

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

**Seventy-Eighth Session
April 8, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:34 p.m. on Wednesday, April 8, 2015, in Room 1214 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 Greg Brower
Senator Kelvin Atkinson
Senator Tick Segerblom

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Brenda Erdoes, Legislative Counsel
Linda Hiller, Committee Secretary
Haley Johnson, Committee Secretary

OTHERS PRESENT:

Doug Goodman
Stacey Shinn, Progressive Leadership Alliance of Nevada; National Association
of Social Workers, Nevada Chapter
Kyle Davis, America Votes
Howard Watts III
Leora Olivas, Silver State Voices; Let Nevadans Vote Coalition
Lonnie Feemster, Nevada State Director, NAACP National Voter Fund

Senate Committee on Legislative Operations and Elections
April 8, 2015
Page 2

Leonard B. Jackson, Reverend, Associate Minister, First African Methodist Episcopal Church, Las Vegas

Greg Gardella

Sue Merriwether, Clerk/Recorder, Carson City

Joe Gloria, Registrar of Voters, Clark County

Don Gallimore Sr., Acting in Community Together In Organizing Northern Nevada

Kelly Martinez, City of Las Vegas

Larry Jackson, Churchill County Democrats

Deanna Spikula, Registrar of Voters Office, Washoe County

Alan Glover, Special Assistant to the Secretary of State, Office of the Secretary of State

Joyce Haldeman, Clark County School District

Lindsay Anderson, Washoe County School District

Juanita Clark, Charleston Neighborhood Preservation

Yvonne Nevarez-Goodson, Executive Director, Commission on Ethics

Janette Dean

Elisa Cafferata, Nevada Advocates for Planned Parenthood Affiliates

Nancy Downey

Roberta Lange, Chair, Nevada Democratic Party

Marla Turner, President, Emerge Nevada

Dagny Stapleton

Joanna Jacob

Mendy Elliot

Gregory Martin

John Johnson, Director, Progressive Democrats of Nevada; Kitchen Cabinet, ERA 3 State Strategy

Joyce Destefanis, Co-President, American Association of University Women Nevada

Melanie Meehan-Crossley

Graham Hollister

Janine Hansen, Nevada Families for Freedom

Melissa Clement, Nevada Right to Life

Sally Zamora

Lindsey Dalley

C.T. Wang

Georgeann Ray

Peggy Lear Bowen

Chair Farley:

We will begin our meeting today with Senate Joint Resolution (S.J.R.) 18, presented by Senator Segerblom.

SENATE JOINT RESOLUTION 18: Proposes to amend the Nevada Constitution to repeal term limits for state and local offices. (BDR C-137)

Senator Tick Segerblom (Senatorial District No. 3):

I am here to present S.J.R. 18 which proposes to amend the Nevada Constitution to remove the term limitations put in place in 1996. I emphasize the point that this bill does not remove term limits but authorizes the voters of Nevada to reconsider whether they want to retain term limits.

The distinction here is important. Nevada did not have term limits for 125 years. Now, we have had 20 years to experiment with term limits. Should we rethink the issue?

All I am requesting is that we allow the voters of Nevada to hear the issue again and make a decision. In our Committee today, we have great examples from both ends of the spectrum. We have Senator Settelmeyer who, in his distinguished service, can appreciate this bill, and we have Senator Farley, who has been here for 2 months and can already attest to the fact that term limits hinder the Legislative Branch.

The reality is that our democracy is based on three elements: the Legislative Branch, which is first named in the Constitution, followed by the Executive Branch and the Governor, and then the Supreme Court. All three are supposed to be coequal. During the past 20 years, the Legislative Branch has ceded a lot of its authority to the other two branches of government.

The Legislative Branch is the most important branch. We are the closest to the people; we are the ones who know what the voters want; we make important decisions. It is wrong for us to give more power than necessary to the other two branches of government; that is effectively what term limits have done.

We already only meet every other year for 4 months. The other two branches meet year-round and have a lot more time to accomplish things while we must rush to get anything done. To impose upon the narrow amount of time that the Legislature has by limiting an individual to only serving 12 years cuts back on

the quality and the ability of Legislators to do their jobs. A lot of this is institutional knowledge; it takes a couple months to learn where the bathroom is let alone the necessary legislative information to do the job.

Ultimately, term limits have hurt the institutional value of the Legislature within the system, and it is not appropriate. Term limits were an experiment, and now the voters ought to be given the opportunity to say yes or no once again.

Several states that also experimented with term limits and have rescinded them over the years, going back to where we used to be. A lot of states never had them to begin with—term limits give more influence to the lobbyists and take away from our power as Legislators.

Senator Brower:

Your last point about other states undoing this—I have been curious about that but have not done my own research on the matter. Can you share with us the evidence in that regard?

Senator Segerblom:

Amazingly, two bordering states, Idaho and Utah, have both repealed their term limit laws.

Senator Brower:

I think Utah put term limits into place by way of statute and then undid that statute. Is that right?

Senator Segerblom:

I will defer to Mr. Stewart on that.

Senator Brower:

So Idaho and Utah had put term limits into place, and then they subsequently undid them?

Senator Segerblom:

The supreme court in four states said that term limits were unconstitutional: Massachusetts, Washington, Oregon and Wyoming. California has made changes to its term limits by expanding the term, but the state has not repealed them entirely yet. Of course, many states never had term limits to begin with.

It is the voters' right to decide what they want to do. In a state like ours where we only meet every other year, it limits our ability to present our point of view relative to the other two branches of government.

Senator Brower:

I would not disagree with that. Most of us would agree that term limits came into place in Nevada amidst all of the pent-up anger about the House of Representatives being dominated by one party. Of course, term limits at the federal level are unconstitutional, so that frustration sort of bled over to the states. Since then, the party that once dominated the House for decades has flipped a couple of times, so even without term limits, that goal was achieved.

Senator Segerblom:

This is a perfect example. This Session, who needs term limits when 80 percent of the body flips along with institutional control? That is what elections are all about.

Senator Brower:

Is there a precedent at least in a couple states for undoing term limits? I was not sure about that.

Senator Segerblom:

Yes. Nothing has been done to establish term limits in the last decade. It really was a product of the 1990s when people were unhappy with government in general and with Washington, and state governments took the blame. As far as I know, I never heard anyone criticize Senator William Raggio for being here too long.

Senator Brower:

I would say that he probably enjoyed his fair share of criticism for being here too long, but the reality is that despite that criticism, a majority of his constituents wanted him to come back session after session. As you would agree, the majority of those voters got to decide.

Senator Segerblom:

Yes. There are many possibilities with elections and primaries. In our case particularly, we have a limited amount of time to be seated here. To then have to reinvent the wheel so often forces us to jump to the other House.

If an individual Assemblyperson wants to work toward being Speaker of the House someday and a Senate seat opens up, the person is greeted with a dilemma. Time is important in these situations too; with age, most of us cannot afford to let opportunities go, so it causes a lot of jumping around.

Senator Brower:

It has certainly changed the dynamic.

Michael Stewart (Policy Analyst):

While looking at this issue prior to the hearing, I understand that the Utah law was a statutorily created term limit and repealed in 2003 by the legislature.

