

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

**Eightieth Session  
March 26, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:03 p.m. on Tuesday, March 26, 2019, 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/80th2019](http://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:**

Assemblywoman Ellen B. Spiegel, Assembly District No. 20

**STAFF MEMBERS PRESENT:**

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



**OTHERS PRESENT:**

Dan Musgrove, representing Nevada Donor Network  
Mike Dyer, Director, Nevada Catholic Conference  
William Ledford, Director of Advocacy, Lutheran Engagement and Advocacy in Nevada  
Magala Moa, President, Nevada Falun Dafa Association, Las Vegas, Nevada  
Jackie Rios, Private Citizen, Las Vegas, Nevada  
Eric Jeng, Director of Civic Engagement, Asian Community Development Council, Las Vegas, Nevada  
Kerrie Mitchell, Private Citizen, Las Vegas, Nevada  
Josephene N. Lee, Private Citizen, Las Vegas, Nevada  
Kieu Nakamura, Private Citizen, Las Vegas, Nevada  
Yang Xuemei, Private Citizen, Las Vegas, Nevada  
Kahung Shum, Private Citizen, Las Vegas, Nevada  
Hongrong Zhu, Private Citizen, Las Vegas, Nevada  
Yanmei Teng, Private Citizen, Las Vegas, Nevada  
Wei Xian Wu, Private Citizen, Las Vegas, Nevada  
Jiang Hua, Private Citizen, Las Vegas, Nevada  
Ed Gonzalez, Member, Charter Committee, City of Henderson  
Sondra Cosgrove, President, League of Women Voters of Nevada  
Paul Moradkhan, Vice President of Government Affairs, Las Vegas Metro Chamber of Commerce  
Greg Esposito, Private Citizen, Las Vegas, Nevada  
Maurice White, Private Citizen, Carson City, Nevada  
Teresa Crawford, Private Citizen, Henderson, Nevada  
Matthew Tramp, Private Citizen, Las Vegas, Nevada  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada  
Robert L. Crowell, Mayor, Carson City  
Javier Trujillo, Director, Government and Public Affairs, City of Henderson  
Sabrina Mercadante, City Clerk, City of Henderson  
Dan H. Stewart, Member, City Council, City of Henderson  
Tina Past, Vice Chair, Charter Committee, City of Henderson  
Kathy Clewett, Legislative Liaison, City of Sparks  
Kelly Crompton, Government Affairs Manager, Office of Administrative Services, City of Las Vegas  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities  
Lisa Foster, representing City of Boulder City  
Janine Hansen, Private Citizen, Elko, Nevada  
Andrew Diss, Chairman, City of Reno Charter Committee

**Chair Jauregui:**

[Roll was called and Committee protocols were explained.] Welcome to the Assembly Committee on Legislative Operations and Elections. I will now open the hearing on Assembly Joint Resolution 4.

**Assembly Joint Resolution 4: Urges the President and the Congress of the United States to pass acts to combat illegal harvesting and trafficking of human organs. (BDR R-92)**

**Assemblywoman Brittney Miller, Assembly District No. 5:**

I am pleased to present Assembly Joint Resolution 4. This resolution urges the President and the Congress of the United States to pass acts to combat illegal harvesting and trafficking of human organs.

Many of us are touched by the miracle of organ transplants. Maybe it is about ourselves personally, a loved one, or a friend. We also know that in the United States a person can wait years—up to a decade—for an organ. However, what if you found out that you could go to another country and have that same organ transplant within a month? Would you question the spontaneous availability?

When we think of human trafficking, we think of recruiting and transporting men, women, and children for forced labor or sexual exploitation. However, there is another type of human trafficking. This is the exploitation of humans for the removal of their organs. The World Health Organization estimates that 10 percent of transplant procedures worldwide involve organs bought on the black market.

The brokering of black market organs is quite lucrative and includes highly organized criminal networks. The United Nations Office on Drugs and Crime has found that these networks have the ability to operate across international borders. To make this work, these criminal networks collude with medical professionals. The networks transport individuals from impoverished areas to locations where qualified medical experts are willing to conduct the transplant surgery. Those individuals who voluntarily sell their organs receive only a few hundred dollars and brief medical treatment for the recovery.

Furthermore, the United Nations has evidence that terrorist groups are harvesting organs from their victims. They use the proceeds from illegal organ trade to fund their operations.

Additionally, other groups are participating in the illegal harvesting of organs that include certain authoritarian governments.

According to the European Parliament and years of research from organizations such as the United States House of Representatives, the U.S. Commission on International Religious Freedom, the United Nations Special Rapporteur on Torture, Amnesty International, and Human Rights Watch, just to name a few, organs have been harvested from executed and nonconsenting prisoners of conscience, mainly Falun Gong practitioners. This also includes, in some nations, harvesting from Muslim Uyghurs.

Assembly Joint Resolution 4 does one thing. It expresses the support of the Nevada Legislature for several resolutions considered by the U.S. House of Representatives and U.S. Senate to condemn and combat the illegal harvesting and trafficking of human organs.

House Resolution 343 and House Resolution 3694 were passed by the U.S. House of Representatives in June 2016. In 2017 Senate Resolution 220, which was cosponsored by our Senator Cortez Masto, was introduced in the U.S. Senate. However, as of today's hearing, the resolution has not been acted upon in the U.S. Senate.

By passing A.J.R. 4, we are sending a message to Congress and the President that we care deeply about this issue. We want the United States to take a stand as other countries have. We want Nevada to take a stand as other states have.

Some of you may have loved ones who are transplant recipients or are waiting for a transplant organ. It is not my intention to dash your hopes, but we need to be informed. My purpose with this resolution is to call attention to this horrific practice and to urge the international community to take steps to end this exploitation and torture of the poor and the vulnerable.

Organ transplant is one of the miracles of modern medicine. It should not be diminished, exploited, or abused. In the United States, our American values result in a strong, ethical code of conduct for our health care practitioners. We strive to do what is moral, ethical, and respectful to both the donor and the organ transplant recipient.

Thank you, Chair Jauregui and Committee members, for your attention to this matter. I urge your support for A.J.R. 4 for humanity's sake. I am open for any questions.

**Chair Jauregui:**

Seeing no questions for Assemblywoman Miller, we will open up for testimony in support of Assembly Joint Resolution 4.

**Dan Musgrove, representing Nevada Donor Network:**

Nevada Donor Network is a federally qualified organ procurement organization (OPO). In fact, we can be very proud of Nevada Donor Network because it is one of the top OPOs in the country. We absolutely support this legislation.

I encourage you to google "body brokers." You will find an incredible series of articles titled "Cashing in on the Donated Dead: The Body Trade" by *Reuters*. Actually, the first couple of paragraphs focus on a situation that occurred in Las Vegas. In the fall of 2015 some neighbors of an industrial warehouse were complaining about finding blood in dumpsters and smells. Health officials went out and found a place that was harvesting cadavers. The man, when they walked up, was hosing off a cadaver to unfreeze it so they could harvest the tissue from it. That happened in Las Vegas. It is happening. It is an incredibly terrible situation because what they were doing was advertising in funeral homes telling people that here is a way that we can help you in your time of need by paying you money for your loved one.

We actually have legislation that will be in the Nevada Senate that will look to regulate these tissue banks, these non-transplant tissue banks. We are absolutely in support of A.J.R. 4, and thank you for the opportunity to testify.

**Mike Dyer, Director, Nevada Catholic Conference:**

The Nevada Catholic Conference, as most of you may know, is how the Catholic bishops in the state of Nevada express interest in the things that are happening in the Legislature. We want to very, very strongly support this resolution. The Catholic Conference opposes all types of human trafficking. I do not know that there can be a worse type of human trafficking, but if there is, this is probably it. We support the resolution.

**William Ledford, Director of Advocacy, Lutheran Engagement and Advocacy in Nevada:**

We represent all the Lutheran churches in the state and, by extension, the country as well. Based on our social statement of peace that talks about our country's role as a moral force in the world, we very wholeheartedly support this legislation. Thank you.

**Magala Moa, President, Nevada Falun Dafa Association, Las Vegas, Nevada:**

We would like to thank Assemblywoman Miller for giving us the opportunity to have a platform to voice our concern about organ harvesting from Falun Gong practitioners. I have been practicing Falun Gong since 2000 and did not know about the atrocities until 2006. This was from a doctor who actually took away the corneas from Falun Gong practitioners. There were almost 2,000 of them. Later on we had a third party.

Just as Assemblywoman Miller mentioned, from Freedom House to Human Rights Watch to Amnesty International, they have a systematic report. A 2017 Freedom House report found "credible evidence suggesting that beginning in the early 2000s, Falun Gong detainees were killed for their organs on a large scale." A 2015 Freedom House report found the Falun Gong practitioners compose the largest portion of prisoners of conscience in China and face an elevated risk of dying or being killed in custody.

Similar state-level resolutions have been passed by other states, including New York, New Jersey, Michigan, Maryland, Maine, Delaware, Colorado, Arkansas, Arizona, Georgia, Minnesota, Illinois, Missouri, and Pennsylvania. As a constituent in the state of Nevada, I think we have the responsibility to let more people know, make them aware of the situation, and take a stand on it.

Falun Gong, also known as Falun Dafa, is a self-cultivation practice. We believe in the principles of truthfulness, compassion, and forbearance. Also, the five exercises include sitting meditation.

You can see there are Falun Gong practitioners here to testify because we all have our personal stories and we all benefit from it. That is why we are here in the United States. We have the freedom to practice what we like. For those who do not have a voice and for those who are dead, at least we are giving them hope that by increasing the awareness, the persecution of Falun Gong and the organ harvesting will stop one day.

**Jackie Rios, Private Citizen, Las Vegas, Nevada:**

First of all, thank you, Assemblywoman Miller and Nevada officials present, for bringing forth the issue of organ harvesting of live people happening inside China.

I am a Falun Gong practitioner. I have been practicing since 2006. My profession is as a health promoter for refugees here in southern Nevada. Falun Gong is a spiritual practice based on the principles of truthfulness, compassion, and tolerance. It promotes the ancient Chinese philosophy that in order to work on the body, one needs to improve three things: mind, body, and spirit. As I came to benefit physically from doing the slow-moving standing exercises and doing the sitting meditation, I came to learn that since 1999, this great practice has been banned by the Chinese government with the purpose of eradicating it.

I started to get involved in trying to stop the persecution of Falun Gong inside of China. Finding out that my fellow mainland Chinese practitioners were getting killed because of their organs to be trafficked to places like the United States was abhorrent to me.

I am here to support this resolution and our Nevada officials and to ask for a clause to have wording stating that there have been mass killings of prisoners of conscience, primarily practitioners of the Chinese spiritual practice of Falun Gong, in order to obtain organs for transplants. This resolution was requested by Falun Gong to voice their concern regarding the massive organ harvesting of Falun Gong practitioners inside China.

Or, if this resolution has to be generalized and not mention Falun Gong specifically, may we request to have another resolution to speak solely for the persecution, organ harvesting, and eradication of Falun Gong? Just recently, the Arkansas House of Representatives passed House Resolution 1022 on February 18, 2019, pointing out that most of the organs obtained are from Falun Gong members.

