

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

**Eightieth Session
April 2, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:06 p.m. on Tuesday, April 2, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Emily Persaud-Zamora, Executive Director, Silver State Voices
Ralph E. Williamson, President, Faith Organizing Alliance, North Las Vegas, Nevada
Megan Ortiz, Legislative Assistant, American Civil Liberties Union of Nevada
Wayne Thorley, Deputy of Elections, Office of the Secretary of State

Chair Jauregui:

[Roll was called and Committee protocols explained.] Welcome to the Assembly Committee on Legislative Operations and Elections. We will start with our work session.

Carol Stonefield, Committee Policy Analyst:

In your binder, you should have the work session document for today. There are six measures before the Committee. The first one is Assembly Bill 259 ([Exhibit C](#)).

Assembly Bill 259: Revises provisions relating to elections. (BDR 24-951)

Assembly Bill 259 was heard in this Committee on March 28, 2019. It was presented by Chair Jauregui. The bill revises procedures to place candidates' names on primary and general election ballots. The bill proposes three separate primary ballot situations. They are listed for you there on the work session document.

If there are two or more major political parties and at least one of the parties has several candidates for the office, then the names of the major party candidates must appear on the primary election ballot. The candidates who receive the most votes at the primary election of their respective parties must be declared the nominees and their names will be advanced to the general election ballot.

If only one major political party has candidates and a minor party or an independent candidate has filed, then the names of the major party candidates must appear on the primary election ballot. The candidate of the major party who receives the most votes advances to the general election ballot along with the nominee of the minor party and any independent candidates.

The third situation would be if there are candidates for a particular office from only one party and there are no other candidates from any other party or any independent candidates. If there are only two candidates, in that situation both are considered nominees of their party and their names are omitted from the primary ballot and must appear on the general election ballot. If there are three or more candidates in the primary, the top two candidates with the highest number of votes are considered the nominees and advance to the general election.

There is an amendment, Madam Chair. It is offered by yourself. The amendment relates to nonpartisan offices and provides the following: If more than twice the number of candidates for any nonpartisan office file, then all appear on the primary ballot; and the two candidates with the highest number of votes are declared the nominees and advance to the general

election ballot. The amendment also deletes section 1, subsection 7, both existing provisions and language proposed by A.B. 259. You can see the proposed changes on page two of the conceptual amendment. Relevant sections of Chapter 293C, which is "City Elections" of the *Nevada Revised Statutes*, are added to the bill. And then the amendment notes in its conceptual form that several city charters would be amended to revise elections in nonpartisan offices.

There was opposition on the record for this measure, Madam Chair.

Chari Jauregui:

I will entertain a motion on A.B. 259.

ASSEMBLYMAN FUMO MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 259.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the measure?

Assemblyman Roberts:

For the nonpartisan amendments, if there are two nonpartisan candidates and one gets 51 percent of the votes, does that person still automatically win, or do two people still advance? It is a quick question.

Kevin Powers, Committee Counsel:

This change to the nonpartisan offices would make it the same for the partisan offices. If there are essentially three or more candidates, the top two will go to the general election regardless of how many votes any candidate gets in the primary. If there are three in the primary and one candidate gets 80 percent of the vote, the top two are still going to the general election.

Assemblyman Daly:

The second amendment there just applies if the entire race is nonpartisan. If there is a partisan race and you have two Republicans, two Democrats, and two nonpartisans, the winner of the primary for all three would go to the general. So this just applies to nonpartisan races period. If it is a partisan race, it does not apply under the new sections about judges and other nonpartisan races. I think I understand it right.

Kevin Powers:

The existing bill does the same thing for partisan races. So if it is a partisan primary and there are three or more candidates, the top two will go to the general election regardless if one of the candidates in the primary got a majority of the votes. So in the same illustration—if there are three candidates in a Democratic primary, the top two are going to go to the general election even if one of those candidates got 80 percent in the primary.

