

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

**Seventy-Eighth Session  
February 17, 2015**

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 4 p.m. on Tuesday, February 17, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was video conferenced to Room 4401 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](http://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](mailto: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:**

Assemblyman John Ellison, Assembly District No. 33



**STAFF MEMBERS PRESENT:**

Carol M. Stonefield, Committee Policy Analyst  
Brenda Erdoes, Committee Counsel  
Patricia Hartman, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Barbara K. Cegavske, Secretary of State, Office of the Secretary of State  
Scott W. Anderson, Chief Deputy, Office of the Secretary of State  
Alan Glover, Special Assistant, Office of the Secretary of State  
K. Kevin Benson, Deputy Attorney General, Office of the  
Attorney General  
Joseph P. Gloria, Registrar of Voters, Clark County

**Chair Stewart:**

[Roll was taken.] We have two items today, Assembly Bill 23 and a work session on Assembly Joint Resolution 1. The Office of the Secretary of State has a presentation on A.B. 23.

**Assembly Bill 23: Makes various changes to provisions governing elections.  
(BDR 24-446)**

**Barbara K. Cegavske, Secretary of State, Office of the Secretary of State:**

With me today is Scott Anderson, my Chief Deputy, and our consultant, Alan Glover, who will be able to answer questions. Assembly Bill 23 is a very simple bill relating to elections. It contains several cleanup provisions relating to administration of Nevada's elections and election laws. There are four amendments that are in the concept at this time. Scott Anderson and Alan Glover will address the provisions of the bill and also the amendments. My office stands ready to assist your Committee with these election issues and any other related legislation.

**Scott W. Anderson, Chief Deputy, Office of the Secretary of State:**

Assembly Bill 23 cleans up several provisions within Nevada's elections statutes. Section 1, subsection 4, clarifies the Secretary of State's authority to provide interpretations and take other actions necessary for the effective administration of Nevada's elections law. The Secretary of State has issued interpretations on all areas of elections, and this bill clarifies and places those interpretations into the statute. Section 2 sets a specific time frame during which a person is prohibited from making or committing to making certain contributions relating to the election cycle. Current law sets the time period as

beginning from 30 days before the regular legislative session through 30 days before the next legislative session. This causes some confusion since the legislative sessions start on different dates each year, thus leading to a floating time period. This provision merely changes the period to begin on January 1 of the year immediately following the last general election and end on December 31 immediately following the next general election. This change standardizes the period to a calendar-type period and eliminates any confusion caused by the floating time frame.

Section 3, subsection 2, revises the provisions relating to recall petitions, clarifying that only a registered voter who voted in the election in which the public officer was elected may sign a recall petition. This revises the statute to align to the constitutional language. The Nevada Supreme Court ruled in the past that the current provision is unconstitutional, and this simply changes the statute to reflect that decision.

**Chair Stewart:**

The requirement for a recall petition would be 25 percent of those who actually voted in the election, is that correct?

**Scott Anderson:**

That is correct.

Section 4 provides that a person making contributions in early January 2011, 2013, and 2015 is not retrospectively subject to any of the penalties related to contributions due to the provisions of section 2 that change the prohibition period to January 1 through December 31.

As the Secretary of State previously mentioned, there are four conceptual amendments for the consideration of this Committee. The first conceptual amendment is a simple change to the definition of political action committee in the *Nevada Revised Statutes* (NRS) 294A.0055, by adding the word "independent" relating to expenditures in NRS section 1, paragraph (b), subparagraphs (1) and (2). This relates to expressed advocacy. Our understanding of the intent of the original statute was not to require someone who only contributes to be required to file as a political action committee (PAC). That was an unintended consequence of previous legislation.

The second conceptual amendment is a clarification relating to recall committee contributions and expense reporting requirements. The idea is to ensure that in the event there is not a special recall election, the recall committee is required to file a contribution and expense (C&E) report even if they do not turn in the signatures, or turn them in late, or do not provide enough signatures.

These circumstances are not covered in current statute, but it should be required to include all reporting scenarios and make sure the public knows who is funding those efforts, even if those efforts do not continue.

**Assemblyman Ohrenschall:**

Are you referring to a conceptual amendment that is not on the Nevada Electronic Legislative Information System (NELIS)?

