

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

**Seventy-Eighth Session
April 29, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:36 p.m. on Wednesday, April 29, 2015, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Patricia Farley, Chair
Senator James A. Settelmeyer, Vice Chair
Senator Kelvin Atkinson

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom (Excused)
Senator Greg Brower (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Chris Edwards, Assembly District No. 19
Assemblyman Lynn D. Stewart, Assembly District No. 22

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin C. Powers, Legislative Counsel
Haley Johnson, Committee Secretary

OTHERS PRESENT:

Janine Hansen
Pat Sanderson, Nevada Alliance for Retired Veterans
Scott Anderson, Chief Deputy, Office of the Secretary of State
Charles Hurley, Assistant Registrar of Voters, Clark County

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Nicole Rourke, Clark County School District
Alan Glover, Special Assistant to the Secretary of State, Office of the Secretary
of State
Sue Merriwether, Clerk/Recorder, Carson City
Luanne Cutler, Registrar of Voters, Washoe County
Lee-Ann Easton, Administrator, Division of Human Resource Management,
Department of Administration

Chair Farley:

I open the hearing on Assembly Joint Resolution (A.J.R.) 4.

ASSEMBLY JOINT RESOLUTION 4: Urges Congress to enact legislation allowing states to establish daylight saving time as the standard time throughout the calendar year. (BDR R-583)

Assemblyman Chris Edwards (Assembly District No. 19):

Assembly Joint Resolution 4 is simple. This resolution asks Congress if we can change our time zone so that we can be on daylight savings time year-round. This is only the first step in the process.

We had a plethora of constituents asking for such a bill during campaign time. This can be an advantage for people who suffer from seasonal dysfunction since they would not have to go through changing their clocks twice a year.

Our schedule would be simpler. About 6 weeks ago, we had to move our clocks forward; everyone came in late and not quite as happy. We will be doing that again in 5 more months. We want to avoid changing the time twice a year.

Senator Settlemeyer:

As an agriculturalist, I actually benefit from daylight savings time because I do not work on the clock. I literally work off when the animals expect to be fed, which is when the sun hits a certain point.

A question asked of me is why do we have to ask Congress for permission? Is it because that is the procedure?

Assemblyman Edwards:

It is federal law. When the different time zones were set up, Congress only allowed about three states to go off specific time zones because they are on the

border between two time zones. If any state wants to change its time zone, it must go to Congress and request to do so. Ultimately, it is up to Congress.

Senator Settlemeyer:

Then after that, is it automatic? Or does it come back to the State for a vote?

Assemblyman Edwards:

It would come back to the State. We would have to put legislation forward, probably next Session, to vote on it.

Senator Settlemeyer:

So this is just moving the process along?

Assemblyman Edwards:

Yes. This is just the beginning of the process.

Janine Hansen:

I support A.J.R. 4 because I have seasonal affective disorder. When the time changes in the fall, I feel just like I am going into prison. Women in particular are subject to seasonal affective disorder although men have it too. Of the many things that people can do to help correct this problem, one is getting more sunlight. It would be much easier to avoid the effects of this if we were not changing the time, cutting down hours of regular sunlight for people like me.

Pat Sanderson, Nevada Alliance for Retired Americans:

Has anyone talked to the gaming industry about this? Is this going to hurt our economy? Will it affect people coming in from the different states? I want to know what it would do to our economy and what effects it might have. Someone needs to check with gaming, ranching and the construction industries to see what they say about this. We cannot make such a change just because some people do not feel like moving their clocks twice a year. I just want every aspect to be thought through thoroughly before it moves any farther.

Senator Settlemeyer:

Assemblyman Edwards should look at the study that shows that it does reduce sales tax by about 18 percent because people do not go out. It has been proven in other states that if the sun is out, people are willing to go out to dinner, go shopping, etc. If the sun is not out, people do not go out, they stay at home.

This is just about moving the process forward. We can have a full-fledged discussion if the benevolent Congress ever gives us the power to make any decisions.

Assemblyman Edwards:

We did take a look at the gaming issue a little bit and thought that we might actually gain money. If Californians are coming over to the State, they would be coming over a little bit later, but they would be staying over another night which would give us that additional time for shows, gambling, going out to dinner and so on.

We just have to get to the point where Congress says that we can make the change, and then we can make the final decisions at that point.

Chair Farley:

I close the hearing on A.J.R. 4, and I open the hearing on A.B. 23.