Chair Farley:

With term limits, we are actually losing good Legislators because they term out. That is not a good outcome of that law, regardless of what side you are on. We all know and recognize good Legislators when we see them.

As a new person, I find if it was not for some of these people who have been here for so long, this process would be very different. We lose the institutional knowledge when people are forced to leave because they have termed out.

Senator Segerblom:

To reiterate, we are not saying that we want to get rid of term limits. I ask you to recognize that it was an experiment, and we should let the voters reevaluate after 20 years.

Doug Goodman:

I hope the Committee will vote in favor of S.J.R. 18. Voters need to be able to reconsider term limits. By establishing these limitations, voters have given away their freedom of choice.

There may be a situation where an incumbent is the best person for the job, but we cannot vote for that person because the Constitution says that she or he cannot serve anymore. Give the voters a chance to reconsider.

Senator Segerblom:

I also want to point out that the vote today does not mean anything because we have to vote on it again in 2 years. It would appear on the ballot in 2018, so we must keep the discussion alive.

Chair Farley:

I close the hearing on S.J.R. 18 and open the hearing on S.B. 433.

SENATE BILL 433: Revises provisions relating to elections. (BDR 24-1145)

Senator Brower:

Senate Bill 433 is a Committee bill. The fundamental purpose of this bill is to ensure that every Nevadan has an equal opportunity to vote for the candidate of her or his choice. After consulting with various interested parties, we are proposing certain amendments to the bill ([Exhibit C](#)). This revised bill can be broken down into three parts.

Part I of the bill revision deals with early voting locations. County clerks and registrars have nearly unlimited discretion in selecting early voting locations. This bill, as amended, would require the local elections officials to consider the following three factors to ensure equal opportunity for voters: geographical diversity, registered voter population, as well as days and hours of operation. We understand that many local officials already take these factors into consideration, and this bill would simply make it clear in statute. The bill will also recognize the Secretary of State's constitutional authority over this issue.

Part II of the revised S.B. 433 is as follows. Only Clark and Washoe Counties have early voting on Sundays. This bill, as amended, would require Sunday early voting for all counties. This is being proposed in an effort to equalize the practice across the State and not distinguish between the counties as far as Sunday early voting goes.

Part III of the amended version of S.B. 433 addresses the early voting hours issue. There is a large discrepancy in the hours for early voting from location to location and county to county. This bill would equalize the hours for polling places across the State and set forth a 7 a.m. to 8 p.m. start-finish time for all early polling places.

Chair Farley:

There was a lot of controversy when the bill initially came out. People did not realize that there are a lot of counties that do not have the opportunity to vote early on Sundays. We would like to see it streamlined and consistent across the board.

Senator Atkinson:

I do not think people are concerned about other counties; they are concerned with the way that they operate and would like to see it unchanged.

I missed the beginning of your testimony, so I apologize, but did you address Sundays in this amendment?

Senator Brower:

The answer is yes. That is one of the central parts of the new version. This proposed change is not entirely without controversy, but the new version requires that early voting includes Sundays across the State.

We understand that in some parts of rural Nevada, that may not be their preference. Those who were working on the bill felt that the issue with respect to eliminating Sunday voting was not the right way to go. For the sake of uniformity, the proposal is that we have Sunday voting in every county.

Senator Atkinson:

Voting on Sundays is a huge deal to myself and the communities that I represent. We call it Souls to the Polls, and our folks go vote after church on Sunday afternoon. I am glad to see that it is back.

I also wanted to talk about the hours. Is the open time going to remain at 7 a.m. and then close at 8 p.m.?

Senator Brower:

Right. The proposal is to have a uniform open and close time from place to place.

Senator Atkinson:

Were some of them a little bit different? Some began at 7 a.m. and some began at 9 a.m.

Senator Brower:

Some depended on the day. In talking with constituents, I have learned that the early voting place nearest to my home, at which I vote if I do not vote on Election Day, is open every day of early voting for many hours. I am told by others, though, that an early voting place may be open on a Monday from

9 a.m. to 5 p.m., not open on Tuesday at all. This caused a lot of confusion among the voters.

Senator Atkinson:

That is true. I like where we are headed. I would like to read the amendment a little more, but I do like those changes.

Chair Farley:

The reason why the polls are closed is money. It is not because the voters do not want to go vote, it is because counties were not funded for that. We cannot make decisions between counties based on money.

Specific polling places are closed because there is no money. We need to make sure that when we create this uniformity, we fund the counties and provide people with the opportunity to vote across the State uniformly, consistently and fairly.

Senator Atkinson:

As I go through this, I am concerned about something else. If I could work with you on that, I would appreciate it.

Senator Brower:

No, not at all. We would all appreciate it. This is a group effort. Whether we can achieve unanimity remains to be seen, but we certainly aim to do that.

Stacey Shinn (Progressive Leadership Alliance of Nevada):

As originally written, I was opposed to the bill, but as you have been discussing, this was a group effort. We thank you for listening to us and working with us on several points that we have made about both the Assembly districts issue and early voting on Sunday. I do not like that we put restrictions on the hours, but we will go with it because they are better than before.

Kyle Davis (America Votes):

As drafted, I as well was opposed to S.B. 433. The amendment takes care of our concerns, and we support it as amended.

Howard Watts III:

I, too, was in opposition based on the language of the bill as introduced. I want to express that as amended, it is great that we are setting a higher standard of access for voters across the State.

Leora Olivas (Silver State Voices; Let Nevadans Vote Coalition):

Last week, we spoke about having 14 days of uninterrupted voting in our most populous counties. We appreciate that our points on that have been heard. I was opposed to the bill as written, but I am happy to see the amendments.

We believe that since our counties vary in population and geography, they should have the flexibility to run elections in a way they feel ensures equal access for their voters.

Lonnie Feemster (Nevada State Director, NAACP National Voter Fund):

I initially wanted to speak in opposition to the bill, largely due to the issue that historic black church organizations and other Christian and religious groups use Sunday voting as their major effort to get congregates to the polls. These groups are limited on the time that they can spend in civic engagement.

Differences face the smaller counties across the State, and I hope you take that into consideration. We need more hours on Sunday and appreciate the Committee's effort to listen to those of us in the community who had concerns.

Chair Farley:

We are going after uniformity and the wish that everyone has equal access to vote and equal time frames. We cannot let money be the factor that prevents the polls from being open. We continue to ask for uniformity across the State for hours and times.

Leonard B. Jackson (Reverend, Associate Minister, First African Methodist Episcopal Church, Las Vegas):

I commend you for your amendments and your due diligence. Senator Atkinson took the wind out of my sails with his statements. We are active with the Souls to the Polls; it works for us. It was stated that the African-American churches ask our congregations on Sunday to leave church, go to the polls and vote. We track the number of individuals who actually go to the polls and vote, and we know that it works. Keep up the good work; may God continue to bless you.

Chair Farley:

The Latino Leadership Council has submitted a letter to the Committee in opposition ([Exhibit D](#)).

Greg Gardella:

I would also like to commend you for the changes made to this bill. I think they are thoughtful and well-considered.