Assemblyman Leavitt:

So the addition of cities and municipalities—let me give you an example. Boulder City's city council race is nonpartisan. There are usually quite a few candidates, and they are always running for two separate seats. Up until now, if one of the two candidates got 51 percent of the vote, then he was elected in the primary and the two other candidates would move forward into the general election for that single seat that is left. Would this bill change anything in that scenario?

Kevin Powers:

With Boulder City, that is slightly an anomaly because Boulder City does its city council elections differently from every other city. They have a slate, as you mentioned, where the voters get to cast as many votes as seats are open. If there are two seats open, each voter gets two votes in that election. If there are four candidates, then you find the two candidates who have the most votes among them. Section 96 of the Boulder City Charter is a little different than the other charters. In the amendment, we are going to have to work on that and see how it is affected by this proposed amendment. At this time, I cannot give you an exact answer as to how this amendment is going to affect the Boulder City Charter because it is conceptual and we have not sat down and gotten the specifics. For every other city charter, it will work out as I described. For the Boulder City Charter, it might work out a little differently. Once the new amendment comes back in official form, if you have any questions, we will certainly answer those questions for you. I will contact you and let you know its impact on Boulder City.

Assemblyman Leavitt:

With that, Madam Chair, I want to reserve my right to vote no later on once that is clarified.

Chair Jauregui:

Does anyone else have any items for discussion?

THE MOTION PASSED. (ASSEMBLYMAN HAMBRICK WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Daly.

The next item on the agenda is a work session on Assembly Bill 329.

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

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 329 ([Exhibit D](#)) was heard in this Committee on March 26, 2019. It was presented by Assemblywoman Miller.

The bill directs the Legislative Counsel to create a system to monitor the progress of an agency in adopting permanent administrative regulations. The system may include a

requirement that the agency submit periodic reports on the progress of the agency in adopting the regulation.

The Legislative Counsel must compile the information on progress toward adopting regulations for inclusion on the Register of Administrative Regulations. The Legislative Counsel must report to the Legislative Commission, upon request, the progress of any agency in adopting a permanent regulation.

There is an amendment. It was submitted by the sponsor on the day of the hearing. It has essentially four parts. The first is to change the "may" to "shall" to require that the system will include periodic reports from agencies. It would revise Chapter 218D of *Nevada Revised Statutes* which governs this particular section on the appearance of bills as they are printed and presented to the Legislature. The amendment would require that the first page of a bill or resolution must include information that states whether a grant of rulemaking authority is included in the measure. The amendment would establish intermediate but flexible benchmarks in the rulemaking process and permit an agency to request an extension of benchmark due dates, and it would require the information in the Register to be presented in a searchable database.

There was no opposition to this measure, Madam Chair.

Chair Jauregui:

I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 329.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN HAMBRICK WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Torres.

The next item on the agenda is a work session on Assembly Bill 367 ([Exhibit E](#)).

Assembly Bill 367: Revises provisions governing persons affected by addictive disorders. (BDR 17-690)

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 367 was heard in this Committee on March 28, 2019. It was presented by Assemblyman Yeager.

The measure proposes to revise terms used throughout the *Nevada Revised Statutes* and the *Nevada Administrative Code*. When preparing reprints and supplements, the Legislative Counsel shall ensure that persons affected by addictive disorders are referred to using language that is viewed as respectful. Sentence structure shall refer to the person before the disorder. The measure includes words and terms that are preferred as well as those that are designated as not preferred.

There are no amendments to this measure, and there was no opposition during testimony.

Chair Jauregui:

I will entertain a motion to do pass.

ASSEMBLYMAN ROBERTS MADE A MOTION TO DO PASS
ASSEMBLY BILL 367.

ASSEMBLYMAN DALY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN HAMBRICK WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Leavitt.

Our next item on the agenda is a work session on Assembly Concurrent Resolution 6 ([Exhibit F](#)).

Assembly Concurrent Resolution 6: Directs the Legislative Commission to create an interim committee to study the working conditions at licensed brothels. (BDR R-696)

Carol Stonefield, Committee Policy Analyst:

Assembly Concurrent Resolution 6 was heard in this Committee on March 28, 2019. It was presented by Assemblywoman Cohen.