Please join similar state-level resolutions specifying large-scale organ seizures from unwilling Falun Gong practitioners which have been passed by many states, as Magala Moa mentioned, including New York, Arizona, Arkansas, Michigan, Maryland, Maine, New Jersey, Delaware, Colorado, Georgia, Minnesota, and Illinois.

Today you have the opportunity to provide hope to those who are being tortured or being killed for their organs because they believe in truth, compassion, and tolerance. You can provide support to the millions of people who have endured a persecution that has been going on for nearly 20 years. You can be a part of sending a strong message that may deter some persecutors from committing heinous crimes, that here in Nevada we will not stand for something like this, and that we respect fundamental human rights and values. Thank you very much.

**Eric Jeng, Director of Civic Engagement, Asian Community Development Council, Las Vegas, Nevada:**

The Asian Community Development Council is a nonprofit organization working to educate, connect, and empower the Asian-American, Pacific Islander, and other ethnic communities

here in Nevada in addition to offering multilingual services on immigration, health care, and educational opportunities. We also want to promote, foster, champion, and advocate for Asian Americans and Pacific Islanders in the greater Nevada community.

For us, on behalf of Duy Nguyen, our vice president, we would like to be supportive of Assembly Joint Resolution 4 to condemn any act which is in violation of human rights. The statement from Duy Nguyen is as follows: "We must stand up for the victims and the voiceless suffering from these horrible acts and as a supporter of civil rights, we know civil rights go hand in hand with human rights."

And in a personal capacity, being someone who has been to China before as a Christian missionary, I can say we stand in solidarity with our fallen Falun Gong brothers and sisters here. In China right now, not only Falun Gong practitioners are being persecuted, but also underground churches for all of the Christian and Catholic faiths; the Uyghurs in the Muslim community, especially in Xinjiang; and the Tibetans of the Buddhist communities. These are all communities that are under persecution. There are many reports of those in fear and being victims of massive human rights violations.

As a community advocate, right now we are here. We are grateful to be Asian Americans in this community, but we also want to voice our support and stand with our brothers and sisters who are suffering from these violent acts. Thank you.

**Kerrie Mitchell, Private Citizen, Las Vegas, Nevada:**

I want to thank you all for your time today. I have been a Falun Gong practitioner for 15 years. I wanted to let you all know how much I appreciate your efforts in supporting Assembly Joint Resolution 4. Thank you for giving us this platform today to come and bring awareness about this horrific organ harvesting still going on today against Falun Gong practitioners in China.

This peaceful practice has changed my life and those around me for the better in so many ways. I am healthier. I am happier. I am a better citizen because of this practice. To personally know people who have been persecuted for practicing this wonderful and meaningful practice truly pains my heart. I find it so important to be here today to spread awareness to support those who cannot be here to speak out for themselves.

Falun Dafa is simply a practice of living your life by the principles of truthfulness, compassion, and forbearance. To be persecuted for such a peaceful and glorious way of life is almost unbelievable, but unfortunately it is real and has gone on for too long. Again, we would like to thank the state of Nevada for standing up for all humans and our right to lead a safe and meaningful life. Thank you.

**Josephene N. Lee, Private Citizen, Las Vegas, Nevada:**

I am a Falun Gong practitioner. I earned a doctorate degree in pharmacy and retired as a clinical pharmacist from the VA Greater Los Angeles Healthcare System in Los Angeles in 2016.

Today I would like to share with you a horrible case story that happened to a Taiwanese woman. In 2006 one of my relatives needed a kidney transplant. She was guaranteed to have an organ available in seven to ten days in China. It was about the same time the first forced organ harvest report in China was made public. My relative had an operation in Shanghai as scheduled. After the surgery, she was put in a recovery room converted from a hotel, which was crowded by many organ receivers speaking in different languages.

She is a Buddhist. She used to be cheerful all the time. After learning that the kidney she received might have been forcibly taken from a live prisoner, she has become depressed and shied away from the public. Her social life was completely destroyed.

I would like to bring to your attention the issue of forced live organ harvesting in China. In his book *The Slaughter: Mass Killings, Organ Harvesting, and China's Secret Solution to Its Dissident Problem*, Mr. Ethan Gutmann estimated that more than 65,000 prisoners of conscience have been killed in China. Most of them were Falun Gong practitioners.

For this reason, many states have adopted a house resolution to encourage the United States Congress to work to end organ harvesting from prisoners of conscience in the People's Republic of China. As your supporter, I highly hope that you can initiate or support a similar resolution. I have here a copy of the state of Arkansas' House Resolution 1022 as an example. Thank you very much for your support.

**Kieu Nakamura, Private Citizen, Las Vegas, Nevada:**

I am an American citizen. I came from Vietnam. Vietnam is a small country. The socialist regime is so bad. Any country like this that is small and backward is a target for CCP, the Communist Party of China, which targets them and takes advantage. The government is very corrupt. The Chinese business people give a lot of money—bribes, bribery—to buy them. This is in Vietnamese society and is very bad now. The problem of harvesting organs has become very popular. In Vietnam, Falun Dafa is very strong, and a lot of people practice. Even my sister in Vietnam practices. A lot of people practice. The Vietnamese obey the Chinese and persecute. They do whatever the Chinese tell them to do. Of course, the persecution is very bad.

But taking organs, that did not happen for Falun Dafa members in Vietnam, but it happens for the regular people. They target students. For students, when they walk around by themselves, this is very dangerous because they have a scheme to steal organs. Somebody pretends to get hit by a motorcycle and uses a poisonous needle to tap on the victim [when the victim tries to help]. When they fall down or are dizzy or something, they pretend to take the victim to the hospital, but in fact, they bring the victim somewhere to steal their organs. Then the family will look for that relative and finally find them somewhere with no organ, no cornea, even with duct tape on the mouth of the victim. That is a child. It is very bad, very sad.



Whenever I see the pictures, I cry. I wish I could have a voice to tell people so they know that they are harvesting organs from a lot of people. It is very cruel. I am a new Falun Dafa member of two years. Every weekend I go to the street to have a protest to let people know how bad it is. But a lot of people, they do not know and they do not believe it. They say, Oh no, no, no, there is harvesting in China? They do not believe it. They do not know it.

This is a very gracious opportunity for me to have a voice. I hope that the government over here has the power to stop that. That is so right, not only for the victims in China, but for every country in the world because they are so greedy. People are so greedy. It has spread very, very fast in Vietnam too. I think it is so cruel. I do not want my country to turn into the same. In the near future, Vietnam will be a province of China already. Our people are so scared. They say that if even the Communist Party treats their people like that, how about us? We are Vietnamese. Of course, they will cut us and take the organs to sell on the market. Everybody is worried.

**Yang Xuemei, Private Citizen, Las Vegas, Nevada:**

My name is Yang Xuemei.

[The translator starts to speak.] I am reading and translating on behalf of Yang Xuemei.

I am Yang Xuemei from mainland China. Because of practicing Falun Gong, I was illegally detained three times and put through the reeducation through labor system once. After 2005, I was pursued by the CCP, the Chinese Communist Party, and forced to flee and hide.

During the third illegal detention, I was forcibly injected with unidentified drugs along with other Falun Gong practitioners during a hunger strike. One of them fainted and was unconscious. I was weak and my memory was declining.

In the labor camp, I experienced the shock from an electroshock baton, the beatings, the shackles, and the physical assaults. I suffered from mental brainwashing and forced transformation, long-term deprivation of sleep, overtime and overloaded hard labor, labor time up to 16 to 17 hours. Sometimes I had only two to three hours of sleep after overtime work. I was not allowed to take a bath but only allowed to shower once a month. We were not allowed to talk to each other. We were not allowed to go to the toilet outside the specified time. We always had someone to monitor us so that my spirit and other Falun Gong practitioners' spirits were in a constant state of high tension for a long time.

To make it short, my family fled to Malaysia where they applied for political asylum through the United Nations. They were accepted by the United States government. We came to the United States in January 2016.

Yang Xuemei is here on behalf of the Falun Gong practitioners who, at present in this moment, are still detained in many of the slave labor camps. She would like the Legislature to support A.J.R. 4 that would be a voice for the voiceless and those people who do not have a chance to stand in front of the Legislature. Thank you. [The translator stops speaking.]

**Kahung Shum, Private Citizen, Las Vegas, Nevada:**

I have lived in Las Vegas since 2014. Before, I lived in California, in Los Angeles. A long time ago, I was in China and just a graduate from high school. The government then sent me far away from my home to a remote place to be a farmer. I was working hard for one full year. I could not even afford to buy a bicycle. I was practicing Falun Dafa in 2000. I was a truck driver. After practicing Falun Dafa, I got well. Both physically and mentally I got healthy. I appreciate Falun Dafa. When I talked to my family in China, they did not believe that Falun Dafa was good because of the Chinese propaganda. All the media—TV and radio and newspaper—slander Falun Dafa. So they do not believe even about the organ harvesting. That is why I am taking the opportunity to be here to tell the truth. Thank you very much. Please support us.

**Chair Jauregui:**

Is there anyone else who wishes to testify in support? I would like to remind everyone that if other testifiers have already shared your sentiments, it is okay to say in "ditto" and "I support the bill."

**Hongrong Zhu, Private Citizen, Las Vegas, Nevada:**

Can I make a speech now, a very short one? I am from mainland China. I am an American citizen now. I have practiced Falun Gong for 13 years. After I started practicing Falun Gong, I was so glad. I called my classmate in China to share my happiness with her. My classmate's mother was also a Falun Gong practitioner and was under police surveillance. Because I checked with my classmate to share that Falun Gong was spread worldwide—that in 100 countries people practice, my health is improved, my personality is uplifted, all good things like that—the local police in China noticed me.

The local police along with the Ministry of State Security staff went into my parent's house and told my mother that I was practicing Falun Gong and involved in politics. The police confiscated my parent's house and my house in China and took away all my personal belongings. My mother was scared, as was my sister. My mother dared not talk to me about what else the police did to them.

Since then, I cannot go back to China. I have not been back to China for 13 years. Because of my practice of Falun Gong, the Communist Party put me on their blacklist. I think the funny thing is that they said I was involved in politics. I will never be a congresswoman. I never thought about being an official for the government, but they said that I was involved in politics and put me under the class of enemy.

I call for the government to do whatever you can to end this persecution. All my classmates, my family, and many friends in China still receive very severe persecution and even face having their organs removed. That is a very cruel thing, a bloody thing. I hope you can help. Thank you very much.

**Yanmei Teng, Private Citizen, Las Vegas, Nevada:**

[A translator speaks.] My name is Yanmei. I am from mainland China. During the Communist Party's persecution of Falun Gong, I went to the provincial government to appeal for justice for practitioners of Falun Gong. I was harassed and arrested by the police. My home was confiscated by the local police. I was also forced to be laid off by my company. I could not lead a normal life. Physically and mentally I was persecuted beyond any words.

I appreciate that the American government allowed me to come here to have my freedom to practice Falun Gong. In China there are still hundreds of thousands of Falun Gong practitioners who were illegally detained and were bloodily tortured by the local police. Some even had their organs harvested. We need—we badly need—international attention and support to release all the illegally detained Falun Gong practitioners immediately and stop the organ harvesting. Thank you very much.