ASSEMBLY BILL 23 (1st Reprint): Makes various changes to provisions governing elections. (BDR 24-446)

Assemblyman Lynn D. Stewart (Assembly District No. 22):

I am here to help introduce A.B. 23. I will turn it over to the representatives from the Secretary of State's Office to illustrate the details of this bill. The purpose is to help the county clerks and the Secretary of State's Office make elections more efficient and effective.

Scott Anderson (Chief Deputy, Office of the Secretary of State):

Assembly Bill 23 cleans up several antiquated provisions and clarifies several other provisions regarding Nevada's election laws. I have submitted my prepared testimony ([Exhibit C](#)) and the proposed amendment ([Exhibit D](#)).

Charles Hurley (Assistant Registrar of Voters, Clark County):

Clark County supports A.B. 23. The bill moves the municipal general election dates to the second Tuesday after the first Monday in June. This change will allow us to eliminate many issues that we have while the children are in school, such as parking, room availability, security and other things of that nature.

Nicole Rourke (Clark County School District):

Clark County School District supports A.B. 23. We specifically support the sections that change the date of various elections to the second Tuesday in June. This facilitates the use of our schools during election time so our students are off school campuses. This way, we can provide greater access for voters.

Chair Farley:

I close the hearing on A.B. 23 and open the hearing on A.B. 462.

ASSEMBLY BILL 462 (1st Reprint): Makes various changes relating to elections. (BDR 24-615)

Assemblyman Lynn D. Stewart:

Assembly Bill 462 is also a cleanup of election language.

Mr. Anderson:

We worked with the clerks to add provisions that would aid them in their administration of Nevada's elections. With me today is Alan Glover, former Carson City Clerk, who will go through the provisions of the bill.

Alan Glover (Special Assistant to the Secretary of State, Office of the Secretary of State):

Most of the language in Assembly Bill 462 is cleanup and word changes. This bill was requested by the Secretary of State on behalf of the clerks and the registrars of the State.

We call this a modernization bill because it dovetails into the comments made by Wendy Underhill, from National Conference of State Legislatures, in her presentation. We are attempting to modernize our elections and get away from old punch card and paper ballot language left over in statute.

Throughout the bill we have subtracted and added specific words to modernize the statutes. Where it says "precinct" and "district," we have added the words "polling place" or the word "appropriate." Instead of just having statutes refer to a precinct or district, now we are talking about polling places.

Throughout the bill we have eliminated the word "printed" and inserted the word "prepared" because sample ballots and other documents are no longer printed but prepared electronically.

Where you see the term "mailing," we added the words "or by electronic means" to broaden that definition. We now use "electronically generated report" because reports are no longer done by hand. This removes the old paper and punch card language that has been in the statutes for many years.

Section 6, on page 4 of A.B. 462, increases the maximum number of registered voters in a precinct from 1,500 to 3,000.

This has been an issue for many years with the clerks throughout the State. It is quite important to Clark County. The controversy over the years stems from the fear that precincts would be consolidated.

As an example, in Carson City, precincts are getting near the 1,500 number, so this change would actually keep precincts together. Once a precinct gets to 1,500 people, you have to split them into two precincts. This would keep precincts together.

Dominion Voting Systems, Inc., charges the State to program the election not by the number of registered voters or the number of positions on a ballot but by the number of precincts. The fewer precincts you have, the less cost for taxpayers. This could accrue some nice savings for the State over time.

In section 11, on page 7 of the bill, there is another important change.

Senator Atkinson:

You said that increasing the precincts from 1,500 to 3,000 has been a problem in Carson?

Mr. Glover:

Yes, and throughout the State.

Senator Atkinson:

Do you have a number of how many precincts are getting close to that cap?

Mr. Glover:

For Carson City, there are only a couple of precincts. Washoe and Clark Counties need to see how many precincts they have with this issue. Those rural counties that do not even have 500 voters in the whole county do not have an issue.

Senator Atkinson:

We are not talking about them though.

Mr. Glover:

It would be Carson City, Washoe County, Douglas County, so it is not an issue for those counties.

Senator Atkinson:

You are not answering my question. Do we have a number?

Mr. Glover:

For statewide, I do not believe that we do.

Senator Atkinson:

You said quite a bit, so I need to know if there is a number.

Mr. Glover:

I am sure we can get to a number by asking the counties how many precincts they have that are bumping the 1,500 number.

Senator Atkinson:

I was assuming that you already had a number because you claimed that quite a few are almost at the capped number.

Mr. Glover:

I am basing that on Clark County.

