

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

**Seventy-Eighth Session
May 26, 2015**

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 4:19 p.m. on Tuesday, May 26, 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.] We have two bills on work session. Ms. Stonefield, please proceed.

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

Carol M. Stonefield, Committee Policy Analyst:

Senate Bill 421 (2nd Reprint) was heard in this Committee on May 19 and was presented by Senator James A. Settelmeyer. It was also considered on May 21 by this Committee. The bill, as presented, would do two things. It would move the statewide primary election from the second Tuesday in June to the last Tuesday in February, and it would establish a presidential preference primary election. On May 21, the Committee was presented with a mock-up amendment which was drafted by the Legal Division and presented by the Committee Counsel. [Work session document ([Exhibit C](#)).]

There is another mock-up ([Exhibit D](#)) before the Committee today that is slightly different from the one that was presented on May 21, and our Committee Counsel is prepared to explain it.

Kevin Powers, Committee Counsel:

This mock-up ([Exhibit D](#)) is similar to the mock-up you saw on May 21, with minor changes. In addition, there is a proposal in the mini mock-up ([Exhibit E](#)) to replace two of the sections.

Sections 1 through 6 of the mock-up dated May 26, 2015, Amendment No. 7568, are identical to Assembly Bill 302 (1st Reprint), sections 1 through 6 which this Committee passed out and is now in the Assembly Committee on Ways and Means. Sections 1 through 6 make changes to the process of the selection of delegates by county political parties and also contains certain rule changes for the state political party operation.

In particular, it allows the party operations to use electronic means to post notices and communicate with members of their party, and also provides systems for holding joint precinct meetings and holding a county meeting at-large for the selection of delegates to the party. Those were requested by members of each of the political parties and are identical to what is now in Assembly Bill 302 (1st Reprint).

Regarding primary elections, this mock-up would remove all provisions that would change the date of the primary elections for state and local officers. This results in the current June date for the primary election remaining in place and this mock-up would remove all those provisions where the proposal was to move the primary for state and local officers back to February.

The final provisions of the mock-up are in sections 31.1 through 38. Those are the sections dealing with the presidential preference primary election. The mock-up provides that each party would be required to have a presidential preference primary election on the last Tuesday in February unless the party opted out of the presidential primary election. If the party did not opt out of the presidential primary election, then the primary election would be held on the last Tuesday in February, and the mock-up provides certain procedures that would occur for that presidential preference primary election.

Section 35 of the bill contains a procedure whereby only the registered voters of that party could vote in a presidential preference election for that party. It also provides that if anyone who is not a registered voter wants to become a registered voter of the party, he must do so in the same manner and within the same time frame as if that individual wanted to become a member of that party before a primary election. Those provisions govern existing law in *Nevada Revised Statutes* (NRS) Chapters 293 and 293D.

The procedures outlined in section 36 regarding the presidential preference primary indicate that the county clerk shall not distribute sample ballots for that presidential preference primary, and there would be no early voting, but there would be voting by absentee ballots and military overseas ballots. The voting process would be conducted in the same manner and within the same time frame as provided in NRS Chapters 293 and 293D.

The clerks would have to establish polling places on the day of the presidential preference primary and the polling places must remain open from 7 a.m. until 7 p.m.

Finally, section 36 provides that a registered voter in the county could vote at any polling place on the day of the election for that presidential preference

primary. So if registered voters are registered for that party and they are also a registered voter in that county, they can cast their ballot at any polling place in the county on the day of the presidential preference primary election. This bill does not change—which was also in A.B. 302 (R1)—the provision that if a presidential preference primary election is conducted for one or more parties, the cost would be charged against the Reserve for Statutory Contingency Account so it would be a charge against the state. That is an overview of the first mock-up, but there is also a mini mock-up.

Right now under the mock-up, the procedure would be that if the political party did not opt out of the presidential preference primary election, then there would be a period of time for candidates to file declarations of candidacy to become candidates for those parties at the primary election. The mini mock-up ([Exhibit E](#)) would replace that procedure and instead of candidates filing declarations of candidacy, candidates would become qualified for the presidential preference primary election through the rules of the party, and then the party, by a certain date, would have to file its list of candidates with the Office of the Secretary of State. The change would be, instead of candidates filing declarations of candidacy under the mini mock-up, the parties, through their own internal rules procedures, would develop their candidates based on their own rules and then provide that list of candidates to the Secretary of State.