This resolution requires the Legislative Commission to establish a committee in the 2019-2020 Interim to study the health and well-being of workers in licensed brothels. The study must include certain items which are included there on the bill page. The committee would consist of six legislators. It is to consult with local governments, law enforcement agencies, owners and operators of brothels, and workers in the licensed brothels. The committee shall make a report to the next session of the Legislature.

There are no amendments for this measure. A question came up during the hearing as to whether there had ever been any other studies of licensed brothels by the Legislature. The

Research Library confirms that it has no reports from any committees on this topic, and it has records dating back to the 1940s.

There was no opposition to this measure.

Chair Jauregui:

I will entertain a motion to adopt.

ASSEMBLYMAN DALY MADE A MOTION TO ADOPT
ASSEMBLY CONCURRENT RESOLUTION 6.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION WAS ADOPTED. (ASSEMBLYMAN HAMBRICK WAS
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman McCurdy.

The next item on the agenda is a work session on Assembly Concurrent Resolution 7
([Exhibit G](#)).

**Assembly Concurrent Resolution 7: Directs the Legislative Commission to appoint a
committee to conduct an interim study of issues relating to driving under the
influence of marijuana. (BDR R-758)**

Carol Stonefield, Committee Policy Analyst:

Assembly Concurrent Resolution 7 was heard in this Committee on March 28, 2019. It was
presented by Assemblyman Yeager.

This resolution also directs the Legislative Commission to create in the 2019-2020 Interim a
committee to study issues relating to driving under the influence of marijuana. The study
must include an examination of driving under the influence of marijuana, including a number
of items that are listed there that are contained in the resolution. The committee would
consist of six legislators, and it must make a report and recommendations to the next
legislative session.

There are no amendments, and there was no opposition at the time of the hearing, Madam
Chair.

Chair Jauregui:

I will entertain a motion to adopt Assembly Concurrent Resolution 7.

ASSEMBLYWOMAN MONROE-MORENO MADE A MOTION TO
ADOPT ASSEMBLY CONCURRENT RESOLUTION 7.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION WAS ADOPTED. (ASSEMBLYMAN HAMBRICK WAS
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Monroe-Moreno.

Our last item for work session is Assembly Joint Resolution 4 ([Exhibit H](#)).

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)

Carol Stonefield, Committee Policy Analyst:

Assembly Joint Resolution 4 was heard in this Committee on March 26, 2019. It was presented by Assemblywoman Miller.

This joint resolution urges the President and the Congress of the United States to take action to combat the illegal harvesting and trafficking of human organs. This practice has been documented by several national and international organizations. A number of states and nations have passed resolutions to combat illegal trafficking.

If passed by the Nevada Legislature, this resolution would be transmitted to the President and Vice President of the United States, the Speaker of the U.S. House of Representatives, and each member of the Nevada Congressional Delegation.

There is an amendment that was submitted by the sponsor. It is on page 2 ([Exhibit H](#)). It lists members of the Assembly and Senate who wish to be added as sponsors to this resolution and is attached for the members' information.

There was no opposition to this measure, Madam Chair.

Chair Jauregui:

I will entertain a motion to amend and do pass Assembly Joint Resolution 4.

ASSEMBLYMAN DALY MADE A MOTION TO DO PASS
ASSEMBLY JOINT RESOLUTION 4.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN HAMBRICK WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Miller.

[Assemblyman Fumo assumed the Chair.]

Vice Chair Fumo:

Next, we are going to open the hearing on Assembly Bill 450.

Assembly Bill 450: Revises provisions relating to the apportionment of districts for certain offices. (BDR 17-1105)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I am pleased to present Assembly Bill 450 for your consideration today. I want to start by thanking Speaker Frierson for bringing this important piece of legislation forward and asking me to carry it on his behalf.

This bill proposes to revise the way certain individuals are counted for the purposes of apportionment of the population for certain districts. I will start by walking the Committee through a brief description of the bill and then turn it over to my co-presenter.