**Scott Anderson:**

That is correct. These are concepts we have been discussing. We have not gotten the language together yet, but we will get it to this Committee.

**Assemblyman Ohrenschall:**

Would you go over the two chapters you are looking to amend?

**Scott Anderson:**

Yes. In regard to the PAC, it is NRS 294A.0055. It would just be adding the word "independent" before the word "expenditures" to make it clear that a person who contributes up to the limit is not subject to reporting as a PAC. It was only intended for expenditures and mainly to express advocacy. I do not have a statutory citation for the second amendment because it may affect a number of sections. It appears to affect NRS 294A.280, but we will make a verification and check any other statute it would affect.

**Assemblyman Trowbridge:**

Does this affect what is called the "dead period" when a candidate cannot accept donations during the legislative session? Does the "dead period" extend from February through June, or the entire year? That is a fairly significant change.

**Alan Glover, Special Assistant, Office of the Secretary of State:**

Yes, that is my understanding. It extends for the whole year, even though you would not be collecting campaign funds during session.

**Scott Anderson:**

Right now the period in question begins 30 days prior to a legislative session, which could fall on January 4, 5, or 6. It is the same with the next year as to the beginning of that probation period. This revision would make the period begin January 1 and end December 31.

**Assemblyman Trowbridge:**

Currently, we cannot accept donations after January 2 through 30 days after the conclusion of the legislative session. The period seems to be extended for another six months.

**Barbara Cegavske:**

We will have Kevin Benson clarify the question. Some of the language is from my predecessor and is up for discussion.

**Chair Stewart:**

My understanding is the 30 days before and the 30 days after the session would not change. It is just the time period when the donations come in, correct?

**K. Kevin Benson, Deputy Attorney General, Office of the Attorney General:**

That is correct. We are not changing the so-called blackout period when you are prohibited from accepting contributions. All we are changing is the \$10,000 cap period, which currently begins 30 days before the legislative session, to a calendar year.

**Chair Stewart:**

That was my understanding. It does not adjust the "blackout" period; it is going by the calendar year.

**Scott Anderson:**

The third amendment addresses an issue occurring when a municipality chooses to move elections to coincide with even-year elections. Candidate filing dates must move to coincide with even-year dates to avoid issues with the production of ballots and delivery of overseas ballots.

The fourth amendment proposes to move the municipal general elections to the second Tuesday in June due to issues with polling places at schools.

I am turning this presentation over to Joe Gloria, in Las Vegas, who will further address these issues.

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

This is regarding the first amendment dealing with the municipalities choosing to move to an even-year election. We have proposed an amendment to further clarify that the candidate filing dates need to be changed to the dates stipulated in NRS Chapter 293 rather than in NRS Chapter 293C. Otherwise it would be impossible for us to produce the paper ballots and service the overseas voters according to the 45-day federal deadline. If we followed the municipal

guideline, candidate filings would be sometime in April. This language would ensure the candidate filing period coincides with the judicial filing period in January and the regular filing in March.

The second amendment refers to the general election for the municipal elections' odd year. It is a very simple change, moving the election day for the general election from the first Tuesday after the first Monday to the second Tuesday in June. The benefits reaped are that we will not have any conflicting dates with the Clark County School District. The reason is that, currently, on the first Tuesday after the first Monday school is still in session. We deal with several issues then related to room usage, parking, and security, whereas on the second Tuesday in June school is out in the majority of those schools, and we do not run into those issues. It is not out of the ordinary for the Clark County School District to provide 75 percent of our polling places on Election Day.

**Barbara Cegavske:**

We met with the Clark County School District, and they were extremely supportive of us changing that Tuesday to help accommodate us.

**Chair Stewart:**

Are the other school districts on board with this?

**Barbara Cegavske:**

The only one I have talked to is Clark County School District.

**Chair Stewart:**

Are there any questions?

**Assemblyman Elliot T. Anderson:**

I was hoping you would comment on the regulatory provision. I do not know exactly why that issue is in there. Did you run into a problem when thinking of promulgating a regulation where you did not have the existing authority? I want to know how you would use the regulatory power because it expands over the whole title.

**Scott Anderson:**

I appreciate that question. The Secretary of State has issued interpretations on any number of elections issues. I am not aware of any issue that came forward, other than in reviewing the statutes. We were looking for clarification that we would be able to issue interpretations relating to all areas of elections.