**Wei Xian Wu, Private Citizen, Las Vegas, Nevada:**

[A translator speaks.] I come from Zhaoqing City, Guangdong Province, mainland China. I am practicing Falun Gong and believe in truthfulness, compassion, and forbearance. Because of that, the Communist Party regime illegally sentenced me to three years, and my company also forcefully fired me. They also issued a document to not allow any of the sub companies to hire me.

While I was being persecuted, my family members, including my father, spent a lot of money and had to ask many friends to help protect me to keep me alive. That has allowed me today to stand here to testify. In mainland China, the Chinese Communist Party still casually detains and sentences Falun Gong practitioners and even harvests their organs for huge profits. That crime still happens many times.

America is based in free belief. Also, America is good at protecting human rights. Therefore, I sincerely ask our Assemblymen to help stop the organ harvesting through their bills. Please focus on this—the Communist Party's crimes—which are happening in China. There is still forced organ harvesting from Falun Gong practitioners and organs for sale. Please focus on their crime and mention this. Please help Falun Gong practitioners to end this crime as soon as possible. Thank you.

**Jiang Hua, Private Citizen, Las Vegas, Nevada:**

I am a Falun Gong practitioner. [A translator speaks.] Greetings to all the Assembly members. Please help us to end this persecution of Falun Gong practitioners. Also, please help to end the organ harvesting from Falun Gong practitioners. Thank you.

**Chair Jauregui:**

Is there anyone else who wishes to testify in support? [There was no one.] Is there anyone to testify in opposition? [There was no one.] Is there anyone to testify in neutral? [There was no one.] I will call our bill sponsor back for any closing remarks. I would like to thank everyone in Las Vegas who came to share their very personal stories. We appreciate your being here and being a part of the legislative process. Thank you.

**Assemblywoman Miller:**

I will echo your sentiments in thanking all of our brave Americans down in the Grant Sawyer State Office Building and here in Carson City for sharing their stories. I am hearing all of these stories for the first time. It reminds me of how blessed we are to live in the United States and that we have the ability to—as we have historically before—stand up for our brothers and sisters around the world regardless of what country or what language or what religion or faith. This is an issue of humanity.

I would urge the members of the Committee to go online and do some research yourselves. I have read twice all the resolutions and bills from the other states that were named, the congressional ones, and what other countries and states have done. It is quite overwhelming when you see the research and the data. Again, thank you. I ask for your support of Assembly Joint Resolution 4.

[A collection of testimonies in support of Assembly Joint Resolution 4 submitted in the hearing are included ([Exhibit C](#)).]

**Chair Jauregui:**

I will now close the hearing on Assembly Joint Resolution 4. Next on our agenda is Assembly Bill 329, which revises provisions governing administrative regulations.

**Assembly Bill 329:   Revises provisions governing administrative regulations.  
(BDR 18-946)**

**Assemblywoman Brittney Miller, Assembly District No. 5:**

I am pleased to present Assembly Bill 329. This bill addresses one of the Legislature's own processes: how we monitor and track the adoption of administrative regulations. What are administrative rules and regulations? The laws passed by the United States Congress or State Legislature do not go into detail about how the law is to be applied and enforced or about the procedures to be used. Rather, it is the role of the executive departments and agencies which administer rules and regulations that govern how the law will be carried out. Like statutes and case law, these rules and regulations are considered primary and binding for citizens of the jurisdiction.

All executive departments, divisions, and agencies receive the authority to adopt administrative regulations only through legislation. Further, Article 3 of the *Nevada Constitution* permits the Legislature to provide by law for the review, suspension, or nullification of a regulation.

The current process which the Legislature established for the review and adoption of regulations includes: an agency conducts one or more public hearings and workshops; the agency drafts a regulation and submits it to the Legal Division of the Legislative Counsel Bureau (LCB) and they have the opportunity to revise it; the agency holds one or more additional public hearings if the Legal Division's revisions are substantial; the agency adopts the regulation at a public meeting and files it with the LCB; and before the agency

implements the provisions of the regulation, the Legislative Commission reviews and approves it. All of these various versions of the proposed regulation are available online in the *Register of Administrative Regulations* as well as notices of workshops and hearings for the proposed regulation.

However, the *Register* only provides proposed regulations that have been submitted to the Legal Division. It does not tell us what has not been submitted. It does not tell us which agencies have not adopted the required new regulations or which agencies have not even started the drafting process.

This past interim I became concerned about the amount of time some Executive Branch agencies take to adopt regulations passed by the Legislature. In my freshman session, I was advised that I needed to "chase my bills" after they become law, meaning that just because legislation is passed, that does not always guarantee compliance with agencies. During the interim, I saw how long some state agencies took to even begin the process. In fact, we had instances where laws had not been implemented. This is not a new phenomenon.

This led me to inquire about the number of the administrative regulations that could result from legislation enacted just from last session. In 2017, approximately 177 bills included some type of new, expanded, or transferred regulatory requirement: 84 Senate bills and 93 Assembly bills. Of these, just over 70 were found and approved with administrative regulations or were in the process of being approved since the adjournment of the 2017 Session. This leaves approximately 100 bills where there has been no activity relating to the process of promulgating regulations. I say "approximate" because the research was conducted in late 2018 and early 2019, so at this very moment there may still be bills in the process where there is some movement going on.

There are a few other caveats about these numbers. First, a review of the text of these bills indicates that some grants of authority were permissive, meaning that an agency "may" adopt, while others would say that an agency "shall" adopt. It is possible that some of these bills did not have movement because the agency chose not to adopt per the permissive language of "may." However, there was no way to tell which ones were required without literally reading the text of each bill.

Secondly, the search capabilities were limited. To identify bills, a search of several databases of enacted legislation was conducted followed by another search for bills with a grant of regulatory authority. These databases are not integrated. In other words, the Legislature does not have a readily available system to track the progress made by state agencies toward the adoption of administrative regulations.

As state lawmakers in the people's branch, it is concerning because legislative intent can be thwarted when an agency does not comply with directives. Failing to implement administrative regulations is comparable to a veto. The effect is the same. The will of the Legislature is not carried out. Moreover, these failures can directly impact the lives of Nevadans.

Assembly Bill 329 strives to establish accountability and transparency in this process. The bill requires the Legislative Counsel to do the following:

- Create a system or process for monitoring the progress of an agency in adopting a regulation. The system may—that is one word in my conceptual amendment I choose to change to "shall"—include a requirement that an agency submit periodic progress reports to the Legislative Counsel.
- Require information from the system to be compiled and included on the *Register of Administrative Regulations*.
- Require reports on the progress of an agency in adopting a regulation upon request to the Legislative Commission.

I have submitted some conceptual amendments that are on Nevada Electronic Legislative Information System ([Exhibit D](#)). A few additions include that the bill would require a legislative bill or resolution to state on the front whether a grant of rulemaking authority is included, just as we currently list any fiscal impact or effect on the state right there on the front of the bill. It also would establish intermediate benchmarks in the rulemaking process for such activities as initial agency research, hearings, workshops, and drafting. It would also require that the information on the *Register* be presented in a searchable, standardized database available to the public.

We cannot with any degree of certainty determine the status of many regulations. The lack of monitoring is an oversight, and what we are doing now is inadequate. We only know what has been submitted to the Legislature. We do not know what has not been. Every session, we legislators, stakeholders, and members of the public work hard to get legislation passed. Sometimes that legislation includes a level of detail that should be placed in regulations, not in statute.

We have an obligation to the public and to ourselves to ensure that the agencies carry out our directives. In most professions, we track what we care about, and we care about what we track. Agencies know that this is not systematically being tracked, and we know that things are slipping through the cracks.

It is time that we take a closer look at what is happening. To enable us to do so means that we need to monitor such activities. Assembly Bill 329 is a start in that direction. I would like to thank you again for your attention, and I urge you to support A.B. 329. I am also open for questions.

**Chair Jauregui:**

Does the Committee have any questions? Seeing none, we will move to those who are here to testify in support of Assembly Bill 329.

**Ed Gonzalez, Member, Charter Committee, City of Henderson:**

I was not planning on speaking, but I will speak in support of this bill. I appreciate Assemblywoman Miller for this. This is a good bill. I would just make a suggestion.

**Chair Jauregui:**

I want to remind everyone that Assembly Standing Rule No. 54 states that if you are in support, you support everything about the bill.

**Ed Gonzalez:**

I do support everything in there. The fact is that sometimes there are waivers that are granted, and that is not made public either. It was just a suggestion while I was listening to the sponsor's presentation. As you said, Madam Chair, I do support the bill as read.

**Sondra Cosgrove, President, League of Women Voters of Nevada:**

I am a history professor at the College of Southern Nevada. I am going to testify in support of A.B. 329 and thank Assemblywoman Miller for bringing this bill. I am going to wear both hats.

As an educator, we call this assessment. So every single class that I teach has assessment that is attached to it. I build it into my assignments. I build it into the course. I build it into the syllabus. So at the end—educators will nod at me—I know that what I said I was going to do happened. I know that my students met the mark or they did not meet the mark and why. I can make adjustments, and I can make improvements for the next semester. To me, this is an assessment bill.

As president of the League of Women Voters of Nevada, I can tell you that it is extremely frustrating for advocacy groups when we are working with legislators during the interim, whether it is an interim committee or we are just meeting with you, and we are trying to work on legislation or regulation to fix a problem. Then we come here and we testify. A bill gets passed and we do not know what happens to it or we find out that it was not implemented or was not implemented in the correct way. That is frustrating for somebody who is trying to encourage other people to engage in civic participation. But it is also frustrating in that we only have a legislative session every other year, so if something does not get done, we end up waiting a long time to fix problems.

Again, I am here in support of A.B. 329, and I think this is going to help us make sure that if we have people engaged and have legislators trying to do their job, things can get fixed in our state. Thank you.

**Chair Jauregui:**

Is there anyone else who wishes to testify in support? [There was no one.] Is there anyone who wishes to testify in opposition? [There was no one.] Is there anyone who wishes to testify in neutral? [There was no one.] I invite the bill sponsor back up if she wishes to give any final remarks. [She did not.] The bill hearing on Assembly Bill 329 is closed.

As the last item on our agenda, I will open the hearing on Assembly Bill 282 which revises provisions relating to municipal elections.

**Assembly Bill 282: Revises provisions relating to municipal elections. (BDR 24-939)**

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

I am here before you today to present Assembly Bill 282 which relates to municipal elections. I live in Henderson and during each of the last two municipal elections for my ward, the will of my ward was overruled by people who do not live in my ward.

Because candidates must run citywide in a city that has nearly 120,000 active voters, more than 200,000 total registered voters, and more than 300,000 residents, it is extremely expensive to run for office. It becomes nearly impossible for anyone to challenge an incumbent. In fact, since I moved to Henderson in 2001, not a single incumbent has lost a reelection campaign, and only one was so much as forced into a runoff.

When I first moved to Henderson in January 2001, there were approximately 179,000 residents in the city. Henderson had four wards and each council member represented approximately 45,000 people. When I first ran for office in 2008, my Assembly district and my ward were nearly identical. Today Henderson has over 300,000 residents and still only four wards. Now, each council member represents over 75,000 people, an increase of 67 percent.

The current system and related processes create issues for our constituents. They do not get a fair say in who represents them, and I do not believe that is right. I know there has been testimony submitted and there will be additional testimony today about some of these issues, but I did want to give you some additional input.

