

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

**Eightieth Session
April 11, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:17 p.m. on Thursday, April 11, 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:

None

Chair Jauregui:

[Roll was called. Committee rules and protocol were explained.] Welcome, everyone, to the Assembly Committee on Legislative Operations and Elections.

I would like to let everyone on the Committee, everyone who is watching, and everyone in the audience know that we are pulling one of the items from the agenda. Assembly Bill 282 will not be on work session today.

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

We do have just work session on our agenda today. I will turn it over to our policy analyst to get started with the first work session for Assembly Bill 50.

Assembly Bill 50: Revises provisions governing the dates for certain city elections. (BDR 24-473)

Carol Stonefield, Committee Policy Analyst:

The bill was heard in this Committee on February 28, 2019 ([Exhibit C](#)). It was sponsored by the Committee on behalf of the Secretary of State and it was presented by Wayne Thorley, Deputy of Elections. Assembly Bill 50 revises certain city election dates:

- Cities incorporated pursuant to general law are required to hold elections on the statewide election cycle.
- Cities created by charter that hold municipal elections in odd-numbered years are required to hold elections on the statewide election dates.

The bill revises terms of office of officials to allow for the transition to the statewide election cycle. Dates for election-related activities, such as filing declarations of candidacy, are revised to conform to these changes.

There is a conceptual amendment. It is behind the bill page [pages 2 and 3, ([Exhibit C](#))]. It was prepared by the Legal Division of the Legislative Counsel Bureau. Also, behind the conceptual amendment you will find supporting documents provided by the Office of the Secretary of State [pages 4 through 13]. I believe the committee counsel is prepared to discuss the conceptual amendment.

Kevin Powers, Committee Counsel:

Because this bill would transition all cities to even-year elections, there are two proposed conceptual amendments to facilitate that transition. The first is for Boulder City [page 2]. In 2018, Boulder City passed an ordinance under existing law that would transition its city elections from odd-numbered years to even-numbered years. The point of the conceptual

amendment is to add appropriate provisions to A.B. 50 and add any necessary transitory provisions to ensure that Boulder City may complete its current transition under the 2018 ordinance to city elections in even-numbered years. However, keep in mind that the Boulder City charter will still need to be amended so it conforms in the future to the overall change to even-numbered year city elections. But this would preserve the process currently undertaken by Boulder City to transition to those even-year elections.

The other change was offered by the Secretary of State on behalf of the judges of the Las Vegas Municipal Court [page 3, ([Exhibit C](#))]. Under existing law, all of the judicial officers except municipal court judges file their declaration of candidacy in January of even-numbered years, but because some cities are in odd-numbered years, the municipal courts file their declarations of candidacy during March, or in odd-numbered years in the 60-day period preceding the municipal primary election. The point of this conceptual amendment is that once the cities have transitioned to even-year elections, all candidates for municipal court will file their declarations of candidacy in January at the same time as other judicial officers, who would be justices of the Supreme Court, judges of the Court of Appeals, district court judges, and justices of the peace. This will require some transition as the city elections move from odd-numbered years to even-numbered years. For those cities that are currently on even-year elections beginning in January 2022, the judicial candidates for municipal court will file their declarations of candidacy in January with the other judicial officers. I am certainly open to answer any questions, Madam Chair. Thank you.

Chair Jauregui:

I will entertain a motion to amend and do pass Assembly Bill 50.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 50.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Leavitt:

I would like to extend my appreciation for both the sponsor and the Chair for listening to the situation in Boulder City, which has already started municipal elections at this point. I wanted to extend my gratitude for that.

Chair Jauregui:

Is there any further discussion? [There was none.]

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 the work session for Assembly Bill 137.

Assembly Bill 137: Makes various changes relating to elections. (BDR 24-800)

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 137 was heard in this Committee on April 4, 2019 ([Exhibit D](#)). It was presented by Assemblyman Howard Watts, Assembly District No. 15. The bill, as introduced, proposed to revise several statutory provisions relating to elections. However, the sponsor spoke to an amendment that he presented that day that has been on the Nevada Electronic Legislative Information System. The amendment is behind the bill page [pages 2 through 5, ([Exhibit D](#))]. It proposes to delete all provisions except those relating to the establishment of polling places on Indian reservations or colonies. Essentially, the amendment provides that if a clerk establishes a polling place or places on a reservation or colony, the clerk must continue to provide a polling place at a location or locations as approved by the tribe unless otherwise requested.

Chair Jauregui:

I will entertain a motion to amend and do pass Assembly Bill 137.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 137.

