

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

**Seventy-Ninth Session
April 6, 2017**

The Committee on Legislative Operations and Elections was called to order by Vice Chair Nelson Araujo at 1:46 p.m. on Thursday, April 6, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Nelson Araujo, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Skip Daly
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblyman James Ohrenschall
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

Assemblywoman Olivia Diaz, Chairwoman (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Ellen B. Spiegel, Assembly District No. 20

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Julianne King, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Ken Lange, Private Citizen, Clark County, Nevada
Lynn Chapman, State Vice President, Nevada Eagle Forum
Janine Hansen, State President, Nevada Families for Freedom; and representing the Independent American Party
Robert Frank, Leader, Nevadans Conservative Action Network
Julie Hereford, representing Citizen Task Force for Voter Rights
Mary Rooney, Private Citizen, Las Vegas, Nevada
Joseph Paul Gloria, Registrar of Voters, Clark County
Luanne Cutler, Registrar of Voters, Washoe County
Wayne Thorley, Deputy Secretary for Elections, Office of the Secretary of State
Susan Merriwether, Clerk-Recorder, Carson City
Kathy Lewis, Clerk-Treasurer, Douglas County
Irma Fernandez, Legislative Aide to Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Barry Gold, Director, Government Relations, AARP Nevada
Sarah Mysiewicz Gill, Senior Legislative Representative, AARP
Priscilla Maloney, Government Affairs, Retiree Chapter, American Federation of State, County and Municipal Employees Local 4041
Michael Hillerby, representing the American Council of Life Insurers
Kent M. Ervin, Private Citizen, Las Vegas, Nevada
Rob Boehmer, Program Coordinator, Committee on Deferred Compensation for State Employees

Vice Chair Araujo:

[Roll was called. Committee rules and protocol were explained.] My goal today is to be as concise as possible. If you have submitted testimony, we do not need to hear it again; just let us know you submitted testimony. With that, I will open the hearing on Assembly Bill 104. This is a proposal relating to voter registration.

Assembly Bill 104: Makes various changes relating to elections. (BDR 24-184)

Assemblywoman Ellen B. Spiegel, Assembly District No. 20:

Elections are the cornerstone of our representative democracy, and to ensure our freedom, they must be conducted in a manner without reproach. Assembly Bill 104 seeks to enhance democracy in Nevada by increasing accessibility and ensuring fairness for all who are eligible to vote. As it is not my legislative intent to have A.B. 104 create a competing ballot measure to Initiative Petition 1, I have submitted a conceptual amendment to have its language relative to automatic voter registration deleted ([Exhibit C](#)).

Additionally, Senate Bill 94 and Assembly Bill 272 contain many of the provisions that are found in A.B. 104. Because these bills will all need to be reconciled, rather than move forward with the entire bill, I am only presenting for the Committee's consideration elements in A.B. 104 that are not found in these other measures.

There are five provisions I will be speaking about with you today. The first is that A.B. 104 would include same-day voter registration, both in the primary and the general elections. This will also happen during early voting and on Election Day. You may ask why there is a need for same-day voter registration because people have all sorts of time in advance to register to vote before Election Day. When I posted on Facebook that I had introduced this bill, I got a number of comments. One of the things I was told was a story from a friend who wrote:

I have worked in the polls in rural Nevada every two years for the last eighteen years. I truly hope that the bill will include a mechanism to communicate properly with rural county clerks to make sure that the information on new registrants gets to the county in time for elections. I have lost count of how many new residents say they registered to vote at the Department of Motor Vehicles (DMV) and then do not appear on the rolls.

There could be a wide variety of factors as to why they do not get on the rolls, and it is not my intent to figure out why, but we can solve the problem. Regardless of the reason they do not appear on the rolls, if we have same-day voter registration, they can register to vote and then vote. This will help people throughout the state.

Similarly, I would like to make a change to our provisional ballots. Right now, our provisional ballots only cover federal races and are mandated by federal law. Anything at the state level, county level, or town level—our initiative questions, ballot questions, judicial races—are not covered by provisional ballots. Many times, it is people who are down-ballot, actually people like us, who bring people out to the polls. We make extensive efforts to bring people to the polls. If they come to the polls and are then told that they need a provisional ballot, they are not able to vote for the people that they came out to vote for. Again, this bill would ensure all offices, candidates, and ballot questions are on there. It would also require that the data from provisional ballots be included in the unofficial election results unless it would change the outcome of the election.

I know there are some issues with provisional ballots. We are going to hear from some of the folks who work in elections departments, and I am willing to work with them on amendments to deal with the concerns that they have. I will say that having same-day voter registration will also eliminate most of the issues with provisional ballots. It would provide the opportunity, once a problem was identified, for a voter to remedy, reregister, and then be entitled to receive a regular ballot. Again, it increases voter access, and we are not turning people away and disenfranchising them.

The next thing that this bill would do is give election board officers the ability to close polling places on Election Day when all votes of a polling place that are not designated as a same-day registration site have been cast. That is primarily to help in our smaller areas and our rural counties. Most famously, there is a town in New Hampshire that has seven

registered voters, and they all vote in presidential elections right at the stroke of midnight on Election Day. In an alternate circumstance, once all of the voters have voted, we would not be forcing polling places to stay open just for the sake of staying open.

The next thing this bill would do is affirm the right of people to vote or register to vote if they are in line prior to 7 p.m. on Election Day at a site where they are eligible to vote. Last year on Election Day, there was an issue in Clark County where the lines were long, and not everyone who was in line had voted by 7 p.m., but they were still allowed to vote. This will affirm that right and make any questions related to that issue disappear.

Finally, the bill will establish at least one permanent early voting site in each county; have the county clerks develop a roster for use with same-day voters; and appoint an absentee ballot central counting board if it will expedite the work of counting absentee ballots both during early voting and on Election Day. Once you slice and dice this 100-page bill, this is what it comes down to. I am thankful for your consideration, and I am happy to answer any questions.

Assemblyman Ohrenschall:

We have another bill that proposes to establish voting centers. If the same-day voter registration were enacted, how do you see the two working together? Could they go hand in hand?

Assemblywoman Spiegel:

I see the same-day voter registration occurring in voting centers. There are two different technologies used for elections. There is the system that we typically use during early voting, which can be used at voting centers. Then there is different technology that can be used at the precinct level. The two systems do not work the same way, and I cannot explain the mechanism. We can accommodate same-day voter registration at the voting center because once the precinct and the ballot format is established, it can be pulled up at a voting center, whereas it would not necessarily be able to be pulled up at a precinct location. We would be able to say to our voters, "If you are not sure if you are registered to vote or if there is an issue, you can go to this voting center and it will be taken care of."

Assemblyman Ohrenschall:

I know that we have asked some of the registrars for data as to how many people registered to vote after the cutoff before the last general election, and it was not an insignificant number of people. But, because they missed the cutoff, they could not vote in the upcoming election. Just because of the artificial deadline, they were not allowed to vote.

