

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

**Eightieth Session
May 2, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:08 p.m. on Thursday, May 2, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sandra Jauregui, Chair
Assemblyman Ozzie Fumo, Vice Chair
Assemblyman Skip Daly
Assemblyman Glen Leavitt
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblywoman Daniele Monroe-Moreno
Assemblyman Tom Roberts
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

Senator Yvanna D. Cancela, Senate District No. 10
Senator James Ohrenschall, Senate District No. 21

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Catherine Bodenstein, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Chelsea Capurro, representing Health Services Coalition
Tom Clark, representing Nevada Association of Health Plans
Maya Holmes, Healthcare Research Manager, Culinary Health Fund
Jay Parmer, representing Association for Accessible Medicines
Bradley Schrager, Private Citizen, Las Vegas, Nevada
Doug Goodman, Founder and Executive Director, Nevadans for Election Reform
Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO
Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County and Municipal Employees, AFL-CIO
Emily Persaud-Zamora, Executive Director, Silver State Voices
Maureen E. Schafer, Executive Director, Council for a Better Nevada
Annette Magnus, Executive Director, Battle Born Progress
Gariety Pruitt, Political Director, Nevada Conservation League and Education Fund
Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association
Lynn Chapman, Treasurer, Independent American Party of Nevada
Juanita Cox, President, Nevada Republican Assembly; and representing Citizens in Action; and Storey County Republican Central Committee

Chair Jauregui:

[Roll was called and Committee protocols were explained.] Welcome, everyone, to the Assembly Committee on Legislative Operations and Elections. I will now open the hearing on Senate Bill 276 (1st Reprint).

Senate Bill 276 (1st Reprint): Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the costs of prescription drugs. (BDR 57-599)

Senator Yvanna D. Cancela, Senate District No. 10:

It is my honor to get to bring before you Senate Bill 276 (1st Reprint). I will talk a little bit about the history behind this bill, how we ended up with 25 lines of deleted by amendment, and then talk about what the bill does. I am very interested in figuring out how the state can tackle the problem of high drug prices. There are solutions being proposed across the country at the state and federal levels because of the way that the high costs of drugs affect individuals and their families.

One of the solutions that has been proposed comes from Secretary of Health and Human Services Alex M. Azar at the federal level. In January of this year, he proposed a rule that deals with pharmacy benefit managers and the rebates they offer drug manufacturers. It is a complex and intricate policy that functionally makes it so that rebates are no longer part of the system in the hope that eliminating them will change the way that drugs are priced and the cost that patients ultimately pay. This bill started as an attempt to copy that rule into the *Nevada Revised Statutes* (NRS). I like to think that it was an idea ahead of its time because it

did not seem to be the right moment for us as a state to take that on. It led me to understand that really, to address the high cost of prescription drugs, we need more than 120 days. That is what the bill intends to address.

The bill would create an interim study to do three things. It will look at the overall cost of prescription drugs in the state. It will look at the impact of rebates, reductions, and other remunerations that are offered from pharmacy benefit managers to manufacturers. And it will finally look at opportunities to create options for lowering drug costs in the state.

We will have six members of the Legislature, two appointed by the Senate Majority Leader, two appointed by the Speaker, one appointed by the Minority Leader of the Senate, and one appointed by the Minority Leader of the Assembly.

What I think is really important is that the committee would have the authority to look to national experts and to groups that are doing this work across the country. With that, I would stand open for any questions.

Chair Jauregui:

I know that they will be able to provide recommendations during the next legislative session, but will they be receiving any bill draft requests (BDRs)?

Senator Cancela:

I believe that all of the selected interim studies are afforded two BDRs, but I am not totally positive about that.

Chair Jauregui:

Mr. Powers, do you know?

Kevin Powers, Committee Counsel:

Each of the interim studies is entitled to a certain number of BDRs. I would have to look up the specific statute to give you the number, but I believe the number is either five or four. I will look up the statute and we can confirm that.

Assemblyman Daly:

Mainly I have a comment. I know there are several studies that have come through, so I am hoping this is one of the ones that gets the consideration and goes through. It is a very difficult subject and I do not know—part of my work, my regular work, is being a trustee on a trust fund, and we see the prescription prices. We have a pharmacy benefit manager, and then we have a consultant to monitor the benefit manager. I chuckle every time I hear the name: The Virtuous Group, they call themselves. It is very, I guess, incestuous, if you will, and they are all just piled on top of each other. If you complain enough, you get more discounts, but then there is always another way that they are doing that. I am hoping our six legislators, if this goes through, are able to cut through some of the mire and go through there. It is a difficult problem. Because we get a monthly report, I see the costs of prescription drugs escalate every month. We have a small group and we probably spend

\$80,000 per month on prescription drugs. Last year at the same time, it was \$30,000. It is a problem.

Chair Jauregui:

I want to echo what Assemblyman Daly said. I know when I was going door to door this was probably—if it was not education—the No. 1 issue I got at the door. It was the hardest thing having to deal with constituents in my district and not being able to have an answer for them as to why they could not afford their prescription drugs. I am really looking forward to the recommendations that will come out of the study if this study is selected as one of the ones that moves forward into the interim. Thank you for bringing it, Senator Cancela.

Kevin Powers:

Just so the record is clear, the statute is NRS 218D.160, and it gives each interim committee five BDRs. I should have gone with my gut initially; it was five.

Chari Jauregui:

Thank you, Mr. Powers. Seeing no further questions, I will open it up to testimony in support.

Chelsea Capurro, representing Health Services Coalition:

We want to thank the sponsor for taking this on. The cost of prescription drugs is, of course, extremely important for all of our nonprofit, self-funded health trusts that are a part of the Health Services Coalition. We appreciate it and hope you all will support.

Tom Clark, representing Nevada Association of Health Plans:

We have a health care system and there are so many different pieces of that system, whether it be insurance, pharmacy benefit managers (PBMs), prescription drugs, doctors, providers, the whole bit. The patient, of course, is the most important in that process. To take a look at what the cost of prescriptions are and to get a full understanding of what that is will take a full interim. We very much support that. Thank you.

Maya Holmes, Healthcare Research Manager, Culinary Health Fund:

We are a nonprofit health trust that provides health benefits for the 60,000 members of the Culinary Union and we cover 130,000 lives. As it has been stated, spending on pharmaceuticals is out of control. It is the fastest-growing health care cost that we see affecting our fund. We are in strong support of Senate Bill 276 (1st Reprint) because these continuing increases are just unsustainable. They are driving up health care costs, and it is creating increasing health care risks for patients who are unable to take their prescriptions or take them at the dosage that they need because of the sky-high cost. It has been stated the drug supply chain is incredibly complex, and that is why a study like this would be so critical. Drug companies have total control over the price of their drugs, and they claim they need these sky-high profits to invest in new research. They are pointing their fingers at PBMs and rebates as a cause for the price increases, but PBMs counter that if not for the discounts they negotiate based on their bargaining power, drug prices would have no controls at all. We need clarity on this issue.