While it is good to bring uniformity to the process, by limiting areas where counties must consider their populace, uniformity may not be beneficial. The smaller communities probably have insights that can help guide the number of hours that are appropriate and feasible. If you err on uniformity in such a way that it brings a minimum number of hours per week to the voting process, it can be detrimental. It might disenfranchise some voters living in difficult circumstances.

Sue Merriwether (Clerk/Recorder, Carson City):

As introduced, I was neutral on S.B. 433. I have talked to some of the Senators regarding these issues. It is not all about the money on Saturdays and Sundays or extending the hours, it is about the needs of the counties. Each county is different. The needs of Clark County are completely different than the needs of Eureka County.

We are open on Saturdays and down to 4 hours because even in the general election, we do not get ample voter turnout. Voters have an opportunity to come in for a total of 14 days. They not only have the opportunity to vote via absentee ballot, but they have the opportunity to vote during early voting as well.

On Saturdays, we are open from 8 a.m. until 6 p.m. by statute, every county. On Election Day, we are open from 7 a.m. to 7 p.m. Many county clerks do not have the staff to man all of these different polling places already required. Every voter gets a sample ballot with the schedule of the early voting times. In Carson City, we have never had any problems or complaints from anyone about extending hours or not giving them enough opportunities.

Extending these times and hours is not going to jeopardize anyone's voting rights. When individuals get their sample ballots, they see the schedules that

work best for their county, and I think that the voters are satisfied. I completely oppose this bill.

Joe Gloria (Registrar of Voters, Clark County):

I do want to commend you for the amendments that you have put in place; you have addressed quite a few concerns that I had.

Speaking for Clark County, we worked hard to set the standard for early voting, not only in Nevada but nationwide. We process over 65 percent of our voters during the early voting process in a busy election. We remain open late during early voting, as late as 9 p.m. in malls.

There are liability issues to take into consideration if we were to close at 8 p.m. If we had to break down equipment at 8 p.m., people would still be shopping because the mall hours are in place until 9 p.m. We do not want to be moving equipment out while people are still shopping. Several voters would be upset because they are still walking through the mall but see that we are closed while the mall is still open until 9.

In the last 3 days of early voting, we can have anywhere from 15,000 to 20,000 people come vote. Thousands vote in that last hour of voting after 8 p.m. Voters in Clark County have been conditioned to look at that early voting schedule in their sample ballots and identify a time and a place that is convenient for them to vote.

I agree with the gentleman who stated that if we are going to set limitations, set them for a minimum standard. Set the minimum standard statewide so that everyone has the opportunity and there is uniformity. Ms. Merriwether also made a good point; the need regarding early voting in several of the rural counties certainly does not match what I need to provide for voters in Clark County.

If polls were open in Humboldt County until 9 p.m., they would hear nothing but crickets because their constituents do not need those voting hours. Every county is unique and every clerk and registrar has the ability to make the determinations based on past history. In Clark County, we have developed a program where our voters are accustomed to being able to vote late into the evening on the last 3 days of early voting.

I am in opposition to this bill. I have to heavily stress that while it may seem like 1 hour is not a big deal, in Clark County when you process 425,000 voters in an election, I can tell you that the last hour makes a big difference. I hope that you will reconsider and not put a cap on the hours. Let officials in the counties determine the number of hours necessary for their voters.

Senator Settlemeyer:

I have constituents who have voiced complaints. For example, "The Kahle Community Center, the only location during early voting that was open in Tahoe, was open from 10 a.m. to 1 p.m." This is in no way a dig on the county clerk in Douglas County, who does an excellent job, but that is 3 hours.

I understand what you are saying; it is difficult because counties are different. But if an election comes down to one or two people, these hours become even more important. What if nobody comes in? How would they have known if they were only open for 3 hours?

All the voters of my community deserve to have some uniformity. Maybe no one will show up or maybe 10 people will show up.

Ms. Merriwether:

In Carson City, our hours for early voting on Saturdays are 10 a.m. to 2 p.m. We used to stay open until 4 p.m., but the workers would sit there twiddling their thumbs because nobody came in to vote. We did offer extended hours.

We have tried staying open and extending our hours, but voters do not come in. I understand that you want to be uniform throughout the State, but each county sends a sample ballot with individual schedules for early voting. Voters have that schedule to pick and choose where they want to go to vote.

Maybe Douglas County should rethink that; I do not know what the situation is there. Maybe Douglas needs to extend the hours, but staying open for 8 hours on Sundays is not necessary.

Senator Settlemeyer:

My concern is the predictability. Constituents should have consistent times. For example, I know that the bank is open from 9 a.m. to 5 p.m. and on Saturday, it is open from 10 a.m. to 3 p.m. That does not change; there is a sense of

predictability. I understand your concerns. I am trying to figure out how you find a happy medium.

Ms. Merriwether:

I understand where you are coming from, but this is a privilege for the voters. Election Day is 7 a.m. to 7 p.m. and a consistent time throughout the State. Early voting is an additional way for voters to be able to vote. We have absentee voting, and we have early voting to give them that additional option to vote other than on Election Day.

Senator Settelmeyer:

I will disagree with you on that. When 60 percent of our citizens are voting early, it is no longer a privilege, it is a right. Imagine if you try taking it away?

Don Gallimore Sr. (Acting in Community Together In Organizing Northern Nevada):

The 41 congregations that we represent in northern Nevada will have to discuss the amendments that have been presented. Our congregates want to maintain the status quo as much as possible.

We promote Souls to the Polls. One of the things that I would like to see with the amendment is maybe splitting the difference and going with 6 hours instead of 4, breaking it down from 8 hours.

Kelly Martinez (City of Las Vegas):

The City of Las Vegas was in neutral position before the amendments and will have to review those amendments. We do echo Mr. Gloria's concerns and would hope that we can discuss the hours of operation.

Larry Jackson (Churchill County Democrats):

Since I have not had a chance to look over the amendments, I remain neutral. I support any expansion of voting time and any outreach to get more voters to the polls, especially in a time when we see the opposite occur. I also want to express my strong support for Sunday inclusion. The idea of having a break in the middle of absentee voting for Sundays is wrong. I thank this Committee for being open to changing this bill to include more voting time and access.

Deanna Spikula (Registrar of Voters Office, Washoe County):

I was also unaware of the amendment until today. We remain neutral, though it sounds like a lot of the concerns that we had were cleared up with the amendment. We are still concerned with the hours of operation being mandated. A lot of our polling places are in retail locations or in libraries, and some of them are not open on Mondays. We try to tailor our hours for early voting to the hours that the facilities are open and available. Sometimes, those times do not always match up with what this bill is requesting. We would like to have a little more flexibility, so we remain neutral.

Chair Farley:

I close the hearing on S.B. 433 and open the hearing on S.B. 436.

SENATE BILL 436: Makes various changes relating to elections. (BDR 24-1146)

Senator Brower:

Senate Bill 436 in its new and improved form only includes section 9 of the original bill. The Committee is proposing that section 9 be amended further (Exhibit E). The bill as amended is intended to simply authorize the Nevada Secretary of State to further regulate the efforts to register voters beyond what the Office already does.