Assemblywoman Spiegel:

There are also a number of anecdotal stories I have heard about people who say they have registered to vote, but when they go to vote, they do not show up on the rolls. This will address that as well. In Clark County, I have Ken Lange to testify.

Ken Lange, Private Citizen, Clark County, Nevada:

[He read from [Exhibit D](#).] I am a resident of Clark County Nevada. I am a doctoral student in Public Affairs at the University of Nevada, Las Vegas, and the host of Civil Engagement, a public affairs program on KUNV 91.5 FM. I am speaking as an individual in favor of A.B. 104.

In the early days of our republic, there was tension and discussion about who should vote. The various states and regions differed greatly in their openness to extending voting to non-landholding white men. Despite subsequent amendments to the *United States Constitution* and laws to include women and people of color, the tension that existed then still persists. It is present in efforts by states to remove people from voting rolls, restrict access to polling sites, and create other subtle, but effective, barriers to voting. One of those barriers is registering to vote.

The natural state in a representative democracy should be that everyone is automatically "registered" by virtue of achieving his or her 18th birthday. The role of the state then is to ensure the integrity and security of the voting process. The policy interest in voter registration is a very simple proposition: (1) Is the voter who they say they are? (2) Does the voter reside where they say they do? (3) Is the voter a citizen of the United States?

This bill meets all of those interests. It also removes the extra step, if you will, of saying, "Sign me up." We have already signed up by virtue of the fact that every citizen in the United States over the age of 18 has the right to vote.

Unfortunately, A.B. 104 does not guarantee that more people will come out to vote. However, it is a step in establishing a culture of voting and gives us the opportunity to say to all of our fellow Nevadans: The way is clear; get yourself informed and get to the voting booth. Streamlining the process and making registration automatic opens the door for both parties to make their case to a wider audience.

There is a downside to automatic voter registration. Republicans and Democrats will have to reach more people and make the case for their platform. Activists on both sides will have to step up their game to bring voters to the polls. I think this is a good thing.

Initiative Petition 1 was passed by both houses and vetoed by Governor Sandoval. He listed a number of reasons for his veto. Some of those can be addressed in legislation. However, I believe he is wrong when he makes the novel claim the policy interest of the state is to protect the right to register. The real policy interest is in the right to vote with minimum impediment. Registration is a bureaucratic imposition in order to ensure the integrity of the vote; it is not a conferred right anywhere that I know of. The *United States Constitution* is quite clear about the right to vote in the 15th and 19th Amendments. They say nothing about the "right to register."

As for I.P. 1, I am no fan of 2 initiative petitions. Even though I have worked on a number of them over the years, I believe that the legislative process is the best option.

Assembly Bill 104 keeps the dialogue alive and potentially offers points of compromise. We are fortunate in Nevada to have people on both sides of the aisle dedicated to a competent, efficient, open, and fair system of voting. Assembly Bill 104 continues that effort. I urge passage of the bill.

Vice Chair Araujo:

Thank you, Mr. Lange. I will open up to testimony in support of A.B. 104. [There was none.] I will open to testimony in opposition.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

Governor Chris Sununu lives in New Hampshire, and he was worried about the Dartmouth college students that registered at the polls. He said it was really just about making sure that our rules are clear, unambiguous, and that people can believe as full-time residents of the state of New Hampshire their votes are not being watered down by someone who is "drive-by voting."

The same-day registration problems are well-documented in North Carolina, especially in Robeson County where voting irregularities abounded. Same-day registration has become so commonplace that a local newspaper, *The Robesonian*, featured an editorial that explained the editorial board's changing views. The editors wrote, "When same-day registration and voting was introduced in this state, we were a fan, not fully understanding then the potential for abuse. We now know how vulnerable that same-day registration and voting, when married with an early voting period that was 17 days but now is 10 days, makes an election" It makes way for a disaster.

In an article by the *American Majority* [October 20, 2010],

According to the criminal complaint, Clancy served as a Special Registration Deputy (SRD) for the City of Milwaukee in advance of the 2008 Presidential Election. . . . Clancy was accused of submitting multiple voter registration applications for the same individuals, and also was part of the scheme in which he and other SRDs registered each other to vote multiple times in order to meet voter registration quotas . . .

Same-day Voter Registration requires the voter to complete the application and provide "proof of residence documentation." Ballots for same-day registrants are counted in that election but the actual registration is not verified until AFTER Election Day . . .

I am going to tell you something that happened to me; it might have nothing to do with this, but there is always that question. I spoke with former State Senator Raggio about this, and he was very concerned. A few years back, before the presidential election, I did not receive my NV Energy bill. I thought that was funny, so I called them. They said they sent it to my new address after I called to change my address. I told them I had not called and then I spoke with a supervisor. At the time, my daughter worked for a grocery store, and she took

in the bills that did not go to the grocery store. She told me she had seen many people with the same problem. Her supervisor told me they had seen at least 50 people with the same problem.

Janine Hansen, State President, Nevada Families for Freedom, and representing the Independent American Party:

This is interesting information from the Census Bureau. For example, of the 146 million people whom the Census Bureau reported were registered to vote in 2008, 15 million, or 10 percent, did not vote. Of those who did not vote, only 6 percent cited registration problems as the reason for not participating. Rather, the vast majority of these registered nonvoters said they did not vote for reasons ranging from forgetting to vote, not liking the candidates, or the campaign issues were not interesting.

With regard to the individuals who are not registered to vote, the Census Bureau reported in its 2008 report that the major reason individuals failed to register was that they were not interested in the election or involved in politics. The Census Bureau survey showed that represented 46 percent of those that did not register. Thirty-five percent of individuals did not register for a variety of reasons such as not being eligible to vote, thinking their vote would not make a difference, not meeting the residency requirements, or other problems. Only 4 percent of individuals reported not registering to vote because they did not know where or how to register.

The Census Bureau's 2010 report indicates similar results. Only 3.3 percent of individuals reported not voting because of supposed registration difficulties. Registration problems do not disproportionately affect minorities and low-income citizens. Among the tiny percentage of voters who say they did not vote because of registration problems, there was almost no racial difference. For instance, the percentage of whites who claim they did not vote because of a registration problem was 3.2 percent compared to 3.3 percent for blacks and 2.8 percent for Hispanics. I would also say that less-educated voters had fewer registration problems than more highly-educated people did. The greatest causes of individuals not registering to vote are their lack of interest in politics, candidates, and other reasons that have nothing to do with lack of voter registration. I think we are seeking an answer to a problem that does not exist. Thank you.

Vice Chair Araujo:

We will now move down to Las Vegas.

