

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

**Eightieth Session  
February 11, 2019**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:03 p.m. on Monday, February 11, 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 Nicole J. Cannizzaro, Vice Chair  
Senator Yvanna D. Cancela  
Senator Heidi Seevers Gansert  
Senator Keith F. Pickard

**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senatorial District No. 19  
Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Barbara K. Cegavske, Secretary of State  
Wayne Thorley, Deputy Secretary of State for Elections, Office of the Secretary of State  
Doug Goodman, Nevadans for Election Reform  
Jesse Wadmans, Las Vegas Metro Chamber of Commerce  
Robert Frank, Chair, NevadansCAN Election Integrity Action Committee;  
Citizen Task Force for Voter Rights

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Julie Hereford, Co-Founder, NevadasCAN Election Integrity Action Committee;  
Citizen Task Force for Voter Rights  
Warren Hardy, Nevada League of Cities and Municipalities  
Maria Liebermann, Battle Born Progress  
Matthew Tramp  
Patricia Messinger  
Debbie Miller-Joseph, Chair, Active Republican Women  
John Colan  
Dara Taneredi  
Sondra Cosgrove, League of Women Voters of Nevada  
Jamie Rodriguez, Washoe County  
Leslee Shell, Clark County  
Janine Hansen, Nevada Families for Freedom; Independent American Party  
Lynn Chapman, Nevada Families for Freedom; Eagle Forum; Washoe County  
Chair, Independent American Party  
Kamau Bakcari, Independent American Party  
Joel Hansen, Chair, Independent American Party  
Jonathan Friedrich, Independent American Party

CHAIR OHRENSCHALL:

The Secretary of the State will present an overview of the programs and activities related to election issues.

BARBARA K. CEGAVSKE (Secretary of State):

The overview of the work at the Secretary of State's Office covers elections in Nevada. Scott Anderson will run the presentation and Wayne Thorley will go through the overview.

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

The office is doing a lot of great things in the Election Division. Additional staff from the Secretary of State's office, Craig Kozeniesky, Justus Wendland, Rebecca Bourne and various other members of the staff are present today. The presentation, on page 3, explains the Elections Division Functions ([Exhibit C](#)).

CHAIR OHRENSCHALL:

Does the Secretary of State's Office feel that the new machines are overall reliable? Are there any problems in terms of breakdowns or software malfunctions?

MR. THORLEY:

The office is pleased with the two voting systems that the counties have rolled out. The machines are certified by Secretary of State's Office. There were some growing pains with the poll workers. Since the poll workers have been around for several years and were used to the old equipment, there was a learning curve. In the field of malfunctions and breakdowns, there was less of that with the new equipment. The old equipment was subject to higher problem rates and one of the reasons that the equipment was replaced.

CHAIR OHRENSCHALL:

What is the lifespan of the new machines in terms of ability to keep being used?

MR. THORLEY:

Between 10 and 15 years generally is the life span for this type of equipment. On page 8, the presentation refers to the Nevada's website ([Exhibit C](#)).

SENATOR SEEVERS GANSERT:

On page 14, it says that a voter is automatically verified as registered with the Department of Motor Vehicles (DMV) and the Social Security Administration. Is there a cross database between states to know whether someone is registered in Nevada or in another state?

MR. THORLEY:

There is, and it is called Electronic Registration Information Center (ERIC), a multistate member-run organization. Twenty five states and the District of Columbia are members of this organization. The Secretary of State's Office shares information on a monthly basis for voter registration in Nevada along with DMV data. All of this information is sent to a giant number-crunching machine that checks for duplicate registration in more than one state. This information is used to make sure the voter rolls are accurate.

If there is a recent record in another state that is a member of ERIC, the office can work with that state to make sure that record is taken care of. This information is updated in the state and in Nevada. The office also obtains information about deaths from the Social Security Death Master Filer and ERIC incorporates data in the national change of address database from the U.S. Postal Service. The information is robust and fed into ERIC, it gives accurate actionable data.

