

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eightieth Session
May 8, 2019**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:26 p.m. on Wednesday, May 8, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Yvanna D. Cancela, Vice Chair
Senator Marcia Washington
Senator Heidi Seevers Gansert
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblyman Steve Yeager, Assembly District No. 9

STAFF MEMBERS PRESENT:

Michael Stewart, Committee Policy Analyst
Kevin Powers, Committee Counsel
Janae Johnson, Committee Secretary

OTHERS PRESENT:

Lea Tauchen, Recovery Advocacy Project
Trey Delap, Director, Group Six Partners LLC
John J. Piro, Deputy Public Defender, Clark County
Kendra Bertschy, Deputy Public Defender, Washoe County
Corey Solferino, Washoe County Sheriff's Office
Wayne Thorley, Deputy Secretary for Elections, Office of the Secretary of State
Doug Goodman, Executive Director, Nevadans for Election Reform
Lisa Foster, City of Fallon

Senate Committee on Legislative Operations and Elections
May 8, 2019
Page 2

Robert Erquiaga, Legal & Administrative Director, City of Fallon
Jim Sullivan, Culinary Union
Melody Judilla, Silver State Voices
Cecia Alvarado, State Director, Mi Familia Vota
Victor Rivera, Chispa Nevada
Mark Brandano
Gariety Pruitt, Nevada Conservation League & Education Fund
John Solomon, Vice Chair, Churchill County Democrats
Javier Trujillo, City of Henderson
Joe Gloria, Registrar of Voters, Clark County

CHAIR OHRENSCHALL:

I will open the meeting with Assembly Bill (A.B.) 367.

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

ASSEMBLYMAN STEVE YEAGER (Assembly District No. 9):

It is my honor to present A.B. 367 as referenced from my testimony ([Exhibit C](#)).

LEA TAUCHEN (Recovery Advocacy Project):

I am here to help introduce A.B. 367 as referenced from my testimony ([Exhibit D](#)).

TREY DELAP (Director, Group Six Partners LLC):

I am here to talk about A.B. 367 as referenced from my testimony ([Exhibit E](#)).

SENATOR PICKARD:

In your presentation, you mentioned this would change current statutes in the bill. I want to make sure this is clear; section 2 talks about requiring the different agencies to match the language in the regulations to be consistent throughout.

ASSEMBLYMAN YEAGER:

Senator Pickard, you are correct. Section 2 does go beyond the Legislative Counsel Bureau (LCB). This would be the preferred terminology in Nevada as a whole whenever we are speaking about State actors.

SENATOR PICKARD:

I just want to make sure the message gets out. This is critical when it comes to how it affects people and how people react to the law language.

CHAIR OHRENSCHALL:

Would this require the LCB to change these terms in the administrative code or the *Nevada Revised Statutes* (NRS)?

ASSEMBLYMAN YEAGER:

I believe the administrative code would follow through. In section 2, on page 2 of A.B. 367, lines 41 to 43 refer to the *Nevada Administrative Code* (NAC). We would have consistently the same language in NRS and NAC.

SENATOR CANCELA:

There are lot of philosophies and studies that show the way you use language affects how you think about the world. It is important that Legislators are enshrining items in statute that reflect people and not necessarily their diseases. I would recommend that once the bill is enacted, Legislators in the building use thoughtful words and respect when interacting with all people.

JOHN J. PIRO (Deputy Public Defender, Clark County):

I support A.B. 367. Words have power, and they can build up or tear down. This is a measure that definitely would work on building people up by addressing the disorder rather than tearing down the person. The pen is mightier than the sword. I am asking the Committee to use the power of the pen, and in this case, to remove these stigmatizing words from Nevada law.

KENDRA BERTSCHY (Deputy Public Defender, Washoe County):

I support A.B. 367. Fear and misunderstanding often lead to prejudice against people who have different disorders. I believe this bill will allow us to help remove the stigma. This bill will benefit and impact the lives of our community members.

VICE CHAIR CANCELA:

I will open the hearing on Assembly Concurrent Resolution (A.C.R.) 7.

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)

ASSEMBLYMAN STEVE YEAGER (Assembly District No. 9):

I am honored to present A.C.R. 7 as referenced from my testimony ([Exhibit F](#)).

SENATOR PICKARD:

As this connects to a bill from last Session, it changed what we are testing for. This would look at the method of testing and the values on margin for error. Does A.C.R. 7 go into merging testing protocols that are coming up for how we are testing? Does this encompass that issue?

ASSEMBLYMAN YEAGER:

Yes. The intention is to look at the whole scope of how we treat this and how the laws are drafted. Right now we have levels that are set. If tested over those levels, you are presumed to be impaired. Should those levels be increased or decreased? It is probably not possible to decrease the levels. What about roadside testing?