Robert Frank, Leader, Nevadans Conservative Action Network:

I am a retired Air Force colonel and also one of the leaders of the Citizen Task Force for Voters Rights, which has been active in Nevada for a number of years. There are a number of things about this bill I would like to comment on. I would like to drill down on the concern I have after reading the bill. I do not find that the language provides adequate policy directions on what and how the current system must be revised to effectively detect, prevent, and punish fraud by noncitizens. It does require the counties to do a lot of work and possibly spend some resources, but that does not mean they will be more effective on same-day

registration voting than if it was done at the state level. My concern is, even the election officials at yesterday's Senate committee meeting on a similar bill showed that there was not enough time and resources to effectively detect or prevent criminal violations at registration and voting as required in other sections of the *Nevada Revised Statutes* (NRS) Chapter 293.

Of course, we are always told that every vote counts, but once invalid votes enter the Nevada system to be certified, is it not true that it is impossible to reverse the fraud? Is it also not true that it is highly unlikely to be able to prove later that violations exist or to punish the criminal violators? It seems very clear that integrity and accuracy in registrations and votes must be done before the votes are cast. I would like the Committee to seriously consider that this change in election policy is very unwise if you do not have the tools and the resources to make sure that fraud does not occur prior to the voting day. I would like to urge that A.B. 104 be rejected until the time someone can provide the tools and the resources to ensure the claims that no fraud can enter the Nevada election system will continue to be true in the future. [Written testimony was submitted as [Exhibit E](#).]

Julie Hereford, representing Citizen Task Force for Voter Rights:

Our group's mission is to help improve the integrity and trustworthiness of the election system in Nevada. I am here to urge you to vote no on this bill. I will not repeat my entire statement that was emailed to the Committee ([Exhibit F](#)), but I just wanted to ask a couple of questions and talk some common sense. We just had a municipal election a few days ago in Clark County. The total turnout was less than 10 percent. I wonder if the bill sponsor thought that same-day registration would help increase voter turnout, and by how much?

Yesterday, I attended the S.B. 94 hearing and heard several county registrars and county clerks express their concern that if they did not have a total statewide, updated system to process same-day voter registration, they would not be able to guarantee that everything would be done right and would have no way to verify the eligibility of the voters. I also looked at some of the text of S.B. 94. In the beginning, it says that the voter who wished to same-day register only has to present proof of residence, which is totally inadequate. We have been battling this issue with several election officials and have discussed how they can detect fraudulent registration even under the current system.

Vice Chair Araujo:

We typically do not take questions during testimony, but you are welcome to meet with the bill sponsor off line.

Mary Rooney, Private Citizen, Las Vegas, Nevada:

In campaigns, we live and die by voter registration lists. It is imperative that these lists be accurate and up to date. I do not see how this bill will do that. I see that this bill will only make it more difficult to know if someone is eligible to vote. I can tell you that there have been several instances that I personally uncovered where people have voted more than once. One instance is when you live in two states, as my husband and I did before we moved to

Nevada permanently. I know people who have voted in two states, and this type of bill would certainly make that much easier to do and much more difficult to detect.

Also, as a candidate, I spoke with many potential voters, and there is a distrust of the election system. I believe that is one of the reasons for the low voter turnout. This bill only exacerbates that issue by making the whole election process open to notorious activities such as walking-around money and other ways of inducing people to vote who really are not aware of the issues or know who the candidates are. For those reasons, I see this as obfuscating the whole voting issue. Instead of helping voter turnout, I think it would do just the opposite and make people feel that their vote just does not count. Thank you.

Assemblyman Elliot T. Anderson:

Miss Rooney, you said you have evidence of a crime. Did you submit that information to law enforcement?

Mary Rooney:

No, I am not going to turn in people who told me that they had the opportunity to vote in two states. First of all, I do not know which state they were really eligible to vote in, but I think instances where people are in college and have more than one residence would exacerbate that problem. I do not see any reason why we should exacerbate a problem that you are trying to solve.

Assemblyman Elliot T. Anderson:

We have laws that criminalize this behavior, so I would just make that point.

Vice Chair Araujo:

Is there anyone testifying in neutral?

Joseph Paul Gloria, Registrar of Voters, Clark County:

Today I am testifying in neutral simply because we have administrative concerns with some of the items in the bill. I will also testify, as I have done similarly on other bills related to same-day registration, that we do feel it is necessary in order to make this occur efficiently, for there to be a top-down system in voter registration that starts at the Office of the Secretary of State level and works down to the local county level.

We also feel that it is important for this to take place electronically, in real time, so that these registrations can get into the system, and we can see across all polling places—and for that matter, across the state—what the activity is, so we can eliminate the possibility of people registering in multiple locations.

In section 10, I have submitted suggested language for an amendment ([Exhibit G](#)) to make it permissive for those counties that do not have the funding for the poll book that would assist in this endeavor to have same-day registration. In section 11, I proposed an amendment to allow for an exception to the requirement to publish the polling place locations, if all of the polling places located within a county can accommodate voter registration on Election Day.

This amendment makes a similar change to section 82 as it relates to cities and city clerks. We are already required to place locations of our polling place in publication. We could put that information there as well. No voter could go wrong if it is being provided at all of the polling places. In sections 35 and 93, I have a similar permissive amendment there for those counties that do not have the resources to implement the requirements.

Finally, in section 29, we do have a concern with what is being proposed for provisional balloting. Currently, only the federal offices are provided there, and if we extended it further than that, we would not be able to report that night on any of the results. If you are in the wrong polling place but in the right Congressional District, your provisional ballot counts. If you increased it so that it had every office on the ballot for the provisional, it would go all the way down to the local races and make it even more difficult for someone to be in the wrong polling place to have that ballot count. As far as reporting, that night it would be virtually impossible for us to research 5,400 records, which is the number of provisional ballots that we had submitted in Clark County for the 2016 General Election. We have to go in and do the research and make the determination as to whether or not that individual was truly registered to vote. It would be impossible for us to report on that night.

Although voting centers are not discussed in this bill, if we could implement vote centers, the majority of those folks who are applying for a provisional ballot would not need to, because you cannot show up at the wrong polling place if your county supports vote centers. Thank you.

Luanne Cutler, Registrar of Voters, Washoe County:

As usually happens, we certainly agree with Mr. Gloria's comments. Same-day registration, as well as early voting registration, would require the top-down system that he mentions. We currently do have the ability to register people during those two periods of time if it is done only in our office. For us, our office is the only place that has access to our database. It would be the only place to determine what precinct a voter might live in, what offices they get to vote for, and more. It is not really a matter of whether we are in favor or against this bill; it is that administratively we do not have the ability at this point in time to push information out to all of the polling locations across the county.

I do want to mention that we do agree with Mr. Gloria's comments regarding the provisional ballots as well. We really appreciate Assemblywoman Spiegel's willingness to work with us on this to see if we can modify it in some way to make it workable for us. In Washoe County, we had a little over 1,000 provisional ballots in the last election. Again, those require research and some time dedicated to see if those votes are eligible to be cast. As far as reporting them separately on election night, that is not something we would be able to do.