ASSEMBLYMAN LEAVITT 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 that floor statement to Assemblywoman Monroe-Moreno.

The next item on the agenda is the work session for Assembly Bill 345.

Assembly Bill 345: Makes various changes relating to elections. (BDR 24-873)

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 345 was heard in this Committee on April 9, 2019 ([Exhibit E](#)). It was presented by Assemblyman Jason Frierson, Assembly District No. 8. The bill proposes to make several provisions to the election process:

- It includes the establishment of vote centers which exist in some places now, but this would include them in the statutes.
- It would extend voter registration deadlines beginning with registration during early voting and transitioning to same-day voter registration.

- The bill proposes to revise the contents of provisional ballots to include all offices and measures.
- It would enact a process to implement automatic voter registration through the Department of Motor Vehicles (DMV).
- It would guarantee that those waiting in line when polls are scheduled to close would be allowed to vote and grant clerks the discretion to extend hours for early voting.
- It proposes to make changes in the process of requesting and returning absent ballots.
- It would require both the Secretary of State and the DMV to ensure technology is used to implement systems required.
- It would permit 17-year-olds to vote in primary elections if they will be 18 years of age on or before the date of the general election, and removes restrictions on the number of student trainee poll workers.
- It goes on to make similar changes in all sections of Chapter 293C of *Nevada Revised Statutes* relating to city elections.

The second page of the bill page lists a summary of the amendments [page 2, ([Exhibit E](#))]. There is a conceptual amendment prepared by the Legal Division of the Legislative Counsel Bureau [page 3] and behind that, an amendment that was offered by the Clark County Election Department [page 5] that has been on the Nevada Electronic Legislative Information System since it was proposed on the day of the bill hearing. The conceptual amendment relates to the amendment offered by the Clark County Election Department. Our committee counsel is prepared to discuss how these fit together.

Kevin Powers, Committee Counsel:

The proposed conceptual amendment deals with three primary areas. The first is section 12 of the bill [page 3, ([Exhibit E](#))]. That concerns the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative. This amendment would facilitate implementation of the Automatic Voter Registration Initiative by the DMV. It would adjust it accordingly to ensure that DMV can effectively and efficiently carry out the Automatic Voter Registration Initiative.

The second main amendment is amending section 25, which deals with *Nevada Revised Statutes* 293.260, involving which names of candidates go on the primary ballot and which go on the general election ballot. On April 2, 2019, this Committee dealt with a similar bill with this issue, Assembly Bill 259. This Committee approved amendments determining which candidates go on the primary ballot and which candidates go on the general election ballot. The amendment in A.B. 345 proposed here would be to harmonize A.B. 345 with the amendment proposed and adopted by this Committee on April 2, 2019, for A.B. 259. In order to do that harmonization, we will have to incorporate some of the provisions of city charters into A.B. 345 because they deal with the issue of who appears on the primary election ballot and who appears on the general election ballot. The goal here is that both bills can be harmonized and can be consistent with each other. This is essentially a technical legislative drafting amendment proposed by the Legal Division, Legislative Counsel Bureau, to ensure there are no statutory conflicts between A.B. 345 and A.B. 259.

The last main area for the amendment would be those proposed by the Clark County Registrar of Voters. This amendment would take those objectives submitted by the Clark County Registrar of Voters [page 3] and incorporate them into A.B. 345. This amendment would also concern the period after the election when ballots are being counted from registered voters who voted using provisional ballots on election day, and when absentee ballots—those that are postmarked in a timely fashion by election day—are being counted after the election. During that period, the county and city clerks would be permitted to release election data about their counting of provisional ballots and absentee ballots. As that process goes along over the seven days following the election, that information would be released to the public.

One final thing to mention that is in the proposed conceptual amendment: Clark County asked for an extension of the canvass of the election results by the Board of County Commissioners from the sixth working day following the election to the fourteenth calendar day following the election [page 3]. However, adjusting that time for the county canvass of the votes has a downstream effect on all of the other timelines and dates following the general election which would include election contests, election recounts, the statewide canvass of the votes by the Supreme Court and the Secretary of State, and ultimately—in presidential election years—the deadlines under federal law for the presidential electors to meet and have the vote of the Electoral College. The end result of all of that is that although this office can adjust the date after the election in which the Board of County Commissioners has to complete its canvass of votes, it is unlikely that we can do 14 calendar days. It is going to be a period somewhere in between potentially 10 calendar days to 12 calendar days, depending on when we calculate all of those downstream effects from changing the date from the canvass of the votes.