Chair Stewart:

Because of the many changes to the bill, and the delicacy and importance of the issue, we will not vote on it today. I want all of you to have an opportunity to digest the changes and to thoroughly vet it before we take a vote. We will meet tomorrow at 2 p.m. to consider this bill. Ms. Stonefield, please proceed to Senate Bill 434 (1st Reprint).

Senate Bill 434 (1st Reprint): Makes various changes relating to initiative and referendum petitions. (BDR 24-1150)

Carol M. Stonefield, Committee Policy Analyst:

Senate Bill 434 (1st Reprint) was heard in this Committee on May 21 and was presented by Senator Patricia Farley. It proposes to revise the procedures for statewide initiative and referendum petitions. In this procedure, preliminary steps include the following:

- A proponent must file with the Office of the Secretary of State a proposed petition with not less than 1,000 signatures of registered voters.

- A proposed petition must include a neutral summary, describing the purpose of the proposal.
- Other requirements for filing include contact information and an information statement.

After the petition is determined by the Secretary of State to be sufficient:

- A proponent must file a description of effect.
- A proposed petition must be transmitted to the Office of the Attorney General.
- Any single-subject challenges must be brought within 15 days of the declaration of sufficiency. After this period, single-subject challenges are barred.

Objections to the proponent's description of effect must be filed not later than seven working days after the description is filed with the Secretary of State. If objections are filed, the following provisions apply:

- Parties may negotiate a stipulated description of effect.
- If they fail to negotiate or fail to reach an agreement, the Attorney General must file a complaint with the First Judicial District Court.
- After the district court enters its order, the proponent may file the petition and begin the process of qualifying the petition for the ballot.

The bill also requires the Secretary of State to prepare a handbook for initiative and referendum proponents and circulators. Finally, the bill clarifies the handling of competing measures on the ballot, and requires that notice to the voters be provided on the ballot that only one of the differing or competing measures may be enacted into law. No amendments have been proposed. [Work session document ([Exhibit F](#)).]

Chair Stewart:

I will entertain a motion to do pass S.B. 434 (R1).

ASSEMBLYWOMAN SEAMAN MADE A MOTION TO DO PASS
SENATE BILL 434 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Chair Stewart:

Is there any discussion?

Assemblyman Ohrenschall:

I appreciate that there are parts of this bill that provide clarity to some questions, and I appreciate the sponsor working with folks from the American Civil Liberties Union (ACLU) and the Progressive Leadership Alliance of Nevada, but I am still concerned that the overall bill is going to put too many obstacles in front of this vital form of democracy.

Looking back at the progressive era of our country, the feeling was that the corporations and the trusts were controlling things, and that there should be another avenue for people to be able to directly influence policy. When thinking about Senator Robert M. La Follette, Sr., and what went on with the progressive movement in Wisconsin, there is concern about this bill from the ACLU, the Progressive Leadership Alliance of Nevada, and our state's largest newspaper editorial board, all having concerns that this would put too much of an obstacle in front of people who want to gather those signatures. I am really concerned about the grassroots initiatives that this legislation will be raising the bar so high that it would be impossible for them to successfully get something to the voters. So unfortunately, I will be voting no.

Assemblywoman Seaman:

I am wondering that because we just got the amendment if we could have time for the members to look it over and vote on it later.

Chair Stewart:

There is no amendment. I have some of the same concerns as Assemblyman Ohrenschall but I would like to vote it out of Committee and get it to the floor so that everyone would have a chance to vote on it. Is there any other discussion?

Assemblyman Elliot T. Anderson:

I was not here for the hearing on this bill. Because I have not had the time to delve into it, I will reserve my right to change my vote on the floor, but I will vote it out of the Committee.

Assemblyman Thompson:

There is still more vetting that I need to do on this bill. I will vote it out of Committee, but I want to reserve my right to change my vote on the floor.

Assemblywoman Fiore:

I am a straight up no.

Chair Stewart:

Are there any other comments? [There were none.] I am going to vote yes, but I reserve my right as well to vote no on the floor.

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

Chair Stewart:

Are there any other comments? [There were none.] Is there any public comment? [There was none.] We are adjourned [at 4:33 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 26, 2015

Time of Meeting: 4:19 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 421 (R2)	C	Carol M. Stonefield, Committee Policy Analyst	Work session document
S.B. 421 (R2)	D	Kevin Powers, Committee Counsel	Mock-up amendment
S.B. 421 (R2)	E	Kevin Powers, Committee Counsel	Mini mock-up
S.B. 434 (R1)	F	Carol M. Stonefield, Committee Policy Analyst	Work session document