I just wanted to wrap this up quickly by saying I am happy to report that if we have voters in line at 7 p.m. at any polling place in our county, those folks get to vote. We would never turn anyone away who was in line or approaching the door at 7 p.m. Thank you.

Wayne Thorley, Deputy Secretary for Elections, Office of the Secretary of State:

I realize this is not a money committee; this is a policy committee. I just wanted to add my comments to those of Mr. Gloria and Ms. Cutler regarding the need for technological enhancements to accommodate same-day voter registration.

Susan Merriwether, Clerk-Recorder, Carson City:

I just want to concur with the comments made by Mr. Thorley and the registrars in Washoe and Clark Counties. I also want to comment on same-day voter registration. In Carson City during the past elections, we only turned away a handful of voters that came to vote who were not registered in Carson City. What we would do is look up those voters on the statewide voter registration system and find out that they had moved to outlying counties such as Douglas County, Lyon County, or Washoe County and inform them that because of the failsafe voting laws, they were able to vote at polling places in those counties.

The Department of Motor Vehicles (DMV) has new procedures in place. When a person comes in to do business with the DMV, a voter registration form is attached to their other paperwork; all the voter has to do is choose a party and sign that form. I think having this policy in place is going to eliminate the problems we had with those voters who were not eligible to vote in our county because they were not picked up in the DMV address change. This will really help. I also want to point out that a person has to reside in the state of Nevada for 30 days prior to voting at an election, and 10 days within the precinct. One of my big concerns with same-day voter registration, as with any type of registration, is we need to make sure people are not coming to our state who have not been here for those qualifying 30 days.

Another item I want to talk about is that we had a conference call with the clerk from Nye County. We asked her if she had been watching the hearings, and she said she tries to watch the hearings, but because of their Internet service, it cuts out. She said she supports same-day registration and going with a real-time voter registration system and vote centers, but there is a real need in the rural counties to get better Internet and Wi-Fi service moving forward with bills such as this.

Kathy Lewis, Clerk-Treasurer, Douglas County:

I want to concur with my colleagues on the comments already made and quickly say that we did submit some administrative amendments ([Exhibit H](#)). In Douglas County, we use a signature card during early voting and look it up for comparison. The amendment expands that roster definition to cover how we administer elections in Douglas County to allow for the signature cards.

Vice Chair Araujo:

Assemblywoman Spiegel, would you like to share closing comments?

Assemblywoman Spiegel:

In some of the comments, there were some misconceptions about the bill and same-day voter registration that I want to address. Sections 10, 11, 81, and 82 detail the requirements for

same-day registration. In addition to providing documents that establish your residency, which has been discussed, this also requires that you prove your identity and you are who you say you are. That addresses the concerns brought up by Ms. Chapman, Mr. Frank, Ms. Hereford, and some other people who may not have realized that was in the bill. Thank you again for your consideration. Once more for the record, I do want to say that I will continue working with all of the stakeholders, so I can come back to you having all of the issues worked out.

Vice Chair Araujo:

I will now close the hearing on A.B. 104 and open the hearing on Assembly Bill 396. This is a proposal concerning lobbying and financial disclosure statements. It will be presented by our own Committee member, Assemblyman Daly.

Assembly Bill 396: Revises certain provisions relating to public officers and candidates for public office. (BDR 17-893)

Assemblyman Skip Daly, Assembly District No. 31:

I am here to give you some information about Assembly Bill 396. In the 2015 Legislative Session, the Legislature passed Senate Bill 307 of the 78th Session. I think that A.B. 396 tries to build upon that to provide a little more guidance and clarity.

Some of the background that helped me look at this and hopefully give some clarity to it is my regular job as a union official. I am subject to similar restrictions and disclosures in a couple of different laws. Section 302 of the National Labor Relations Act (NLRA) prohibits union officials from accepting things of value or gifts from employers that we bargain with or seek to bargain with. Section 302 also contains exceptions to those prohibitions, some of which we included in this bill.

I am also subject to the rules contained in the Labor-Management Reporting and Disclosure Act (LMRDA) of 1959. That Act provides for certain activities with employers that the union bargains with, prohibits transactions, and requires disclosures of certain transactions with vendors and other employers that the union might deal with. The LMRDA also has exceptions, some of which we used in this bill.

The rules and disclosures currently contained in the NLRA and the LMRDA are intended to reduce conflict of interest and provide transparency to those transactions. I also used the information that the Legislative Counsel Bureau (LCB) sent out to every member of the Assembly for guidance of the provisions that were in S.B. 307 of the 78th Session.

Section 1 defines and allows for a de minimis gift. The amount for food or beverage is \$20 or less, and for other items is \$10 or less. I thought it was important to have a de minimis amount, so legislators were not worried about someone giving them water. Part of my regular job is to go over the Associated General Contractors (AGC) for a trust fund meeting or a bargaining meeting. The Executive Director of the AGC—the guy I bargain with, and some people on his staff are lobbyists—if they give me water at a three-hour or

two-hour meeting, theoretically, I would be in violation of one of these rules, so I cannot have water. That is an example of what we are trying to get at with the de minimis rule.

Section 3 exempts from the definition an educational event or trip, including reimbursed expenses paid to the legislator if the event or trip is undertaken as part of his employment. Most of us have other jobs. We have other things that we do, and depending on what employer you might work for, you may have business trips to go on. It was unclear in the law whether those trips could be counted as a gift, depending on the employer you work for and if they are an interested party or not. This clearly defines that if you are going on a trip and you are reimbursed expenses under the policy of your employer, that is an exempt activity. Section 3 also clarifies that an educational event does not include events that every legislator is invited to and that does not include a formal speech or presentation. Some of that language arose out of the guidance provided by LCB.

Section 4 requires lobbyists to report gifts during session, irrespective of the fact the item might or might not be a de minimis gift. Lobbyists still have to report what it is. Of course, everyone should try to avoid some of the serial gifting that goes on. If you meet with lobbyists and they buy you coffee, if it is less than \$20, it is not a violation or a gift—you do not have to report it but they still have to report it.

Section 5 gives some guidance to legislators in subsection 2 (d). There is a presumption that every legislator was invited to an event in certain circumstances. If it is during the legislative session, or if it is at a government building, or it is labeled as a legislative event, you do not have to worry because it is presumed everyone was invited. Section 5 also adds to the list of things that are not gifts income from investment property; transactions involving purchase and sale of goods at prices generally available to the public; and payments of wages and benefits provided by your employer, including any incidental benefits provided by the legislator's employer which are provided without regard to the employee's position as a legislator. Some of the questions that came up deal with if your employer regularly provides coffee and donuts in the morning and whether that is a gift. If that is part of the employer's regular practice and policy and it is not just given to the legislator, it is not a gift. We are just trying to provide some clarity to some commonsense things.