SENATOR SEEVERS GANSERT:

There are 25 states in ERIC. So the other 25 states are not active members?

MR. THORLEY:

Yes.

SENATOR SEEVERS GANSERT:

There is no way of verifying those other states; how does the Office confirm there is no duplicate registration?

MR. THORLEY:

The office is encouraging colleagues from other states to join. There is a cost associated with it. The software used is expensive for members to participate. It is not just a voter list maintenance program but a voter outreach program. The office reaches out before each federal election to all eligible unregistered voters. The office sends out postcards to encourage people to register to vote and visit the link online for the voter registration portal. That is part of the membership, agreement, and there are costs involved in mailing out those postcards. The Secretary of State's Office feels the cost is worth it because of the benefit of registering new voters.

The neighbor states in ERIC are Utah, Arizona, Colorado, Oregon, Washington and other states in the west. California is not a member of ERIC. It would be helpful to have California in this program with all the back-and-forth movers between Nevada and California. Page 14 of the presentation refers to the online portal called Nevada Online Voter Application (NOVA). There have been 20,000 voters enrolled through NOVA.

CHAIR OHRENSCHALL:

Is that for the general election or the primary election?

MR. THORLEY:

It is for the general election. The online voter registration portal is located on page 14 of the presentation. On pages 29 through 31 is an overview of possible bills for this Session ([Exhibit C](#)).

SENATOR PICKARD:

Concerning moving dates for the municipal elections on page 29; would the provisions of Assembly Bill (A.B.) 50 be disruptive? How does the office handle

the lengths of terms? The election date is being moved. How does the office deal with the date change issue? There were some additional costs for the cities. Has the office addressed this with the cities? Are the cities all on board? There are lot of moving parts to make this work. Are all of these things being considered?

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

CHAIR OHRENSCHALL:

If A.B. 50 makes it to this Committee, there will be a full hearing on the bill.

MR. THORLEY:

The bill does address the term of office issue. The Secretary of State's Office cannot shorten terms of office constitutionally. The proposed bill will extend terms of any incumbencies and will align with the regular election cycle. If the bill is approved, elected officials will serve an additional year in their office.

CHAIR OHRENSCHALL:

It was noted that there are nearly 1.6 million active registered voters and 200,000 inactive voters. Does the office know percentagewise the persons who would be eligible to vote? Who are registered and who are not registered statewide?

MR. THORLEY:

That would refer to the eligible voting population. The office does not have that information here today. A professor, Michael McDonald, from the University of Florida runs a website called the U.S. Election Project. Mr. McDonald is the best source of information for the eligible voting population. The Secretary of State's Office can provide this information to Policy Analyst Michael Stewart.

SENATOR CANCELA:

As someone who has spent a lot of time doing work with elections I can say the Secretary of State's Office does a great job of making sure folks who are able to register to vote can do so in a timely manner. People in Nevada get all the necessary information needed when voting time comes.

SECRETARY CEGAVSKE:

The office looks forward to meeting with the Senators individually or as a Committee. The office will bring proposed bills forward and look forward to a favorable vote.

CHAIR OHRENSCHALL:

I will open the hearing on Senate Bill (S.B.) 107.

**SENATE BILL 107**: Revises provisions relating to public office. (BDR 24-18)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

Senate Bill 107 has a key point, and that is, "resign to run." A lot of the bill is brought on by term limits and more people shopping in the midterm to find another slot. The next key point is if an individual is running for a federal office, there is a difference of campaign laws between a state election and a federal election.

The other existing issue is the fact that while an individual is taking six months off or eight months off, he or she can decide to run for an office. The individual is not doing the job that the person was elected to do. It is not fair to the constituency that the person is representing. With those comments it is all about equity to Nevada voters and constituents. If the individual files midterm and runs for another seat, the person has the ability to run and lose. This is a key piece that is wrong with being able to run for an election and come back to the existing seat if the candidate loses.

