

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

**Seventy-ninth Session
February 15, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:32 p.m. on Wednesday, February 15, 2017, 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 Nicole J. Cannizzaro, Chair
Senator Tick Segerblom, Vice Chair
Senator Kelvin Atkinson
Senator James A. Settelmeyer
Senator Heidi S. Gansert

GUEST LEGISLATORS PRESENT:

Senator Joseph P. Hardy, Senatorial District No. 12

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin Powers, Counsel
Janae Johnson, Committee Secretary

OTHERS PRESENT:

Sabrina Mercadante, President, Nevada Municipal Clerks' Association
Mike Cathcart, Business Operations Manager, City of Henderson
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities
David Cherry, City of Henderson
Maria Aguirre, City of Henderson
Charles Hurley, Assistant Registrar, Clark County

CHAIR CANNIZZARO:

We will open the hearing on Senate Bill (S.B.) 93.

SENATE BILL 93: Revises provisions relating to elections. (BDR 24-268)

SENATOR JOSEPH P. HARDY (Senatorial District No. 12):

Senate Bill 93 deals with city elections in the off year and mail-in ballots. The City of Henderson would like to have mail-in ballots all at once. This would allow people to mail in the ballot instead of standing in line at voter locations. This idea will increase numbers of people voting if they are given the option to mail in their ballots. Running an election can be costly. It will cost \$17 million to replace the old machines. Mail-in ballot machines cost \$600,000, instead of paying people to run an official election location. Absentee ballots are mail-in ballots which average around 15 percent of total votes.

SABRINA MERCADANTE (President, Nevada Municipal Clerks' Association):

I am here representing Nevada Municipal Clerks' Association with testimony supporting S.B. 93 ([Exhibit C](#)).

SENATOR SETTELMAYER:

I am not sure how the bill applies to the City of Yerington in an odd year when the city is on the even-number cycle.

MS. MERCADANTE:

Are they combined?

SENATOR SETTELMAYER:

According to the Website, the Secretary of State counts their votes with the even-number cycle.

MS. MERCADANTE:

If they are combined, then this is only for odd-year cities. If the city is on an even year, it does not apply.

SENATOR SEGERBLOM:

If this bill is passed, the first time it will be used is 2019? If the process went badly, would it be changed before the 2021 election?

MS. MERCADANTE:

Yes, that is correct in 2019. If the process goes wrong, we would not do it again.

SENATOR SEGERBLOM:

I support this bill for an increased off-year turnout with our State voting.

CHAIR CANNIZZARO:

The City of Henderson would include any Americans with Disabilities Act (ADA) sites and in-person voting. This does not seem to be required by the bill. Have you had any discussions with other cities about this idea?

MS. MERCADANTE:

I have not talked to any of the other cities regarding this. I am not sure if ADA is even a federal requirement. Any federal laws would apply to all elections, including local elections. We would accommodate any ADA requirements by providing more than one location and mail drop boxes throughout the city.

CHAIR CANNIZZARO:

However, those requirements are left up to the individual municipalities to determine because it is not included in the language of the bill?

MS. MERCADANTE:

Yes, correct, since they are not required in the bill, and they are not required under law.

KEVIN POWERS (Counsel):

I would like to clarify the Yerington issue. Their city elections are set up for odd-numbered years, but the City Council has the power, with a city ordinance, to change the elections to even-numbered years. They have not changed the ordinance, since the next elections will take place June 6. This would be an option for Yerington concerning voting years.

SENATOR SEGERBLOM:

Would mail-in ballots be prepaid for the postage? Is that part of the bill or is that what Henderson would do?

MS. MERCADANTE:

That is required by *Nevada Revised Statutes*. We pay for the return postage.

SENATOR SETTELMAYER:

How many machines are available to count these ballots? Does Lyon County have enough machines, to include backups, to count ballots?

MS. MERCADANTE:

I do not know how many machines the Lyon County has, but I do know that during the last presidential election it processed 54,000 mail-in ballots. I do not know how many machines it took to do that.

SENATOR SEGERBLOM:

This will allow all cities in Clark County to participate. I assume this would be on a first-come, first-serve basis so it would not overtax the system?

MS. MERCADANTE:

Yes, we would work with the Election Department and help it if Clark County could not accommodate more than one city. We would work closely to determine how to move forward. I would assume it would be first come, first serve.