Section 6 clarifies that a person or entity that hires a lobbyist is not a lobbyist unless the employee independently meets the definition of a lobbyist. Lobbyists are people, not entities. Groups and organizations hire lobbyists, and the lobbyist is the person that is prohibited, but not necessarily the organization, unless they meet the other definition.

Section 7 states that a lobbyist cannot give a legislator a gift and the legislator cannot accept a gift above the de minimis amount. Lobbyists and legislators cannot attempt to circumvent this rule by dividing a gift into smaller parts. There was an example given by LCB about this.

Section 8 adds the same amended language from section 3 to NRS 281.5583 regarding the financial disclosure statements. You have two parts—the lobbyists and gifts and that kind of

stuff, and then you also have what you have to put on the financial disclosure statement. The financial disclosure statement requirements exempt from the definition of an "educational or informational meeting, event or trip" reimbursed expenses paid to the legislator if the event or trip is undertaken as part of their employment. If you are going on an educational trip, not only is it not a gift, it is not apt to go on the financial disclosure statement if it is for your regular employment.

Section 9 further defines an "interested person" by adding language that the public officer is held to a reasonable or prudent person standard when determining if a person has a "... substantial interest in the legislative, administrative or political action of a public officer or a candidate" A little bit of nuance there. The "interested person" may be difficult to identify. The legislator's standard when making a determination in dealing with an interested person's motives is that of an average person in a similar position.

Sections 10 and 11 change the requirements for a new candidate or an appointed candidate when submitting their financial disclosure statement. Those candidates who did not previously have the requirement to report a financial disclosure statement only have to go back 30 days rather than the full calendar year. In this last election, when now U.S. Congressman Ruben Kihuen won his election, it created a vacancy in the state Senate. There was a subsequent appointment, and the way the financial disclosure rules are currently written, that person, when appointed, would have had to go back a full calendar year prior to that one in their financial disclosure. It was November before they knew there was going to be an opening, and then they were not appointed until some time later. Prior to that, candidates did not know if they were even going to run. They may or may not have been in compliance with those requirements or even known if there was anything to report. This is just putting a more realistic time frame on what that person should know 30 days from when they file or not. If we are already elected, we know we need to track it the whole time. This is only for someone who files to run, and then if they win, they only have to go back 30 days from when they win or were appointed. The rest of us are under the standard the way it is written now in statute.

Section 12 makes this bill effective upon passage and approval. I am hoping I hit the mark on some of the salient points in trying to provide clarity. I did not want to attempt to gut the previous legislation. There are some merits to having these disclosures; they are for transparency. They need to be workable and reasonable, so both sides can act appropriately without always looking over their shoulders wondering if they made some inadvertent, minor mistake.

Vice Chair Araujo:

Thank you for your presentation. I am not seeing any questions from the Committee. We will take testimony in support.

Janine Hansen, State President, Nevada Families for Freedom; and representing the Independent American Party:

I only want to address one portion of the bill. I think it is a very complicated subject. Listening to the lobbyist information before the session started, we do not have to worry about that because we do not spend any money. A couple of problems have arisen and the issue of the de minimis gift is important and needs to be addressed. For instance, Assemblyman Ellison's mother just passed away. We are friends, and we are both from Elko. I did not know what I could do. All I did was give a card because I could not take anything over for the funeral. These prohibitions seem completely unreasonable in that way.

Also, in the past we have often given out copies to the legislators of the *United States Constitution*. The way the law reads now, we are prohibited from doing that. We have often given out inexpensive freedom calendars that have historical dates on them. Under the current regulations, that is prohibited. I think it is sort of extreme and ridiculous for these kinds of prohibitions. No one is going to be bought and paid for with a \$20 gift, a \$10 gift, a cup of coffee, or a copy of the *Constitution*. I think that people elect candidates knowing that they have more trust in them than that. It is almost an insult to say that a person cannot give you a cup of coffee and know that you are still an honorable person. It bothers me to think that the people would view the legislators in such a way. Although I am not speaking to the rest of the bill because it is quite complicated, I am speaking in support of the de minimus gift portion because it is only reasonable.

Vice Chair Araujo:

Is there anyone else in support? [There was no one.] Is there anyone in opposition in Carson City or Las Vegas? [There was no one.] Is there anyone in the neutral position here or in Las Vegas? [There was no one.] Do you have any closing comments, Assemblyman Daly?

Assemblyman Daly:

I do not have any further comments. I am hoping we can move this piece of legislation. It is common sense and provides reasonable reforms to the previous piece of legislation.

Vice Chair Araujo:

With that, I will close the hearing on A.B. 396 and open the hearing on Assembly Bill 430. This is a proposal to create the Nevada Task Force on Retirement Security

**Assembly Bill 430: Creates the interim Nevada Task Force on Retirement Security.
(BDR S-1035)**

**Irma Fernandez, Legislative Aide to Assemblywoman Irene Bustamante Adams,
Assembly District No. 42:**

Across the country, states have been looking for ways to address a growing problem—the lack of financial security in the form of retirement savings.

The number of citizens with a lack of retirement financial security has increased, especially in light of the financial recession of 2008, though the numbers have finally begun to stabilize in the last four years. At this point, 52 percent of households are at risk of not having enough to maintain living standards in retirement. Over 45 percent of working-age households have no retirement account, and even those who do have one have an average of about \$2,500 saved up for retirement.

The states with the most ethnic diversity actually rank in the highest percentage of workers without adequate retirement savings. Nevada is one of these states due to our large Asian and Hispanic populations. When ranking Nevada against other states, we score "worse than average" on potential economic pressures facing future retirees, according to a scorecard prepared by the nonprofit National Institute on Retirement Security. The need for this study stems from the fact that it is evident that the primary sources for income in old age—Social Security, individual savings, and workplace retirement plans—are no longer enough in the face of increased costs of living and increases in health care costs. This is why states have begun the process of state-sponsored plans as a way to fill the gaps.

Currently, access to retirement plans at work is heavily predicated upon the size of the employer, meaning that if you are working for a small business compared to a larger business or corporation, you are less likely to have a retirement plan. Data shows that those who are enrolled in payroll deductions are 15 times more likely to save money. If they are automatically enrolled into these kinds of savings opportunities, they are 20 times more likely to save.

The idea of a study is great because it helps tailor a custom program that works for all Nevadans and for the state. A study allows us to look at what kind of requirements would be needed for employer participation, responsibilities, and liabilities. The state can set up rules for employees' enrollment, contributions, and withdrawals. We can discuss how contributions will be invested and savings will be protected. The state can figure out how the programs would be governed and administered, including the likely costs and the potential state liabilities. Through a study, we have the opportunity to bring small businesses to the table and give them a voice in the process.

A great advantage that Nevada has is that we are not inventing the wheel completely. Plenty of other states have enacted their own versions of this kind of retirement savings account, which I know the folks at the table will go into in a bit. There is an incredible opportunity here to create a program that really helps Nevadans, and we already have plenty of tools to use as we develop what works best for the state.