The Legal Division will be able to do those calculations and put together the final official amendment giving Clark County and the other counties an additional period of time to complete the canvass of the votes after the election. The reason for the additional period of time was because they would be counting additional provisional ballots from Election Day registration voting and also counting those additional absentee ballots as they are coming in during those seven days following the election. I am certainly open to any questions, Madam Chair.

Chair Jauregui:

Committee members, do you have any questions for Mr. Powers? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 345.

ASSEMBLYMAN FUMO MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 345.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Roberts:

I will be voting yes today to move the bill. I think there are a lot of great things in here. Implementing Question No. 5 needs to be done, but there are some things that concern me. It is a lot to our voting system at one time in a short time frame. I know there is a pretty big fiscal note. I am voting yes to keep this alive in hopes that we can keep some of the good stuff. Some of the other stuff I am not too keen on, depending on what we can afford and what we cannot afford. If it comes out of the Assembly Committee on Ways and Means, I may be able to support it on the floor, but I reserve my right to change my vote on the floor.

Chair Jauregui:

Thank you, Assemblyman Roberts. Anyone else?

Assemblyman Leavitt:

I am going to vote no on this today, but I would like to see how it turns out in the end and what it looks like. I want to reserve my right to change my vote on the floor.

Chair Jauregui:

Thank you. Is there any other discussion from Committee members? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN LEAVITT VOTED NO.
ASSEMBLYMAN HAMBRICK WAS ABSENT FOR THE VOTE.)

I will assign that floor statement to Assemblywoman Torres.

The next item on the agenda is the work session for Assembly Bill 448.

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

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 448 was heard in this Committee on April 2, 2019 ([Exhibit F](#)). It was presented by Chair Jauregui. The bill revises provisions relating to filling a vacancy in a legislative office. A person eligible for appointment must reside in the district for a minimum of 30 days immediately preceding the date established by the board of county commissioners for the close of filing of applications.

An amendment has been prepared by the Legal Division of the Legislative Counsel Bureau. The conceptual amendment appears behind the bill page [pages 2 through 5]. The committee counsel is prepared to discuss the contents, Madam Chair.

Kevin Powers, Committee Counsel:

In order to understand the proposed conceptual amendment, it is necessary to explain a little about the process for becoming a candidate for legislative office, which all of you are very familiar with. But for those in the audience, to become a candidate for legislative office, the person must reside in the district for the 30 days immediately preceding the close of filing of

the declaration of candidacy period. There is a residency requirement that a legislative candidate before filing that declaration of candidacy, must have a 30-day residency requirement. In addition, legislative candidates have to file a declaration of candidacy and a declaration of residency affirming under penalty of perjury that they meet the residency requirements and the other qualifications for legislative office. Existing law provides that if a legislative candidate knowingly and willfully files such a declaration of candidacy or residency that contains a false statement, they are guilty of a gross misdemeanor.

This proposed amendment would provide similar provisions for the appointment process for someone who applies for a legislative vacancy. It would require someone who applies for a legislative vacancy to reside in the legislative district for 30 days preceding the close of filing of the application period. It would require the board of county commissioners to establish an application process and the close of filing for the application period. It would require the applicant for the legislative vacancy to file a declaration of eligibility in which they attest under penalty of perjury that they meet the residency requirements and all other requirements for the legislative office. The proposed conceptual amendment would adjust existing law to clearly provide that someone who is applying to fill a legislative vacancy must meet all qualifications of the legislative office, timely file the application and declaration of eligibility, be a member of the same political party which is a requirement under the *Nevada Constitution*, and have in accordance with state law, actually as opposed to constructively, resided in the legislative district at least 30 days immediately preceding the date established for the close of filing of the applications.

What this amendment would essentially do is align the process for seeking an appointment to a legislative vacancy in a manner similar to seeking candidacy to a legislative office.

Chair Jauregui:

Committee members, do you have any questions? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 448.

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND DO PASS ASSEMBLY BILL 448.

ASSEMBLYMAN FUMO 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 that floor statement to Assemblyman Fumo.

The next item on the agenda is the work session for Assembly Bill 449.

Assembly Bill 449: Directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study relating to juvenile detention in this State. (BDR S-450)

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 449 was heard in this Committee on April 4, 2019 ([Exhibit G](#)). It was presented by Assemblywoman Daniele Monroe-Moreno on behalf of the Legislative Committee on Child Welfare and Juvenile Justice. The interim committee proposed a study of juvenile detention in Nevada during the next interim. The study must include implementation of a regional approach to housing juvenile offenders, the adequacy of current institutions and facilities, current levels of family and community engagement afforded to juveniles in the system, and educational and health offerings currently available in facilities in Nevada.