Assembly Bill 450 is a proposal to assist Nevada to prepare for the 2020 census. As you know, Article I of the *United States Constitution* requires a decennial census. The Founding Fathers needed a means to count the people for the purpose of reapportioning representation in the U.S. House of Representatives among the states. Since then, another purpose of the census is to require each state to apportion population among its legislative districts, as well as any other political subdivision that elects officials.

In the past, Nevada, as well as most other states, probably gave little regard to the census tract of its prisons. I suspect that in most states, incarcerated individuals are counted at the prison and added into the census data for the apportionment of the district where the prison facility is located. However, in Nevada, this action tends to inflate the population count in rural areas of the state where our prisons are located. In effect, prison inmates pad the population of certain districts.

This practice leads me to two observations. These inmates do not participate in the social or economic environment of the cities and towns where the prisons are located, yet they are counted in the population figures that impact representation as well as certain distributions of federal funds. Second, these inmates are likely to return to the area of their last known address when they are released from prison. These are the areas where they will need services and assistance in order to transition back into the community. Some of the assistance can be impacted by population counts. Therefore, they should be counted in the

census tract where they resided before entering the prison system. These places represent them, not the area where they have resided while serving their sentences.

I am bringing Assembly Bill 450 for your consideration as a proposal to end this practice in Nevada. Briefly, A.B. 450 does the following:

- Sections 3 through 5 relate to the apportionment of population for legislative districts.
- Section 6 requires the Department of Corrections to compile the last known residential address of each offender before the offender was sentenced to imprisonment.
- Sections 7 and 8 relate to apportionment for congressional districts.
- Section 9 requires the State Demographer to revise block and tract counts to include inmates in the block or tract of the last known residential address.
- Sections 10 and 11 relate to the apportionment of districts of the Board of Regents.

I am going to turn it over to my co-presenter to walk you through some remarks and then we will open it up to questions.

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

I am here to help present A.B. 450. Before I begin, I would like to thank Assemblywoman Jauregui for carrying A.B. 450 and for her commitment in ensuring Nevadans experience an accurate 2020 census count. Silver State Voices serves as the organizing table of 501(c)(3) organizations committed to conducting civic engagement work throughout the state of Nevada. Part of our civic engagement work is ensuring that every Nevadan is counted in the 2020 census through our Complete Count Committee, Nevadans Count.

The census is the only survey that is mandated by the *United States Constitution*. Its purpose is to accurately count the makeup of each household every ten years. The finding of each census has significant effects on federal funding that each state receives and representation of our state. It is also frequently used by businesses when determining expansion of their companies and by academics when conducting research.

The George Washington Institute of Public Policy has released a [February 19, 2019] report titled *Counting for Dollars 2020: The Role of the Decennial Census in the Geographic Distribution of Federal Funds*, that analyzes federal funding that is distributed to states and is based on census-driven data. In fiscal year 2016, Nevada received \$6,219,293,623 for 55 different federal funding programs.

As Nevadans Count started outlining what our Get Out the Count program would look like when engaging hard-to-count communities, we began having a conversation around inmates. No one actually knew how inmates in Nevada were counted in the census. After we started doing some digging, we found out that inmates do fill out the census form but are counted in a different manner than most Nevada households. Inmates are counted as residing at their prison location.

The issue with this is that prisoners do not consider themselves as members of the residential community surrounding the facilities where they happen to be incarcerated on census day. Individuals housed in correctional facilities are not in any meaningful way residents of towns in which facilities are located and, after they are released, almost always return to where they lived before they were incarcerated. The *Nevada Constitution* states that a prison is not a residence. It defines a residence as a place you willingly choose to be, and it specifically states that a prison facility does not meet that criterion.

The passage of A.B. 450 would fix how prison populations are counted for the purpose of redistricting. This bill would not change how federal funds are allocated within communities. The census data would not be changed. You will also see that this bill will have no fiscal impact on local government. Assembly Bill 450 requires the Department of Corrections to record the last known address of each inmate prior to incarceration so that they are represented during redistricting in the actual neighborhoods that they are from. This bill will allow for communities across the state, big and small, to have an accurate representation after the 2020 census count. Thank you so much for your time.