During the hearing for Assembly Bill 50 when the City of Henderson was voicing its opposition, Chair Jauregui asked whether the city actually asked the people how they felt about the issue. I thought she made an excellent point. Because I know that Henderson has been opposed to efforts since the 1970s to establish ward-only voting, I decided to go out and ask voters their thoughts by conducting a robopoll.

Using the Clark County voter database file from March 2, 2019, which I was able to download onto my computer, I determined that there were 119,845 current Henderson residents who voted in the 2018 General Election last November. The database had 49,445 unduplicated phone numbers, and after we removed cell phone numbers from the list, we were left with a total of 20,231 households with landlines.

Last Monday, Tuesday, and Wednesday nights, these 20,231 households were called. The people who answered the phone heard this:

This is Assemblywoman Ellen Spiegel. I am working on legislation about municipal elections, and I would appreciate your answering this one-question



survey. Currently, candidates in Henderson City Council elections are voted on citywide, even though each council member represents one ward. During two recent elections, the voters of a ward were effectively overruled in their election choice by the voters who do not live in that ward. If you think this is wrong and that each ward should have the right to elect its own city council member, press 1. If you would prefer to keep things as they are, press 2. If you are unsure, press 3. Thank you very much for your participation. If you have additional thoughts you would like to share with me, please email me at [ellen@ellenspiegel.com](mailto:ellen@ellenspiegel.com).

Then, on Wednesday evening, if people still had not answered their phone and the call went to voicemail, I left a similar message, but asked people to email me with their opinions.

The results were astounding. Through the automated system, I heard back from 1,254 households. A full 68 percent of the respondents indicated their preference that each ward should have the right to elect its own city council member. Fewer than 10 percent said that we should keep things as is. I analyzed the data by party and by ward, and the results were pretty consistent. It did not matter what party people belonged to or whether they were the ones being treated unfairly. The voters overwhelmingly said they want to see this change.

I received some emails from people who received my voicemail on Wednesday. I also received some Facebook messages and texts from people who knew me from different ways. It was nice. Everybody who contacted me independently expressed their wish that the system be changed. Here is the text of one of the emails I received:

Hello, Mrs. Spiegel. I support your effort to restrict Henderson City Council members to be elected only by the residents in that ward. I am responding to a phone message I received. Your call is very timely as when I received my sample ballot, I was confused why it listed all candidates including those from other wards. I recently moved from MacDonald Ranch to the downtown Henderson area and was shocked to think that Anthem or Green Valley can currently override my vote. Please change the law so only the voters in a ward elect their city council member. Thank you.

This bill is important to our constituents, and ward-only voting is wanted.

I will now explain the mechanics of the bill and the underlying reasons behind the concepts. Sections 1 through 4 address the global issue of having the will of the voters of a ward be overruled by people who do not live in the ward. These sections also establish parameters for the incorporation of additional cities. Specifically, they establish ward-only voting statewide and require that any new cities be organized in this fashion. The bill requires that the cities have no more than nine wards and that they be drawn evenly, compactly, and smaller in size than an average Assembly district. It also requires that city councils have an odd number of voting members.

Section 4 also establishes both a mandate and a methodology to automatically create new wards when the city's population grows. This is to ensure that all Nevadans have city council members who can be responsive to community needs.

Sections 5 through 7 remove the concept of council member at-large.

Sections 8 and 9 detail procedures for filling vacancies and mandate use of special elections when the majority of the city council originally got their seats through appointments.

As things stand today, four out of the five Henderson City Council members, including the Mayor, first got their seat by an appointment, and that is why this change is sought.

Sections 10 through 75 make conforming changes in city charters.

Section 76 requires that charter cities assess their wards after the completion of the 2020 census and make conforming changes to their wards before January 1, 2023.

Sections 77 through 80 detail additional provisions relating to implementation which is upon passage and approval for administrative purposes, and on January 1, 2023, for all other purposes.

The one amendment in the bill that I would like to see is the enactment of ward-only voting effective with the next municipal election for any municipality where wards currently exist.

I am now available to answer any questions you may have.

**Assemblyman McCurdy:**

I am interested to know, if you could state one more time, the number of folks you said responded to the call and what the percentage was in favor of this bill.

**Assemblywoman Spiegel:**

I heard back through the automated system from 1,254 households, and a full 68 percent of the respondents said that they want to see ward-only voting.

**Assemblyman Leavitt:**

I am trying to clarify this. If it truly is the desire of the voters—which 852 voters represented seems like a low number when you have over 100,000 potential voters. Your poll only reached out and only got feedback from 1,200 of those. Your positive feedback would have been 852 households. That seems like a low number. I think the wording of the question was a little skewed when you start off with a negative and then ask for a positive. That skews your polling as well statistically. If it really is the desire of the voters, why not just take it to the voters and give them the opportunity to vote on this?

**Assemblywoman Spiegel:**

Interestingly enough, Henderson has a charter committee. In 2014, the Charter Committee voted to put it on the ballot and make a recommendation to the city that they put it to the voters. Actually Senator Keith Pickard made the motion to do this—he was on that committee before he was in office—and the motion to put a nonbinding resolution failed because it did not have two-thirds of a vote. It was not Mr. Pickard who made that motion, it was a woman named Virginia Finnegan. She introduced the motion recommending—I am reading from the minutes of that meeting which was in 2014:

Ms. Finnegan introduced a motion recommending the City Council put a non-binding ballot question to the residents reflecting voting by ward, seconded by Mr. Pickard. The Roll Call Vote was: Those voting Aye: Lou Cila, Virginia Finnegan, Charlene Frost, Erin McMullen, Terry Mannion, and Keith Pickard. Those voting Nay: Robert McCord, Tina Past, Joe Hardy, and Nick Vaskov. Those Absent: Richard Miller and Joseph Zerga. Those abstaining: Jennifer Carleton. Chairperson Carleton declared the motion failed due to a lack of a two-thirds majority vote.

Henderson had required the Charter Committee to have a two-thirds vote in order to move something forward and that is why it failed, but it did pass by majority of the Charter Committee. One of the emails that I got—actually, it was a Facebook message from one of my constituents whose brother was in the Assembly in the 1970s and tried to get ward-only voting back then. He said that as he has been monitoring things since his brother tried and failed, the City of Henderson has been very strident in its efforts to make sure that ward-only voting does not happen. A two-thirds requirement to even put it on the ballot is a very, very high bar.

**Assemblyman Leavitt:**

My other question is in regard to voter turnout and the fact that we have such low voter turnout. It seems likely that a ward could be a master of its own destiny in that it has 100,000-some-odd potential voters who could potentially push their ward vote to a certain extent if they turned out to vote. Along with that, my concern is—and I would like to hear your thoughts on this—with ward-only voting, the voter turnout could potentially be even lower if that ward does not have a race that particular year. Maybe there is only a judge in that race and that ward may not turn out to vote at all just because there is not someone in the race during that particular voting year. What are your thoughts on voter turnout in regard to this bill?

**Assemblywoman Spiegel:**

It is interesting because I actually think that this is going to address voter disenfranchisement. People become disenfranchised when they feel that their vote does not matter because people in other parts of the city will overrule them. When it has happened in a ward twice in the last two municipal elections for that ward, it makes people pretty unmotivated to come out because they feel that their voice does not matter and it does not count.

As far as the other point that you make, I think that will probably be addressed by the Secretary of State's bill, A.B. 50. By moving the date of the election to November of even-numbered years, people will be coming out for those races.

**Assemblyman Leavitt:**

My final question is in regard to smaller rural communities. You specifically named Boulder City in this bill. That is a small community of fewer than 15,000 people, so these wards would be potentially very small as they have only four council people and a mayor. Even if the mayor is elected at-large and it is split into four wards, those would be really small wards. My concern is in cities of that size and maybe even a little bigger, 30,000 or fewer, the potential harm to that is not finding people to run in those wards because the pool is so small when you are dividing wards for a city that small.

**Assemblywoman Spiegel:**

My understanding is that Boulder City does have ward-only elections and that the cities that do not—it is really Henderson that is the big city that just has at-large. As far as the other provisions of the bill go when it comes to things like increasing the number of wards, that would be based on the size of an average Assembly district. For example, I pulled census data from 2017, which is the latest data available, and Boulder City had 15,971 people as of July 2017. During that same calculation, the state had 2,998,039 people, which would make the average Assembly district 71,382 people. So unless Boulder City grew from 15,971 to over 71,000 people, the provision to add additional wards would not affect them. The translation is that it never really would affect them because if they are growing that dramatically, so is the rest of the state. I know the City of Sparks has a concern about this. I actually had a conversation over the weekend—I met with Sparks last week and I had a conversation with one of the members of their charter committee Sunday night. I was not able to get to everyone, but I have been reaching out to people and trying to explain to them that it is really going to affect the larger cities.

**Assemblywoman Torres:**

Thank you, Assemblywoman Spiegel, for presenting this legislation. I think we see eye to eye on most parts of this legislation. My concern really is—looking at page 54, I think that is the part you were just referring to. It talks about the size of the wards. What is going to be the impact of that on cities like Las Vegas? I do not know if Henderson would be affected by that, and then Reno.

**Assemblywoman Spiegel:**

According to my calculations, the City of Las Vegas would need to expand its wards. They currently have seven voting members including the mayor and they would have to go to nine voting members including the mayor. Henderson would have to go from having five voting members including the mayor to having five voting members including the mayor, except if they wanted to increase, they could increase as well because they have a voting mayor.

**Assemblywoman Torres:**

My understanding, then, is that the areas in northern Nevada and the rural communities are not going to be impacted by this specific piece of legislation, but specifically Henderson and Las Vegas?

**Assemblywoman Spiegel:**

To clarify, the majority of the legislation will affect everybody in the state. This one piece of the legislation will only affect cities that are larger in size than an Assembly district. It has a potential to affect other cities; it may or may not affect them depending on how they are organized.

**Assemblywoman Torres:**

Do we know what the fiscal impact—actually, I understand that we are a policy committee and not a funding committee, but I was just wondering how that is going to impact the workings of the city for us to have growth of that amount. I understand the intent. I was just wondering if we know how that is going to affect the city as a whole.

**Assemblywoman Spiegel:**

I do not know. I do know that when the wards get so big and so unwieldy, it takes it from a place where local government that is supposed to be the closest to the people and that is supposed to be the most responsive to the people gets so big that it is not able to fulfill that mission and that function. That is really the intent behind this—to be making sure that the government that should be closest to the people is small enough to be responsive to the people's needs.

**Assemblyman Roberts:**

I have two questions, if I may. How many other cities in the state have citywide or non-ward-only elections? I thought you said just Henderson, but I would like to know for my own education.

**Assemblywoman Spiegel:**

My understanding is that it is Henderson and Elko.

**Assemblyman Roberts:**

Thank you. The other question is regarding the section about appointments and the requirement to have special elections. The way I read the bill—and maybe I am wrong—is that the way it is set up is that with anybody who is appointed, if the number of appointees gets over a certain amount, then you have to have a special election. Is there credit given to those who are appointed and then they run for reelection? Are you counting them as once appointed, always appointed? Do they drop off once they run for reelection? I did not quite read it that way. I just want to make sure, for the record, of your intent.