There is an amendment that has been proposed by the American Civil Liberties Union of Nevada. It is behind the bill page [pages 2 and 3, ([Exhibit G](#))]. The amendment would expand the topics of study to include a review of programs and services in states in which youth tried as adults are housed with youth in the juvenile justice system; an analysis of youth sentencing practices in other states and best practices sentencing standards; and a review of facilities, services, and programs available to youth deemed incompetent. In addition, the Department of Corrections and state and local facilities for juvenile offenders shall provide data. The Committee may seek technical assistance from experts.

Chair Jauregui:

I will entertain a motion to amend and do pass Assembly Bill 449.

ASSEMBLYWOMAN MILLER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 449.

ASSEMBLYMAN LEAVITT 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 that floor statement to Assemblywoman Monroe-Moreno.

The next item on the agenda is the work session for Assembly Bill 450.

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

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 450 was heard in this Committee on April 2, 2019 ([Exhibit H](#)). It was presented to the Committee by Chair Jauregui. This bill revises the manner in which incarcerated individuals are counted for apportionment of the population for legislative and congressional districts and the districts of the Board of Regents. The Department of Corrections (DOC) shall compile the last known residential address of each offender immediately before the offender is imprisoned. After the census, the state demographer will revise population counts for every census block, block group, and tract to include an inmate who was a resident before incarceration in a facility of the DOC. There are no amendments on this measure.

Chair Jauregui:

I will entertain a motion to do pass Assembly Bill 450.

ASSEMBLYMAN FUMO MOVED TO DO PASS ASSEMBLY BILL 450.

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 that floor statement to Assemblyman McCurdy.

The next item on the agenda is the work session for Assembly Bill 488.

Assembly Bill 488: Revises requirement to submit certain reports to the Legislature. (BDR 16-1257)

Carol Stonefield, Committee Policy Analyst:

Assembly Bill 488 was heard in this Committee on April 9, 2019 ([Exhibit I](#)). It was presented by Assemblywoman Benitez-Thompson, Assembly District No. 27, and Legislative Counsel Bureau (LCB) Director Rick Combs on behalf of the Legislative Commission. This bill proposes revisions governing submission of certain reports to the Legislature. Listed in bullet form are the reports the bill proposes to eliminate. The bill also requires that the annual report from the Office of Energy within the Office of the Governor, concerning the status of energy in Nevada, to be submitted to the Governor and the Director of LCB. The bill also requires that reports from certain governing bodies pursuant to the Nye County Sales and Use Tax Act to be submitted to the Department of Taxation, rather than the Director of LCB. There are no amendments to this bill.

Chair Jauregui:

I will entertain a motion to do pass Assembly Bill 488.

ASSEMBLYMAN DALY MOVED TO DO PASS ASSEMBLY BILL 488.

ASSEMBLYMAN FUMO 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 that floor statement to Assemblyman Roberts.

The last item on the agenda is the work session for Assembly Joint Resolution 6.

Assembly Joint Resolution 6: Urges Congress to prevent the United States Census Bureau from adding a citizenship question to the 2020 decennial census. (BDR R-279)

Carol Stonefield, Committee Policy Analyst:

Assembly Joint Resolution 6 was heard in this Committee on April 4, 2019 (Exhibit J). It was presented by Assemblyman Tyrone Thompson, Assembly District No. 17. This resolution urges Congress to prevent the United States Census Bureau from adding a citizenship question to the 2020 census. There is a conceptual amendment behind the bill page [page 2]. It lists those members of this Committee who stated on the record that they would like to be added as sponsors to this resolution.

Chair Jauregui:

I will entertain a motion to amend and do pass Assembly Joint Resolution 6.

ASSEMBLYMAN FUMO MADE A MOTION TO AMEND AND DO PASS ASSEMBLY JOINT RESOLUTION 6.

ASSEMBLYWOMAN MONROE-MORENO 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 that floor statement to Assemblyman Thompson.

I would also like the Committee to know that we are going to be rolling the last item on the agenda, the work session for Assembly Joint Resolution 9.

Assembly Joint Resolution 9: Proposes to amend the Nevada Constitution to revise provisions governing the selection of justices and judges. (BDR C-949)

I will now open it up to public comment. Is there anyone who would like to give public comment? [There was no one.] We will stand in recess [at 4:42 p.m.] until the call of the Chair.

[This meeting was adjourned at 11:59 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 50](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 137](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 345](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 448](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 449](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 450](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 488](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Joint Resolution 6](#), dated April 11, 2019, presented by Carol Stonefield, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.