Assemblywoman Jauregui:

Thank you, Vice Chair Fumo. We are here for any questions.

Vice Chair Fumo:

Are there any questions from the Committee?

Assemblyman Roberts:

I have technical questions about individuals from out of state. Say someone is from California, comes here, commits a crime, gets convicted, and their last known address is in California. How would they be captured for census purposes? Would they be counted as they are now? Would they not be counted at all?

Emily Persaud-Zamora:

I believe that they would be counted in California. I am not one hundred percent sure. I will dive into that, and I am more than happy to provide that answer after today.

Assemblywoman Jauregui:

I will also look into that for you, Assemblyman Roberts. That was one of my questions too. We had a population of 200 inmates who were serving in Arizona, and that was one of the reasons that this bill was very important to me. I needed to make sure that we were going to count those inmates as residents in Nevada, not Arizona, for the purposes of the census.

Assemblyman Roberts:

What about county jail inmates? In Clark County detention centers, some people—because they have good defense attorneys—stay incarcerated in the county jail for five years waiting to be convicted or acquitted. How would they be counted? Would they still revert to their old residence? And you may still have some out-of-state people there too. I am curious if you have thought through that.

Emily Persaud-Zamora:

They would be counted. Regardless of your sentencing, if you are in a jail at the time of the census, you do fill it out. Currently, you would be considered part of the district where that jail is, whether you are sentenced or not sentenced.

Assemblywoman Jauregui:

Even if they are located in that jail, they would be counted—assuming that A.B. 450 passes—at their last known place of residence, not in that specific jail.

Assemblyman Roberts:

This would cover county jails as well?

Assemblywoman Jauregui:

Yes, that was the intent of the bill.

Assemblyman Leavitt:

This sounds like a good idea, but it sounds very complicated as you have to now request records from other states, and it even sounds complicated if you were just doing it here in Nevada, trying to find the locations of individuals. If you are using the last known residence, that does not mean that they still reside there. That home could be long gone and someone else could be living there at the time. So it leads me to believe that it is very complicated. Then you have to do all this research on an individual to find out where they are actually at.

And what do you do with the homeless population that is incarcerated that does not have a residence? How are they counted? Are they just counted at the location of the jail or prison? Do they get pulled from the record? I know that homeless individuals are counted in the census currently, so how is that done? Could you just walk me through some of the more complicated parts of that and how those are resolved?

Assemblywoman Jauregui:

I will take your first part, and then I will turn it over for the second part regarding the homeless population. There would not be much investigation that needs to go on to find their last known place of residence. This is information that would be provided by the inmate. There would not be much research done when they are doing the intakes; they would just use the last known place of residence that was provided by the inmate.

Emily Persaud-Zamora:

To answer the question on the homeless, it would be the same thing or similar to voter registration. If somebody who is currently homeless registers to vote when they do not have an address and they do not use a shelter, they have to use the four main streets that they identify as their residence. If I were homeless and I identified my four main streets as being Charleston, Marion, Stewart, and Ellis, that would be identified as my address. That is the information that an inmate would provide upon being registered as an inmate.

Assemblyman Leavitt:

Thank you for that clarification. How is that determined? Say I get booked into jail or I get sent to prison and I just tell you what I think my address is or I tell you where I had been living. There is no vetting process at all; it is just word of mouth. I just say, Hey, I lived on Charleston and Marion. And that is it? That is where it ends?

Emily Persaud-Zamora:

As I am aware from the research that we have been able to do, there is not any process that the Department of Corrections has to validate any type of address for an inmate. So it would be just the address that the inmate indicates. That is the answer that I have because there is not any other process at the moment for the Department of Corrections.

Assemblyman McCurdy:

To be clear, per the language in front of us in section 9, subsection 3, basically the Department of Corrections will coordinate with the State Demographer and the demographer will be provided the last known blocks where this person was once located. Whether it is in the urban core or rural area, it is their last known place, correct?

Assemblywoman Jauregui:

Yes.

Vice Chair Fumo:

Mr. Powers, do you have a point of clarification you want to make on any of the questions?