Before Session, I had an individual reach out to me who talked about merging roadside testing toward cannabis impairment. I got the sense his idea was not ready, but this would be something that the study could look at. We need to conduct more research on officers who have drug recognition expertise. I would anticipate we look at everything from the beginning to the end of the prosecution.

SENATOR CANCELA:

One of the things we heard on the Cannabis Compliance Board Advisory Panel that the Governor put together was the need for research and information. It would be great to have representatives from the university and folks from higher education working on research to be a part of the dialogue.

ASSEMBLYMAN YEAGER:

I had a conversation with Senator Dallas Harris about this issue, and she is interested in this idea. We had an initial discussion with the University of Nevada, Las Vegas, School of Medicine about the parameters of a study equivalent to alcohol that might be done. We have done enough studies where we know when impairment starts. We have started these conversations and, hopefully, we can leverage the universities in the State. There is a bit of an issue with federal prohibition, but there are incentives for studies that can be done on federal forbidden substances with the right licenses.

COREY SOLFERINO (Washoe County Sheriff's Office):

I support A.C.R. 7. In 2015, the Washoe County Sheriff's Office brought the Patrol Division program called Advanced Roadside Impaired Driving Enforcement (ARIDE). This program gave officers the opportunity to come back with impaired driving to see where the nexus is between the nanogram levels of THC in the body and where impairment actually lies. The drug evaluation program takes a lot of time training to get someone off the street and certified. The ARIDE program is 30 hours and allows the officers to look at the nexus between alcohol and polydrug use. I would like to offer our agency resources, including data at the crime lab that has blood samples from the last 15 to 20 years, that could be provided to this Committee.

MS. BERTSCHY:

We support A.C.R. 7. The laws regarding marijuana and DUIs have numbers that came out of thin air. There is no data to back the numbers up. It is about time we take a look at the data to determine if what we are doing is working with criminal laws and to ensure the roads are safer.

SENATOR PICKARD:

The original levels came from the medical students at Touro University who did a lot of work and undertook studies. They were legitimate on where they thought the thresholds should be. The margin of error in the testing might make it less than reliable. There was some science behind it.

VICE CHAIR CANCELA:

The numbers were set based on the Colorado numbers, and the study came after the fact. I will open the hearing on A.B. 50.

ASSEMBLY BILL 50 (1st Reprint): Revises provisions governing the dates for certain city elections. (BDR 24-473)

WAYNE THORLEY (Deputy Secretary for Elections, Office of the Secretary of State):

I would like to recognize the Secretary of State, Barbara Cegavske, who is attending the meeting in Las Vegas. I will be presenting A.B. 50 as referenced from my testimony ([Exhibit G](#)). Please refer to a handout that was provided called Municipal Elections Cost Comparison ([Exhibit H](#)). I will walk through the sections of the bill starting on page 3 of my testimony, [Exhibit G](#). There is one more table that was provided and ready for review ([Exhibit I](#)).

SENATOR PICKARD:

The Nevada Constitution sets forth the lengths of terms. This violates those terms. Do you have an understanding of how we get past the constitutionality issue?

MR. THORLEY:

This question came up in the Assembly, and Kevin Powers addressed this question. Cities are a creation of the State; the term of office for city elected officers is not in the Nevada Constitution. There is no constitutionality issue in the Nevada Constitution. Since the city is a creation of the State Legislators, they can make changes to the length of terms for the cities.

SENATOR PICKARD:

Are we going to appropriate enough money to replace mailboxes? This will substantially increase the amount of mail people are going to be getting. Will this have its intended effect by having more people voting? Are we going to be driving people away from the polls with this change?

MR. THORLEY:

I have heard this argument before: the city elections will be lost at the bottom of the ballot, and voters will not make a selection that far down. The data does not support that. Doug Goodman did provide some testimony. He looked at the down-ballot races last year in Washoe County. While there is a drop-off from the top of the ballot, whether it is the Governor, U.S. President or other candidates, the down-ballot race shows a small drop-off, which is around the two-thirds percentage range. Most voters are voting all the way down the ballot. Any drop-off is surpassed by the number of voters who are participating in the election.

SENATOR PICKARD:

My concern is this will be a difficult thing to tolerate for the mail recipient. It may have some reverberation that we do not anticipate if the data does not support it.

SENATOR CANCELA:

People get mailings every year for elections because there is not a break with the municipal elections in the off year. We have even-numbered elections and odd-numbered elections; voters never stop getting mailer pieces.

Senate Committee on Legislative Operations and Elections
May 8, 2019
Page 7

CHAIR OHRENSCHALL:

A lot of campaigns are electronic through social media and add-on emails. There is still U.S. mail, but I believe a lot of folks are sending it to the recycling bin.