For the sake of time, I am not going to go into detail through each part of the bill, but I will give a 30,000-foot view. Section 1 talks about whom the Task Force would be composed of. It will be three members of the Senate, three members of the Assembly, and three members representing the interests of retirees—employees working for private employers and companies involved with retirement savings plans in Nevada. The Task Force would have legislators serve as chair and vice chair. All members would serve without compensation, so

there would be no fiscal note. They would meet at least four times between September 2017 and September 2018 when the report is due. The Task Force would consult with and get input from those with expertise in matters relevant to the Task Force and would be allowed to apply for grants as well as accept any gifts, grants, or donations. A 501(c)(3) organization would serve as the fiscal agent for the Task Force.

Section 1 also details what the Task Force would do, including but not limited to reviewing current plans available in the private sector; estimating what the average Nevadan has saved by retirement age; reviewing expert recommendations to decide how much the average Nevadan needs to be financially secure; considering a retirement savings plan for the state; as well as examining the causes, extent, and consequences of retirement insecurity. Currently we are working on potential changes and other factors for who may be on the committee.

Barry Gold, Director, Government Relations, AARP Nevada:

To be very concise, I just want to draw your attention to a couple of things we uploaded to the Nevada Electronic Legislative Information System (NELIS). There is a fact sheet with the numbers of people affected who would not have access to a retirement savings plan ([Exhibit I](#)). If you look at page 2, the numbers are even higher than some of the ones that were quoted earlier. The number of people who do not have access is over 556,000, or 57 percent. Again, in the chart on page 2, the numbers in diverse communities go up even higher. Also, for employer size of 10 to 49 employees, 78 percent of those employees do not have access to an employer savings program.

The other thing I want to mention is AARP just completed a telephone survey in November or December of 2016. Over 1,000 people were called to get information on what Nevadans think about retirement security. This sheet has the highlights of the survey ([Exhibit J](#)). I also uploaded more of the survey into NELIS ([Exhibit K](#)). I just wanted to point out one or two numbers. Obviously, 86 percent wish they had saved more for retirement (page 3, [Exhibit K](#)). I think most people think that. In terms of what should be done about it, 87 percent agreed that lawmakers should do more to make it easier for workers to save for retirement (page 10, [Exhibit K](#)).

Page 6 ([Exhibit K](#)) talks about workers concerned about Nevada residents being reliant on public assistance in retirement. Over 74 percent were concerned about people being on public assistance because they had not saved enough money for retirement. I think that is important to think about. When asked about the best way to do this, 83 percent say they would take advantage of a workplace retirement savings plan if it was available.

Having this study to be able to determine the needs and the best way to offer something to people is really important. Not all of the 330,000 AARP members would really benefit from this because they are already retired. However, 15 years ago, AARP did a survey, and we found out that about half of our members are not retired; they are still working. This is important for young people, middle-aged people, and people about to retire. We really need to make sure that when Nevadans retire, they have means and not needs.

Sarah Mysiewicz Gill, Senior Legislative Representative, AARP:

Just to give you a little bit of context, my job is to work with all of the states that are engaging in this conversation about financial insecurity in retirement. I am familiar with what most states have done in terms of legislation. If you have questions about other states, I would be happy to answer them.

I will go through the PowerPoint presentation that I believe has been uploaded on NELIS ([Exhibit L](#)). A lot of this data has already been gone over, so if I go through it quickly, we can review anything there are questions about. I wanted to point out that the risk of financial insecurity in retirement has been seriously on the rise over the last few decades. In 1983, roughly one out of every three households was at risk for a financially insecure retirement (page 2, [Exhibit L](#)). Today, that number is one out of two households. This does not mean retirees will not be able to go visit their grandkids or buy Christmas presents. What that means is that they will not be able to keep the lights on or pay for prescription drugs. This is pretty scary to think about the fact that the generation retiring now has better access to pensions and better access to 401Ks than millennials and Generation X do today. Those numbers stand to get a lot worse if we do not address them today.

What you can see is that almost half of all households today have no assets saved for retirement. Page 3 ([Exhibit L](#)) breaks down the numbers based on the age of the household head. The number that sticks to me is that the average savings rate in a household, when you take into account both people who have saved, and those who have not saved, is only \$2,500. That is how much the average household has saved. Many times, you will hear a number similar to \$25,000, which is when you look at only the households that are saving. When you look at the broader picture, we see that people just do not have any assets saved for retirement.

One of the reasons this is true is because access to payroll deduction plans has been static for several decades. In 1979 [page 4, ([Exhibit L](#))], the number of households that had access to a work retirement plan was roughly one out of every two. That has stayed the same over more than four decades. Nevada's ranking, as you heard earlier, is relatively low on the nationwide scorecard. This takes into account potential retirement income, major retirement costs, as well as labor market conditions.

As you can see on the map (on page 5 of [Exhibit L](#)), Nevada is in the yellow ranking, which is worse than average. Part of this is because of the number of households that do not have a way to save for retirement out of their regular paycheck. Again, Nevada ranks in the 50 to 60 percentage of households that do not have access. That is higher than a lot of other states. It is, in part, because of communities of color, but also because of the types of businesses in the state. Again, more than half a million people in the state do not have access to a way to save for retirement (page 7, [Exhibit L](#)). That varies greatly by the size of business they work for (page 8), so this is absolutely key. This is intended to discuss the benefits for people who work for small businesses because those are the businesses that are busy keeping their doors open. They do not have money for a human resources department. They may want to offer a 401K, but do not know where to get started and, frankly, they are not necessarily being

courted because they do not have large assets available for the financial services industry to invest. What we are looking at is this 80-plus percent of small businesses with fewer than ten employees that do not offer a way to save for their workforce. On page 9 ([Exhibit L](#)), you can see a visual representation of the fact that Nevada ranks higher in workers without access to work retirement plans because it has a higher percentage of multicultural folks in its workforce.

Why do we need a solution? Can people not save for retirement on their own? The answer is, absolutely they can save on their own. People can save on their own and many do, but unfortunately, if people do not have automatic withdrawals out of their regular paychecks, only 5 percent of people will go out on their own and open an individual retirement account (IRA). Individual retirement accounts are available, but people are not using them. We need to talk about solutions that people are more likely to use.

The way to do that is to use behavioral economics, which is a relatively recent tool. There are two key features there, which I am hoping the Task Force will talk about. The first is access to payroll deductions, which makes people 15 times more likely to save. The second is automatic enrollment, allowing people to opt out rather than opt in, meaning that nine out of every ten workers will use it. That is across all income levels. That is particularly important when talking about budgeting because we all know that the folks who do not have enough money saved for retirement are going to be overly reliant on social safety net programs.