Senator Atkinson:

I have never heard this in Clark County, so that is why I am asking. Your testimony said something about Carson City. I am assuming that Clark County or somebody will have a number that will tell us how many precincts may be affected by this.

Chair Farley:

Can you please get that information to the Committee?

Mr. Glover:

Yes, I can.

Section 11, on page 7 of the bill changes the wording when an independent candidate qualifies for office through petition and her or his name appears on the ballot with the adjacent word "independent." For example, "Joe Smith, Independent." This would change the wording to "no political party" or an abbreviation "NPP" instead of "independent" to avoid any confusion from a political party.

Section 15, on page 9 of the bill, deals with signature verification. It will instruct the voter to sign the roster and verify the signature. If the signature does not match, the voter must prove identification. The important part of this is we would like to have a form prescribed by the Secretary of State's Office in which the voter will update her or his signature.

Voters' signatures change over time. It is important that they are updated in the files so that they can sign petitions. If they use their old signatures to sign petitions, the people verifying the petitions will see that the old signatures do not match the new signatures and these would be rejected. It is important every election to get people to update their signatures.

Section 17, on page 10 of the bill, is for the publication of the Internet alphabetical listings of all registered voters for each precinct in the county. This section deals with what we refer to as the hourly report, where we produce two copies of all of the signatures received during voting. One person at the polling place checks off someone's name as she or he votes. This then goes to the election workers' table so they know who voted. This information is taken back to headquarters or to the party to eliminate those people who have voted out of the database so election workers do not call them to go vote. This allows for it to all be done electronically.

We used the electronic poll books in Carson City last year. We were able to simply email the voter information to the parties, and they loved it. It was great because we have that database right in the office. It saved time and was an efficient way to do it. This simply changes statute to allow for that to occur.

Section 23 of A.B. 462 gets into the early voting sections which is a repeat of this language again. Section 24 is cleanup, using precinct information where precincts are not as important as they once were—especially as we go to superpolling places or conglomerations.

These statutes were written at a time when you had one precinct and one polling place. This is one of the reasons the size of a precinct was being capped at 1,500. We wanted to avoid having too many people show up at one small polling place. It does not mean as much now because although many people go to one polling place, the information is pulled up in the system; the voter is verified; then the individual votes. The process is much faster now.

Section 25, on page 16, is all punch card language. We now use the term "storage devices" because we no longer have ballot cards or ballot stock.

In section 39, we failed to delete "precinct" and "district" and insert "polling place" and the term "roster." We will get rid of the term "poll books" and use the term "roster" instead. That was an oversight on our part, and we will make the appropriate amendments.

Senator Atkinson:

You explained the initiative process and verifying signatures. What about at the polling place? From what I understand after reading this, there is a signature verification process at the polling place.

Mr. Glover:

Correct. Both at early voting locations and at the polling places. If an individual's signature does not match, we do something to make sure she or he is that person.

Senator Atkinson:

What is that exactly?

Mr. Glover:

Verify voters' signatures or get them to re-sign so we can keep track of it, both on early voting and on Election Day.

Senator Atkinson:

It sounds like we are putting full authority in the hands of a poll worker. What if that poll worker does not think my signature matched?

Mr. Glover:

We work with the poll workers every day leading up to and during the election time. Most signatures match pretty well, and workers can take into

consideration an individual's age or an injury. They are very good about that; they normally do not turn people down.

Senator Atkinson:

Under this, they could potentially turn somebody down. Poll workers are not necessarily handwriting experts, so this is making them experts. Are you providing any training? There are thousands of poll workers; is someone going to provide training on that? If so, is there a fiscal note?

Mr. Glover:

No. In the training we used to do in Carson City, we would show them a signature that did not match at all. They know to look for those sorts of things. I have confidence in the poll workers when it comes to signatures. Some signatures are just so different they jump right out at you.

Senator Atkinson:

Do we have some instances where that is an issue? As long as I have been around this, I have not heard that to be a major concern. You keep talking about Carson City, but do we have any evidence or proof that folks have been rejected? Or that a poll worker has had to question someone?

Mr. Glover:

Yes, you do get those. Most of the time after an individual signs her or his name and the poll worker says it does not match, the individual remembers that she or he had changed the signature. The individual will then sign again but in the former way.

I have seen a number of cases in almost every election where somebody's signature absolutely does not match. Sometimes you have to ask that person for identification. I have never seen anyone turned down. We must ensure the integrity of the election process.

Senator Atkinson:

This makes that process more stringent. As you know, NRS 293.283 kind of speaks to what you are talking about, so those procedures are already set in statute. Why are we not just using those? Why are we trying to magnify them with this? Because as you said, this system has worked.