We need information and good data to make informed, good policy decisions and to determine how best to address unaffordable prescription drug prices. We are very excited about this study. We want to thank the sponsor for bringing it forward and the Committee for hearing it. Clearly the state of Nevada and taxpayers spend tens of millions of dollars on drugs every year for Medicaid, Children's Health Insurance Program, and publically funded programs and could potentially realize substantial savings if we are really able to get our hands around this issue and determine good policy. We believe this study should be a priority. Thank you.

Chair Jauregui:

Is there anyone else who wishes to testify in support? Seeing no one, we are going to move to testimony in opposition. Seeing no one, we are going to move to testimony in neutral.

Jay Parmer, representing Association for Accessible Medicines:

The Association for Accessible Medicines is the trade association for the generic and biologic manufacturers. We appreciate Senator Cancela's work on this issue, and we would look forward to the opportunity to participate in an interim study that would look at the significant differences in pricing among types of drugs, particularly the difference between brand and generic drugs. We would appreciate the opportunity to participate in an interim study of this nature. Thank you.

Chair Jauregui:

Is there anyone else who wishes to testify in neutral? Seeing no one, Senator Cancela, would you like to give any closing remarks? [She did not.] We will close the hearing on Senate Bill 276 (1st Reprint).

With that, we will move forward with our next bill, Senate Bill 450 (1st Reprint).

**Senate Bill 450 (1st Reprint): Revises provisions relating to recall elections.
(BDR 24-71)**

Senator James Ohrenschall, Senate District No. 21:

I have heard this Committee has some pretty tough questions, so I brought my books. I figured this be an open-book test for me. I brought all the pertinent *Nevada Revised Statutes* (NRS) chapters. I am very privileged today to present a bill that I believe is a very important piece of legislation, and one I hope the Committee will consider processing, Senate Bill 450 (1st Reprint).

Senate Bill 450 (1st Reprint) proposes to make long-overdue and thoughtful changes to Nevada's recall election process. Before I discuss the particulars of Senate Bill 450 (1st Reprint), it is helpful to understand our current recall process. Recall is a procedure that allows citizens to remove and replace a public official before the end of that public official's term of office. Historically, recall has been used most frequently at the local level. By some estimates, three-fourths of nationwide recall elections are at the city council or school board level. Recalls started as a local phenomenon in Los Angeles, California, in 1903. Provisions

addressing the recall of public officers in Nevada are set forth in Article 2, Section 9 of the *Nevada Constitution* and in Chapter 306 of the *Nevada Revised Statutes*. Senate Bill 450 (1st Reprint) proposes changes to Chapter 306 as well as other chapters in *Nevada Revised Statutes*. According to the National Conference of State Legislatures, Nevada is one of 19 states and the District of Columbia that authorizes the recall of a statewide public officer, and even more states have recall provisions for local elected officials. Nevada's recall provisions were added to the *Constitution* in 1912 by a vote of the people after being proposed and approved by the Legislature during the 1909 and 1911 Sessions. Despite the increased use of recalls in the last several decades, the success rates of recalls in Nevada remains generally low.

The first step in the recall process is the filing of a notice of intent to recall a public officer with the same filing officer with whom the subject of the recall filed his or her declaration of candidacy. Once the notice of intent has been filed, a recall petition may be circulated for signatures. The petition must contain the signatures of at least 25 percent of the number of registered voters in the state, county, or district that that public officer represents. Only registered voters who actually voted in the election in which the subject of the recall was elected may sign a petition for that recall. The signatures are examined and verified to determine the sufficiency of the petition. Once the signatures have been verified, the results of the examination are forwarded to the Secretary of State who then finds the petition either sufficient or insufficient. I would note that provisions in Chapter 306 of the *Nevada Revised Statutes* also permit a person who signs a recall petition to request that his or her name be removed from that petition at any time before the petition is submitted for verification if the person demonstrates good cause. If the number of such removal requests could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

Between 10 and 20 days after the Secretary of States gives notice that the petition is sufficient, the filing officer must issue a call, an announcement of the date for the special recall election. The recall election must take place within 30 days after the filing officer issues that call. A ballot for the recall of a public officer may vary in form depending on several circumstances. If the public officer who is the subject of the recall chooses not to resign and there are no other candidates for the recall office, the words "for recall" and "against recall" must be placed on the ballot as voting choices. If there are other candidates who wish to appear on the ballot, the names of the public officers subject to the recall and any other authorized candidates must appear. A person may be nominated as a candidate for the office involved in the recall through a petition process. This petition must be signed by at least 25 percent of the registered voters who actually voted for the office in question at the last general election.

As I am sure you have heard, the recall process in Nevada has received a high level of scrutiny in recent years. Specifically, there have been reports of signatures being gathered through deceptive methods. One example would be where a petition circulator says to a potential signer, Do you like John Smith? If so, sign this petition about John Smith. Before the signer knows it, he or she has signed a recall petition thinking it may have been a petition

of support or endorsement. We have also heard reports of intense pressure on voters at their doors including instances where circulators refused to leave the premises until the recall petition was signed. Moreover, sometimes little regard is given to ensuring a ballot signature is obtained. Duplicate signatures, signatures of those not living in the appropriate district, or voting the previous election, and even fake or forged signatures, have all been reported.

Finally, it is often very difficult to know who is actually behind recall efforts and who is funding them under our current statutory structure. While Senate Bill 450 (1st Reprint) does not address every single concern regarding our current recall process, it does seek to clarify the recall process and to make it more transparent and less subject to unnecessary abuse.

Madam Chair, with your permission, I would like to review the major portions of Senate Bill 450 (1st Reprint). I do have Bradley Schrager who is an election attorney down at the Grant Sawyer State Office Building. But with your permission, I would like to go ahead and go over the provisions of Senate Bill 450 (1st Reprint), and then perhaps turn it over to Mr. Schrager. I would be happy to answer any questions as well.

First, turning to the recall provisions, Senate Bill 450 (1st Reprint) makes it unlawful for any person in connection with a recall petition to knowingly or negligently obtain a false signature. Such action would be subject to a category E felony. The penalty for misrepresenting the intent or content of a recall petition is increased from a misdemeanor to the category E felony. The measure also provides that in addition to any criminal penalty, a person who violates the provisions of NRS Chapter 306 relating to recalls would be subject to a civil penalty not to exceed \$20,000 for each violation. Moreover, the law would be changed to specify that a person who signs a notice of intent to circulate a recall petition would be jointly and severally liable for any civil penalty imposed related to the recall. All civil penalties collected must be deposited into the State General Fund.