MIKE CATHCART (Business Operations Manager, City of Henderson):

Voter participation, projected to be 22 percent of our registered voters, would only be 37,640. This would increase voter participation for the City of Henderson.

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):
We are in support of this bill and believe it will increase participation in off-year municipal elections.

CHAIR CANNIZZARO:

Have you had any conversations about providing a polling place for an in-person vote if people are not comfortable mailing in their ballot?

MR. HENDERSON:

No, I have not had any conversations. It would be good to have these discussions to find out what each city would like to do. This only applies to six cities in the State.

SENATOR SEGERBLOM:

There would also be boxes around the city on Election Day, or at least one box?

MR. HENDERSON:

I am not sure, on the smaller cities, how many boxes would be available. Yes, there would be at least one box in the city to drop-off ballots.

SENATOR SETTELMAYER:

I would assume at the city offices for Yerington that drop-off boxes would be there, making it easier for Election Day votes to be counted.

SENATOR SEGERBLOM:

The City of Henderson indicated when you mail in a ballot at the United States Postal Service through Election Day, it still counts. Can you confirm that this information is true?

MR. HENDERSON:

I do not have this information.

MS. MERCADANTE:

Ballots that have been received at the post office by the election date will be held for delivery. Drop boxes are the same because if the ballot is dropped off before the 7:00 p.m. deadline, it will be counted. For example, if you mail a ballot on the date of the election from New York City, it will not be counted. It is not a postmark date, it is rather a received date to count votes.

SENATOR SEGERBLOM:

If you drop it off at the post office, they will hold it until Election Day?

DAVID CHERRY (City of Henderson):

Yes, if that ballot is dropped off in Clark County at the post office or a local mailbox, it will be held through Election Day and delivered. These ballots are picked up from the post office on Election Day. If it comes from another city, it will not make it through the mail in time for the vote to count. We are following the law, and the registrar has a process on how the votes are counted. Senate Bill 93 will not change that law.

MARIA AGUIRRE (City of Henderson):

We share our support for S.B. 93.

CHARLES HURLEY (Assistant Registrar, Clark County):

Clark County's position is neutral with concerns. Nevada has no excuse for

absentee voting; any voter can request a mail-in ballot. Since the year 2000, the mail-in ballot turnout continues to decline. Clark County residents have become accustomed to voting in person during the early voting period and on Election Day. The mail-in data does not reflect the demand for a mail-in ballot election.

Another concern is what type of ballot voters will be receiving. In municipal elections, they would receive a mail-in ballot, but in federal elections the majority of voters would be receiving a sample ballot and be able to vote at a polling location. We feel this will be confusing to voters if they receive two different types of ballots with different types of voting.

The final concern is that we are not equipped or staffed to conduct an all mail-in ballot election. In the 2016 presidential election, we had 55,000 mail ballot requests and 44,000 of those were returned. Current active voter registration counts for all chartered cities holding odd-year elections in Clark County total 606,000. The number of potential mail-in ballot voters exceeds the capacity of what our Election Department can handle. All cities have been notified that we are currently unable to support an all mail-in ballot election.

CHAIR CANNIZZARO:

Can you speak a little bit about the concerns that you addressed about being able to handle those multiple municipal elections? What exactly will that mean toward staff and machines?

MR. HURLEY:

The 44,000 number of returns is one of our largest during the presidential election, and our staff is already maxed out for this election. We have six mail ballot readers. If we have a larger election, we will need to purchase more readers and one automatic mail ballot processor since we are not used to this type of volume for mail ballots. We would also need to increase mail ballot staff.

CHAIR CANNIZZARO:

You mentioned that it was 44,000 returns for the last presidential year?

MR. HURLEY:

Yes, that is what we processed.

CHAIR CANNIZZARO:

The testimony we heard earlier for a 22 percent increase for Henderson would be 32,000, which is less than the 44,000 for Clark County. Would that be feasible or is that more toward doing multiple municipal elections?

MR. HURLEY:

Yes, this is the first time we heard it was one city at a time. We based our calculations on all cities.

SENATOR SEGERBLOM:

You raised the issue of a regular ballot and a federal ballot. What elections are you speaking of?

MR. HURLEY:

If you are not already on the mail ballot request list, then in the federal election, you would receive a sample ballot.

SENATOR SEGERBLOM:

When people receive this ballot, will they think it is a sample ballot and will toss it in the trash can?