Mr. Glover:

Clark County is going to suggest that right now.

Senator Atkinson:

I am not talking about Clark County. I am asking you because you are the one who presented the bill. You just said a few times that some issues have been rectified and there have not been many cases, if any, where an individual has been rejected. What are we doing and why are we doing it?

As the national Vice Chair for The Council of State Governments, one of the things I hear all the time when meeting with legislators from around the United States is that Nevada has such a great voting system. We are known for a lot of bad things, but when it comes to voting and elections, other legislators say that we are doing a very good job.

You just said that there is no problem. I find that with a lot of these election bills, we are trying to fix stuff that does not exist. This is already covered and we already do it, so why is this necessary?

Mr. Glover:

The language you mentioned is the proper language. We want to meet with the State clerks to obtain the proper language that will accommodate this.

Mr. Hurley:

Clark County agrees with almost everything stated by Mr. Glover. I apologize, Senator Atkinson; I do not have those numbers available for the precincts that will be affected by this, but I will get them to you.

This bill will help pave the way for the future as far as the labeling that appears on the ballot and allowing preparation to be electronic. We addressed the problem that Clark County faces in sections 15, 24, 47 and 56 that deal with voter ID. We are using NRS 293.283, detailing what to do if a voter is unable to sign her or his name or if the signature does not match.

We support most of the bill with the exception of the sections just listed.

Senator Atkinson:

You said that you do not have a number, but does Clark County view this as an issue? Are some precincts reaching the 1,500 cap?

Mr. Hurley:

It is a cost-saving measure because every time we have to split another precinct, we have to print additional rosters and have additional staffing to work those precincts.

Let us say we have a polling place that has four precincts. If the number is changed to 3,000, there would only be two precincts. We could save on the printing and the staff required.

Senator Atkinson:

What about precincts that are close to the cap? Is the bigger concern that we have some precincts that do not have enough people or is the issue that we have precincts with too many people?

Mr. Hurley:

The issue is that we have precincts approaching the cap of 1,500 which would require each precinct to be split up. Because they are in the same area, they will be in the same polling place. We will have to staff individual tables and have separate rosters for each precinct.

Senator Atkinson:

Do you see some precincts that need to be consolidated? Does that occur at all? This is a 40-plus-page bill, I may have missed it.

Mr. Hurley:

I went through the bill, and I did not see any language for consolidation.

Sue Merriwether (Clerk/Recorder, Carson City):

I fully support A.B. 462. As we conduct our elections, we make a lot of notes to prospective election law changes to present to the Secretary of State because the clerks do not have the opportunity to present bills. The Secretary of State helps us clean up the election laws so they are up to date and usable, especially in technology changes that we are experiencing now and anticipate in the future.

I worked with Kevin Powers to create Proposed Amendment 6876 ([Exhibit E](#)) for A.B. 462 to help clarify some of the changes to be consistent with other bills.

Luanne Cutler (Registrar of Voters, Washoe County):

Washoe County thanks the Secretary of State's Office for bringing this cleanup language forward. Many things in this bill will help us conduct elections more efficiently.

To Senator Atkinson's concern regarding bumping up the number of voters in a precinct, it is absolutely correct that we would not eliminate precincts because they are small and not be forced to split precincts as they get too large.

In Washoe County, we have about 655 precincts. A number of these precincts have no voters in them due to boundaries. Anything that we can do to keep that number under control is cost-effective and helpful to us.

I had concerns similar to Senator Atkinson's question regarding the way we identify people who are not able to sign. It seems like good language is already in place; we will certainly work to get that all straightened out.

Senator Atkinson:

If you go over the cap, no one will have to go to a different polling place?

Ms. Cutler:

We would simply have another precinct assigned to the same polling place, but that would require another roster book, another set of poll workers, unnecessarily

Senator Atkinson:

I get that; I am okay with that as long as the voter does not have to go to a different polling place.

Let us say I am used to voting at Cheyenne High School; the number of people in my precinct goes over the 1,500 cap, and you split up the precinct. I would not show up at the wrong polling place because I am used to going to one place to vote. You suggest that though a precinct has to be split, people will still vote at the same polling place?

Ms. Cutler:

That is exactly what we suggest because in our eyes, the voters did not go anywhere. They still live in the same place. If Cheyenne is still the closest polling place set up for Election Day, that is still where they would go to vote.