Regarding the notice of intent to recall a public officer, Senate Bill 450 (1st Reprint) provides that the notice of intent must be signed by voters who actually voted in the race at which that public officer who they are seeking to recall was elected and that those signers of the notice of intent actually resided in the state district, county, or municipality at the time the notice of intent was filed.

Several provisions in Senate Bill 450 (1st Reprint) address recall petitions including their submission, legal sufficiency, and signature requirements. First, Senate Bill 450 (1st Reprint) requires recall proponents to submit on the 48th day after the notice of intent was filed the petition signatures collected at the halfway point of the recall process—that is 45 days—and then file the remaining petition signatures on or before the 90th day following the notice of intent. Moreover, Senate Bill 450 (1st Reprint) requires every page of the petition to include the constitutionally required statement of why the recall of the public official is being demanded.

With regard to signature removal requests, Senate Bill 450 (1st Reprint) provides that a person who requests the removal of his or her signature may do so at any time before the

signature verification process is completed. Removal requests may also be made after the verification phase under certain circumstances. Specifically, the post-verification removal request must be made to the filing officer on or before 10 days, excluding weekends and holidays, after the signature verification is complete or the date a complaint is filed concerning the legal sufficiency of the petition, whichever is later. If the filing officer receives such a request, he or she must strike the names from the petition. If there are enough requests to render the petition invalid, no special recall election may be held.

Senate Bill 450 (1st Reprint) also addresses provisions relating to complaints concerning the legal sufficiency of a recall petition. Currently, the law allows such a complaint to be filed not more than five days after the Secretary of State makes the notification that the petition contains a sufficient number of signatures. Senate Bill 450 (1st Reprint) amends this deadline for filing such a complaint to not later than 15 days, weekends and holidays excluded, after such notification.

Turning to the verification of recall petition signatures, Senate Bill 450 (1st Reprint) addresses the existing requirement that provides for a random sampling of signatures when the initial raw count finds that the petition contains 100 percent or more of the required number of signatures. Senate Bill 450 (1st Reprint) eliminates this random sampling practice for recall petitions on public officers holding a district, county, or municipal office, and instead requires that each county clerk examine every signature for verification. For recalls on statewide officers, 25 percent of the petition signatures must be examined in a random sampling. The county clerks are given 20 days, excluding weekends and holidays, to conduct this verification under the bill. As noted earlier, between 10 and 20 days after the Secretary of State gives notice that the petition is sufficient, the filing officer must issue a call, an announcement of the date for the special recall election. Senate Bill 450 (1st Reprint) extends this time to issue the call by 10 days, excluding weekends and holidays.

Senate Bill 450 (1st Reprint) also addresses the up-front costs associated with the signature verification process. Specifically, the bill requires a person who submits a recall petition to pay the costs for the Secretary of State and the county election officer to verify signatures. However, these up-front costs need not be paid if the person submits a written declaration stating that paying such costs would cause an undue burden.

Finally, Senate Bill 450 (1st Reprint) addresses campaign contributions relating to recall elections. Specifically, the measure creates a contribution limit of \$5,000 to a candidate in a recall election which does not affect any existing limitations relating to the regular, primary, or general election and specifies that a certain time frame during which contributions may be given or received. This time frame begins on the date the notice of intent for recall is filed and ends on the date the notice of intent expires if the petition is not submitted for verification by that expiration date. If the petition is submitted, the contribution time frame ends on the date the petition is determined to be legally insufficient by the filing officer, or as the case may be, on the date a district court determines the petition to be legally insufficient. If a recall election is held, the contribution time frame ends on the date of the election.

Madam Chair, as you know, certain elected officials, specifically legislators, the Governor, and the Lieutenant Governor, are subject to limited fundraising blackout periods before, during, and after each legislative session. Senate Bill 450 (1st Reprint) addresses what would happen if one of those elected officials who are subject to a blackout period is sought to be recalled during that period. Senate Bill 450 (1st Reprint) proposes to lift blackout periods for those officials if they are a subject of a recall, but only for the purposes of taking in contributions and making expenditures related to that recall. Existing law requires contribution reporting by recall candidates, recall committees, and those making independent expenditures in recall efforts. If a recall petition is tied up in the courts when deciding whether it is legally sufficient, Senate Bill 450 (1st Reprint) requires a final campaign report to be filed at the very end of the recall process not later than 30 days after the date on which all appeals regarding the petition are exhausted.

Finally, with regard to the disposition of unspent contributions received as part of the recall election, Senate Bill 450 (1st Reprint) requires that every recall election candidate dispose of his or her unspent contributions and prohibits the use of that money in a future election. A report detailing the disposition of unspent contributions must be filed on or before the 15th day of the second month after the last day the candidate may receive a contribution.

Madam Chair, I know it is a lengthy bill and my comments were lengthy, but I believe Senate Bill 450 (1st Reprint) is a very important piece of legislation that prevents abuse of the recall process and promotes transparency as to who is funding certain recalls. With your indulgence, if I could turn it over to Mr. Schrager in Las Vegas, then I am happy to answer any questions.

Bradley Schrager, Private Citizen, Las Vegas, Nevada:

I am an election lawyer down here in Las Vegas. I was one of the attorneys who was involved in the most recent recall election episodes. Much of this bill stems from the experiences and a study of the strengths and weaknesses that emerged from those experiences. It was among the most extensive and largest recall efforts in the history of Nevada. What was good and what was bad about our recall code was laid bare for everyone to see who were participating. Much of what arises in Senate Bill 450 (1st Reprint) are attempts to address the good, bad, and the ugly that arose from that particular experience. I am generally here in my capacity to assist Senator Ohrenschall if any questions arise from the Committee, and I am happy to do that. Thank you very much.

Chair Jauregui:

Committee, do you have any questions for Senator Ohrenschall or Mr. Schrager?

Assemblyman Leavitt:

I want some clarification on what you said just for my own understanding. If somebody funds a recall campaign and one of the people hired to go out and get petitioner signatures is doing it fraudulently, is the funder, in accordance with civil litigation, only on the hook if they have knowledge of that misbehavior, or are they on the hook for the misbehavior in general?

Senator Ohrenschall:

A hypothetical question like that would certainly depend on the circumstances and what the funder or the organizer knew or did not know as to what was happening in terms of someone trying to gather signatures. I think a lot of lawyers have to answer a question like that with: It depends. I think it would really depend on the facts of that case. What Senate Bill 450 (1st Reprint) tries to make clear is that any attempt to dupe someone or make someone think they are signing a petition to do something different than a recall is subject to that category E felony and that potential civil fine up to \$20,000. In the last couple of years, I had the experience of going door to door talking to folks whose signatures were on some of these petitions for recall, and I talked to many folks who were not aware that their name was on that recall. I do not know how their name and alleged signature got on there, but unfortunately I believe that this was going on in those recalls and I think that Senate Bill 450 (1st Reprint) would be needed to try to correct incidents like what I saw when going door to door.