Specifically, amended section 9 in its proposed form reads as follows:

Any person who intends to conduct one or more voter registration drives and register more than 50 people during a calendar year must, before conducting such drive or registering such voters, register with the Secretary of State, in a method prescribed by regulation of the Secretary of State. The Secretary of State shall prescribe regulations to ensure quality control over voter persons conducting one or more voter registration drives and registering more than 50 people during a calendar year.

The reason behind this proposed change in the amended bill is to simply provide additional authority to the Secretary of State to ensure that quality control of the registration process exists. Currently the local registrars, as has been communicated to several members of the body, are required to spend a great deal of time and resources in reviewing registration forms from nonofficial registrars. That is a problem thought to be remedied by requiring that the

Secretary of State prescribe regulations to simply exert more quality control and authority over registration efforts.

Mr. Gloria:

If section 9 is the only portion moving forward, I would move in support of the bill. I would also suggest a part of the problem that we run into with these organizations is that they are not required to register the people that they employ. We cannot control the use of the federal forms for registration. When they use the federal form, items of information are missing that are included in the State form.

I suggest we force these groups to report who is registering the voters by having them initial the forms to the Secretary of State. We need to be able to track the forms back to who did the work.

Unfortunately, statute says that organizations are supposed to pay these people by the hour and cannot pay them by the form. It has been made clear in much of the work that we receive and the reports that we get from the field that organizations continue to offer incentives according to the number of forms submitted. As long as they do that, individuals will always be motivated to turn in bogus forms or turn in forms for people who are already on the record. We end up wasting money by sending notices out in the field for bogus registration.

We can strengthen this process if we add more requirements in place for these groups that register the public. If they are in the field, we should make them penalize individuals when they turn in forms without identifying themselves.

Chair Farley:

Mr. Gloria, if you would, prepare an amendment to match your wishes and send it in to us.

Mr. Gloria:

I would be happy to work with the Committee on that.

Senator Brower:

It is this body's intent that if we were to process this bill, the registrars would be much involved in the development of regulations by the Secretary of State's Office, just to make sure that the people who do this every day are all on the same page.

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

As the bill is amended, we are neutral. The Secretary of State's Office can certainly implement the regulations.

You may want to rethink the last sentence of the proposed amendment that says "such persons shall also register as field registrars pursuant to NRS 293.505," because that section of the law says the county clerk shall appoint one deputy registrar, but clerks do not have to appoint any more than that one. A field deputy registrar is an extension of that elected position. When field deputy registrars are out registering people, they work for the county clerk. There may be certain people a county clerk may not want to appoint field deputy registrars for some reason. If you deleted that portion, I do not think it would change anything else.

I like the concept that when a person is a field deputy registrar, there are real requirements that the person must fulfill. Maybe consider language like the person would have to "fulfill the same obligations as if the person were a deputy registrar" so that the standards apply to these people as well.

We are neutral on the bill and can certainly handle the regulations.

Chair Farley:

Please provide us with that feedback.

Ms. Merriwether:

I agree with Mr. Glover on that section. I support the concept and amendment to this bill. Requiring these voter registration drive volunteers to come in as field registrars is not feasible because we appoint field registrars as an extended deputy of our office. We have them go to the hospitals and perform other duties to help the offices out. I agree that this section should be either revised or taken out.

Mr. Watts:

I echo the remarks of Mr. Glover. For several cycles, I worked in southern Nevada in what is called a mail ballot distribution group. I worked to register voters, not as a field registrar but with a group. Finding some way to put a higher burden of training and performance on partisan entities would be better than to require them to become field registrars.

I already provide contact information, essentially register with the county and provide a mailed ballot distribution plan every time I pick up forms. I am unclear whether this would replace or augment that process, but I completely support the general idea of providing contact information and being accountable for the forms that a group is distributing.

Mr. Gardella:

What happens if there is a violation of this? If, for instance, someone is a volunteer who registers the voters and then picks up a job working for a political entity that pays the volunteer to register voters, what if the person goes over the limit of 50 in a year's time? The legislation does not indicate what is next. That is leaving it up to the Secretary of State in conjunction with the clerks of the counties, but it makes me wonder what the end result would be. Is it possible that some of those registrations might be invalidated? Or would there have to be an investigation into whether improprieties automatically trigger, based on somebody going over by one and not registering?

Senator Settlemeyer:

That is a violation of the election law. Would it be determined if the violation was willful? Did the individual try to cause undue influence in the election? The intent would have to be proved.

Our intent is to ensure people are not trying to fraudulently sway an election.

Mr. Feemster:

I have been doing voter registration drives for 10 years and have been a field registrar for the Washoe County Registrars' Office. I am proud to register people; it is one of the things that I truly enjoy doing. I am also successful at registering people, and I want to make sure that it is as easy as possible.

I have a lot of faith in our registrar in Washoe County, so I am neutral on this bill. I hope that it does not put too many obstacles in the way for those of us who have been involved for a long time. I know it is critical to have a good clean registration drive.

Senator Brower:

It can be frustrating to show up thinking that a hearing is on a bill you have read and then hearing the proponents of the bill have produced an entirely different bill by way of proposed amendments. It is one of those inevitable aspects of the

120-day session and the deadlines that we are operating under, so we ask everyone to bear with us as we get this done within our time constraints. We collectively apologize in advance for any confusion.

Chair Farley:

I close the hearing on Senate Bill 436. We will now begin the work session on S.B. 499.

SENATE BILL 499: Creates a modified blanket primary election system.
(BDR 24-1149)

Mr. Stewart:

Senate Bill 499 creates a modified blanket primary system in which the names of all of the candidates appear on the primary election ballot. I have submitted the work session document ([Exhibit F](#)).

Senator Settlemeyer:

In order to address the issue of ballot access, the idea is to move the deadline to June. It may resolve a potential lawsuit against Nevada on ballot access to the third-party candidates.

It creates the situation where everyone has to file at the same time. However, they do not have to have their petitions and all of their signatures gathered until the end. We need to have the individual's name at the beginning of the process; that way we know that she or he cannot be a spoiler, meaning that a person does not file as one candidate and magically appear on the ballot with a different party at the end. That is why you have to have the primary right away.

Senator Atkinson:

I understand where Senator Settlemeyer is trying to go, and we have discussed this, but this amendment is huge. I need to know exactly where we are going with this because this now seems like a total gut-and-replace amendment.

Senator Settlemeyer:

I recognize that. The bill of the modified open primary was unpopular; therefore, I wanted to address the issues that we discussed with the amendment. However, if you would like, we can pull this back and set it to the work session on Friday. Would you like more time?

Senator Atkinson:

I need to have time to read it.

Chair Farley:

Would you like to pull it back, Senator Atkinson?

Senator Atkinson:

This is a big amendment. If it were a couple words or a two-page document, that would be different, but this is just

Chair Farley:

We will move S.B. 499 to a work session at a later date. I will open the hearing on S.B. 380.

SENATE BILL 380: Revises provisions governing ethics in government.
(BDR 23-19)

Senator Kelvin Atkinson (Senatorial District No. 4):

Senate Bill 380 was introduced by Senator Debbie Smith; she has asked me to present it for her to the Committee today. This bill responds to a real-world problem and fixes a law that left us with a few unintended consequences. I have submitted my prepared testimony ([Exhibit G](#)).