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

People can run for another office and have a safety net to fall back on. Section 1 of S.B. 107 requires an individual to resign from his or her current office to run for another office. Section 1, subsection 3, paragraph (b) provides if elected officials choose not to resign, the act of signing up for another office will effectively resign them. They have a choice: they can resign to run, or when they run, they will be resigned. There was added language for certain offices where people can actually serve in two elected bodies, such as conservation districts.

In section 1, subsection 2, paragraph (a), 12 months were added to provide for the canvassed votes for members of the Legislature. It creates a problem if a resigning Senator chooses to run for another office. There would be a void. The

12-month window allows individuals to run for other offices. If a Senator chooses to run for something else, it creates an error because the two jobs do not overlap correctly. Other offices traditionally begin January 1.

If section 2 is the effective date after October 1, 2019, there have been some amendments and clarifications that need to be on the record. In no way, shape or form does the Legislative body have the right to tell judges what to do. Therefore, judges were never intended or meant to be included in this bill. Please leave them out if the bill proceeds with an amendment. If a vacancy is created during filing, then let people run for the office. A Senator decided to resign and run for something else, why not allow filing to be opened for that position? So that way the voters get to decide who is in this spot rather than having appointments. This gives an opportunity for individuals to weigh in.

There has been discussion about cleaning up the bill language for *Nevada Revised Statutes*. It will be up to the Committee concerning the rules that will be set instead of letting the smaller municipalities create special elections. It has been suggested that there could be appointments across the board or open it up for refiling rather than to have the confusion. Those concerns have been brought forward.

SENATOR SEEVERS GANSERT:

Just to be clear, if someone is going to run for another office, then that person will need to resign from office or the person will be declared resigned from office. But that leaves a vacant position if the office is won. Either way, there is a vacant office that ends up being appointed. This bill does not address filing or delayed filing. If someone resigns, does it automatically reopen creating a registration or filing period for people to run for that seat?

SENATOR SETTELMAYER:

Yes. That would be the concept if the bill was allowed to proceed with amendments, basically opening up a seven-day window of filing for that office. Most people generally decided to file for a new office right away on the first day of filing, not the last. If no one filed, then the appointment process would take place. The seven-day window could create a good time frame for people to step forward representing multiple counties to make a decision based on the population of the counties. Which usually has a stacked deck because usually one county has more votes than another.

SENATOR GOICOECHEA:

When the law is in place, individuals will see resignations happen. Clearly do not leave the office until after the election cycle. But seats will open up and people will be watching that. When a person files for another office, people will file to fill that vacancy. It would become part of the process.

SENATOR PICKARD:

Is there an election to fill the unexpired term?

SENATOR SETTELMAYER:

Yes, the individual would only fill a partial term. Otherwise Legislators would be recreating terms for individuals. It is wise that only half of the Senate is up for elections instead of creating a situation where things are staggered but end up where all the seats are up at the same time. There are some people that are concerned that what would happen with a three-member board for a smaller community if all three of them resigned and decided to run for mayor. This bill solves that concern because it says an individual should not do that. There is a consequence; you have to make a choice.

SENATOR PICKARD:

The judicial elections in 2020 is when the voters will be reelecting every judge in the State. This will create a problem for the 50 judges in Clark County whose seats will be up. It usually creates a situation where the county ends up with not terribly well-qualified individuals.

SENATOR GOICOECHEA:

This bill does not impact the judiciaries.

CHAIR OHRENSCHALL:

Here is an example. There was a version that amended this bill that provided a requirement for an election. Senator Goicoechea decides to run for another office, and he resigns from the Nevada Legislature. Would there be a special election to fill his seat or would it happen at the next general election? Would this seat be vacant?

SENATOR SETTELMAYER:

It would follow the same law. If Senator Goicoechea decides to resign and run for another office and he resigns before 50 percent of his term is filled, it will go



to the next election. If the resignation to run for something else happens during filing, it opens up filing.