SENATOR WASHINGTON:

If we were to change the municipal elections, would it be the even year that the presidential election would be going on? I would think the turnout would be greater because it is the presidential election during the general cycle.

MR. THORLEY:

Correct. The turnout during presidential election years is significantly higher than in other years.

CHAIR OHRENSCHALL:

For the municipal races, if A.B. 50 passes and moves to an even year for Statewide elections, does the 50 percent plus 1 rule primary still apply if two candidates are running for mayor and one candidate gets the rule? Will that still end the race in the primary for an even year?

MR. THORLEY:

This bill does not address that topic. I believe there is another bill that does address that. The purpose of Assembly Bill 50 is not to address that topic. Another additional benefit is moving all city elections to even-numbered years. It has to do with the Clark County Registrar of Voters and the Election Department. The Clark County Election Department provides the primary support for the cities in Clark County to hold their elections in odd-numbered years. The Election Department is consistently in election mode and putting on elections. If this bill goes through, all the cities in Clark County are moved to the even-numbered year election cycle. The Department can focus on larger projects in the interim between regular federal elections with other pending legislation before the Legislature. There will be significant changes to the election process.

SENATOR WASHINGTON:

Does this have to go to the Senate Finance Committee because this is going to involve more funding for the State?

MR. THORLEY:

The State provides little to no financial support when it comes to running elections. In administering elections, the cost is primarily borne by the counties.

Senate Committee on Legislative Operations and Elections
May 8, 2019
Page 8

The State does provide minimal funding to cover the publication of certain Statewide ballot questions in the newspaper. The counties in the election year will spend millions of dollars. We did not submit a fiscal note as this bill would not have a fiscal impact on the State.

CHAIR OHRENSCHALL:

I am going to close the hearing on A.B. 50 temporarily.

SENATOR CANCELA MOVED TO DO PASS A.B. 367.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

CHAIR OHRENSCHALL:

I will reopen the hearing on A.B. 50.

DOUG GOODMAN (Executive Director, Nevadans for Election Reform):

I support A.B. 50 as referenced from my testimony ([Exhibit J](#)).

SENATOR PICKARD:

Did you look at the races in Clark County, or was it just in Washoe County?

MR. GOODMAN:

No. I just looked at Washoe County races as a comparison for the down-ballot races in an area that holds elections in even-numbered years.

SENATOR PICKARD:

The 2020 election is going to be a special year in Clark County. There are about 80 judges seats open, and it is a presidential year, plus a congressional race. There will be a lot of people on the 2020 ballot. We are going to see a steeper drop-off in Clark County. There will be some sort of overload, and we will see it.

CHAIR OHRENSCHALL:

Historically, a lot of the judicial candidates have run unopposed. I expect with so many judges facing election, they will run unopposed. Hopefully, the

constituents do the research on the contested elections by looking at voter guides or pamphlets to educate themselves on judicial temperaments.

SENATOR PICKARD:

Maybe now is the time to run because people are not going to look at the study. It is just a fear. We hear about voter fatigue as it exists in today's election cycle.

CHAIR OHRENSCHALL:

The City of Reno went from odd-year elections to even-year elections. I am just wondering if it has seen any major drop-off when people come into vote for the U.S. Senator or Governor and down the line. With any ballot you will see some drop-off. People come to the polls excited to vote for the President, Governor and Senator, and as you get down to the legislative races, people lose interest.

LISA FOSTER (City of Fallon):

Fallon supports A.B. 50. We are bringing forward a friendly amendment for this bill. A chart submitted earlier is available for reference ([Exhibit K](#)).

ROBERT ERQUIAGA (Legal & Administrative Director, City of Fallon):

I will be going over the amendment on A.B. 50 as referenced from my testimony ([Exhibit L](#)).

JIM SULLIVAN (Culinary Union):

The Culinary Union supports A.B. 50. The turnout in odd-numbered years is embarrassingly low. Moving the election to even-numbered years would increase turnout. We are in favor of any bill that makes it easier for more people to vote.

MELODY JUDILLA (Silver State Voices):

Silver State Voices supports A.B. 50 as referenced from my testimony ([Exhibit M](#)).

CECIA ALVARADO (State Director, Mi Familia Vota):

I support A.B. 50 as referenced from my testimony ([Exhibit N](#)).

VICTOR RIVERA (Chispa Nevada):

Chispa Nevada supports A.B. 50. We need a healthy democracy to achieve our goal that is accessible to all voters. We are also a member of Let Nevadans

Vote. Chispa Nevada put together an event for Get Out and Vote for the municipal elections which held phone banks to inform people to get out to vote. If A.B. 50 passes, it would increase voter engagement and build a more robust democracy on the local level.