Joyce Haldeman (Clark County School District):

I am honored to be here to discuss S.B. 380 that Senator Debbie Smith worked on with the Clark County School District because it is such an essential campaign issue for all of us. Generally speaking, the only time that school districts place ballot questions on the ballot is when they need to authorize additional funding for school construction or for school renovation. Even though the Legislature has authorized an extension of dollars this Session, we know that some counties, most notably Washoe County, will likely go to the voters for an extension toward an additional increase so that the district can have the resources that it needs.

Senator Atkinson has walked you through the statute, making it clear that no expenditures can be utilized for advocating for ballot questions. I would like to have you consider the position that we have put school districts in. School boards are charged with the responsibility and the requirement to provide school buildings and keep them maintained to a certain level. Unlike other

governments, school boards do not have the ability to raise taxes themselves. They must follow a lengthy process and put a question on the ballot. The NRS prohibits districts from supporting their own ballot questions.

One of the things we have been encouraged to do many years through the Legislature is to provide opportunities for parent involvement—certainly, parents are key supporters during ballot questions. Parents who are in school have firsthand knowledge of school conditions. They are excellent ambassadors to help people understand why it is important to vote yes.

Think of the trustees in this position. They often work with a group of parents by inviting them to meetings, making sure they are informed about district policies and maintaining email lists. In this instance, trustees use those email lists to invite parents to volunteer to support campaign activities related to ballot questions. It was determined that they were in violation of the statute because they were asking for volunteers to support the advocacy. It was determined by the Commission on Ethics complaint that the cost of sending the email was less than 25 cents, yet because the statute does not give any leeway for using resources, they were found in violation by the Ethics Commission.

There is a difference between persuasional information and information that is factual in nature. For a long time, school district have prepared materials for voters to make sure that they have an understanding of the factual nature. Those persuasional things have always been handled differently.

We know that parent engagement is a critical part of the election process, but sometimes the difference is nominal. There is a need to explain to voters the cost of the program, how the money will be generated and how dollars will be spent. Answering these campaign questions can be very complex.

The district worked hard at delineating between providing factual information and being persuasive, but it is a fine line and at times an unreasonable line. Let me give you some examples. At a back-to-school night, a principal has to be careful when informing parents of school needs because she or he cannot tell parents to support a ballot question. A secretary who answers the phone has to be careful how she or he would answer this question: I would like to volunteer, how can I help? An administrator who might be meeting with a group of business people cannot fully engage them in the ways that the administrator can help them because she or he is on district time.

It is important for us to delineate those things that we can do, and this bill allows that to be done carefully. Section 1, subsection 6, paragraph (a) allows advocating for a ballot question if the cost is nominal. In section 1, subsection 6, paragraph (c), if the expense involves a limited use of time, property, equipment or other facilities, it still maintains the prohibition of using district resources to create printed materials that would advocate passage.

I hope the Committee will consider this. It will make a big difference in the way districts bring about ballots questions to public knowledge so they carefully adhere to the law.

Lindsay Anderson (Washoe County School District):

We support Senate Bill 380. As Ms. Haldeman mentioned, the Washoe County School District has been in front of the Committee asking for the authority to go to the voters on various issues. We appreciate the clarification that this bill provides in terms of districts being able to provide information to our supporters in order to get access to resources that the district may need to maintain both academics and facilities.

Juanita Clark (Charleston Neighborhood Preservation):

Having been involved with schools for many years, I am cognizant of the fact that this has not been used. It has been used in the wrong way.

Only certain people are notified, depending on what the trustees or the school board is looking for. This is just something that the school does not do. Or it does it poorly.

We are definitely against this bill because what goes out from the school is not monitored and is not recognizable to English speakers. Things are omitted and words are misused, I could hear one interpretation and someone else who hears the same thing will have a different interpretation. As written today, this bill is not satisfactory to be given to a school board.

Yvonne Nevarez-Goodson (Executive Director, Commission on Ethics):

We are neutral on S.B. 380. The Commission is in the unique position where its intention is not to set policy for the State. It is simply to interpret and enforce the policy established by the Commission, and that is why we are neutral to any legislation of this nature.

The Commission was recently in the rather untenable position of having to determine whether there were ethics violations for some significantly nominal expenditures that triggered this particular proposal. The ethics complaints referred to in earlier testimony were in fact acknowledged by the Commission, which did acknowledge the nature of those nominal impacts. Nevertheless, the Commission felt that the statute was strict in its application.

From the Commission point of view, this legislation triggers a pretty important exception regarding the nominal nature of the expense that might be attributable to a ballot question. The Commission specifically wanted to draw some attention to the principle behind this particular statute. What might be nominal in value is certainly significant in principle.

The entire goal of the Ethics in Government law, NRS 281A, is preservation of the public's trust. *Nevada Revised Statute* 281A.520 ensures public independence from government interference and influence during an election by preventing government resources from being used to support or oppose a ballot question or a particular candidate during a certain period of time.

I would like to note some level of precedent that the Commission has on one of its opinions that addresses this particular statute which identifies what the Commission has always understood to be the intention behind this legislation. In Commission Opinion No. 12-64C, the Commission did hold that the Commission impresses upon public officers and public employees the public trust that is implicated by NRS 281A.520 which:

Ensures independence from government interference or influence during an election. A representative democracy guarantees the right of the people to govern through elected representatives, the integrity of which is voiced through the electoral process ... [where] ... elected representatives are held accountable. Inherent in the electoral process are guarantees of free, open and equal participation by the voters, including assurance that government remains neutral in the process and allows all candidates a fair and equal chance to win, free of manipulation from public money

Chair Farley:

I close the hearing on S.B. 380 and open the hearing on S.J.R. 16.

SENATE JOINT RESOLUTION 16: Ratifies the Equal Rights Amendment to the Constitution of the United States. (BDR R-786)

Senator Pat Spearman (Senatorial District No. 1):

It is an honor to introduce Senate Joint Resolution 16 which, in my opinion, is one of the most historic pieces of legislation the Nevada Legislature has considered. I have submitted my prepared testimony ([Exhibit H](#)).

Janette Dean:

It is a great honor to help present S.J.R. 16 today for the Nevada ratification of the essential Equal Rights Amendment (ERA). I have submitted my prepared testimony ([Exhibit I](#)). I have also submitted additional information that addresses key points of the ERA ([Exhibit J](#)).

Ms. Shinn (National Association of Social Workers, Nevada Chapter):

We support S.J.R. 16.

Elisa Cafferata (Nevada Advocates for Planned Parenthood Affiliates):

I am speaking in favor of S.J.R. 16, and I have submitted prepared testimony ([Exhibit K](#)). I would also like to read some remarks made by former Lieutenant Governor Sue Wagner. As an Assemblywoman, she rose on the Assembly Floor in the 1975 Session in support of the Equal Rights Amendment, and one of the things that she said was:

I also rise as a Republican. I have been asked probably more than most why I am a member of that party. There are many reasons, but one of the most important is that the cornerstone of my party is individual freedom and responsibility. The ERA is individual freedom and responsibility. I am proud to represent that GOP philosophy in my vote today.

Please support S.J.R. 16.

