

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

**Seventy-Eighth Session  
April 22, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 4 p.m. on Wednesday, April 22, 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 Greg Brower  
Senator Kelvin Atkinson

**COMMITTEE MEMBERS ABSENT:**

Senator Tick Segerblom (Excused)  
Senator James A. Settelmeyer, Vice Chair (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Ira Hansen, Assembly District No. 32  
Assemblyman Lynn D. Stewart, Assembly District No. 22

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Kevin C. Powers, Legislative Counsel  
Linda Hiller, Committee Secretary

**OTHERS PRESENT:**

Brett Kandt, Special Assistant Attorney General, Office of the Attorney General  
Sue Merriwether, Clerk-Recorder, Carson City  
Luanne Cutler, Registrar of Voters, Washoe County  
John Fudenberg, Clark County

Kelly Martinez, City of Las Vegas  
John Wagner, Independent American Party  
Janine Hansen, Nevada Families for Freedom  
Andrew Zaninovich, America Votes

**Chair Farley:**

I will open today's meeting with Assembly Bill (A.B.) 63, a bill that was requested by the Office of the Attorney General.

**ASSEMBLY BILL 63**: Clarifies that certain candidates who are elected despite ending their campaigns must file with the Secretary of State certain campaign finance reports. (BDR 24-436)

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

This bill deals with a candidate who has quit campaigning without officially withdrawing from the race, and yet that person still wins the election. That candidate must begin filing campaign finance reports again, beginning with the first report that is next due after his or her election.

**Brett Kandt (Special Assistant Attorney General, Office of the Attorney General):**

This bill deals with a situation where a candidate drops out of a political race without formally withdrawing, and then gets elected anyway. The bill clarifies campaign finance reporting requirements for that unusual situation. I have submitted my written testimony ([Exhibit C](#)). I also have a letter of support from Attorney General Adam Paul Laxalt ([Exhibit D](#)).

**Chair Farley:**

I will close A.B. 63 and open the hearing on A.B. 94.

**ASSEMBLY BILL 94 (1st Reprint)**: Authorizes election officials to establish systems for registered voters to elect to receive sample ballots by electronic means. (BDR 24-518)

**Assemblyman Ira Hansen (Assembly District No. 32):**

This bill was the brainchild of Washoe County Commissioner Vaughn Hartung. It gives a registered voter the choice of receiving a sample ballot by electronic mail instead of as a hard copy. This bill has been amended extensively and will be a great money saver for the State. Sample ballots are mailed out to

registered voters at great expense to the State. Electronic mailing will cut costs, but coming up with a system that will work in every county has been a challenge. All the counties have had their input on this issue. I have submitted my written testimony ([Exhibit E](#)).

**Sue Merriwether (Clerk-Recorder, Carson City):**

I support A.B. 94. I have some amendments that did not get presented during the Assembly Committee on Legislative Operations and Elections hearing of the bill ([Exhibit F](#)). I believe there was a misunderstanding about the confidentiality of the emails.

The way the bill is written, if a person wants to withhold his or her email address from the public list of registered voters we distribute, he or she would have to request it in writing to the clerk's office.

My proposed amendment changes section 1.7 of the bill to instead include the voter's email address as a permanent part of the confidential file that also includes the person's driver's license and identification number.

Email addresses of military and overseas voters are confidential under *Nevada Revised Statute* (NRS) 293D.510, subsection 1.

The other proposal is in section 1.3 of A.B. 94. This pertains to the posting log available to the poll watchers or anyone at a polling place who wants to observe on Election Day. My proposal is to not include a registered voter's email address on those logs, primarily because we are already printing a great deal of information. But if we can get that email secured into NRS 293.558, those email addresses would not be provided on this log anyway.

Those are my two revisions. Joe Gloria, Registrar of Voters, Clark County, also supports this bill. He is looking forward to providing electronic poll books (EPB) to Clark County voters. Washoe County and Carson City are also looking forward to the EPBs.

**Luanne Cutler (Registrar of Voters, Washoe County):**

We support this bill. It is important to Washoe County. We would like to see all email addresses for voter records not be made public. Ideally, we would like that email address to be a part of the confidential voter request that includes a voter's address and phone number. In this case, all the information from that

voter would be made confidential if the voter makes a written request to withhold the information. This provision would eliminate having different levels of confidential information for all voters. Instead of someone saying he or she just wanted one or more parts of the data withheld, we would like it to be one package.

**Chair Farley:**

If the email address is public, then can someone purchase it and use it for campaigning? Even though I am a candidate, that would scare the heck out of me. How would we stop that?

**Ms. Merriwether:**

That is the proposal in my amendment. To secure the email addresses permanently, just like we secure voters' driver's licenses and social security numbers. We already secure the email address in the covered voters.

**John Fudenberg (Clark County):**

We support A.B. 94 and the proposed amendments.

**Kelly Martinez (City of Las Vegas):**

We also support A.B. 94 and the proposed amendments.

**John Wagner (Independent American Party):**

We support this concept. We do like to check the voter list against the name and address to make sure the person really is registered at that address. I hope that continues.

**Janine Hansen (Nevada Families for Freedom):**

We support this bill and the amendment. We feel it is important to maintain confidentiality of email addresses.

**Andrew Zaninovich (America Votes):**

We support A.B. 94.

**Kevin C. Powers (Legislative Counsel):**

On page 4 of the bill in section 1.7, subsection 2 says "The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter." The amendment would add the registered voter's email address to this list. We also incorporate the language from

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NRS 293D.510 subsection 1, which provides "an electronic-mail address provided by a covered voter is confidential and is not a public book or record within the meaning of NRS 239.010." There is some additional language from that section we would add. That is the proposed amendment.

Remainder of page intentionally left blank; signature page to follow.

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**Chair Farley:**

I will close the hearing on A.B. 94 and ask for public comment. I will adjourn the meeting at 4:22 p.m.

RESPECTFULLY SUBMITTED:

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Linda Hiller,  
Committee Secretary

APPROVED BY:

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Senator Patricia Farley, Chair

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

| EXHIBIT SUMMARY |         |   |                        |  |
|-----------------|---------|---|------------------------|--|
| Bill            | Exhibit |   | Witness or Agency      | Description  |
|                 | A       | 1 |                        | Agenda   |
|                 | B       | 2 |                        | Attendance Roster  |
| A.B. 63         | C       | 2 | Brett Kandt            | Written Testimony  |
| A.B. 63         | D       | 1 | Brett Kandt            | Letter of Support from<br>Attorney General<br>Adam Paul Laxalt |
| A.B. 94         | E       | 6 | Assemblyman Ira Hansen | Written Testimony  |
| A.B. 94         | F       | 5 | Sue Merriwether        | Proposed amendments  |