Assemblywoman Monroe-Moreno:

As I go through the bill, I just had one question. Is there anything—and maybe I missed it in the bill—that would go to just cause? It appears that right now, if you get enough signatures, you can recall anyone for absolutely nothing. Is there anything in the bill that would address that? That there would have to be a just cause to even start a recall?

Senator Ohrenschall:

Adopted by the voters in 1912, Article 2, Section 9 of the *Nevada Constitution* does not require a cause for a public official to be recalled. It is a constitutional right to recall a public official. Once it is being circulated, when the notice of intent has been filed, Senate Bill 450 (1st Reprint) would require the reason for the demand on there, but it would require a constitutional amendment to require some kind of just cause, whether it is misfeasance, malfeasance, nonfeasance, some kind of criminal activity, but that is not required in our *Constitution* right now. Senate Bill 450 (1st Reprint) does not change that.

Assemblyman Roberts:

Thank you for presenting the bill. I have a couple of questions. I know we are raising the threshold on verification of signatures. It is almost 100 percent for municipal local elections and 25 percent for statewide? Am I correct on that?

Senator Ohrenschall:

Senate Bill 450 (1st Reprint), if it passes, Assemblyman, would require 100 percent verification for any district office, anything that is not a statewide office. So if it would be a legislative office, a municipal office, it would require that 100 percent of the signatures be verified. For a statewide office, it would require a 25 percent random sampling.

Assemblyman Roberts:

I know that you put some pretty hard timelines. With technology today, that verification—and maybe there will be somebody from the election department here—would not be that difficult of a task. It could pretty much be done electronically, so the time limits are not

going to inhibit somebody from doing those verifications. I just do not know. I am trying to ask, is it simple to do the verifications? I guess that would be the simple way to ask.

Senator Ohrenschall:

I do not want to speak for the election department. As I understand the recalls that have happened recently, I do not believe it was a simple process because some signatures were illegible. I believe there were some signatures of Abraham Lincoln and signatures that were not from real people. I know technology has moved a long way, but I think that there still would be individual checking of signatures. I might reach out to Mr. Schrager on that. I believe he has more expertise in that area.

Bradley Schrager:

That is an excellent question, sir. It would still be a reasonably cumbersome process in which employees of the clerk or registrar need to put eyes on every single signature and run through an analysis of whether this individual voted in the last election, whether they are currently registered to vote, all of the things you have to be to be a signatory. But we have increased the time period in which to do that in this bill from the current, I believe it is 9 or 12 days, to a full 20 business days. So it gives them a little extra time to achieve this. It is not the easiest thing in the world, but the registrars are incredibly diligent when they undertake these tasks and 20 days should be plenty of time.

Assemblywoman Miller:

Thank you, Senator, for bringing this bill. I have two brief questions. My first question pertains to—it is on page 7 of the bill in section 2, subsection 9, at about line 35 or 36. It refers to the subject of the recall must be allowed to witness the verification of the signatures of the petition. My question to make sure we are specific and to make sure that the legislative intent is there—and I understand that this existing language—but is that saying that they can witness the verification, which means other people are there watching that process happen? So verification would be the actual verification of the signatures. But is the subject of the recall—does that include that they would be there to watch the sampling of the signatures? Verification is just proving signatures, but are they also there present for the actual sampling of which signatures will be verified?

Senator Ohrenschall:

Madam Chair, with your indulgence, I would like to reach out to Mr. Schrager on that question.

Bradley Schrager:

Yes, either the subject or his or her agents would be able to be present, as they are now, for any phase of any aspect of counting or verifying, whether it is the sampling process or the verification process itself.

Assemblywoman Miller:

Thank you. My second brief question is in section 18, subsection 1, line 10 where it refers to it being unlawful for a person with a petition to "negligently obtain a false signature." Are

we referring to—I guess if Abraham Lincoln so happened to be, although there could be people named Abraham Lincoln today, obviously—if it is just a fake signature, a forged signature, just people writing signatures in masses, or does this also include—I know other places in the bill it refers to it—if you obtain the signature because of false information you provided?

Senator Ohrenschall:

I think, as with Assemblyman Leavitt's question as a hypothetical, it really would depend on the facts if someone were being prosecuted. It seems to me that if there was knowledge or intent on the part of either the circulator or the organizer of this recall petition to either have people sign names that are not their true names or to try to fool people that this is a petition for something completely different from a recall, I think that the potential criminal liability would apply in either case if the prosecuting attorney could prove that beyond a reasonable doubt, and then there would be the civil penalty of the \$20,000 as well. These are meant to try to dissuade this kind of activity. That is why the bill proposes to bump that up.

Assemblywoman Miller:

You used the example that if they were trying to say that it was not a recall and were saying sign this petition because it is for more police officers or whatever, that is an obvious distinction. I saw earlier in the bill where it requires "recall" written across the top of each individual page of the signatures in a 10-point font, which I found interesting because 10-point is pretty small, but my question is if a signature of a real person, a real voter, were obtained under false—not trying to pretend it is not a recall—but giving reasons that are not true or accurate. Would they be subject to penalty under this?

Senator Ohrenschall:

Again, I hate to give the answer, it depends, but I think it would depend on the particular facts. I think that if your example is perhaps a circulator misstating the target of the recall's record, I do not believe that would subject them to criminal liability. I believe it would be the kind of deceit as to whether this is a recall, whether it is not. That is how I interpret it, but if I am misinterpreting it, I will certainly defer to Mr. Schrager. That is if I am understanding your question correctly.

Assemblywoman Miller:

Yes, basically that is it. Can you lie on it? Can you go around and say, This person, did you not know, got arrested last week?

Senator Ohrenschall:

I believe that would potentially expose them to liability, but I think I will reach out to Mr. Schrager.

Bradley Schrager:

There are two issues here. One is obtaining someone's real signature, an eligible signer through false means by telling them a lie or somehow misrepresenting the effort. That is already unlawful in Nevada and, in fact, we have raised the penalties for that. The other

issue is if you are obtaining false signatures negligently, meaning you do not have the kind of quality control to understand whether this individual you are getting to sign either is that person or is a registered voter or did vote in that recent election. It is meant to encourage quality control. That is also, under Senate Bill 450 (1st Reprint), unlawful. Both of those instances are addressed in this bill, so I think, or I would hope, that the entire package of misbehavior that can come about in these particular signature-gathering efforts will be addressed by this bill.

Chair Jauregui:

Mr. Powers, can you clarify some of that as well?