Nancy Downey:

My father was former United States Senator Howard W. Cannon, who served our State for 24 years. Since I graduated from University of Nevada, Las Vegas (UNLV), in 1991, I have been an adjunct faculty member. I have taught numerous sociology and women's studies courses at both UNLV and University of Nevada, Reno. In all of my classes, which include sections on the

history of the American women's movement, I must teach the sad fact that Nevada is one of the 15 states that did not ratify the Equal Rights Amendment during the 1980s.

It is time to bring our State into the twenty-first century to show support for the ERA. If the United States is to continue to be a model for democracies all over the world, we should join all of the nations that have included equality for women in their human rights declarations. Equality of rights should not be denied on account of sex.

For the sake of myself, my daughter, my granddaughters and all the daughters of future generations, I sincerely ask that you support the ratification of the ERA by passing S.J.R. 16.

Roberta Lange (Chair, Nevada Democratic Party):

I am a mother and a grandmother and I speak in favor of S.J.R. 16. I have submitted my prepared testimony ([Exhibit L](#)).

Marla Turner (President, Emerge Nevada):

Although women comprise almost 52 percent of the population, we still trail in terms of having equal representation at the policy-making table, equal pay for equal work and equal opportunity within the corporate structure, and we suffer bias from a multitude of opinions whether we are at home or running the company. I have submitted my prepared testimony ([Exhibit M](#)).

Dagny Stapleton:

I am a lifelong resident of Nevada. I support S.J.R. 16. This is solely about equal rights for women. In the 1970s, the ERA was not ratified here in Nevada. Passing this resolution would send, even if only symbolically, a message that in Nevada, we believe that women have equal rights. This would be especially appropriate now as the 100-year anniversary of women getting the right to vote in Nevada just past. As it is important to myself and so many women in my generation, I urge your support of S.J.R. 16.

Joanna Jacob:

This is an important issue to me. I grew up in Rhode Island, and my mother, Christine Jacob, was active in the movement to get the ERA ratified. In 1983, when I was 7 years old, I had a T-shirt that said "the ERA is for my future." Thirty years later, I still believe in that because I know it is true.

To be treated fairly in this Country, we need a constitutional amendment. We know that it is easy to change statutes. Even though we have come a long way in terms of the statutory protections for women in this Country, I believe that is not enough.

This was an opportunity for me to stand up, as my mother taught me to, when I believe that something is right; S.J.R. 16 is the right thing to do for Nevada.

Mendy Elliot:

I am either old and bold or nifty and 60, but the fact of the matter is my mom was also on the forefront of this issue. She worked her entire life. She was a college graduate, and when the Equal Rights Amendment came into being, she knew that it was something we had to work for.

While my mother has since passed on, it seems unusual we are here today. How many more generations of moms, wives and daughters are not going to be able to see what the benefits of the ERA will bring to our State? It is unfortunate that we have to look to a statement in the Constitution to earn that freedom we have all worked so hard for.

I am fortunate that I worked for a company that believed in equality, and I was treated equally. I retired as a senior vice president. Not everyone has the ability to work for a company that judges men and women for what they can do and what they can accomplish. It is time in the great State of Nevada to stand up and say that we need to be part of the solution. I strongly urge your support of S.J.R. 16.

Gregory Martin:

It is past time for this resolution and the ERA to pass. I have lived in Nevada for 15 years, and of those 15 years, I have worked for constituents all over the State, empowering them. That is what I do every day.

I have seen discrimination against Alzheimer's victims, against handicapped people—I have seen it all. Particularly, I have seen discrimination against women. It is obscene that man cannot be fair to his fellow man. We need this ratification, and it needs to be done now. Please vote yes on S.J.R. 16.

John Johnson (Director, Progressive Democrats of Nevada; Kitchen Cabinet, ERA 3 State Strategy):

I support S.J.R. 16. Like it has been said, this Constitution was written by white men. When you look into their reality, it is clearly not the same as our reality today.

We have had civil rights leaders march and die for equal rights. It has been a long time, and it is unfair that women still have not received the equal rights that they deserve. Until we get the language inside the Constitution, we cannot progress as far as we need to. I urge you to vote yes on S.J.R. 16.

Joyce Destefanis (Co-President, American Association of University Women Nevada):

I am here to advocate for the passage of S.J.R. 16. I have submitted my prepared testimony ([Exhibit N](#)).

Melanie Meehan-Crossley:

I was in the gallery in the U.S. Congress in 1972 when the Equal Rights Amendment passed out of that body, and I find myself here today speaking once again on this same topic.

Now is the time for Nevada to ratify the ERA. Nevada will help provide the United States with the national law that is required to also finally ratify the international Convention on the Elimination of All Forms of Discrimination against Women. All of our allies, along with 192 other countries, have already become parties to this convention. We are the only major country still ineligible for inclusion in this convention along with six other unqualified countries. We are ineligible because the ERA is not part of our Constitution.

The United Kingdom successfully enacted its equal rights laws for women in 1975, quickly followed by all other countries of the European economic community. We need to join them. I urge your support for ratification.

Graham Hollister:

I have lived here since 1946. While my statements may not be as eloquent as those who have spoken before me, it is time; it is past time. If Lyndon Johnson can say that it is time 55 years ago, at least we can reconsider and get it done now. It is time that we quit being scared of our women, accept them with our respect and give them exactly the same rights that men have.

Chair Farley:

I also have the written testimony of Pat Lynch ([Exhibit O](#)) and a letter from Kristy Oriol on behalf of the Nevada Network Against Domestic Violence ([Exhibit P](#)) in favor of S.J.R. 16. We will now hear from the opponents of this resolution. I have submitted a letter from Juanita Clark for the Charleston Neighborhood Preservation ([Exhibit Q](#)) in opposition.

Janine Hansen (Nevada Families for Freedom):

In 2005, the ERA was brought forward again in Nevada, but the Legislative Counsel Bureau, the Nevada's Legislature's own legal counsel, issued an opinion finding that the amendment had expired. Fifteen states defeated the Equal Rights Amendment in their legislatures, five states rescinded their original ratification of the ERA and six other states defeated the ERA on a referendum. A majority of states have rejected the so-called Equal Rights Amendment.

The ERA does not mention women. Section 1 states, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." It never mentions women at all. In fact, the ERA will harm women, and it will not help them because it will eliminate the opportunity or any biological differences between men and women to be recognized in law.

For instance, workplace laws that provide special accommodations for pregnant women will not be permitted because that would be discrimination on the basis of sex if women get special privileges. In addition, government programs that support women and mothers, such as the Special Supplemental Nutrition Program for Women, Infants, and Children, would also not be available under the ERA.

Social security benefits for stay-at-home mothers based on their spouse's income would also have to be changed because that is preferential treatment for women. Exemption of women from the military draft and front line combat would come to an end. All women would be eligible to be drafted and will have to register for the draft to be placed in frontline combat in equal ratios to men because women cannot have any preferential treatment under the ERA.

Gender designations for bathrooms, locker rooms, jails and hospitals would be eliminated because there cannot be any biological differences between men and

women recognized in the law. All other laws that provide preferential treatment for women will have to be eliminated.