Kevin Powers, Committee Counsel:

Just so the record is clear, this bill only applies to inmates who are incarcerated in a facility or institution of the Department of Corrections. This bill does not apply to inmates who are jailed in the county jails because they are not incarcerated, they are just detained in the county jail. They are not prisoners of the state.

Assemblywoman Jauregui:

So that is something we will work on to make sure every person is counted at their last known place of residence.

Vice Chair Fumo:

What about college students? How are they considered?

Assemblywoman Jauregui:

At their place of residence, not where they are attending college. It is their place of residence.

Vice Chair Fumo:

Is there any testimony in support?

Ralph E. Williamson, President, Faith Organizing Alliance, North Las Vegas, Nevada:

I am the senior pastor of First African Methodist Episcopal Church in North Las Vegas. On this particular bill, A.B. 450, that has come before you on this day, while we were in session with our collective table partners discussing census and how it was going to be taking place in the state of Nevada, it came to our attention the impact it was going to have on communities of color and how many of these inmates who are taken outside of the community and placed in prison populations that are in small rural communities. The question came out as to how we correct this wrong. First of all, those communities of color are more likely to be the communities that will be heavily impacted. As a pastor who serves a predominantly African-American community, I witness this quite often. I also understand that there is a very large population of people of color who are incarcerated throughout our whole judicial system. I am definitely supporting A.B. 450.

Prisoners are simply not members of the residential communities surrounding the facilities where they happen to be incarcerated on census day. They are physically prohibited from interacting with the community; using the community public transportation, parks, libraries, and other public spaces and services; voting; or even participating in public debates and forums. They are not affected by local regulations or changes in policies. They do not choose to live in that community, but do endure ties to the community and, in fact, can and often do move from facility to facility at the discretion of prison officials during their terms of confinement. Members of the relevant communities do not consider the prisoners confined in adjacent facilities to be their neighbors. Therefore, I am supporting the passage of A.B. 450. Thank you.

Megan Ortiz, Legislative Assistant, American Civil Liberties Union of Nevada:

Prison gerrymandering undermines the principle of one-person, one-vote by artificially inflating the population count and then subsequently the political influence of state legislative districts with prisons over those without prisons. This can affect rural and urban populations as we have seen in Nevada. There is a case, *Reynolds v. Sims*, 377 U.S. 533 (1964), in which the U.S. Supreme Court held that malapportionment of state legislative districts violates the Equal Protection Clause of the Fourteenth Amendment. It is rare that incarcerated persons represent the district in which they are incarcerated. They do not leave those facilities intending to build a life there; they intend to go back to where they came from. Even if their home is gone, it is very unlikely that they are going to stay somewhere around Ely or stay somewhere around Indian Springs, where a couple of facilities are in this state. The common interest and sympathy of the people are to focus on one-person, one-vote to represent the people fairly for the representative districts from which they come and to which they will inevitably return. For that, we urge you to support A.B. 450.

Vice Chair Fumo:

Is there anyone else who would like to testify in support of A.B. 450? [There was no one.] I will close testimony in support. Does anyone want to come and oppose Assembly Bill 450? [There was no one.] We will close opposition. Is there anybody in neutral? Seeing no one in neutral, we will bring the sponsors back up for any closing remarks they would like to make. We have one question from Assemblyman Leavitt.

Assemblyman Leavitt:

I do not know if you can answer this or not. Maybe legal counsel will have to answer this. I feel good about this bill. One question I have is, Does the location where the prison resides receive any increased funding or decreased funding in accordance with the census data from that area?

Assemblywoman Jauregui:

That is the reason we want them counted at their last known place of residence, because there is federal money available based on population size for programs.

Assemblyman Leavitt:

If the location in which they are temporarily residing receives money to help care for them, in accordance with where they are, I would prefer that money stay there rather than go somewhere else where they are not currently residing. I do not know if that is the case.