Kevin Powers, Committee Counsel:

As Mr. Schrager mentioned, if you look in the bill in section 21, that is amending existing NRS 306.025. That is the portion of the existing law that prohibits a person from misrepresenting the intent or content of the recall petition. What the bill does is increase the penalty to a misdemeanor to a category E felony for someone who misrepresents the intent or the content of the petition.

The other provision we have been discussing is in section 18 and that is where it is unlawful for any person in connection with the recall petition to "knowingly or negligently obtain a false signature." Assemblywoman Miller's question earlier was getting at the difference between knowingly and negligently. Obviously, knowingly means someone has knowledge of the facts that would lead a person to know that they are obtaining a false signature. Negligently, however, is a different standard.

Traditionally under Nevada's criminal title, and in particular, NRS Chapter 193, generally negligence means criminal negligence. That is different from simple negligence. Simple negligence is deviating from the standard of care that a reasonable person would exercise under those same circumstances. That is simple negligence. Criminal negligence is a gross deviation from the standard of care that a reasonable person would exhibit under the same circumstances.

Because this is going into the election title, I would recommend to the Committee that they determine whether they want the standard to be simple negligence or criminal gross negligence. I think that is part of the bill that could be clarified. Under either standard, however, the question would be, Is the person when they obtain the signature deviating from the standard of care that a reasonable person would use under those circumstances? As Senator Ohrenschall mentioned, it was going to be determined based on the facts and circumstances. Given the facts in front of the person, did they deviate from the standard of care a reasonable person would follow in obtaining that signature? Off the top of my head, I cannot think of a particular example, but that would be the standard under either simple negligence or gross criminal negligence. It is just that criminal negligence requires a gross deviation versus simple negligence which just requires a simple deviation.

Chair Jauregui:

Thank you, Mr. Powers, for that clarification. We do have another question.

Assemblyman Daly:

The first one, I think, is relatively easy. Could you give me a refresher on which positions are covered by the term "statewide" versus "district" versus "local"? Statewide, obviously, is constitutional officers and various things. The federal offices are separate, but does that cover the Assembly and the Senate or are those under districts? Could you give me a refresher on the term because I know there were different levels of various things applying to different offices.

Senator Ohrenschall:

I believe Senate Bill 450 (1st Reprint) as applied to legislative offices and district offices would require the 100 percent of signature verification. Statewide officers would be the officials who run statewide, who do not run in districts, whether it is legislative districts, municipal districts, or county commissions. That is how I understand it. Those who require the 25 percent random sampling under Senate Bill 450 (1st Reprint), if it passes.

Chair Jauregui:

Mr. Powers, could you clarify it for the Committee as well.

Kevin Powers:

I want to also, for the record, say that there are two versions of Senate Bill 450 (1st Reprint) out there, the initial version and there is one called the asterisked copy, because this office needed to make some technical corrections. One of them is that where it referred to statewide office, it was also referring to state office. There is a difference between a state office and a statewide office.

A statewide office is a state officer who is elected by the entire state, the entire population. As Assemblyman Daly mentioned, that would be the constitutional officers: Governor, Secretary of State, Lieutenant Governor, Attorney General, State Treasurer, and State Controller. Right now the other statewide elected officers are the Justices of the Supreme Court and the judges of the court of appeals. However, based on a recent Nevada Supreme Court decision, the recall provisions of the *Constitution* do not apply to judicial officers. The statewide offices for the purposes of this bill are only the constitutional officers. Those are the only ones who are elected statewide and that would be the ones that would have the 25 percent sampling.

Every other state or local office that was not elected statewide would be subject to the 100 percent signature verification. That, I believe, covers the answer.

Assemblyman Daly:

Maybe this gets into the weeds just a little, but I know we recently had the recalls in Clark County on the Senate districts and various things. My question is in regard to the new requirements that would be put in if this passes regarding the reporting on the expenditures

and the contributions that the recall committee gets. I know there were three different recalls and three different scenarios. One of them did not qualify and under that scenario, that recall committee would have a different reporting requirement than one that did qualify based on those dates and various things. So was it one recall committee for all three of the recalls and how would the recall committee report, or would it be required that you would have to have three separate recall committees? That may have been the case. I do not know. Do we have to have one recall committee for one candidate, or can you have one recall committee against multiple races? Then how does that mesh with the reporting requirements, different recalls in different time frames?

Senator Ohrenschall:

As to what happened on the recalls a couple of years ago and what those committees did, Mr. Schrager is probably more familiar with that in terms of answering that here. I believe that if Senate Bill 450 (1st Reprint) passes, there will be a lot more transparency. There would be a report, a contributions and expenditure report, that would need to be filed, I believe, on the 48th day after the notice of intent is filed, and then again, I believe, on the 90th day, there would need to be a report filed once all the appeals are exhausted. I think there will be a lot more sunshine for our constituents as to who is doing this. Who is trying to turn back the clock on an election? I also defer to Mr. Schrager. He might have some more information as to what happened with the last recall.

Assemblyman Daly:

I agree that there would be more transparency and that. But, as I said, you may have had one committee that turned in three recalls at three different times, and then they would have three different 48-day periods, unless I am incorrect on that. If you would just clarify that, I was just curious about how that did work and how this may change how it will work.

Bradley Schrager:

It is important to draw a distinction between the recall committees for each recall effort and other players who may be involved in the process. Each recall effort needs its own recall committee: up to three individuals who, in essence, are the public face of putting the petition of the intents to recall a particular officer. So each of the three recalls down here had discreet individual recall committees. Beyond that, political action committees (PACs) or other groups can participate by helping the fund or doing outreach, helping to get signatures, those kinds of things. They would have reporting requirements perhaps as well, but they could be playing in each recall at the same time if there were two or three going on at once. There is a difference between the recall committee that is official for the recall effort and perhaps the participation of other groups or entities in the political process surrounding a recall.

Assemblyman Daly:

Thank you for clarifying that there have to be separate recall committees. I was not aware of that, and that is why I asked the question. That would clarify the reporting for the recall committee, but if there were other people—whoever was making contributions to the recall committee or contributions to a candidate, either way—they would also have to report that. Would they be under this, or would they just be under the regular contribution expense

reporting they would normally be under if they were a PAC or another candidate or whatever it might be?

That leads into my last question on the candidate who would be able to receive contributions theoretically under the blackout period if there were a special session or something. I know there were concerns about that on the last one. If I heard the explanation from Senator Ohrenschall, they would have to dispose of that money, so would they have to keep it in a separate account? Would they have to put in a separate recall candidate contributions and expense (C&E) report, separate from the regular C&E report? If you could explain a little bit about how that is supposed to work under this bill, I think I understand it and I think you hit it, but I want some explanation.