**Assemblywoman Spiegel:**

For the purposes of this, it would count as once appointed, always appointed. It is as if you first obtained your seat through appointment. The point behind that is that especially in a

city like Henderson—I can speak to the issue there more directly than to any other city where I would just be generalizing—it is extremely impossible and difficult and challenging for someone who is not an incumbent to raise money. So much of the campaigns are based on fundraising that for someone to be a viable candidate, especially when they now have to run citywide, it puts a barrier up that is insurmountable. That is why in a city like Henderson, in the approximately 18.5 years that I have lived there, no incumbent running for City Council reelection, whether they were put there by appointment or first elected, has lost an election—not a single one.

In the last municipal election from my ward, the incumbent outspent his two opponents combined by 13 times—he spent 13 times more than his two opponents combined. He was able to raise and spend that much money. I was home last weekend, and TV commercials were just constantly going for Henderson City Council ward elections. I cannot afford to have TV commercials for my campaigns and yet here I was—and it seemed like at the top and bottom of every half hour—seeing TV commercials for Henderson City Council members. Someone who is just coming up from the community, somebody who is passionate about the community, wants to have an impact, wants to be doing things, and wants to be serving the community, just cannot stand up to that. The playing field needs to be a little bit more level.

**Assemblyman Daly:**

In section 4 at the very end—it might be a question for legal to answer as well—it says, "Each council member elected pursuant to this subsection holds office for a period of 4 years and until a successor is elected and qualified." If there were an issue at the end or there was somebody who died or whatever, it seems as if that would violate the term limits if it were the last term that person could run. I do not know if that is an issue or not. I do not know how it gets done now. I know for the Assembly, you are elected and then if something happens the next day or you died in between—as we just experienced—then there is a vacancy and you appoint. I do not know if the language might conflict with the term limit provisions. Maybe it is a legal question.

**Assemblywoman Spiegel:**

Which page are you on?

**Assemblyman Daly:**

Section 4, subsection 6, paragraph (d), subparagraph (2).

**Assemblywoman Spiegel:**

I would need to check with the Legal Division of the Legislative Counsel Bureau and get back to you. I know that for city council seats where there are term limits, when someone is appointed, they will fill out a term, and my understanding is that does not count toward term limits. For example, depending on when somebody was appointed, they could wind up, despite the 12-year aggregate term limits, serving 14, 15, 16 years.

**Chair Jauregui:**

I will let our legal counsel answer this question.

**Kevin Powers, Committee Counsel:**

The term limit provision is a bar on being elected. So it only kicks in if, at the time of election, you have served the required number of terms. While you are serving, if you have gotten to the required number of terms, you can continue to serve out that final term. The language in the bill that you serve until a successor is elected and qualified is typical language. That is to ensure continuity in office. It does not impact the term limits because it is not extending the number of terms you can be elected. All it does is allow you to serve out that final term if someone is not successfully elected and qualified. If there were that vacancy, that vacancy could ultimately be filled and then that term would end. But this is typical language you would find in many of the statutes, and it does not impact the term limits.

**Chair Jauregui:**

Are there any further questions for our bill sponsor? Seeing none, we will now move to those who are here in support.

**Paul Moradkhan, Vice President of Government Affairs, Las Vegas Metro Chamber of Commerce:**

The Las Vegas Metro Chamber of Commerce is in support of Assembly Bill 282. Our support pertains to the discussion of open wards and closed wards as you can find in the beginning of the bill. The Chamber believes that the closed ward voting structure allows for better interaction and representation of the neighborhoods that are in those wards and better representation of those residents who wish to run for city council. Full disclosure: the Chamber does endorse in the Henderson City Council races. I just want that on the record. We are happy to answer any questions, but we are in support of this bill. We appreciate the bill sponsor for bringing this bill forward. Thank you.

**Greg Esposito, Private Citizen, Las Vegas, Nevada:**

I am representing myself in this situation. I own GE Consulting, and our firm works as a direct voter contact service. We connect voters to candidates and talk about the issues. It is through this work that I have a pretty intimate knowledge of Henderson elections. I have worked on a few Henderson elections and a few countywide elections in which we focused in Henderson, specifically Sun City Anthem because we know that is where the voters are. If you have a countywide election, you have three places you have to go campaign: Sun City Anthem, Aliante, and Summerlin.

If you think about it—let us say you are in Henderson and you have a million dollars and the people in Anthem want a pool, but the people in Whitney want a park. You represent the people in Whitney, and one thing I have notice about elected officials, they love representing their people. They love representing the people they are elected to represent, and they want to continue to represent the people they are elected to represent. If you vote the way the people of Whitney need—the way the people you are elected to represent need—and you

vote for a park, the people in Anthem are going to get mad that they did not get a pool because there is a finite amount of money. You have to worry about that. You have to worry about your votes you take over in Whitney because Anthem did not get what they want and they are the ones who truly elect you. That is not truly representational. You have a controversial issue. You cannot vote the way your people you are elected to represent need. You have to worry about the people who vote.

To speak to the point Assemblyman Leavitt made about controlling your own destiny, people in Sun City Anthem—and I am not disparaging them—have a community center because they are all retirees up there. They are all 55 or older, 65 or older, and they congregate at that community center where for three days out of every voting cycle they have a polling location. They drive their golf carts from their house along the pathway of the golf course, and they vote in way higher numbers than anywhere else in Henderson just by nature of the fact that they are retired, there is nothing else to do, and they are going there anyway so they might as well vote, whereas people over in other parts of the district have jobs and kids and school, and they may or may not have as much of an opportunity. It is not a matter of whether or not they can control their own destiny by ward because they will never match the turnout of the places where all they have to do that day is vote.

I am very much in support of the first part of this bill where you vote by ward because it means better representation of your district, better representation for the people in your district. You do not have to worry about what is going on in a completely different part of the city when the people in your part of the city need something completely different. Thank you.

**Maurice White, Private Citizen, Carson City, Nevada:**

I support Assembly Bill 282 for several reasons. On a few occasions here in Carson City, the winners of the citywide election did not win their ward. If you cannot win your own neighborhood, you have no business representing the city as a whole.

Secondly, the cost of campaigning citywide is oftentimes prohibitive in these cases. No matter how they are elected, city council members represent the whole city. If you do not think so, you have no business being on the city council. City council members must always be concerned about their own wards as well as the city because their decisions affect the whole city and oftentimes the region. I know very few people outside government operations who support citywide elections. Ward voting is indeed the best option to recruit qualified and energetic candidates for city council seats. Thank you.

**Teresa Crawford, Private Citizen, Henderson, Nevada:**

I am speaking for myself. I am a local activist. I have worked on many, many campaigns in Henderson, including city council. I want to thank Assemblywoman Ellen Spiegel for bringing this bill. It is very important to me as an 18-year resident of Henderson, Ward 4. I did not know about the charter review that almost resulted in the ballot initiative, and I would have campaigned for that had it made the ballot. I would have just gone around and asked my neighbors to join us in going to ward-only voting.



It is time for a city the size of Henderson to do this. With over 300,000 residents and 200,000 registered voters, it requires something almost the size of a congressional district to reach all those voters. As Assemblywoman Spiegel said, they have gone to TV commercials for a city council race. Ward-only elections would significantly reduce the cost and geographic scope of a campaign and make running for office accessible to our neighbors, people who are highly qualified and are barred from the process the way it is now.

I know firsthand from speaking with many voters in city council races that they really want someone who understands and cares about their districts and about their neighborhood. People have asked me: Who is this person? Do you know where they live? Do they live in my part of town? And often, I am in my neighborhood campaigning for somebody who lives somewhere else. I have often thought we should go to ward voting. This is the government entity closest to our own everyday lives and we deserve to make the choice that we can elect people who understand our neighborhoods and not be overruled by voters in other wards.

On the appointment issue, four out of five of our City Council representatives were first appointed. It is becoming circular. You get appointed and then you vote as a council to appoint other people. I would really like to see special elections, at least in place of some of the appointments. This is "small-d" democracy. I am very excited. I hope this bill goes forward. I hope you on the Committee see fit to pass it through. I want to thank Assemblywoman Spiegel again for bringing it.

**Matthew Tramp, Private Citizen, Las Vegas, Nevada:**

I live in the incorporated city of Las Vegas where I only vote for the city council candidate in my ward, which is ward 1. I do not vote for all six members of the city council. This method makes about as much sense as me voting for all seven county commissioners in Clark County, which I do not do. I vote only for the commissioner in my district. I do not vote for all three members of Congress, for representatives that all lie in Clark County. I only vote for the person who is in my district. As a Nevadan, I do not vote for all four members of the U.S. House of Representatives in Nevada. I just vote for the person who is in my district. I do support this method to change to go to ward-only. Thank you.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I believe—correct me if I am wrong—the bill is to increase the number of council members in the Henderson City Council. I believe that is what I heard. If that is the case, I support it. I believe we need more voices. We need more people to represent one person. Henderson is growing. They are adding new master plan neighborhoods. With the more people we have, if we do not increase representation, then it is going to be out of touch. If there is one bad apple in the city council, it becomes harder to replace that person. One of the issues with Henderson City Council is that many people who are on the . . .

**Chair Jauregui:**

Sir, we are going to ask that you keep your comments to the merit of the bill, if you could. Thank you.

**Cyrus Hojjaty:**

I believe the people who are in are part of the establishment. I believe that if there is an issue where people have concerns about Henderson Strong, given the number of scandals in City Council, I believe that one person who can come out, maybe somewhere in Sun City Anthem, will come out and point out the fact that these scandals are unacceptable and the fact that maybe we do not want this high-density development to come change our communities. If this bill is about increasing the number of city council people, then I am for it because we do need it. We could probably use about six council members and one mayor. That would be splendid. The city is projected to grow. I believe in my lifetime, the population will swell from 300,000 where it is now, possibly going to half a million people. I am going to be loving designing those neighborhoods, those master plan neighborhoods that I am going to create. Thank you so much.

**Chair Jauregui:**

Is there anyone else who wishes to testify in support? [There was no one.] We will move to opposition.

**Robert L. Crowell, Mayor, Carson City:**

I am here in my capacity as mayor to ask that you not require ward-only voting in our community.

Carson City is a consolidated municipality, the only one in Nevada and one of the few in the United States. In 1969 our community by vote and approval by the Legislature consolidated Ormsby County with Carson City. It has operated as such since that time. In my opinion, it is an efficient and wonderful way to run a local government as we do not have duplicative services such as fire and police. We operate as one municipality in all matters with four supervisors who must respectively reside in one of our four wards and the mayor who serves at-large.

We have a current population of just north of 55,000 residents, and we have a potential build-out of 75,000 to 80,000 people which, depending on whose estimates you use, may be reached in 2050 or thereafter.

The issue of ward-only voting has been previously discussed by our charter review committee and not been recommended for adoption.

Additionally, and perhaps more importantly, the issue of ward-only voting was the subject of a recent citywide vote in the 2014 General Election through ballot Question No. CC1 which, if passed, would have expressed a community desire to implement ward-only voting.

Question No. CC1 failed 63.9 percent against with 36.1 percent in favor. Question No. CC1 failed in every precinct in Carson City by over 60 percent save for two precincts where it failed by 57 percent and 59 percent respectively. To put that into perspective, during that election there were 25,222 total registered voters. The turnout in that nonpresidential

election year was 15,719 voters, or a turnout of 62.32 percent. Question No. CC1 received 5,443 votes for passage and 9,634 votes in opposition.