In a recent study, Nevada was found to be able to save \$28.2 million over the next ten years in Medicaid costs by helping people save their own money for retirement (page 11, [Exhibit L](#)). We are going to try to expand that study and that is something we hope the Task Force will talk a lot about. Again, this is a national movement, and if you have questions about other states, please let me know. Page 12 depicts what it looked like in 2013. Only a handful of states were talking about this issue. Today, well more than half the country is talking about it. In part, it is because of those Medicaid dollar savings, but also because this spans geographies. It spans classes of workers; it spans different races and ethnicities; and most importantly, it spans different ideologies. We have states like Utah, Arizona, New Mexico, California, and Oregon all working on the same concept, but in ways that fit the needs of their states. That is what is really great here—states are talking about solutions that fit their needs. If you have questions about the state specifics, I am happy to answer those. There are also a lot of different ways states can approach this issue. I am happy to take any questions now.

Vice Chair Araujo:

Thank you for the presentation.

Assemblyman Daly:

I know a little about the defined benefit pension plans and various things. What have some other states done, and realistically, how does that work? What if an employer does not have enough employees or resources to set up his own 401K, which comes with a certain amount

of requirements and federal oversight? Are you saying there is a state plan that any employer could sign on to, and then those employees can contribute if they wanted to? Whether or not there is any type of match, who would it be from? Is it the employer or the state? What are some of the things being explored? Obviously, this legislation allows the study to explore all of those, but how do you envision some of this working?

Sarah Gill:

The good part about this legislation is that it allows us to look at what makes sense for Nevada. What some of the other states have done represents a wide variety of activity. It starts with states talking about the issue and determining whether the state has a role to play here. Most of the states that have studied this issue—and there are many, including Utah, Virginia, New Hampshire, and Nebraska—have come back and said there is a role for the state to play. Some have done feasibility studies to decide what this program would look like.

The majority of studies decided that it would look a lot like a college savings plan, like a 529, but for retirement. The idea would apply to small businesses that do not have a way to save for their workforce out of their regular paycheck. All the small business owner would be required to do would be to run the payroll deduction. Other states such as Illinois, Oregon, and California are only running the payroll deduction. They are not putting employer dollars in, and they are not participating in the operation or management of the program. What those states have found to be particularly important is that we need to help remove the operational and regulatory burden away from small business owners. The state is going to do that through a public/private partnership very similar to 529s. There are several other models out there including multiple employer plans, marketplaces, and other approaches. They are all centered on that concept.

Assemblyman Daly:

So there would be a degree of portability. It would not matter where the employee works if that employer participated. If an employee went on to work at another site and that employer had their own plan, the employee could sign up for that. If he went on to a third employer that was back in the state savings account, is there a process by which the employee's participating time in the 401K could roll into the new plan and not have the federal tax implication, so hopefully they would not end up spending that money? That is what a majority of people do when they change employment.

Sarah Gill:

Right. That is called leakage. Many folks tend to take their money out instead of rolling it over or taking it to a new program. States like California and Illinois are envisioning that these programs would allow folks to keep the money in the program if they want to, and the money would continue to be invested. They could just let it sit. They could roll it over to their new employer's program, or there would be mechanisms for them to come back in at a later date. The key thing to remember is that the programs the states are proposing are all

still under federal law. All of the IRA laws and employer plan laws that apply on the federal level apply here. In the same way a personal IRA is portable, so, too, would a 529-type plan for retirement IRA be portable.

Assemblyman Daly:

I understand; I am hoping that the Task Force would not just look at the one side of it. Defined benefit plans can work, as can multi-employer plans and various things, offering more security long term for the employee, as well as portability. I am hoping the Task Force will look at all of the options.

Vice Chair Araujo:

I will open the hearing up for testimony in support. Please be concise and keep your comments within three minutes.

Priscilla Maloney, Government Affairs, Retiree Chapter, American Federation of State, County and Municipal Employees Local 4041:

I want to express our support for this bill but also explain why. Assemblyman Daly just brought up what would be the number one concern of people who have the privilege and right to be in a defined benefit employer-sponsored plan. It seems that every time in the last four or five sessions we discussed the Public Employees' Retirement System (PERS), the issue of the retirement security of the private sector in Nevada came up. There seems to be this narrative of why should those state folks be in a more secure position than those of us in the private sector. I think it is for lack of opportunity in the private sector.

So, yes, absolutely ask the international American Federation of State, County and Municipal Employees (AFSCME) 4041. We are in favor primarily of defined benefit plans when they are available. I think the issue in Nevada is there are not a lot of options on the table for the private sector. We are in support of a study to look at some of those numbers. For instance, it feels like every session we have issues coming up about how PERS works, and we have to reinvent the wheel and start explaining the system. Every session we have to reeducate, especially if there are new legislators.

For the vast majority of the Nevada government employees in PERS, there was a grand bargain quite some time ago. Those folks do not get social security, nor do those governments who have the folks in PERS pay social security. That was part of a bargain decades ago. There is a history here. As a result, the latest figures off the top of my head from 2015 show the average PERS recipient's amount is \$2,800 per month. That is the monthly average payout for most of the PERS members, and these are folks who do not get social security unless they worked a job that had social security. That \$2,700 to \$2,800 is their retirement benefit, period. We welcome the opportunity to have a task force look at retirement security as a whole for the state, for both public and private sectors. We certainly do not want to open the door to any mischief with what we maintain is one of the best public PERS retirement systems in the country.

Vice Chair Araujo:

Is there anyone else to testify in support in Las Vegas or Carson City? [There was no one.] Is there anyone in opposition of A.B. 430? [There was no one.] Is there anyone testifying in the neutral position?

Michael Hillerby, representing the American Council of Life Insurers:

We have a prepared statement that we submitted to the Committee, but in the interest of time, I will not read it all ([Exhibit M](#)). We had an opportunity to meet with the sponsors of the bill and with the representatives of AARP. The American Council of Life Insurers (ACLI) has supported and participated in many of these task forces around the country and would look forward to supporting this. We do have some suggestions, and in working with the sponsor and the representatives of AARP, we conceptually agreed to some ideas that we think might make the study stronger ([Exhibit N](#)).

A couple of suggestions would be to expand the membership of the Task Force to be sure that it includes representatives of employers. That is where many of these plans reside and we want to encourage more employers to make them available and to include perhaps one, if not more, representative of a financial sector. Regarding the three appointees that are not members of the Legislature, there is only one spot that could cover a wide variety of different entities, so we would like to expand the makeup of that to include employer groups and other representatives of the financial sector.

In section 1, subsection 9(d), the recommendation is to study essentially one kind of plan, and there are a number of different options that have been pursued in different states such as Washington and New Jersey that have approved voluntary small business retirement marketplaces. Those enjoy federal protections and tax advantages as well as education opportunities and other kinds of things. We can work with AARP on other issues to make sure the Task Force sees all of those alternatives.