Senator Ohrenschall:

Certainly as I read Senate Bill 450 (1st Reprint), I believe whether it is someone on the outside doing an independent expenditure, they would need to file a C&E report as to what they are doing involving that recall. I believe that the reports would be separate from normal campaign reports. I am certainly happy to defer to Mr. Schrager if he wants to give any more information on that. That is how I read Senate Bill 450 (1st Reprint).

Bradley Schrager:

Yes. That is my understanding as well. It would be a condensed version of general election reporting, but in the same way, independent expenditures, other participants would have to report as well on this special election schedule.

As to the second part of Assemblyman Daly's question having to do with the account, there is no requirement in this bill that you must segregate special election monies into a separate account. It would probably be the best practice on behalf of individuals facing this particular situation because it would just make it easier. But as long as the accounting is kept separate, in essence, it is like a legal defense fund. The money goes into that pot for that particular purpose. It does not affect contribution limits for the general election or for the primary election. It is just for the special election with the \$5,000 limit. So as long as those are segregated and accounted for, and specifically returned or disposed of if unspent, then there is no specific requirement for a separate account.

Chair Jauregui:

Committee, are there any other questions? [There were none.] I want to take a point of privilege to thank you for bringing this bill forward, Senator Ohrenschall. I know that people have concerns about the process being cumbersome, but Nevadans deserve to feel confident in our recall election process and in our election process. You mentioned our current election recall process is vulnerable to abuse, so I support your effort in helping to cure the integrity of our recall elections. Thank you.

Senator Ohrenschall:

Thank you, Madam Chair, and thank you for hearing the bill. I really appreciate it.

Chair Jauregui:

I will now open it up to testimony in support.

Doug Goodman, Founder and Executive Director, Nevadans for Election Reform:

A recall of an elected official is a serious matter and, as this last group of recalls proved, there are some holes in our system and this bill addresses those holes. It is my hope that this bill moves forward. However, hopefully this is only the first step. As Assemblywoman Monroe-Moreno mentioned and as it was also mentioned in the Senate hearing, the next step is recalls being conducted for cause. You should not be able to recall somebody simply because you do not like their looks or for partisan reasons. Hopefully in a future legislative session, we will see a constitutional amendment, but in waiting for that time, I hope this Committee will pass Senate Bill 450 (1st Reprint). Thank you.

Rusty McAllister, Executive Secretary-Treasurer, Nevada State AFL-CIO:

We are in support of this legislation. It is our belief, again, that the recall process needs to be addressed and this is a good start. Nobody should be—who is here in this body for certain—worried about the way they vote on a bill and worry about whether or not a recall is going to take place based simply on how they vote on a bill. If somebody does not like the way you vote on a bill, that should not be the grounds for a recall. It is not good when some of the proponents of the previous recalls that took place in the last interim bragged that, Hey, if nothing else, I have the other side to spend a million dollars to fight it. That is not a reason to have a recall either. For those reasons, Madam Chair and members of the Committee, we are in support of this. We think it is a good start.

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

I was also asked by Carter Bundy from American Federation of State, County and Municipal Employees (AFSCME) International—I do not think he made it. He is in another meeting to speak on behalf of the AFSCME International as well. We are in violent support, as it were, of S.B. 450 (R1). Circling back to Assemblywoman Monroe-Moreno's point, when this was happening in real time here in Nevada, and I would talk to other folks who are involved in the political arena in the state, there was a concern immediately addressed that we not barge in too quickly to the larger constitutional substantive issue of why are we doing a recall on this individual elected official. I very much appreciate Mr. Schrager's testimony that this is a procedural piece of legislation. This is based on real-world experiences and litigation where these particular areas that are addressed in the bill came up as structural procedural weaknesses in our process as opposed to a substantive charge ahead on the larger issue of why this even happened in our interim. We are very much in support of this bill. We appreciate all the work and effort that went into it and the technical expertise that the sponsors of the bill have been able to bring to the table in, again, addressing those procedural issues, which sometimes can become substantive issues. But the larger issue is how this event actually unfolded during the interim in this particular instance that we are all referencing today. Thank you.

Chair Jauregui:

Thank you, and that is support for you and for Mr. Bundy.

Emily Persaud-Zamora, Executive Director, Silver State Voices:

On behalf of our voting rights coalition, Let Nevadans Vote, I am testifying in strong support of S.B. 450 (R1). Our voting rights coalition is dedicated to ensuring every Nevadan has a voice in our democracy, and we are committed to a fair and just election process.

We believe that recall elections have an important place in our democracy and that Nevadans have the right to recall public officials should they deem it necessary. If passed, S.B. 450 (R1) will protect the integrity of recall elections by adding civil and criminal penalties for petitions to recall public officials whose content or intent is misrepresented to the voters. By holding the individual who submits the petition accountable, it dissuades those who seek to utilize recall efforts for disingenuous reasons.

Senate Bill 450 (1st Reprint) will save time, money, and resources of the Office of the Secretary of State and the county clerks by not having to process frivolous petitions. They will be able to fully focus on their duty, which is to administer legitimate elections. This bill will provide clarity and structure to recall efforts while strengthening a key component of our democracy. I ask you to support S.B. 450 (R1). Thank you so much for your time.

Maureen E. Schafer, Executive Director, Council for a Better Nevada:

I represent an organization comprised of business, labor, and philanthropic leaders committed to contributing their time, acumen, and resources toward creating a sustainable higher quality of life for all Nevadans. I am here in support of S.B. 450 (R1). Recall election law reform has become a growing interest to our organization after witnessing the last few election cycles where this provision was used more as a political tool between parties than as a concern about impropriety or misuse of office by the officeholder himself or herself. Public trust in the political process is paramount today more than ever and the thoughtful provisions put forth in S.B. 450 (R1)—such as the increased signature verification requirements, contribution limitations, disposal of unspent fund language, and the opportunity for the removal of names from the petition—increases the transparency, controls, and integrity to this process and are a marked improvement to the current recall election statute.

As stated by Senator Ohrenschall, currently Nevada is one of 19 states that allows the recall of state officials, and one of 36 states that allows the recall of officials from local jurisdictions. Eleven states currently carry no recall provisions at this time. Historically, Nevada has rarely seen a successful recall election effort and those efforts today are growing. Since 2009, there have been more than 20 recall efforts statewide in Nevada alone, becoming more costly, more partisan, and with money asked to be raised from people like us, and just as often being collected from out-of-state dark money whose interests are separate from those of all of us in Nevada. This brings great pause and concern to groups like the Council for a Better Nevada, where there appear to be gaps and loopholes in the current NRS.

In this growing environment, we commend the Legislature for the thoughtfulness that has been put in the consideration that has been placed into strengthening current recall laws. Recall election law will still exist in Nevada. It will, however, exist with more clarity and integrity toward its true intent, use, and purpose. In closing, we applaud the progressive efforts of the Legislature in this important area of election law that directly permeates the public trust through all public officials and voters. We support you in the passage of S.B. 450 (R1). Thank you.