Mr. Sanderson:

I have tremors. Some days I can sign my name and it will come out perfectly, but the next time I sign my name, all you get is a scribble. What happens at a polling place when I cannot write my name properly?

If I show my ID with my proper signature, would I be okay? Or are they going to tell me that I cannot vote?

I want to get some perspective on this because the first time that we talked about it, poll workers said I would not have a problem. Now they are saying that if my signature does not match, I am in trouble. There has never been an election where I did not go vote, and I do not plan on giving it up now. I just want to know the proper procedure.

Mr. Glover:

This issue is not uncommon. Poll workers and staff are sensitive to these types of situations. They are wonderful working with people who have any kind of problem like that.

The issue that we see more often is with the folks who purposely change their signatures.

Senator Atkinson:

Mr. Sanderson, your concern is also one of my concerns because quite a few people have experienced medical issues. I believe NRS 293.283 already covers those situations.

Mr. Glover:

In reviewing the NRS 293.283 original language, I see the problem is that the polls do not have the information from the original voter application that the language requires. You can ask voters questions that appeared on the original application, but most polling places do not have that original application.

Senator Atkinson:

In my experience, even if the application is not available at the polling place, I have seen people set up with the elections department go through and ask those questions. The system is already in place.

Mr. Glover:

When the updated technology comes along, it will be even better because poll workers will have that information right in front of them. They can pull up original applications or any other documents available on each voter.

We have that ability here in Carson City; it is wonderful and solved a lot of problems.

Mr. Sanderson:

If my signature is wrong, do I show my driver's license signature that the poll workers recognize, or what do I do? I do not want to come to a polling place and be told I cannot vote.

Kevin C. Powers (Legislative Counsel):

Based on the discussion so far, as I understand it, the current system is when someone's signature does not match the signature on file, the poll workers follow NRS 293.283. The poll worker will ask the voter personal information from the original application; if the voter can answer those questions, she or he is allowed to vote.

As originally prepared and presented to this Committee, the bill would change that. Instead of asking those personal questions, the poll workers will rely on NRS 293.277 where they would ask the individual to present certain forms of identification. If the individual presents those forms of identification, she or he will be able to vote.

From what I understand, the final resolution resembles NRS 293.283 that the local clerks and registrars are proposing. It may not be identical language to NRS 293.283, where you ask personal questions, but it will be something along those lines. We will develop the language so that if an individual tries to vote and the signature does not match, the poll worker will ask personal questions. If the voter can answer those questions, the individual will be allowed to vote.

In addition, I think the clerks and registrars want to add an additional element to have the voter sign a form with the new signature so the system has that. In your case, Mr. Sanderson, you would not be using a new signature, so there would be no reason for you to sign the form. Statute will have to say that if the voter uses some form of new signature, then she or he will fill out the form so a new signature is on file.

Chair Farley:

I close the hearing on A.B. 462 and open the hearing on A.B. 61.

ASSEMBLY BILL 61 (1st Reprint): Revises provisions requiring the submission of certain reports by the Personnel Commission and the Administrator of the Division of Human Resource Management of the Department of Administration. (BDR 23-286)

Lee-Ann Easton (Administrator, Division of Human Resource Management Department of Administration):

Assembly Bill 61 amends three statutes. It is similar to A.B. No. 15 of the 76th Session which removed the requirement for the Department of Administration to prepare biennial reports and statistical abstracts.

Prior to the 2011 Session, the Division of Human Resource Management was a stand-alone department. We believe that explains why the NRS 284 that governs our Division was missed. It was simply an error that everyone's was changed but ours.

All of the documents in the biennial reports—the budget documents, performance indicators and the mission of the division—are now available to the public on our Website. Providing an additional report is redundant, which is why we request the language be removed. We provide reports to the Governor's Office on a quarterly basis with more information now than before because we provide it more clearly.

Section 1 amends NRS 284.065 to remove the requirement of the Personnel Commission to provide the report. Section 2 amends NRS 284.105, removing the requirement for the Division of Human Resource Management to submit the reports. Section 3 amends NRS 284.320, removing the requirement to report suspension of an examination in the biennial report to the Governor.

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Chair Farley:

I close the hearing on A.B. 61. I adjourn this meeting at 4:36 p.m.

RESPECTFULLY SUBMITTED:

Haley Johnson,
Committee Secretary

APPROVED BY:

Senator Patricia Farley, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
A.B. 23	C	2	Scott Anderson	Prepared Testimony
A.B. 23	D	2	Scott Anderson	Proposed Amendment
A.B. 462	E	10	Legal Division	Proposed Amendment 6876