The argument against ward-only voting as expressed in the ballot explanation was as follows:

As stated in the arguments opposing this ballot question, the residents of Carson City live in Eagle Valley and its surrounding hillsides. This is a very small and compact geographical area, which lacks significant regional differences. As such, decisions on important matters require a citywide perspective, including the election of members of the Board of Supervisors.

On a personal note, I am in my eleventh year as mayor and will be termed out at the end of next year. Prior to that, I served 11 years on the Carson City School District Board of Trustees. Throughout my terms in office, I have been guided by the goal of building one community without demographic, economic, or other lines of division—an indivisible and sustainable community based on mutual respect, opportunity, and understanding. I believe we are on the road to accomplishing that goal.

For example, you can see what we have done to our downtown core area. We have taken a street that was a United States highway designed to move vehicles and people through town and made it a street to take people to our downtown and not necessarily through it. What does that mean and what does it have to do with this bill?

I grew up in Carson City, and there was always this feeling of a division between the west side of Carson City and the east side of Carson City. Our downtown main street fostered that division much like a railroad track going through the middle of our community. With the redesign of Carson Street, that division and the moniker of living on one side or the other of the highway is thankfully disappearing. We are seeing quality development taking hold throughout our community such that, I believe, in the very near future we will no longer refer to the west side and the east side, but to Carson City—a true community and not just a collection of disparate neighborhoods.

I fear that ward-only voting will only serve to create four areas in our community, each competing against the other. I respectfully ask, and indeed implore, that you not visit that division upon our community. Thank you for allowing me to present today.

**Javier Trujillo, Director, Government and Public Affairs, City of Henderson:**

I would like to take this opportunity to thank the bill sponsor for giving us an opportunity to visit with her last week when she did share many of the concerns she brought up in her testimony today. To my left I have City Councilman Dan Stewart and City Clerk Sabrina Mercadante who will also be providing some of their thoughts and remarks and some background to hopefully clarify some of the comments made by the bill sponsor. We did provide her with some of the clarification as we have shared with many of you in our briefings, particularly some of the comments regarding our city Charter Committee and its

work dating back to the 2014 Interim Session. I will certainly, with your permission, Madam Chair, forward that information through you so you can share it with your Committee.

I do want to clarify a few things. One of the comments made by the bill sponsor was that there was a two-thirds voting requirement that was imposed by the city staff. There is some truth to that. The initial city Charter Committee actually adopted those bylaws in its first meeting. The committee itself in its second interim session rectified that by removing the two-thirds voting requirement. There is some truth to that. However, if we were to provide you with the background of those votes that the bill sponsor mentioned, it is true that in that meeting in 2014, the motion was made to amend the city charter to reflect voting by ward and it was seconded. There were five votes yay and six votes nay. Had it been a simple majority, that motion would have still failed. The second motion at that meeting was on putting a nonbinding ballot question to the residents reflecting voting by ward. That bill obviously did fail because of the two-thirds majority. Had it been a simple majority, it would have passed.

I share that with you because going back to the 2011 Session, we as the City of Henderson have supported the notion of requiring a ballot question to go to our voters. That has been our position. I know that the comment was made that the City of Henderson has always opposed ward-specific voting. I think there is some truth to that going back to the 1970s when we were a much, much smaller community, maybe 20,000; 30,000; 40,000 people. Today we are about 315,000. We have 168,000 registered voters. This is from about six months ago. We believe these voters should have a say as to whether or not we should move to ward-only or retain the at-large.

I certainly appreciate and respect the bill sponsor's robocall from last week. We were notified by many residents that the call took place. However, when compared to the active registered voters, that is really not a statistically valid figure by which to make a decision.

We certainly would respect your decision on how you want to proceed, but on behalf of our council and our residents—what we have been proposing since 2011 and actually in 2011, Senate Bill 304 of the 76th Session was passed with a ballot question included. That bill was subsequently vetoed by Governor Sandoval for technicalities relating to the City of Reno election structure. In 2013 there was Senate Bill 457 of the 77th Session which we also asked to have amended for a ballot question. It was rejected. That bill was vetoed by Governor Sandoval. So today we stand before you again asking for a ballot question. We are not opposing for the sake of opposing. We would love to make sure that our Henderson residents have that voice and take that vote.

I will pass to Councilman Stewart who has some remarks that he would like to provide, Madam Chair, as well as our City Clerk, and then we can stand for questions or I am happy to take any questions anytime you like.

**Chair Jauregui:**

The bill sponsor did say that she put a poll out last week for four different days and that overwhelmingly it came back in support of ward-only voting. Would you weigh that as giving the residents of Henderson a voice?

**Javier Trujillo:**

Respectfully, no. Because when we are talking about a binding decision that you would be making and imposing, it would be great to have the voice of our residents, especially since we have been asking for it for the last three or four sessions. We certainly respect your decision and this legislative body to make that determination, but we have heard from our council and others that we would like that question taken to the voters.

**Chair Jauregui:**

You said that you have been requesting, so did the City of Henderson on its own submit a bill draft request (BDR) to request this question go to the ballot to voters in Henderson, or did you request an amendment for a different bill?

**Javier Trujillo:**

When these bills were proposed by individual legislators, we were not on the bill. We have not brought a bill forward and certainly appreciate that question. We have never brought a bill forward to ask to be moved. We have never taken a ballot question to the voters because it is not something that our council has been asked for or had heard about from its residents. We looked at all of our communication database going back to 2010. With all the communication that our mayor and council receive from our residents, we have not received one single resident request—an official communication—to the City Council asking for a change to ward-specific voting.

**Chair Jauregui:**

Do you know what your last turnout was in your municipal election?

**Javier Trujillo:**

Madam Chair, with your permission, I would like to defer that to our City Clerk who has that information.

**Sabrina Mercadante, City Clerk, City of Henderson:**

I will need a minute to look it up.

**Javier Trujillo:**

Madam Chair, if I may make an additional clarification, there was also the comment made about two elections where a council member did not win that ward. We have looked back to the 2013 primary and general elections in our records and every single council member with the exception of one, which is what we shared with many of you—it is an anomaly—have outright won their wards in the primary. There is one in particular going back to 2013 that in the ward itself received 48 percent of the vote followed by the runner-up at 18 percent and

then the two others below. I want to share that with you. We will do some additional research.

I know that the bill sponsor mentioned two elections where a member of the council did not win the ward. We are not aware of that, so we will definitely look into that. But I did want to clarify that in our research, we are aware of one race in the 2013 primary where the representative in the ward only got 48 percent of that ward and then the at-large vote actually took them over the 50 percent. That person still did have a 30 percent lead over the other individuals. I wanted to put that on the record. Thank you.

**Sabrina Mercadante:**

In our last election, we had 166,190 registered voters; 20,711 turned out, which is 12.46 percent.

**Dan H. Stewart, Member, City Council, City of Henderson:**

I appreciate the opportunity to be here today to say a few words. Thank you for this. Before I read my prepared statement, I want to couch what I am going to read and make sure we have context of what we are looking at. I think this bill is specific to the election process. My remarks are going to address more the governance or the offshoot of what happens if this bill passes, particularly to the City of Henderson. Other jurisdictions may see it differently, but for the City of Henderson, it is the governance issue. If I might, I will go ahead and read my prepared remarks.

I am concerned that Assembly Bill 282 as currently written will disrupt a system of governance that has been highly successful for the city of Henderson. I am a third-generation Nevadan and have lived in the City of Henderson for 40 years as it has grown from a bedroom community of only about 24,000 to the second-largest city in Nevada with over 315,000 residents.

Our city council's system of governance, as well as the great mayors and council members who came before us, have shaped the city to become one of the safest cities in America, one of the best cities to live, work, raise a family, and retire in, and one where residents give the city a 98 percent satisfaction rating as a place to live and a 94 percent satisfaction rating for city services. That is incredible for a city of our size.

These statistically valid ratings far exceed the satisfaction ratings of other cities nationally or even regionally. Our approach to governance and our community satisfaction rates lead me to believe that we must be doing something right in the city of Henderson to get that kind of response and that kind of rating.

As a city councilman, it is my job not only to represent the issues of the ward in which I live, but the issues of our entire city. Our city's quality of life issues extend beyond the boundaries of my ward.

As we campaign for our respective offices, we must campaign across the entire city—from older and more mature neighborhoods to brand-new developments—all of which have a growing mix of diverse populations and families. We must reach out and meet with neighborhood community groups, homeowners' associations, churches, businesses, and residents across the entire city to get a full appreciation of challenges the community is facing, figure out how we can strategically share and invest our resources as a council, understand how to plan for future growth and economic development, and how our city and its services can best integrate into the entire Las Vegas Valley.

If I might, I will give you an example of this, one example of our council working together across ward boundaries and hearing all of the city's residents. This is the issue of funding education. Because we heard the citizens at-large, we were able to pass—and I mean very quickly pass—an ordinance that diverted a portion of the City of Henderson's marijuana license fees directly to education. We are the only entity that has done that. We did it more than a year ago. It is just a good example of how working together like this is such a good way of going.

These are key insights and experiences I bring with me as I represent my ward on our city council, and as I represent the city as a whole on the Southern Nevada Health District Board of Health, the Southern Nevada Regional Planning Coalition, and the Las Vegas Global Economic Alliance.

To those who might say that because we are voted upon by the city at-large we are disconnected from the needs of our wards, nothing could be farther from the truth. We have the best of both worlds. Whether it is the road rehabilitation project we have just finished along the Arroyo Grande Boulevard to getting The Legacy Golf Club reopened and championing a golf course closure ordinance all within my ward, I remain connected to the needs of my ward. That was a big deal here about a year ago. And thankfully, so do the mayor and my fellow council members. I do not have to go do horse trading for votes to get parks and trails projects for my ward, additional or expanded fire stations, or to get them concerned about the disruption due to closing The Legacy Golf Club. They, too, have walked precincts in my ward, met with the neighborhood associations and local organizations, and heard the voices of my ward's residents as well as their own.

If we had to compete for resources, we may not be as responsive to our residents who have told us education is a top priority across the entire city. If we were working only for our wards, we may not see the importance of investing in Nevada State College or the College of Southern Nevada. Both institutions provide essential education to develop the workforce to make us more competitive as a region.

We may have fought each other over Southern Nevada Public Land Management Act projects instead of planning a city where each resident lives within one mile of our city's acclaimed parks and trails. Or we may have competed among ourselves for the second Vegas Golden Knights practice arena, rather than celebrating the potential revitalization of our historic downtown where it is now going—which is not my war, by the way.

My colleague, Councilwoman Gerri Schroder, has also submitted some comments for the record today ([Exhibit E](#)), and I would like to highlight a portion of her testimony as well. I agree with her that "[A.B. 282](#) does not respect the local autonomy of our voters, our Charter Committee, or our City Council."

We often go to the voters to approve ballot questions, and in the 1970s a ballot question was proposed to the City of Henderson voters whether to vote on council members at-large or by ward, and our voters approved our current at-large system. I think Mr. Trujillo spoke to our Charter Committee, so I will not go through that again.