Annette Magnus, Executive Director, Battle Born Progress:

We represent over 20,000 subscribers to our Battle Born Progress network statewide. We rise in support of S.B. 450 (R1). We need to ensure that Nevadans no longer have to suffer through frivolous recalls that are based on nothing but pettiness and political revenge. This is an abuse of our electoral system, our recall system, and our voters. And most importantly, it is an incredible waste of taxpayer dollars. Allowing special interests to recall an elected official for no reason beyond they did not like how they acted, what they stood for, because of gender or race, or to gain control of a chamber is wrong.

Adding clarity and increased penalties is exactly what we need. My organization has been very clear and consistent about this issue. We are not opposed to the ability to recall an elected official. We should absolutely have that ability if someone does something that warrants it, but only if we absolutely need it for extenuating circumstances and if people follow the law.

Recall should never be used for settling disagreements or personal vendettas. It should never be used because you simply do not agree with the political outcome of an election, and you are trying to game the system that currently exists. Elections are in place for a reason and elections have consequences, whether you agree with them or not. If you do not like the outcome of an election, you work to change that during the next election. What has happened in the past cannot happen again because it was beyond inappropriate and not the intention of our recall process. We would also like to note that this bill passed out of the Senate with bipartisan support, showing that this is not a Republican or Democratic issue. This is about integrity in our process.

I would also like to note that in the previous hearing, former Senator Patricia Farley testified in support of this bill. She was not able to make it today, but she asked that I express her support for this piece of legislation. Thank you for your time, and I ask you to support S.B. 450 (R1).

Gariety Pruitt, Political Director, Nevada Conservation League and Education Fund:

I am speaking in support of S.B. 450 (R1). The Nevada Conservation League and Education Fund envisions a Nevada in which all residents can thrive because they have access to a healthy climate, clean air, clean water, public lands and parks, as well as safe, healthy, and sustainable communities.

We understand that this vision is not possible without a thriving democracy in which all voters can participate. Open and fair elections are critical to passing strong laws that protect our environment. The Nevada Conservation League is dedicated not only to the sustainability of our planet, but also to the sustainability of our democracy.

That is why we are proud to be a part of the Let Nevadans Vote coalition and why we are working to ensure that every Nevadan has an equal voice in our elections. In our commitment to democracy and safeguarding our democratic processes, we also support Nevadans' rights, as provided by the *Nevada Constitution*, to recall public officials if and when necessary.

However, the recall efforts we have seen in recent years have caused us great concern. We feel these recalls were petty, politically motivated, deceptive, and a waste of taxpayer dollars, as well as the precious time and resources of both our county clerks and the Office of the Secretary of State. This is why we support the passage of S.B. 450 (R1).

We feel that this bill provides much-needed clarity to the statutes pertaining to the recall process and strengthens key components of the law while leaving intact the core tenets of this important democratic process. Removing the immunity from civil liability for the signers of the notice of intent, increasing the criminal penalties for misrepresenting the intent or conduct of the petition—as we have seen occur in the recent past and has been testified to in this hearing and others—and holding the petitioners financially responsible for the costs incurred by the state and the county during the verification process, are all important changes that will serve to dissuade parties from weaponizing the recall process in the future and filing petitions in an attempt to circumvent the traditional electoral process in favor of a potentially more favorable outcome in a special election.

On a personal note, it is my birthday today, and I would love to stress the bipartisan support and lack of new amendments, and ask this Committee to pass this out of Committee and get it to the floor as soon as possible. Thank you.

Chair Jauregui:

Happy birthday from the Assembly Committee on Legislative Operations and Elections.

Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association:

I am also here in support of Senate Bill 450 (1st Reprint). Also, happy birthday, Ms. Pruitt. Nevada State Education Association (NSEA) supports Senate Bill 450 (1st Reprint) and thanks Senator Ohrenschall for his stewardship of this bill. Over the last couple of years NSEA has been involved in two separate recall or anti-recall committees. On a practical note, engaging, I guess, for, and certainly against, the recall raised many questions. There was much of the law that needed interpretation. I spent a lot of time on the phone with our legal counsel trying to figure out what we could or could not do. We appreciate some of the clarity in S.B. 450 (R1) around candidate contributions and tightening up the signature verification process. We think this will help move Nevada forward and past a period of

frivolous recalls, so that mechanism can be used only when it is absolutely necessary. Thank you.

Chair Jauregui:

I there anyone else who wishes to testify in support? Seeing no one, we will open it up to testimony in opposition.

Lynn Chapman, Treasurer, Independent American Party of Nevada:

The testimony I am going to be giving will be from Janine Hansen, executive director of the Independent American Party of Nevada ([Exhibit C](#)). She is on her way to another state right now for a meeting. Some of this will be from both of us.

During the last 39 years since 1980, there have been only 23 recalls attempted in Nevada. Of those 23 attempts, only 2 have been successful—one in Fernley in 2009, and one in Nye County in 1980. You can see that it is already very difficult. This bill requires that those who submit the signatures for verification must pay the cost of verifying those signatures, essentially charging them for exercising their supposed constitutional right, making it more difficult to pursue a recall.

It increases the penalty to a category E felony if you "misrepresent the intent or content" of the petition. There is a problem with that because who is going to decide if it is really misrepresented? I was sitting there thinking, Gee, sometimes people are speaking and the hearer of what you are saying does not hear what you are saying; they hear something different even though you are face-to-face talking. I am a little bit concerned. Ms. Hansen has spent many years petitioning. I have also spent many years petitioning. I have personally never done a recall. I do not remember if Ms. Hansen has ever done a recall, but we know how difficult it can be. We are worried about an E felony for something like misrepresenting. If somebody accuses you falsely because they think they heard something that you may not have said, that is very concerning. Thank you very much.

Chair Jauregui:

I want to remind everyone that there is an updated version with an asterisk that addresses your concerns: that you do not have to pay for the recall if you can prove that you do not have the sufficient monetary capacity to do so.

Juanita Cox, President, Nevada Republican Assembly; and representing Citizens in Action; and Storey County Republican Central Committee:

I am representing not only Citizens in Action, but the Nevada Republican Assembly and Storey County Republican Central Committee. Although we feel that petitions and recall petitions should be strengthened, we are concerned that possibly the intent of this bill is to make recall impossible. I have been a professional petitioner not only in Nevada, but in other states. So I feel that some of the responsibility certainly is of the person you are petitioning or who is signing the petition. They should be responsible for their own actions to see what exactly it is that they are signing. That is how it certainly has been. The responsibility is on

their reading, not just the listening. Although I have, on the other side, basically attacked the petitioner for not stating what the petition was exactly.