MR. HURLEY:

My concern in a federal election is if they get a mail ballot in a municipal election, then they may assume that they are already on the mail ballot request list for all elections. They would assume during a federal election that they would get a mail-in ballot when it is a sample ballot.

SENATOR SEGERBLOM:

I understand there could be confusion with this system.

SENATOR ATKINSON:

I would like to go back to the cost of things. Is there a fiscal note? How much is that?

CHAIR CANNIZZARO:

I believe there is a fiscal note, but we have not received that information back from Clark County.

MICHAEL STEWART (Policy Analyst):

Yes, there is a fiscal note, and it is zero. The information is not indicated on the Website for Clark County.

SENATOR ATKINSON:

That is why I was confused. I usually see this information online concerning fiscal notes. Does Clark County plan on weighing in and what would it be on?

MR. HURLEY:

Yes, it would purchase 30 ImageCast Central (ICC) mail ballot readers for \$600,000, and 1 automated mail ballot processor for \$375,000, and increase mail ballot staff for \$62,000, which is a grand total of just over a million dollars.

SENATOR ATKINSON:

Please explain the staff thing to me? I would assume it is neutral. If you are not having these folks work for early voting sites, then it would just be using the machines instead, correct?

MR. HURLEY:

Correct.

SENATOR ATKINSON:

If that is the case, then it should be a neutral item?

MR. HURLEY:

We currently have County employees working at polling locations. There would be a decreased cost there. We are not sure if that information was accounted for.

SENATOR ATKINSON:

Can we ask for this information to be researched? I know County workers are used, and the County also hires seasonal workers to help with counting votes. The County workers are already getting paid, so there is no additional cost for having them work polling locations. It should just be based on the hourly employees who are used at the sites. We need to clarify this information. If there are 30 machines that the municipalities and the cities are willing to pay for, should this be considered neutral?

MR. HURLEY:

Because we have recently redone the contracts, I am not sure if we are billing County workers for their time. I will look into this question and provide information later.

SENATOR ATKINSON:

Are we going to ask the cities to participate in helping purchase these machines?

MR. HURLEY:

I will conduct further research to clarify if the cities will help with purchasing costs.

SENATOR SEGERBLOM:

The cities would reimburse the County for Election Day or early voting costs?

MR. HURLEY:

Yes, I believe that is how it currently works.

SENATOR GANSERT:

I was interested in the ICC readers because you have given the number of 44,000 returned mail-in ballots. You would probably be using the same devices for the mail-in ballots. I was not sure about the 30 new machines given the number. These municipalities are smaller, with the turnout running about 13.8 percent, and you are hoping to get into the 20-plus percentile. What is the reason for the new readers?

MR. HURLEY:

We based that number on all of the cities' municipal elections. Because we do not know what the turnout is going to be, we based that on the 606,000 voter registration counts from last year's presidential election.

SENATOR GANSERT:

Even if you are at 30 percent of 606,000 voters, that is a high number.

SENATOR ATKINSON:

Thirty new machines imply that all votes are coming at the same time; however, voters have three weeks to get ballots in. How are you going to need all of these machines at the same time?

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MR. HURLEY:

I agree, and I will review and look at these numbers again.

CHAIR CANNIZZARO:

The bill on the work session today is Senate Bill 72.

SENATE BILL 72: Revises provisions governing the Merit Award Program.
(BDR 23-239)

MICHAEL STEWART (Policy Analyst):

Senate Bill 72 revises provisions governing the Merit Award Program. I have submitted the work session document ([Exhibit D](#)).

SENATOR SEGERBLOM MOVED TO DO PASS S.B. 72.

SENATOR GANSERT SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR CANNIZZARO:

I request the Committee consider initiating four Committee bill draft requests concerning Legislative Operations and Elections matters to be submitted to legal counsel.

SENATOR SEGERBLOM MOVED TO INITIATE FOUR BILL DRAFT REQUESTS: ONE FOR ABSENTEE BALLOTS, ONE FOR A CONSTITUTIONAL AMENDMENT, ONE FOR LEGISLATIVE OPERATIONS AND ONE FOR MEMORIALIZING SENATOR DEBBIE SMITH.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR CANNIZZARO:
I adjourn this meeting at 4:16 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	3		Attendance Roster
S.B. 93	C	3	Sabrina Mercadante, Nevada Municipal Clerks' Association	Testimony
S.B. 72	D	2	Michael Stewart	Work Session Document