the legislative leadership. The Legislative Commission shall designate the chair and vice chair, whose two-year terms commence on July 1 of odd-numbered years. These offices must alternate between the two houses each biennium.

The committee shall review transportation projects and infrastructure, including revenue sources and funding options. Prior to each biennial session, the committee shall submit to the Director of the Legislative Counsel Bureau a report on its activities, findings, and recommendations. Any of the recommendations for legislation must be approved by a majority of the committee members from each house. The act is effective on July 1, 2015 and there are no amendments ([Exhibit F](#)).

Chair Stewart:

Do I hear a motion to do pass A.B. 423?

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
ASSEMBLY BILL 423.

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

Chair Stewart:

Is there any discussion?

Assemblyman Thompson:

I will be voting for this; however, I do want to state that when we had the hearing on this bill, I had some recommendations that I wish would have been considered. I still have concerns that if we are going to do this, we need to do it the right way. Section 4, subsection 1, paragraph (c) states that there should be consultation with and solicited input from persons and organizations with expertise in best practices, and so forth. My recommendation was that we would try to combine some of these key players to work hand in hand with the committee instead of just getting reports here and there. I think we would get a better outcome with what we are trying to do, but since there are no

amendments, I will vote the bill out of Committee. I am disappointed that my recommendations were not considered.

Chair Stewart:

We will keep your comments on the record, and I encourage the committee that if the study goes forward, to take your recommendations into account.

THE MOTION PASSED. (ASSEMBLYMAN MOORE WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Munford. We will now have the hearing on Senate Bill 510.

Senate Bill 510: Makes various changes relating to the State Personnel System. (BDR 23-1272)

Claire Clift, Secretary of the Nevada Senate:

I am here to discuss Senate Bill 510. Currently, Nevada statutes allow Senate and Assembly session staff, who are unclassified state employees, to transfer to positions in the classified service of the state's Executive Branch as long as the duties and compensation are similar to the staff member's current position with the Legislature.

The state's Division of Human Resource Management, Department of Administration, classifies our staff positions within the clerical ranks of state service: administrative assistants, executive assistants, secretaries, et cetera. These positions are at lower grades of ranking than other state positions that some of our staff may be qualified to perform. We are privileged in both houses to have staff working with us who have a wealth of talent, advanced degrees, and real work experience in the private sector. These are all characteristics that employers look for when hiring exceptional people. These staff members have experience and knowledge in finance, management, and social services. Some of our employees are bilingual and in a state that has a population of over 27 percent of Hispanic origin, that is a plus.

Senate Bill 510 allows our staff who have worked at least four months during this legislative session to compete and transfer into any position within the state classified service for which they are qualified based on the position's criteria and the staff member meeting those criteria, and not specifically a position having similar duties to the one they hold with us. Our employees are valuable public servants who should be considered for state positions for which they qualify with the same standing as classified staff in state service. More importantly, this bill acknowledges that this state can benefit from the

accomplishments, education, and expertise that our staff possesses as well as employ people who have firsthand knowledge of the legislative process. This experience alone can greatly enhance an Executive Branch agency's interaction with the Legislative Branch.

Assemblyman Elliot T. Anderson:

Can you give us some examples of jobs with the unclassified service versus the proposed changes with the classified service?

Claire Clift:

Prior to 2001, our staff could not transfer into any classified position. We changed the law to allow them to be able to transfer into "like kind" positions. So with the change in the economy in the last several years, there are staff who have four-year degrees and also have advanced degrees. The classified service of the state has positions within the financial and management staff rankings that a staff employee with the Legislature could transfer into at the entry level for which they could qualify. But because of the way this law is now written, they can only be considered for those position that are "clerical" so they could not be considered on an equal standing with other classified staff within the state service such as management assistants or business process analysts. There are a myriad of positions that some of our staff could qualify for.

Assemblyman Elliot T. Anderson:

I totally understand the need for this because I employed someone with a juris doctor degree, and I could not tell her not to leave when she had an opportunity for a job that lasted more than four months. I think this would be a great tool for the Legislature to ensure that we can continue to get talented people. I will be supporting this bill.

Chair Stewart:

Is anyone in support of this bill?

Patrick T. Sanderson, Legislative Committee Chairman, Nevada Alliance for Retired Americans:

Ditto. We have great staff in the Legislature. We have them for four months and then they wait until they have another chance to work. Some of them are very talented and if they have a chance to move forward and get a better job, I am 100 percent behind them. I am sad because we will probably have to break in a whole new staff in 2017.

Chair Stewart:

Is anyone else in support? [There was no one.] Is anyone opposed to the bill? [There was no one.] Is anyone neutral to the bill? [There was no one.]

Assemblyman Thompson:

I need clarification regarding vacancies. The way I read it is that after a person works for four consecutive months, he or she can automatically work in other positions based on vacancy. Does this create false hopes for an employee who has worked for four months to assume he or she would automatically get a full-time job?

Claire Clift:

This gives them an opportunity to apply for positions that are open within state service. It opens the door for them a little bit wider than if they were just a person walking off the street. So if a position within classified service was being advertised for current, classified employees, our staff would be able to apply for that position. Currently, the only limitation for our staff is that it has to be similar position. Senate Bill 510 would broaden that so if they were qualified for one of those positions, they could still apply for it and compete with other classified state service staff at that same level.

Chair Stewart:

The hearing is closed on Senate Bill 510. Is there any public comment? [There was none.] We are adjourned [at 5:25 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 19, 2015

Time of Meeting: 4:21 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 421 (R2)	C	Janine Hansen, Nevada Families for Freedom	Testimony in Opposition
S.B. 421 (R2)	D	Dan Burdish, Private Citizen, Las Vegas, Nevada	Testimony No. 1, as neutral
S.B. 421 (R2)	E	Dan Burdish, Private Citizen, Las Vegas, Nevada	Testimony No. 2, copy of A.B. No. 695 of the 1995 Session
A.B. 423	F	Carol M. Stonefield, Committee Policy Analyst	Work session document