

ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701
OFFICE: (775) 684-5670
FAX NO.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100
LAS VEGAS, NEVADA 89101
OFFICE: (702) 486-2500
FAX NO.: (702) 486-2505

Office of the Governor

June 3, 2017

The Honorable Aaron Ford
Nevada State Senate Majority Leader
The Nevada Legislature
401 South Carson Street
Carson City, NV 89701

RE: Senate Bill 384 of the 79th Legislative Session

Dear Leader Ford:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 384 ("SB 384"), which is entitled:

AN ACT relating to public records; providing for the confidentiality of certain information in the records and files of public employee retirement systems; and providing other matters properly relating thereto.

SB 384 has merit. Protecting public employees' personal information from misuse, and adding greater clarity to the law related to public records are worthy endeavors. But SB 384 seeks to achieve its goals by limiting the public's right to access public information, upsetting the established balance between privacy and transparency.

In deciding how to balance these competing interests, the public's right to know cannot be compromised absent a compelling case that such limits are justified and in the public interest. SB 384 does not overcome this significant test in favor of less transparency. Although the proponents raised the possibility of identity theft, there is no assurance that SB 384 would actually prevent such risk.

And while there is a need for greater legal certainty in this area of the law, it is unlikely that SB 384 would lead to fewer disputes. Litigation over public records is often fact specific, and no matter how bright the statutory lines, there will always be factual disputes that the statutes do not contemplate and the courts with need to clarify.

In short, the dilution of the public's right to know must be accompanied by a compelling interest or distinct harm to personal information. The proponents of this bill have not demonstrated such a compelling interest or harm.

For these reasons, I veto SB 384 and return it without my signature or approval.

Sincere regards,



BRIAN SANDOVAL
Governor

Enclosure

cc: *The Honorable Mark Hutchison, President of the Senate (without enclosure)*
 The Honorable Jason Frierson, Speaker of the Nevada Assembly (without enclosure)
 The Honorable Barbara Cegavske, Nevada Secretary of State (without enclosure)
 Claire J. Clift, Secretary of the Senate (without enclosure)
 Susan Furlong, Chief Clerk of the Assembly (without enclosure)
 Brenda Erdoes, Esq., Legislative Counsel (without enclosure)