SENATOR GOICOECHEA:

Typically, if a special session is called, there is no appointment to fill that vacancy. The current official will hold the seat.

CHAIR OHRENSCHALL:

Have other states passed this?

SENATOR GOICOECHEA:

There was no research gathered before the meeting. But there are other states who do use the resign to run provision.

DOUG GOODMAN (Nevadans for Election Reform):

I support S.B. 107 and my testimony has been submitted ([Exhibit D](#)).

JESSE WADMANS (Las Vegas Metro Chamber of Commerce):

The Metro Chamber of Commerce supports S.B. 107.

ROBERT FRANK (Chair, NevadansCAN Election Integrity Action Committee; Citizen Task Force for Voter Rights):

NevadansCAN supports S.B. 107. This bill is long overdue. The citizens need this kind of representation.

JULIE HEREFORD (Co-Founder, NevadansCAN Election Integrity Action Committee; Citizen Task Force for Voter Rights):

NevadansCAN supports S.B. 107, and it is long overdue.

WARREN HARDY (Nevada League of Cities and Municipalities):

The Nevada League of Cities and Municipalities concerns have been identified by members of the Committee. One concern is linguistics and how it will work, for example, if several members of the City Council decide to run for mayor when there is a vacancy. The Nevada League of Cities is opposed to S.B. 107 as it is written. The Committee is hoping to sit down with the sponsors and resolve the issues so there are no unintended consequences.

SENATOR PICKARD:

Given the discussion of suggested amendments so far, if the issues were addressed in the amendments, would the League of Cities support S.B. 107?

MR. HARDY:

I cannot make that decision today, but the issues that were brought up are relative to the Nevada League of Cities concerns and in opposition to the scenario that was presented. If those issues were addressed, the League of Cities could revisit the bill.

SENATOR PICKARD:

If the issues were addressed, would this remove any obstacle the League of Cities would have?

MR. HARDY:

Before making a decision, the League of Cities would have to revisit the legislation after amendments were applied.

MARIA LIEBERMANN (Battle Born Progress):

Battle Born Progress opposes S.B. 107 for a few reasons. The first issue is more vacancies will get created if representatives have to resign. This would lead to poor quality of public service and lack of representation. It would pile up more work for the next representative taking the vacant office. The second issue is the bill will overburden the elections department. What would be the burden on the elections department with having to call and manage special elections to fill vacancies on an ongoing and regular basis?

MATTHEW TRAMP:

I oppose S.B. 107. Current office holders who are running for office will not be doing their jobs effectively while campaigning. The same issue also applies to constitutional officers who decide to move up for a higher office, even though their term expires at the same time as another constitutional office. State Legislators are part-time positions, and this is an issue affecting their job performance. The Legislature only meets biannually and does not meet otherwise unless there is a special election. Constituents have a problem with their elected officials neglecting their current positions.

SENATOR SETTELMAYER:

The following states have passed this bill: Arizona, Georgia, Florida, Hawaii and Texas.

CHAIR OHRENSCHALL:

We will now close the hearing on S.B. 107 and open the hearing on S.B. 118.

**SENATE BILL 118**: Makes the office of registrar of voters an elected position.  
(BDR 20-597)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

Senate Bill 118 applies to the registrar of voters position. Rural areas have elected individuals who are in charge of their elections if someone makes a mistake. There have been situations in rural counties where election boxes were forgotten in cars after the elections were already certified. The former Secretary of State, Dean Heller, had to have all votes counted that were missed. The individual in charge of the election did not do well during the next election cycle. It is an issue of fairness in all counties. People should be able to weigh in on the person in charge of the election. By the next election voters can vote whether or not the official should be retained in that position.

SENATOR PICKARD:

This does happen in each race, and it did happen in Clark County the last election cycle. There were 16,000 votes found and counted after the election was over. Because a registrar was elected, would that require a recall? How is poor performance being dealt with?