Our current system whereby we live and represent our ward but are voted upon by the city at-large allows us to strategically plan for the future of the city and to maintain a steady course. As I have been out campaigning, the single biggest issue I am hearing from constituents is growth, growth, growth: What are you doing about it? I think that is one of the really important issues here. If we were only worried about just our ward, I do not think we could balance the growth that we need to balance or implement sustainable growth. I think that is very important. This does not happen by chance. It is a key component of our governance system and has been a key driver in our economic growth and the great quality of life that Henderson has created.

Finally, I want to address the bill's requirement that each city council ward must be smaller than the population of the average Assembly district. For the City of Henderson, we expect that this would require the addition of two new council wards, which would take us from our current four wards to a total of six wards so that we also meet the requirement that there be an odd number of voting members of the governing body.

We anticipate filing a fiscal note on the expense to the city that this section of the bill would require and believe that other cities share the same concern. The cost is based on the need for additional offices at City Hall to accommodate two new council members, as well as the need to add new staff to support these individuals. We do not have any projected costs at this time to share with the members of the Committee, but we will provide those shortly.

Madam Chair and members of the Committee, I urge you to work with us to ensure that our system of governance is what our voters want and is one that will continue the success that we have enjoyed in Henderson over the decades. I implore you to please oppose [A.B. 282](#). Thank you for your time and if there are any questions, I would be happy to answer them.

**Sabrina Mercadante:**

I am the City Clerk and elections administrator for the City of Henderson. I appreciate the opportunity to speak to you today and to share some of our concerns with [Assembly Bill 282](#).

Under the Henderson City Charter, city council members must be voted upon by the registered voters of the city at-large. This means residents from any ward may cast a vote for any city council candidate regardless of the ward they represent. This practice has been in



place since 1963. An advisory question on ward-specific elections was last put to Henderson voters in 1973 with a majority voting to maintain the current at-large system.

During the 2011 Session, Senate Bill 304 of the 76th Session proposed that candidates in the City of Henderson and several other cities be voted upon in the primary and general election only by the voters of the ward that the candidates represented if the voters of the city approved the ballot question required by the bill. The city of Henderson supported this measure in 2011 because we agreed with the bill sponsor that Henderson voters should approve this change. Senate Bill 304 of the 76th Session was subsequently vetoed by Governor Sandoval on technicalities found within the bill that were not associated with the City of Henderson.

During the 2013 Session, Senate Bill 457 of the 77th Session also proposed that candidates in the City of Henderson and several other cities be voted upon in the primary and general election only by the voters of the ward that the candidates represented but did not provide for a ballot question to come before Henderson voters. The City of Henderson offered an amendment to instead place a question before the voters to decide if they wanted ward-specific or at-large elections for city council member candidates. The amendment was rejected, and the bill was forwarded to the Governor for his signature.

However, because constituents within several affected cities voiced concerns over Senate Bill 457 of the 77th Session, the Governor vetoed the bill. In his letter to the Secretary of State, Governor Sandoval stated that if the bill were enacted, the bill would limit the voters' abilities to cast their vote in electing officials to make decisions for the good of the community as a whole. Senate Bill 457 of the 77th Session proposed to reject the voters' clear intention to retain citywide elections and because of those concerns, the Governor vetoed the bill.

Additionally, during the 2013 Session, the Legislature required the creation of the Henderson Charter Committee. The Charter Committee is required to meet each interim session prior to each regular legislative session and is charged with discussing and making recommendations to the City Council concerning necessary amendments to the Henderson City Charter. Six members of the committee are appointed by the members of the Senate and Assembly delegation representing the residents of the city of Henderson, and seven members are appointed by the Henderson City Council.

During the past three interim sessions, my office has provided in-depth election presentations that have included the topic of ward-specific voting. The Charter Committee has, year after year, opted not to make recommendations to change the city's current at-large voting system.

Tina Past, the Vice Chair of the Charter Committee, is in Las Vegas to testify and will give you some more information on the Charter Committee's discussions following my testimony.

The City of Henderson opposes A.B. 282 and believes that moving the current at-large voting to a ward-specific voting would create territoriality among members of the city council and

potentially encourage council members to seek only to support investments, projects, and other issues that directly impact their specific ward or to oppose those in other wards that they do not represent. It could also discourage candidates from interacting with Henderson voters living outside the ward they represent.

Thank you for considering the City of Henderson's position. I would be happy to answer any questions.

**Tina Past, Vice Chair, Charter Committee, City of Henderson:**

Last year I had the honor of serving as the Vice Chair of the Henderson Charter Committee. I also would like to add that I have lived in the city of Henderson since 1975, and I am a resident of Sun City Anthem. I work. I am not retired, and I also do not own a golf cart. I had the honor of serving on all three Henderson charter committees, appointed first by then-Ward 2 Councilwoman Debra March, and then last year by Ward 2 Councilman Dan Shaw.

Thank you for allowing me to be here today and allowing me to speak to you on Assembly Bill 282. We, meaning the Charter Committee, have looked at ward-only voting during all three charter committees, often spending time during two or more meetings on this very subject. We have looked at previous bills from the Legislature like A.B. 282 and heard presentations on how other cities vote in Nevada and what our charter requires. Throughout our discussions, we have never recommended a change directly to ward-only voting. There was one motion on the table to make that recommendation in 2014, but it was defeated outright by a vote of 5 to 6.

Another motion in 2014 to recommend a ballot question on whether the city should change to ward-only voting or remain with at-large voting was voted 6 to 4 in approval, but the bylaws presented to and approved by the committee that year required a two-thirds majority to approve recommendations.

In 2016, the bylaws were changed to require a majority vote of the members present to make recommendations. In 2016 and in 2018, we held additional discussions on ward-only voting, but we have not chosen to make another recommendation regarding ward-only voting to the city council.

I believe that is because a majority of the Charter Committee would want to obtain the opinion of the voters before moving forward. And based on the way A.B. 282 is written, the input of the voters is not being sought. This change would be imposed on the residents of Henderson.

Instead, the Charter Committee has shifted its focus to recommending ways to increase turnout for municipal elections. In 2016 and 2018, we recommended to the council to seek the authority to conduct municipal elections by all-mail ballots. This voting procedure has significantly increased voting turnout in Washington, Colorado, and other states that have moved in that direction.

In 2017, City Clerk Sabrina Mercadante, in her role as President of the Nevada Municipal Clerks' Association, supported Senate Bill 93 of the 79th Session which would have opened up all-mail ballots to all incorporated cities within Nevada. Sadly, the bill died in committee last session.

For me, I believe that our system where our council members represent the ward in which they live but are voted upon by the city at-large leads to more collaboration, greater circumspection, and what I call "whole-city" governance by our council members.

Further, I believe that many of the neighborhood improvements, redevelopment, and economic development, particularly in our older neighborhoods, could not have occurred without the full cooperation and support of the entire council. I do not know if city resources and effort would have been forthcoming if it were only advocated by the respective ward's council member.

On a personal note, I have seen firsthand how being selected ward-only can lead to unintended consequences when I worked at the City of Las Vegas as a public information officer in the Planning department. I have seen elected council members defer decisions to ward-specific council members, often out of a sense of professional courtesy, yet the outcomes were not always the best for the rest of the city. And I have also seen where really great ideas for a given ward were not supported by other members because they became territorial and very ward-centric in their thought processes. I think of a recent example—and this is anecdotal, and I apologize for being anecdotal—but the recent controversy over The Badlands Golf Club in Las Vegas, I think, is indicative of the unintended challenges of ward-only council structure.

I hope this Committee will continue to work with the City of Henderson to find ways to increase our voter turnout as the city votes on council members at-large, and not limit voting to an even smaller subsection of voters throughout ward-only voting. I urge you to oppose Assembly Bill 282. Thank you.

**Ed Gonzalez, Member, Charter Committee, City of Henderson:**

I am a member of the Henderson Charter Committee, and I am here to testify in opposition to A.B. 282. I am one of the six legislative appointees representing Assembly Republicans. Just to give you an idea of the way the appointments work, as someone from the City Clerk's office said, six are appointed by the Legislature. The majority party appoints two in each house, and the minority party appoints one.

I have actually made the same arguments that Assemblywoman Spiegel has about moving to ward-only voting. I am actually a supporter of the concept; I just oppose the bill in how it is being done. I will tell you two reasons why we have not been able to move forward on that. There is simply not a majority on the Charter Committee to go to ward-only voting. There is not a majority in that committee to move it to even years. We have had that argument, as our vice chair has spoken, over four to five hours in multiple meetings. Another reason why it has been brought forward as a ballot question is—I made the argument in that committee—it

is not our purview. The Legislature has said that we are supposed to make recommendations to the city council, not make recommendations to ballot questions. So I would oppose that, which has the Charter Committee dictating to the City Council.

But even our conversations about ward-only voting has always included the fact that it should go to the voters. We do not feel like, as a charter committee, it should just be dealt with in the city council. If we are going to change the way it is done in the City of Henderson—and I do believe that we will eventually get to ward-only voting—it has to be done at the ballot box. So, Madam Chair, those are the reasons I oppose A.B. 282. I think the process is wrong. We have to make sure that the people in Henderson have a voice in this. Thank you.

**Kathy Clewett, Legislative Liaison, City of Sparks:**

Unfortunately, I am here in opposition, not because of any of the changes actually in the bill. We already vote by ward. We already resize our wards if there is a shift of 5 percent or more in the population. Frankly, we will never hit the population numbers that would require another ward addition in the City of Sparks.

I am here in opposition because the bill opens up our charter. As Assemblywoman Spiegel has mentioned, we did meet last week. I did share with her the City of Sparks Charter Committee roster. I was very glad to hear that she had actually called a member and was able to speak with him about what the Charter Committee is and how the Charter Committee operates.

As I am sure she was told, we do have a strong charter committee. They are pretty autonomous from our council. The council does not tell them what to do. They go before the council when they have made a decision and inform the council if they want to do any changes. They do have citizen representation from this legislative body. The Sparks Charter Committee in its last session actually created a resolution asking this body not to open up its charter if something like this were to occur. That is how strongly they feel about this, that they are allowed to be autonomous about this and that they are the ones who go in and open up the charter for the City of Sparks.

For your information, Assemblyman Daly is a past Charter Committee member. He was actually the chair a couple of times. I am sure he can share with you any information about how it works in Sparks if you have any questions about that.

For that reason, unfortunately, because our Charter Committee did not ask for our charter to be opened, I am here in opposition. I will take any questions. Thank you.

**Kelly Crompton, Government Affairs Manager, Office of Administrative Services, City of Las Vegas:**

I would like first to apologize to the bill sponsor. We were originally in neutral on the bill because we already have ward-only voting, but as we did some research and looked at the fiscal impact for the fiscal notes that are due tomorrow, we would see an increase, we

believe, of two members of our city council. For that reason, we are in opposition today because we do see a fiscal impact on this bill. Thank you.

**Wes Henderson, Executive Director, Nevada League of Cities and Municipalities:**

Unfortunately, we, too, have to oppose this bill. As a standing principle of the League, we oppose any bill that reduces or restricts local government autonomy. In addition, there would be costs associated with some cities to increase city council sizes. This Legislature has approved 12 charters and also a provision in *Nevada Revised Statutes* Chapter 266 for general law cities. Each of those allows the cities to determine how their elections are to be held. We think it should stay that way unless the change comes from the city. Thank you.