**Kevin Benson:**

The current language is something along the lines of issuing interpretations relating to the administration and conduct of primary and general elections, et cetera. One of the examples was a question related to verification of signatures on an initiative petition. Some people might argue that is not related to the administration or conduct of an election. We think it is something that is or should be within the authority of the Secretary of State to issue interpretations. This language is designed to make sure those issues are covered. As Mr. Anderson stated, historically it has been the Secretary of State's application of that statute to make interpretations on subjects such as those.

**Assemblyman Elliot T. Anderson:**

The reason I am nervous about it is because oftentimes when there are bills before this Committee, we have had issues with that provision as it relates to individual measures. I am trying to understand how you would be using the new regulatory authority. Do you think the old language covered the whole title? Is this your previous interpretation of that section?

**Kevin Benson:**

Regarding the second part of your question, my interpretation is yes, it did cover the entire title. What used to be one chapter is now seven or eight chapters, and it varies all the way from NRS Chapter 293, which is our general election chapter, to voting machines, initiative petitions, and recall procedures. We want to be clear that it covers all of those items and not just what is in NRS Chapter 293.

**Alan Glover:**

This body has the authority to review the regulations. If there is something that gets too far afield, it would have to be run through the Legislative Counsel Bureau (LCB) to ensure it is in the statutes. There is protection against unreasonable regulations.

**Assemblyman Elliot T. Anderson:**

Do we review our interpretations?

**Alan Glover:**

I do not believe so.

**Scott Anderson:**

There is a need to turn around interpretations very rapidly, and because of the matters coming before us, we may not have the luxury of being able to bring those forward to the Legislative Commission. These are not regulations. These

are interpretations of our statutes regarding the administration of elections and election laws. We already have what we feel is the authority. This makes it clear that all chapters are covered relating to the elections. Being able to take an issue and turn it around in an expeditious manner is very important, especially when it concerns elections and elections-related issues.

**Chair Stewart:**

Are there any questions for Mr. Gloria?

**Assemblyman Munford:**

Why are the municipal elections being held in both North Las Vegas and Las Vegas? We know the history of their extremely low turnout. Is that a true representation of the residents on determining who wins an election? Why is it not held with the other elections in November? They should be required to hold their elections at the same time the rest of us do, in November, and the primary in the same year. Their primary is held in an even-numbered year.

**Barbara Cegavske:**

As a member of the other house, I tried several times to introduce a bill making sure that happened. It was shot down every time. If you remember when Larry Lomax was the Registrar of Voters in Clark County, he told us it would save them a million dollars. I do not know if it is more now or not. The comments were that the people who helped the judges could not get as much money for those races because of the competition. I tried to bring it up in every single session. I think we should do it, because I know it saves a lot of money, and it is more efficient. They say the voters come in and only vote in the presidential election and not for anyone down ticket. When you look at the numbers, down ticket, and the lack of voting, it is a concern. That is what we have seen. I do not know if Mr. Gloria has any other comments, but I would love to have those incorporated. I would support it if that is where you want to go.

**Assemblyman Munford:**

Does it have to go through a vote of the people to become legislation?

**Barbara Cegavske:**

No, this body has the authority to do it.

**Chair Stewart:**

Mr. Gloria, do you have any comment?



**Joe Gloria:**

*Nevada Revised Statutes* 293C.115, subsection 2, gives municipalities the option to move their elections to an even year, and the City of Mesquite here in Clark County has chosen to do so. There is a cost savings involved with moving that election to an even-numbered year; however, it is up to the cities independently to make that decision.

**Assemblyman Ohrenschall:**

The Pew Charitable Trusts recently conducted an elections study and ranked Nevada in the top five of the most efficiently run state elections systems. I am reminded of the adage "if it ain't broke, don't fix it." What I am trying to understand about section 1 is whether this is a clarification of existing interpretative authority or is this an expansion. Because if it ain't broke, I am not sure why we need to fix it. If it is just a clarification, my comfort level is pretty high, but if it is an expansion, I need more rationale as to why we are expanding the Secretary of State's interpretative authority from what we had in the past. Mr. Benson, you mentioned an issue with initiative petition signatures. Has there been a dispute over who has authority, or has there been case law about that? Has it always been the Secretary of State who has made those interpretations?