This is perfectly obvious if you look at the historical record in Congress in the legislative history which rejected any and all amendments which would have provided any preferential treatment for women. For instance, the provisions of this article shall not impair the validity of any laws of the United States or any state which exempts women from compulsory military service in combat units of the armed forces; extend protections or exemptions to wives mothers or widows; impose on father's responsibility to support children; or secure privacy to men or women or make punishable crimes against women. We can see from the legislative history that we cannot make any difference between men and women.

One of the most important issues under the ERA is regarding the transfer of laws from the states to the federal government. This would include all laws governing marriage, divorce, family property law, adoptions, abortions, alimony, some criminal laws, public and private schools, and prison regulations. Insurance rates would be transferred out of the hands of the state legislatures into the hands of the federal government, federal courts and unelected bureaucrats. Senator Sam Ervin of North Carolina, a recognized constitutional attorney, said if this Equal Rights Amendment is adopted, it will virtually "reduce the supposedly sovereign States to meaningless zeroes on the Nation's map." That means you and the members of this Committee with regard to their legislative authority would be reduced to zero.

It is important for us to realize that ERA is not a bunch of platitudes about things for women; it would actually harm them. For instance, women already have guaranteed equal pay through the Equal Pay Act of 1963 and the Equal Opportunity Act of 1972.

When we compare the wages of men and women with the same career in similar positions at the same age, the wage gap narrows to 98 cents for women compared to \$1 for men. Women are not being paid less for doing the same job, rather the average wage gap is occurring for several reasons. Women tend to choose positions and career fields that allow for time flexibility due to their family needs. These positions pay less than rigid time-demanding positions. Women often tend to take more time away from their careers to raise children, which create interrupted career paths when they return. This is called the

mommy track. Many women choose of their own volition to not be on the same track as men in a competitive field because they want time to raise children.

Women still tend to major in more liberal arts and people-oriented careers than the higher-paying math and engineering fields. Thus, the average wage pay gap is based on personal choices of women and the circumstances they may face.

The ERA has been a bad idea since the beginning. Passing it now will just increase the opportunity for this vague amendment to bring all kinds of folly on us. We do not want to leave our future in the hands of the unelected Supreme Court, unresponsive Congress and unelected bureaucrats. We want our State Legislators to be responsible for laws.

Melissa Clement (Nevada Right to Life):

One might ask, why would somebody with Nevada Right to Life care about the Equal Rights Amendment? The basic reason is that from the very inception of the ERA, there has been a close connection between it and abortion. Although it does not mention it in the actual verbiage, we have court cases from New Mexico and Connecticut that implemented the ERA on a state level and then that language was used to change abortion regulations.

In *New Mexico Right to Choose/NARAL v. Johnson*, 1998, the New Mexico Supreme Court based its ruling solely on the state ERA. The justices nearly adopted the construction of the ERA urged upon them by Planned Parenthood, National Abortion and Reproductive Rights Action League, the American Civil Liberties Union, the Center for Reproductive Law and Policy, and the National Organization for Women Legal Defense and Education Fund. The doctrine that the ERA language invalidates limitations on tax-funded abortion was also supported in briefs by the New Mexico Women's Bar Association, Public Health Association and the League of Women Voters. Writing for the unanimous court decision, Justice Pamela B. Minzner wrote:

...there is no comparable restriction on medically necessary services relating to physical characteristics or conditions that are unique to men. Indeed, we can find no provision in the Department's regulations that disfavors any comparable, medically necessary procedure unique to the male anatomy... [thus Rule 766] undoubtedly singles out for less favorable treatment a gender-linked condition that is unique to women.

As such, it would eliminate any kind of abortion regulation, including things like taxpayer funding of abortions and parental notification. Many of these abortion laws are rightly decided on a state level, in front of committees similar to your own. We have an understanding of the unborn now that we did not have in 1973. We understand that the unborn feels pain at 20 weeks. Legislators just like yourselves are considering bills that protect the unborn because they feel pain.

Chair Farley:

We need to keep to the topic at hand. You are going off into an issue that does not pertain to the ERA.

Ms. Clement:

This is inseparably connected to abortion. The ERA and abortion go hand in hand. As such, I am asking you to not vote for this. It is not narrowly written. There are issues that all women face, but this is such broad language that it brings in things that none of us are foreseeing.

My colleague Douglas Johnson, who is the Federal Legislative Director for National Right to Life, has also submitted a letter on behalf of National Right to Life and Nevada Right to Life ([Exhibit R](#)) in opposition to S.J.R. 16.

Sally Zamora:

I have lived here for over 50 years, I raised my children in Fallon. In Churchill County, we defeated the Equal Rights Amendment many years ago by 85 percent, which was the most in the State.

I have been opposing the ERA for 43 years. Since I am the mother of 4, grandmother of 12 and great-grandmother of 17, I am very concerned as to the effects of the ERA on the social security benefits for wives, mothers and grandmothers.

Lest you believe the slogan, "Equal pay for equal work," is the reason for the ERA, let me assure you that we all want equal pay for equal work, equal opportunity for equal advancement, equal consideration and treatment on the job. As someone said before me, we have passed many laws that have rid us of the discrimination of women. They are effective and aggressively fought in our courts. Therefore, we must not have a need to pass the Equal Rights Amendment.

The Country's most prominent legal advocate of the ERA, Supreme Court Justice Ruth Bader Ginsburg, wrote a book in 1977 published by the U.S. Commission on Civil Rights during the 10-year ERA ratification battle. Ginsburg's book makes clear that ERA would abolish the wife's and widow's benefit in social security.

Ginsburg's contempt for the wife's benefit in social security, which she calls sex stereotyping, is stated repeatedly in her book, and she calls it a prime recommendation that it be eliminated. The feminists do not want wives and mothers to receive social security benefits unless they work in paid jobs in the labor force just like men. That is the equality principle of the ERA.

Social security benefits to dependent wives and widows have been part of the system since 1939. These benefits make social security one of America's most profamily, prowomen, promarriage and promotherhood institutions. These benefits are society's recognition of the value of women to society. When a husband and a wife reach retirement age, the husband receives his social security check based on his earnings, and his wife additionally receives a social security check that is 50 percent of the benefit paid to her husband. When she becomes a widow, she receives the full amount previously paid to her husband. To receive the wife's or widow's benefit, the woman does not have to pay social security taxes or have workforce earnings of her own. Social security recognizes her value as a wife and specifically uses the word wife.

The feminists have tried for years to repeal the wife's benefit in social security. Thus far, that has been defeated. Now feminists seek the same goal by putting the ERA in the Constitution. Social security is based on this profamily concept while ERA is based on a phony equality concept that would put millions of mothers and grandmothers into poverty.

Former Senator Carl Dodge, from Churchill County, opened his talk on the ERA with this statement:

[T]he basic flaw in the Equal Rights Amendment is that it contains no mechanism to distinguish between the career woman and the homemaker ... this Amendment, so loftily espoused as the emancipation of women, is a major link in a developing chain of social legislation which will enslave us all ... the demise of the greatest experiment in freedom in the history of mankind

I don't want American women to be equal. I want them to be better than equal. I want to preserve their dignity and not demean them by a unisex principle. I want them to feel useful ... supremely productive, in their great role as homemakers. If we destroy that feeling in women, we will have failed America and failed humanity.