MARK BRANDANO:

I support A.B. 50 as referenced from my testimony ([Exhibit O](#)).

GARIETY PRUITT (Nevada Conservation League & Education Fund):

The Nevada Conservation League & Education Fund supports A.B. 50 as referenced from my testimony ([Exhibit P](#)). For Senator Pickard's concern about ballot fatigue and the length of the ballot, I have done quite a bit of research on ballot rollover and found it is about 6 percent from the top of ballot on the State legislative races. In Clark County, the machines make it difficult for you to skip races. The machine will ask you several times to vote for those races. Even if we have 25 percent rollover in the presidential election on the even year, it would be substantially more people voting than 7.6 percent. There would be a lot more people voting under an even-numbered year system.

JOHN SOLOMON (Vice Chair, Churchill County Democrats):

I support A.B. 50 as referenced from my testimony ([Exhibit Q](#)).

JAVIER TRUJILLO (City of Henderson):

We are neutral to A.B. 50. The City of Henderson has a change to its charter on section 2.100 as referenced from the proposed amendment ([Exhibit R](#)).

CHAIR OHRENSCHALL:

This leads to more transparency and people being able to participate more, and I support the proposed amendment to the Charter of the City of Henderson.

JOE GLORIA (Registrar of Voters, Clark County):

Clark County is neutral to A.B. 50. Please refer to the handout ([Exhibit S](#)). Please note the information on Mesquite. There is no increased cost to us. Voters will benefit from the early voting program. The cities do not support the same type of early program that the county does. This gives voters more access throughout Clark County to get out and cast their ballots.

With these city elections moving to the even year, the Clark County School District, which supports a great number of our polling sites, will no longer have

to support the elections in April. There is a good number of opportunity costs to the county since the Legislative Session is in the odd year, and we need to balance what we are doing to keep up with what is going on. We have to cease our voter list maintenance because NRS calls to lock the voting list down. We are getting ready to send out the bills to all four cities that we support in the primary election.

CHAIR OHRENSCHALL:

I have heard it is a challenge to find poll workers. Even though there is a small stipend, a poll worker is mostly a volunteer position. Do you think if A.B. 50 passes, it will help overcome some of the challenge of finding volunteers for poll workers in the municipal off-year races?

MR. GLORIA:

That is something I have not considered. It is possible, especially with a year off, people will be more motivated to work the polls.

MR. THORLEY:

On the ballot-drop off rate in Washoe County, I will get you that information for the Committee.

Remainder of page intentionally left blank: signature page to follow.

Senate Committee on Legislative Operations and Elections
May 8, 2019
Page 12

CHAIR OHRENSCHALL:
I will adjourn this meeting at 6:02 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

| EXHIBIT SUMMARY | | | | |
|------------------------|-------------------------------------|---|--|--|
| Bill | Exhibit / # of pages | | Witness / Entity | Description |
| | A | 1 | | Agenda |
| | B | 3 | | Attendance Roster |
| A.B. 367 | C | 1 | Assemblyman Steve Yeager | Testimony |
| A.B. 367 | D | 1 | Lea Tauchen / Recovery Advocacy Project | Testimony |
| A.B. 367 | E | 5 | Trey Delap / Group Six Partners | Testimony |
| A.C.R. 7 | F | 1 | Assemblyman Steve Yeager | Testimony |
| A.B. 50 | G | 5 | Wayne Thorley / Secretary of State's Office | Testimony |
| A.B. 50 | H | 1 | Wayne Thorley / Secretary of State's Office | Municipal Elections Cost Comparison |
| A.B. 50 | I | 1 | Wayne Thorley / Secretary of State's Office | Terms Chart |
| A.B. 50 | J | 8 | Doug Goodman / Nevadans for Election Reform | Testimony |
| A.B. 50 | K | 1 | Lisa Foster / City of Fallon | Terms Chart |
| A.B. 50 | L | 1 | Robert Erquiaga / City of Fallon | Testimony |
| A.B. 50 | M | 1 | Melody Judilla / Silver State Voices | Testimony |
| A.B. 50 | N | 1 | Cecia Alvarado / Mi Familia Vota | Testimony |
| A.B. 50 | O | 1 | Mark Brandano | Testimony |
| A.B. 50 | P | 1 | Gariety Pruitt / Nevada Conservation League & Education Fund | Testimony |
| A.B. 50 | Q | 1 | John Solomon / Churchill County Democrats | Testimony |
| A.B. 50 | R | 1 | Javier Trujillo / City of Henderson | Proposed Amendment to the Henderson City Charter |
| A.B. 50 | S | 1 | Joe Gloria / Clark County | Election Turnout Sheet |