Kevin Powers:

This bill deals with redistricting which is different from the federal government's use of census data to distribute federal benefits and federal dollars. The guidelines used by the U.S. Census Bureau counts prisoners in the place of their incarceration. Those census numbers are what Congress and the federal Executive Branch will use to distribute resources from the federal government. What this bill will do is determine redistricting, that is legislative districts, congressional districts, and Board of Regents districts. The data will be based on where the prisoner last resided, not where they are currently incarcerated. They are two different things—distribution of money by the federal government using the census versus Nevada's redistricting of its election districts for those statewide offices.

Assemblyman Leavitt:

Would the federal government use these numbers, or will they use the numbers of where they are currently temporarily residing?

Kevin Powers:

The federal government will use the data from the U.S. Census Bureau because that is the federal agency and that is the information under federal law that is used. This data will be used by Nevada for redistricting purposes, again, for congressional districts, legislative districts, and the Board of Regents districts.

Vice Chair Fumo:

Assemblywoman Jauregui, are there any final remarks you would like to make before we close the hearing?

Assemblywoman Jauregui:

One of the intents of the bill is to align it with, as you heard earlier during the testimony, one-person, one-vote. Under Article 2, Section 2 of the *Nevada Constitution*, it provides: "For the purpose of voting, no person shall be deemed to have gained or lost a residence solely by

reason of his presence or absence . . . while confined in any public prison." I want to again thank the Committee for hearing the bill. According to the Department of Corrections, in 2018 there were nearly 13,000 in-house inmates in our facilities around the state. Those numbers have a potential to skew the apportionment. For election purposes, these individuals should be counted in the 2020 census according to their last known residence, not the location where they are incarcerated. I urge you to support this bill.

I will get information on the questions I was not able to answer. Assemblyman Roberts had questions regarding how we count inmates who are imprisoned here, but their last known residence was outside of the state. I will make sure to get those answers and distribute them to the Committee as well, and also address Assemblyman Roberts' concerns as to the people who are imprisoned in county jails. Thank you, Committee.

Vice Chair Fumo:

I will now close the hearing on Assembly Bill 450. We will open the hearing on Assembly Bill 452.

Assembly Bill 452: Revises provisions governing lobbyists. (BDR 17-1103)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I am pleased to present Assembly Bill 452. I want to thank Speaker Frierson for bringing this legislation forward and asking me to carry it. This bill proposes to revise provisions regarding when lobbyists must update their registration.

I believe that transparency leads to greater accountability. We, as legislators, are often calling for more transparency in government. John Adams once wrote, "Liberty cannot be preserved without a general knowledge among the people, who have a right . . . and a desire to know." I interpret this to mean that a flourishing and healthy government is one that allows people to access the information they seek. This is exactly what we are trying to accomplish here, to create greater transparency in all parts of our Legislature.

Section 1 of this bill would require lobbyists to update their client list with the Legislature within 24 hours of gaining a new client or losing a client if we are in regular session or special session. If it is during the interim, lobbyists will be required to update their list within 14 days of a change.

Section 2 of this bill gives the Legislative Commission the authority to adopt regulations in order to carry out this act [the Nevada Lobbying Disclosure Act]. Thank you, Vice Chair. I am open for questions.

Vice Chair Fumo:

Are there any questions from the Committee? Seeing none, we will move on to testimony in support. [There was no one.] I close the testimony in support. Is there anybody in opposition? There is no opposition. Does anyone want to testify in the neutral position? Seeing no one, we will invite the bill sponsor back to the table.

Assemblywoman Jauregui:

Thank you. I am here to answer any other questions you may have.

Vice Chair Fumo:

Seeing no other questions from the Committee, we will close the hearing on Assembly Bill 452, and we will open the hearing on Assembly Bill 448.

Assembly Bill 448: Revises provisions governing the procedure for filling certain vacancies in office. (BDR 17-950)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I am pleased to present Assembly Bill 448 for your consideration today. This bill proposes to revise the residency requirements for people who are appointed to fill the vacancies of a Senate or Assembly seat. Currently, when there is a vacancy, the county commission for that seat must appoint a person from the same party to that seat. What this bill seeks to do is require that the person being appointed to the Legislature have the same residency requirements that we have when we file. The appointed person must actually, as opposed to constructively, live in the district for at least 30 days before the close of filing. I am open to any questions.