**Kevin Benson:**

My understanding is that none of this has reached the level of litigation. With regard to initiative petitions, there has been some litigation among the proponents and opponents of those various petitions where this has been a sub-issue. In the case of the Las Vegas arena petition a couple of years ago, there was litigation over the validity of the signatures. In that case, regarding what people considered a valid signature, there were differences of opinion. Interpretation by the Secretary of State regarding how to verify the signatures might have helped in that situation. So we want to make it clear that it covers those situations. Some people may disagree that it is part of the administration of conduct of an election. We do not feel this is the case. We think it is covered, but the point of this is to clarify it is the case.

**Assemblyman Ohrenschall:**

Are there folks arguing about the Secretary of State not having the interpretive authority? Are they saying instead of the Secretary of State, a constitutional officer has the interpretive authority or is it left up to the courts?

**Kevin Benson:**

There has not been anyone who has challenged us or who does not feel we have the authority. The initiative petition issue is one example where it would have been helpful, but that ship has sailed, and no one has challenged us.

I understand what you are saying about "if it's not broke, don't fix it," but the point is that now we are seeing our elections chapters being broken into seven, eight, or more chapters down the road. We want to be clear we are talking about the whole title and not just NRS Chapter 293, for example.

**Chair Stewart:**

Are there any other questions? [There were none.]

**Scott Anderson:**

Thank you for your time. We believe these clarifications will assist us in better administration of the law. I will turn the final moments of our presentation over to Secretary of State Cegavske.

**Chair Stewart:**

We will have all the amendments, including Mr. Gloria's, to assist us as soon as possible, correct?

**Scott Anderson:**

That is correct.

**Barbara Cegavske:**

Thank you for allowing us to present A.B. 23, and we look forward to having more discussions. We will make sure to work with LCB in getting the language for the Committee to review, as well as getting Mr. Gloria's comments.

**Chair Stewart:**

Would anyone else in favor of A.B. 23 please come forward. [There was no response.] Is there anyone in Las Vegas? [There was no response.] Is there anyone opposed to A.B. 23? [There was no one.] We have a letter from the American Civil Liberties Union opposing the bill, and it will be entered into the record ([Exhibit C](#)). Is there anyone in the neutral position? [There was no one.] We will close the hearing on A.B. 23.

We will now go into a work session for Assembly Joint Resolution 1.

**Assembly Joint Resolution 1: Recognizes the strategic partnership and bond of friendship with, and expresses the Nevada Legislature's support for, the State of Israel. (BDR R-525)**

**Carol M. Stonefield, Committee Policy Analyst:**

You have before you a hard copy of the work session document ([Exhibit D](#)) and it is also on NELIS. There is one bill for consideration today, Assembly Joint Resolution 1, which was heard by the Committee on

February 10, 2015. This resolution recognizes the long-standing relationships of the United States and the state of Nevada with Israel. The resolution also acknowledges Governor Sandoval's trade mission to Israel and the subsequent appointment of an official trade representative to promote economic development between the two countries.

There is a conceptual amendment proposed by Assemblywoman Ellen Spiegel. She requests to amend the resolution by adding that legislators of Jewish heritage also support the State of Israel and suggests a couple of places in the resolution where it might be appropriate. At the request of Chair Stewart, there is an attached document showing the signatures of the people requesting the resolution be amended to show their sponsorship of it.

**Chair Stewart:**

Are there any comments from the Committee?

**Assemblyman Ohrenschall:**

I want to thank you for your allowing the members to sign on to this resolution. I would be glad to make a motion.

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND, AND DO  
PASS AS AMENDED ASSEMBLY JOINT RESOLUTION 1.

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Stewart:**

Assemblyman Ellison, will you make the floor statement on this resolution?

**Assemblyman Ellison:**

Yes.

**Chair Stewart:**

The work session is closed. Is there any public comment? [There was none.]

We are adjourned [at 4:36 p.m.].

RESPECTFULLY SUBMITTED:

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Patricia Hartman  
Committee Secretary

APPROVED BY:

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Assemblyman Lynn D. Stewart, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Legislative Operations and Elections

**Date:** February 17, 2015

**Time of Meeting:** 4 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 23	C	American Civil Liberties Union of Nevada	Letter of opposition
A.J.R. 1	D	Carol Stonefield, Committee Policy Analyst	Work session document