Utah just approved a tax credit for participants and employers that make these available. Varieties of things encourage people to use programs that are out there, be that public or private sector, and perhaps create new ones. We want to be sure that the Task Force is not limited in what it discusses.

Kent M. Ervin, Private Citizen, Las Vegas, Nevada:

I am usually representing Nevada Faculty Alliance, but I am here representing myself today. My background is as a member of the Nevada System of Higher Education's Retirement Plan Advisory Committee for over ten years and for a year and a half as an appointed member of the Nevada Deferred Compensation Committee.

I want to mention another possibility that is not among these other state plans—the Collective Defined Contribution plan. It is an innovative way of doing things that comes out of the Netherlands. It is defined contribution in the sense that the employers give one contribution and that is the end of it, but the assets are managed more like a pension plan professionally as a group benefit. The payouts then are adjusted like a pension is, but you

cannot pay out more than the system has from its investments. It is a very interesting way to limit the liability of the employers, and yet, set up a system where, particularly, longevity risk is managed by pooling the risk, which is something you just cannot do in a traditional defined contribution plan.

Rob Boehmer, Program Coordinator, Committee on Deferred Compensation for State Employees:

Although I have to give neutral testimony, I agree with a lot that has been said, especially by my colleague, Mr. Hillerby, as well as Mr. Ervin. I can attest to the fact that all of the data you heard from AARP matches the data that we have been polling for the state of Nevada. I will say that the Deferred Compensation Committee, which is Governor-appointed, is in favor of auto features like automatic enrollment and automatic escalation. We just wanted to offer our support from a neutral standpoint with much of the data that you have heard here today. We support anything that has to do with financial wellness or developing financial security, especially throughout our government members.

As you know, people who are employed by government entities have the benefit of having a pretty rich defined benefit plan, especially here in Nevada. But, we are seeing a trend across the country—those defined benefit plans are slowly converting to defined contribution plans and are slowly going by the wayside. I am certainly not insinuating that is happening here in Nevada. Our defined benefit plan is one of the top-notch defined benefit plans across the country. We go to conferences across the country and people tell us it is amazing. We do certainly encourage financial wellness. We have tried to develop a program within Nevada to help retirees, as well as active members that are government employees, to be able to save more and to find solutions that other states are utilizing that are showing big success. Two of those solutions are automatic enrollment and automatic escalation. We attempted to create a bill draft request (BDR) allowing us to implement that, but it was not successful. We are looking at a different angle to try to implement that and get that approved for our government employees to use as well.

Vice Chair Araujo:

Is there anyone in Las Vegas to testify in neutral? [There was no one.] Ms. Fernandez, did you have any closing remarks?

Irma Fernandez:

I just want to say thank you again for your time, and I hope that you will consider A.B. 430. Please let me know off line if you have any questions.

Barry Gold:

The benefit of the Task Force is to look at and examine all of the different options. There are many different options. We held a workshop at The Chamber, Reno-Sparks-Northern Nevada, and the Latin Chamber of Commerce Nevada, Inc., about this. People had different ideas and were in support of the different ideas. The Task Force is a way to look at different

business leaders who attended these and supported different parts. They all agreed there was a need for this, so let us find the plan and ideas. I believe you have a letter of support from the Latin Chamber ([Exhibit O](#)). Thank you very much.

Vice Chair Araujo:

I will close the hearing on A.B. 430 and open it up for public comment.

Robert Frank, Leader, Nevadans Conservative Action Network:

I have been advised by the Legislative Counsel Bureau that I can comment on any of the bills. Do you agree?

Vice Chair Araujo:

Yes.

Robert Frank:

There seemed to be a little bit of confusion on a couple of the points made on the testimony of Assembly Bill 104 that I made. My name was mentioned, and I just want to clarify. The concern that we had was about verification of citizenship, not by residence. In lines 38 and 39, on page 2 of the bill, it talks about the proof of identity and residence. It does not say proof of citizenship, and I believe you have to prove citizenship to be able to vote.

Julie Hereford, Citizen Task Force for Voter Rights:

I have the same comment because earlier, the bill sponsor, Assemblywoman Spiegel, mentioned our names saying that we misunderstood the bill. I went back and looked, and it did not mention citizenship. I just want to put that on the record.

Vice Chair Araujo:

Thank you. With that, we will adjourn [at 3:22 p.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

Julianne King
Recording Secretary

Kailey Taylor
Transcribing Secretary

APPROVED BY:

Assemblywoman Olivia Diaz, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed conceptual amendment to [Assembly Bill 104](#), presented by Assemblywoman Ellen Spiegel, Assembly District No. 20.

[Exhibit D](#) is written testimony in support of [Assembly Bill 104](#), presented by Ken Lange, Private Citizen, Clark County, Nevada.

[Exhibit E](#) is written testimony in opposition to [Assembly Bill 104](#), submitted by Robert Frank, Leader, Nevadans Conservative Action Network.

[Exhibit F](#) is written testimony in opposition to [Assembly Bill 104](#), submitted by Julie Hereford, Citizen Task Force for Voter Rights.

[Exhibit G](#) is a proposed amendment to [Assembly Bill 104](#), submitted by Les Lee Shell, Director, Office of Risk Management, Clark County, and presented by Joseph Paul Gloria, Registrar of Voters, Clark County.

[Exhibit H](#) is a proposed amendment to [Assembly Bill 104](#), submitted by Dena Abeyta, Chief Deputy Clerk/Elections, Douglas County, presented by Kathy Lewis, Clerk-Treasurer, Douglas County.

[Exhibit I](#) is an AARP Public Policy Institute fact sheet titled "Workplace Retirement Plans Will Help Workers Build Economic Security," dated August 2015, submitted by Barry Gold, Director, Government Relations, AARP Nevada.

[Exhibit J](#) is an AARP Research fact sheet titled "2016 AARP Nevada Voter Retirement Security Survey," submitted by Barry Gold, Director, Government Relations, AARP Nevada.

[Exhibit K](#) is an AARP Research Center document titled "2016 Nevada Work and Save Survey Results," dated April 2, 2017, presented by Barry Gold, Director, Government Relations, AARP Nevada.

[Exhibit L](#) is a copy of a PowerPoint presentation titled "Nevada's Financial Security Gap in Retirement," submitted by Barry Gold, Director, Government Relations, AARP Nevada, and presented by Sarah Mysiewicz Gill, Senior Legislative Representative, AARP.

[Exhibit M](#) is written testimony, neutral to [Assembly Bill 430](#), presented by Michael Hillerby, representing the American Council of Life Insurers.

[Exhibit N](#) is a proposed Amendment to Assembly Bill 430, presented by Michael Hillerby, representing the American Council of Life Insurers.

[Exhibit O](#) is a letter in support of Assembly Bill 430, authored and submitted by Peter Guzman, President and Chief Executive Officer, Latin Chamber of Commerce Nevada, Inc.