You have a sample for verification of 25 percent. Right now 5 percent sampling is required, so that is quite a change. One of the worst things I saw was that this bill contained an unfunded mandate and we are certainly against any unfunded mandates. That is very disconcerting. The purpose of S.B. 450 (R1) is to make recalls so difficult that it is virtually impossible. So all the talk about maintaining the constitutional right to recall is a sham because in reality, there will be no practicable way for a recall to succeed. If you really believe in the people's right to recall, you will vote no on S.B. 450 (R1).

Chair Jauregui:

Thank you so much for your testimony. Is there anyone else who wishes to give testimony in opposition? Seeing no one, we will move to testimony in neutral. [There was none.] Senator Ohrenschall, would you like to give any closing remarks?

Senator Ohrenschall:

Thank you for your patience. I know it is a long bill, and there is a lot of testimony on it on both sides. Senate Bill 450 (1st Reprint), in my opinion, does not abridge our constituents' constitutional right to recall a public officer. The effort to recall a public official is a big deal. It is trying to undo the will of the voters. I believe that Senate Bill 450 (1st Reprint) protects the taxpayer and protects the voters from abuse of that system and from a lack of transparency. I believe that the right of the people to exercise that constitutional right is protected, but Senate Bill 450 (1st Reprint) will prevent abuse, protect the taxpayer, and protect our constituents from frivolous efforts at recalls and from illegal efforts at recalls. I hope the Committee will consider a passage. I appreciate everyone's time.

Chair Jauregui:

I will now close the hearing on Senate Bill 450 (1st Reprint). The next item on our agenda is Senate Bill 452 (1st Reprint).

Senate Bill 452 (1st Reprint): Revises provisions relating to elections. (BDR 24-1141)

Senator James Ohrenschall, Senate District No. 21:

Thank you very much, Madam Chair and members of the Committee. Now, I do not want to jinx it, but this is a short bill, Senate Bill 452 (1st Reprint). The genesis of Senate Bill 452 (1st Reprint) actually arose out of some mailings that constituents in my district received last year and that I heard about in other areas. I got phone calls from people who received mailings basically asking if they wanted to request an absentee ballot from a third-party organization. It was not from a county clerk or the Office of the Secretary of State. What was concerning to me and to other candidates—now members of the Legislature—whose constituents received these, is that they received them very close to Election Day. In fact, so close that a lot of the folks who called the other elected official and called me, were confused, saying, Well, I have already requested an absentee ballot. What does this mean? Do I need to fill this out again? And if they did fill it out, would they get it in time, or would

they be sitting waiting having missed the deadline in terms of getting that absentee ballot and then not vote and lose their right to vote because this third-party organization sent out this solicitation for people to request the absentee ballot too late? That is really what Senate Bill 452 (1st Reprint) originally tried to address.

Then over in the other house, Mr. Doug Goodman reached out to me regarding an issue that came out of one of Assemblyman Assefa's bills in terms of people who had requested an absentee ballot, but wished to return them during the early voting period at an early voting location. That was added to the bill and the Committee in the Senate looked favorably upon that measure to try to require that county clerks allow people, if they would like, to physically turn in their absentee ballot at an early voting site to be able to do that.

Senate Bill 452 (1st Reprint) extends from 14 to 28 days prior to distribution the date by which a person must notify the county or city election officer of the approximate number of absentee ballot requests that will be distributed if they are mailing out up to 500 or more registered voters. Senate Bill 452 (1st Reprint) changes from 21 days to 35 days prior to the election the last day such absentee ballot requests may be mailed.

Senate Bill 452 (1st Reprint) also requires persons who distribute in these large quantities—500 or more—forms to request an absentee ballot to include a notice to voters that they are not receiving an official notice from the Secretary of State or from the county or city clerk. I believe that is important because a lot of the solicitations that my constituents told me about, they thought were coming from some official election office even though it was not; it was coming from a third-party organization. I think it is important that this be clear that this is not coming from a county clerk, a registrar, or the Secretary of State. The notice would specify that the voter may submit the form to the local election office, but does not need to if he or she already requested an absentee ballot via conventional means.

Finally, Senate Bill 452 (1st Reprint) authorizes a voter to submit his or her absentee ballot to an election board officer at an early voting polling location and sets forth a process for securely handling such absentee ballots when they are submitted. Madam Chair, I am happy to answer any questions.

Chair Jauregui:

Thank you so much, Senator, again, for bringing this bill forward. Does the Committee have any questions for Senator Ohrenschall? Seeing none, we will open it up to testimony in support.

Doug Goodman, Founder and Executive Director, Nevadans for Election Reform:

Actually, I would like to thank Senator Ohrenschall as Chair of the Senate Committee on Legislative Operations and Elections for bringing this bill forward, especially with the provision for allowing voters to turn in their completed absentee ballots to an early voting location. The easier you make voting and the more convenient you make voting, the more people are going to vote.

The way this actually came up is, my wife works the polls, and several times during the last election she would come home and talk at night. She would say, Somebody came up and said, Can I turn in my absentee ballot? Not surrender it, but I am here in Raley's and I want to turn it in. She could not take it. So I got to thinking, Well, why not? The early voting location is an extension of the registrar of voters. The manager and assistant manager there could perform the same functions as a clerk at the registrar of voters or county clerk's office verifying ID, taking the absentee ballots, putting them in a secure location, and including them with the nightly runs up to the registrar and county clerk's office that the early voting locations send up. Again, I thank Senator Ohrenschall for including this in his bill for us to make it easier on voters. Thank you.

Chair Jauregui:

Is there anyone else? [There was no one.] We will move to testimony in opposition. Seeing none, is there testimony in neutral? [There was none.] Senator Ohrenschall, would you like to give any final remarks?

Senator Ohrenschall:

Madam Chair, thank you very much for hearing Senate Bill 452 (1st Reprint). I do believe that this will help avoid confusion in terms of the third-party solicitations to our constituents who were coming out too late, and possibly confusing people or having people request an absentee ballot and then missing the deadline. I think that, as a person who has put many things in an envelope wanting to mail them and misplace them, making it easier for someone to turn in their ballot if they happen to be at the Raley's and there is early voting there helps make sure people's votes can be counted. I hope the Committee will consider this. Thank you very much for hearing both these bills.

Chair Jauregui:

I will now close the hearing on Senate Bill 452 (1st Reprint). The last item on the agenda is public comment. Is there anyone who wishes to give public comment? Seeing no one, Committee, I will see you on Tuesday at 4 p.m. I will adjourn our meeting [at 5:27 p.m.].

RESPECTFULLY SUBMITTED:

Catherine Bodenstein
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter in opposition to Senate Bill 450 (1st Reprint), submitted by Janine Hansen, Executive Director, Independent American Party of Nevada.