Vice Chair Fumo:

Are there any questions from the Committee?

Assemblyman Daly:

Has this happened before? I know for filling the vacancy for mayor in Reno, we had 114 people apply. There might have been one who did not meet this requirement. I do not know if it would apply for the mayor because this is for legislative districts. I am just curious if it has ever happened.

Assemblywoman Jauregui:

This bill would only apply to legislative seats. I do not know. I am not aware of any example where somebody was appointed who had not lived in the district for at least 30 days before the filing. I can look into that and get back to you.

Assemblyman Leavitt:

This is just a curiosity question. What is the process of determining residency? Can I tell someone in a four-block radius of where I am at and it is good to go, or do they have to have some sort of documentation proving residency?

Assemblywoman Jauregui:

This might be a great question for our legal counsel.

Kevin Powers, Committee Counsel:

First up, as by way of analogy, when you file your declaration of candidacy for an office, including legislative office, you would have to file an affidavit confirming your residence

under penalty of perjury. After you file that affidavit, someone can challenge your residency. That is where the residency question is dealt with and confirmed one way or another—if someone challenges the residence that someone puts on their declaration of candidacy.

With regard to the appointment process with the legislative vacancies, there is no specific statute right now that says that someone applying for a legislative vacancy has to affirm under penalty of perjury the location of their residence. However, that person's residence can be challenged in a court of law, so if someone puts down where their residence is and someone believes that is inaccurate, then a challenge would be made and the court would determine whether or not that person, in fact, was a resident of the legislative district. That would be the process with regard to appointment. In this case, each county commission would have to come up with an application process. That application process could include a declaration under penalty of perjury where the person resides. But the statute right now does not specify that.

Assemblyman Leavitt:

So—this is just my own ignorance, and I apologize for bringing my ignorance into a public forum—is someone who does not have a permanent residence like a street address even eligible for office in general, including appointment?

Kevin Powers:

Every person generally is considered to have one legal domicile. The legal domicile is the place where the person actually resides and intends to have a permanent habitation. So if a person does not have a permanent habitation or a permanent residence, he or she can probably still prove his or her actual domicile by stating where they reside and that they intend to remain in that area for residence. If that is what they put down on their application for a declaration of candidacy or some sort of application for a vacancy, someone could challenge that, but technically everyone has a legal domicile. If that legal domicile is, as mentioned in the prior bill, on the intersection of two streets, then if they can prove that they actually live there and have an intention to remain there, that would be their legal domicile and their actual residence for purposes of election or appointment.

Vice Chair Fumo:

Are there any other questions from the Committee? Seeing none, we will move to testimony in support. Again, I do not see anyone rushing to the table. We will close testimony in support. Is there any testimony in opposition? Seeing none, we will close the testimony in opposition. Is there anyone wishing to testify in the neutral position? Seeing no one, we will bring the bill sponsor back up for any closing remarks. She waives closing remarks. We will close the hearing on Assembly Bill 448.

[Assemblywoman Jauregui reassumed the Chair.]

Chair Jauregui:

Our last item on the agenda is public comment. Is there anyone wishing to give public comment?

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

Thank you. I just wanted to say that today is Election Day. The polls are open for another two hours. Anybody within the sound of my voice who lives in Las Vegas, North Las Vegas, Henderson, Boulder City, or Ely, please go vote if you have not already.

Chair Jauregui:

Thank you for the reminder. We appreciate it, Mr. Thorley. Is there anyone else wishing to give public comment? Seeing no one, we will see you Thursday at 4 p.m. Our meeting is adjourned [at 5:01 p.m.].

RESPECTFULLY SUBMITTED:

Catherine Bodenstein
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 259](#), dated April 2, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 329](#), dated April 2, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 367](#), dated April 2, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Concurrent Resolution 6](#), dated April 2, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Concurrent Resolution 7](#), dated April 2, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Joint Resolution 4](#), dated April 2, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.