**Lisa Foster, representing City of Boulder City:**

I, too, apologize to the sponsor of the bill. I always try to let sponsors know if I am going to be opposing their bill. I did want to come forward and let you know what the City of Boulder City has discussed in this regard. The city council has taken a position that it is opposed to splitting the city into wards. They feel that the city is too small to make this split into wards efficiently, and the Boulder City Charter Committee has agreed with them. I want to point out that the National League of Cities has said that only 26 percent of small cities use this ward division system because in a small city, it is difficult and it can be very inefficient to split a small community into a number of wards. With that, I would be happy to take any questions. Thank you.

**Janine Hansen, Private Citizen, Elko, Nevada:**

I am a resident of Elko County. I would like to discuss an area of this bill that has not really been addressed up until now. In the Legislative Counsel Bureau's digest, it says that under the existing charters of Boulder City, Caliente, Carlin, Elko, Mesquite, Wells, and Yerington, the cities are not divided into wards. This is because they are so small. I looked up the populations; the largest of those is Elko. It has 20,451. That was from 2017. The smallest was Caliente at 1,132 people. You can imagine trying to divide Wells, which is in my county and has 1,250 into two wards. There is only a population of 1,250. This bill could be made to apply to larger cities like Henderson or somewhere else, but I think to impose it on small cities that do not even have any wards now does not make any sense. For instance, Mesquite has only 18,000 people. Carlin, in my county, has only 2,324 people. That is the total population. In Yerington, there are 3,131.

You could resolve this concern by putting a population cap on it because it does not make sense in such a small community to divide it up into wards. You probably would not even have anybody to run in a particular ward. You may have some real difficulties, not only financial concerns, but also the problem of trying to get people in different wards to even run in such a small community. One of the things I worked out was in Henderson in 2017, there were 302,000 people. Compare that to Elko at 6.7 percent of the size of Henderson. Something that might fit in Henderson—and there was a lot of discussion about that, and I am not taking a position on it because I do not know—but in Wells, for instance, compared to Henderson, they are only 0.41 percent. I would encourage you to take out these very small

cities that are listed in here and allow them to continue, not to be forced to have wards in their community because they are too small. Thank you.

**Chair Jauregui:**

Is there anyone else who wishes to testify in opposition? Seeing no one, is there anyone who wishes to testify in neutral?

**Andrew Diss, Chairman, City of Reno Charter Committee:**

I have served on the City of Reno Charter Committee for the past five years. I have two real-world examples I wanted to share from Reno with all of you that will enlighten the discussion today. The last legislative session, the Charter Committee asked for—and the City of Reno provided us with—a BDR to move to ward-only voting. Prior to that we had a hybrid system where only the ward voters would vote in the primary and then for the general it would go citywide. We made a change that voting in both the primary and the general would be ward-only. It passed the Legislature and was signed by the Governor. It went into effect for our previous election. Five years ago now in one of our wards, Bonnie Weber won the primary in the ward and then when they went to the general citywide, she lost to Paul McKenzie. Councilman McKenzie served his four years and then this change took place and you saw that flip. Councilwoman Weber won the ward and then because it stayed within the ward, she became the councilwoman because it did not go citywide after that. That is a real-world example of how things can change when you make that switch to ward-only.

The second example I wanted to bring up is recently Councilman David Bobzien took a position with the Office of Energy within the Office of the Governor and left his Reno City Council seat vacant. The city council decided that it wanted to appoint that position rather than have a special election to fill the remaining two years. One of the reasons they decided that was because we actually still have one citywide ward within the City of Reno that is going to change and become its own separate ward after the 2020 census. Because it is citywide and given the cost associated with running a special election, the City Council thought it would be cheaper in a mid-term to appoint that position rather than have a special election. They ended up getting 144 applicants for that one position. There was robust excitement within the city to fill that position, but that is another example where I think if that ward position were actually within a ward and not citywide, the cost concern would be dramatically lower and the council could have moved to have a special election rather than appoint. With that, I will take any questions.

**Chair Jauregui:**

Did the City of Reno receive any feedback from the residents of Reno since it was a very recent change within the last five years, whether they liked the at-large or ward-specific voting? Was there ever any feedback received?

**Andrew Diss:**

Yes. We discussed that at length within the Charter Committee, and we had a lot of input from members of the public. It was overwhelmingly supportive of making the move to ward-

only. From that respect, the feedback we have received on the committee, I would say, is positive.

**Chair Jauregui:**

Is there anyone else who wishes to testify in neutral? Seeing no one, I invite Assemblywoman Spiegel to give any final remarks.

**Assemblywoman Spiegel:**

I appreciate the robust discussion that has gone on this afternoon. I would like to start by apologizing for misspeaking and misanswering Assemblyman Leavitt's question about the municipalities that do not have separate wards. We heard that is definitely Carson City, Boulder City, Elko, Caliente, Carlin, Mesquite, Wells, and Yerington. I thought that Ms. Hansen brought up some excellent points about small cities and looking at the population. I am absolutely open to looking at that and those concerns.

One thing I would also like to clarify is what happened in my ward about the will of my ward being overruled in the last two municipal election cycles. In 2013, Councilman John Marz did not carry my ward, but he won citywide. In 2017 during the primary, the top two vote-getters were John Marz and Matthew DeFalco, but then when the votes were counted from the rest of the city, the top two vote-getters for the runoff were John Marz and Carrie Cox. So Mr. DeFalco was the person whom my ward wanted to be in the runoff. The will of my ward was disregarded. That is the research that Mr. Trujillo was looking for.

The last piece that I will say is when I met with the City of Henderson last week, I also was offered some additional materials that I never received. When the city sends the materials to this Committee, I would appreciate it if you would share them with me as I do not have them.

With that, I appreciate your attention. Oh, I am sorry. There is one more point I wanted to make. It is really interesting to me that the City of Henderson kept saying repeatedly that they really wanted this to go to a vote of the people. Nothing has been stopping the City of Henderson from putting an advisory question on the ballot. It could have been on the ballot in the municipal election. They could have put something together to come to this body. With the city knowing how passionate I have been about this issue for years and years and years because I have been working on issues related to Henderson dating back to the 2013 bill—it was not my bill, but I worked on it in the background—they could have come to me for a BDR if they wanted to require a ballot question. If Henderson wanted a ballot question, they would have a ballot question either compulsory or as an advisory. It is not credible that they would only do this if they could. With that, I would like to thank everyone, and I look forward to speaking with you again about this. Thank you.

[Letters in support of Assembly Bill 282 submitted by Doug Goodman ([Exhibit F](#)) and Kenneth L. Kraft ([Exhibit G](#)) were not discussed but are included as exhibits for the meeting.]

**Chair Jauregui:**

I now close the hearing on Assembly Bill 282.

The next item on our agenda is public comment. Is there anyone wishing to give public comment? Before we go to this agenda item, I would like to remind those present that the period for public comment is an opportunity to discuss general matters that fall within the purview of this Committee. The public has already been given time to support or oppose specific legislation. We open and close hearings on bills so that we establish a record of the public testimony on the bill. Therefore, public comment is not intended to continue a bill hearing and again should only be made for matters under the purview of this Committee. Let me remind everyone of the following: Your testimony during public comment is limited to two minutes. Please address your remarks to the issues that fall within the jurisdiction of this Committee, and please be respectful to Committee members and other witnesses. If you have written remarks, you can submit those for inclusion in the Committee records and distribution to Committee members. Thank you.

**Janine Hansen, Private Citizen, Elko, Nevada:**

I wanted to mention how thankful I was to Assemblywoman Miller for bringing the two issues she brought today. I thought there was such a tremendous amount of information letting us know what is actually going on in Communist China that we are not aware of and the horrible circumstance of these people whose freedom of religion is being undermined and destroyed. I really appreciated that, although I did not know enough about it to be able to speak to the bill.

Also, on the other bill about administrative regulations, I wanted to mention that years ago I worked with former Assemblywoman Christina Giunchigliani when she was here trying to get—because now we have administrative courts, and what happens in those administrative courts is most of the time they are kangaroo courts. They are trained by the particular administrators, and people do not have their constitutional rights when they go to those courts. I worked with her to try to get a trial de novo which would allow the facts of the case to be reviewed at the district court level. That was stopped by then-Senator Raggio. I think it is a very good thing to protect the rights of those who go through an administrative court. Their constitutional rights, essentially, do not exist there. It would be a very positive move for the State Legislature to protect the constitutional rights of those who are going to an administrative court like the Occupational Safety and Health Administration or the tax court or someplace else. Thank you.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I hope that my right to the First Amendment right of free speech is defended. I hope that you will respect my use of the "I" word which is used to describe unlawful immigrants. We have a significant problem in this country and around the world. We have an open borders crisis.



**Chair Jauregui:**

Mr. Cyrus, again I want to remind you that public comment is for comment on things that fall under the jurisdiction of this Committee, so only if it has to do with legislative operations or elections, please.

**Cyrus Hojjaty:**

So when can I talk about that?

**Chair Jauregui:**

This is not the Committee that hears immigration-related policy. Our Committee hears legislative operations and elections-related policy, so if you have comments under that purview, please continue.

**Cyrus Hojjaty:**

Okay, but when can I talk about immigration?

**Chair Jauregui:**

Not in this Committee, sir. This Committee does not deal with immigration policy.

**Cyrus Hojjaty:**

Okay, but I would like to know when because I want to be prepared.

**Chair Jauregui:**

You can submit a letter to your federal representatives or reach out to their offices.

**Cyrus Hojjaty:**

Okay, but this is public comment.

**Chair Jauregui:**

We appreciate your being here. Thank you.

**Cyrus Hojjaty:**

I just think, respectfully, you do not want me to talk. That is what it is.

**Chair Jauregui:**

No, sir.

**Cyrus Hojjaty:**

I think you just do not like who I am.

**Chair Jauregui:**

No, sir, that is not the case, but, again, we are only here to listen to public comment for items that fall under the jurisdiction of our Committee. If you do have written testimony that you would like to submit to share with the members of the Committee, you can leave it with the

assistant, but, again, that just does not fall under our jurisdiction. Thank you for being here. We appreciate it. Thank you.

**Cyrus Hojjaty:**

All right.

**Chair Jauregui:**

If there is no one else here to testify under public comment, then I would like to remind everyone that our next meeting will be Thursday, March 28, 2019, at 4 p.m. sharp.

Our meeting is adjourned [at 6:29 p.m.].

RESPECTFULLY SUBMITTED:

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Catherine Bodenstein  
Committee Secretary

APPROVED BY:

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Assemblywoman Sandra Jauregui, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a collection of testimonies submitted in the hearing in support of Assembly Joint Resolution 4.

[Exhibit D](#) is a document titled "Amendments for AB329," submitted by Assemblywoman Brittney Miller, District No. 5.

[Exhibit E](#) is a letter in opposition to Assembly Bill 282, dated March 26, 2019, submitted by Councilwoman Gerri Schroder, City of Henderson.

[Exhibit F](#) is a letter in support of Assembly Bill 282, submitted by Doug Goodman, Founder and Executive Director, Nevadans for Election Reform.

[Exhibit G](#) is a letter in support of Assembly Bill 282, submitted by Kenneth L. Kraft, Private Citizen, North Las Vegas, Nevada.