Lindsey Dalley:

I believe in equality, but I am adamantly opposed to S.J.R. 16. It eliminates essential gender characteristics under the laws that are necessary to families, our culture and our legal system. It will not solve gender discrimination—it will add confusion.

What little gender discrimination may still exist is best accomplished with a more targeted approach. Ratifying this amendment would invoke the law of unintended consequences and bring cultural anarchy by creating more problems than it solves. Vote no. We must preserve a reasonable and focused approach to solve gender discrimination.

C.T. Wang:

I agree with the statements of all of the previous opponents. My personal concern is the transfer of power to the federal government. Our Declaration of Independence and the U.S. Constitution were universal in the use of a third person. It offends me that we raise the sexist flag against our Founding Fathers. That is not the case. Women and men have equal rights under these documents; we do not need another amendment.

We are equal under the law and the Bible; we do not need more laws because they are just more ways to work around the sinful nature in our hearts.

Georgeann Ray:

This is Nevada. We are fiercely independent. We believe that we know what is best for Nevadans. I am opposed because I do not want to give any more power to the federal government.

I believe strongly in the rights of women, but I do not feel that S.J.R. 16 will help. It will make things worse. We have made progress toward equality.

There are differences in gender, and this proposes an idea of gender sameness. We are not the same. There are so many unintended consequences of the ERA.

Laws have been set up by reasonable and rational people to protect women. The ERA will counteract the progress we have made.

Senator Spearman:

I appreciate everyone's passion with respect to S.J.R. 16, whether for or against. One of the things that makes our Country great is that reasonable people can disagree, and it does not have to be controversial.

I am a 29-year veteran. I was one of the first seven women to be granted into a combat support branch right after the deactivation of the Women's Army Corps. I am not sure where the conversation comes from in terms of how passing the ERA will change the way women are treated in the service.

As an African-American woman, I was fighting sexism and racism. That is real. The combat piece is not relevant to this discussion because women are already serving in various positions. With the onset of the Global War on Terrorism, war became asymmetrical. Women are already in combat positions because combat in the War on Terror is everywhere.

With respect to women being drafted, the conscription is over; it would literally take an act of Congress to bring that back. In the army, we now have what is known as the volunteer army. This is not something that women would be conscripted to do; this would certainly be by choice.

Last time I checked, I have male friends who are widowers, and they receive spousal support from their deceased wives' social security. I am not sure that argument is relevant either.

There has been some discussion about this particular bill eliminating biological differences, and that is not possible. The biological characteristics that exist now will exist later.

As I said, I respect the passion of the people on both sides of the argument, but I would hope that reasonable people can have reasonable disagreements.

Though very young, I was around during the height of the Civil Rights Movement and remember all of the arguments against equality at that time. Dr. Martin Luther King, Jr., put it like this, "The measure of a man is not where

he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.”

It is important to recognize that the controversy that existed in the 1970s obviously still exists today. Senate Joint Resolution 16 does not seek to change biological definitions. Similar to the Thirteenth, Fourteenth, Fifteenth and Nineteenth Amendments; it simply seeks to explicitly state that equality is granted to every American citizen and cannot be abridged on account of race, color, national origin or, in this case, gender.

Senator Brower:

I would like to thank Senator Spearman for bringing this issue to us. Frankly, I do not know if the amendment is necessary some 40 years after it was last presented to the public. If it is not necessary, that is a positive statement about where we have come in the last 40 years to where we are today.

When I read the three simple sections of the proposed amendment, I noticed how simple they really are and how universally true section 1 is. I am a little taken aback by some of the opposition to this very simple concept.

On a regular basis, I have been heard to say in the Judiciary Committee that we are here to have honest debates about real issues and about the facts, not about exaggerated rhetoric and distorted concepts of what the facts are. I am stunned by some of what I heard from the opposition.

In a variety of contexts, we hear a lot about how we cannot give our power to the feds. That catchy phrase is sure to get you a standing ovation in some political meetings, but that is exactly what was said during the civil rights battles as an excuse to not pass the civil rights legislation.

Thank you again for bringing this to us, I do not know what we are going to do with the proposed amendment, but I appreciate your passion for this issue. I do not understand why we all do not share in equality, I know all of us purport to share it, but some of us have a funny way of going about that.

Senator Atkinson:

Senator Brower, your comments really touched me, and Senator Spearman, your words always touch me. I am very supportive of S.J.R. 16. Whenever we talk about issues like this, they always touch my heart because I have a

19-year-old daughter. I always look for opportunities to make sure that the playing field is leveled for her and the choices that she makes.

As we take a look at things like this, we have opportunities to level the playing field or at least send a message that we are a united America. I know some people talk about being united, but there are always these divisive things that they put in the way of that.

I applaud all of the women who spoke today. I know a lot of the women who spoke are lobbyists here to speak personally about some of their experiences, and it is always good to get those things on record. Hopefully, we can get somewhere with this, this Session.

Chair Farley:

As the female member of the panel, I want to thank every courageous woman on both sides of the issue for having the courage to do the research and bring this issue forward to have a good and meaningful conversation about a difficult topic.

Senator Spearman:

I appreciate all of the comments in the affirmative. As I sit here and look at how long this has taken, I am also mindful of what I have gone through in terms of breaking barriers. I look at some of the women now who are in the service whom I mentored and who have reached the rank of general. Knowing that I was one of the women who was kicking those doors down, I understand that this is just part of who I am. I know my assignment here on earth is to fight for justice and equality.

Chair Farley:

I close the hearing on S.J.R. 16 and open public comment.

Peggy Lear Bowen:

I thank you for being such an honest forthright group of people meeting at this Legislature to represent Nevada, doing what is good for the State and the Nation.

Senate Committee on Legislative Operations and Elections
April 8, 2015
Page 37

Chair Farley:

I adjourn this meeting at 7:34 p.m.

RESPECTFULLY SUBMITTED:

Haley Johnson,
Committee Secretary

APPROVED BY:

Senator Patricia Farley, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	22		Attendance Roster
S.B. 433	C	2	Legislative Operation and Elections Committee	Proposed Amendment
S.B. 433	D	1	Latino Leadership Council	Letter in Opposition
S.B. 436	E	1	Legislative Operations and Elections Committee	Proposed Amendment
S.B. 499	F	15	Michael Stewart	Work Session Document
S.B. 380	G	3	Senator Kelvin Atkinson	Prepared Testimony
S.J.R. 16	H	4	Senator Pat Spearman	Prepared Testimony
S.J.R. 16	I	3	Janette Dean	Prepared Testimony
S.J.R. 16	J	2	Janette Dean	ERA Information
S.J.R. 16	K	1	Elisa Cafferata	Prepared Testimony
S.J.R. 16	L	2	Roberta Lange	Prepared Testimony
S.J.R. 16	M	2	Marla Turner	Prepared Testimony
S.J.R. 16	N	2	Joyce Destefanis	Prepared Testimony
S.J.R. 16	O	1	Pat Lynch	Prepared Testimony
S.J.R. 16	P	2	Nevada Network Against Domestic Violence	Letter of Support
S.J.R. 16	Q	1	Charleston Neighborhood Preservation	Letter in Opposition
S.J.R. 16	R	3	National Right to Life, Nevada Right to Life	Letter in Opposition