SENATOR SETTELMAYER:

If the individual did something onerous enough to get to the criminal level, there are criminal remedies. This would fall to the citizens of the county to retain the individual or not retain the individual. Let the citizens weigh in, and it could create better situations because sometimes an elected official does not get along with the current county commissioners. There is no recourse other than to do what a commissioner has asked or risk losing their livelihoods. This bill would at least give a safeguard. In Douglas County, the same situation occurred with the assessor. A few decades ago, a county commissioner asked the elected assessor to increase the amount of money coming in from property tax. The assessor had the ability to look the commissioner in the face and say, "I do not work for you, I work for the citizens, and I will do what is right for them."

CHAIR OHRENSCHALL:

There is a perceived lack of impartiality. This officeholder is in charge of the elections for a particular county and is on the ballot. The individual is facing a contested election and the opponent thinks all the early voting sites are in areas where that individual's friends live. Is there concern that this could create a lack of perception of impartiality if that person in charge of the voting is now a candidate in a contested election?

SENATOR SETTELMAYER:

Yes, it does exactly that. It is going to make people think these individuals are going to be worried about making sure things are fair and equal countywide. Appointed registrars are just worried about pleasing the county commissioners.

CHAIR OHRENSCHALL:

If this were to pass, would the term be four years?

SENATOR SETTELMAYER:

Correct.

CHAIR OHRENSCHALL:

If there was to be a recall, the next chance voters might have to either rehire or fire that county official might be three and half years. There might not be an issue that rises to the level of a crime but something such as picking out early voting sites or not even trying to favor a candidate. Might there be a length of time before voters could address the problem?

SENATOR SETTELMAYER:

That is a concern, but on the flip side of that question, it gives job security to these individuals. The official would not worry about the county commissioners getting mad for one particular election.

PATRICIA MESSINGER:

Senate Bill 118 should have been addressed a long time ago. The voter registrar is not an elected official. Clark County does not have an elected official like Barbara Cegavske, Secretary of State. Our elected official does not listen to the people or employees who had complaints. When working for the Trump campaign headquarters, he allowed mishandling of materials and loss of precincts. When I went to show him the complaints from the election integrity violation report, he would not even look at the information. When I ran for

office, he was allowing campaign material inside the 100-foot line at the polling places. This situation is why I feel S.B. 118 is needed. If a person is running for office and wins, the individual will need to work for the constituents and not worry about getting elected every four years. If the person is not an elected official then, the individual is complacent.

DEBBIE MILLER-JOSEPH (Chair, Active Republican Women):

The Active Republican Women cannot stress the importance of positions that are elected to give voters a voice over the election process. The Active Republican Women support S.B. 118. An appointed position with no term limits and no recourse to remove a representative may result in no oversight, a lack of transparency and the same person in the position office for decades. Voters should be allowed the right to choose how the election process is maintained. An elected position may result in fresh ideas, transparency and a removal process, if the representative fails the duties of the office.

JOHN COLAN:

I support S.B. 118. The problem with having a regular employee do this work is the desire to continue the status quo. It does not mean election fraud is happening, but it does mean the election integrity is in question. This bill should be considered.

MS. HEREFORD:

NevadansCAN and I agree with the previous statements made and we support S.B. 118.

DARA TANEREDI:

I worked for the Trump campaign in 2016 and had tremendous difficulties. Nevada does not have an elected official in this space. Free and fair elections are essential to Nevada government. When poll watchers are turned away for a violation of Nevada law, there should be accountability. Electing someone in that space will strengthen public influence and provide an extra layer of checks and balances. The registrar of elections needs to be independent from the commission. When looking at running all the county elections and going through the ballots, the registrar basically serves as a last line of defense for election integrity. The registrar of elections is the final arbiter on reviewing and presiding over a county's balloting.

MR. FRANK:

I have spent over 1,000 hours of researching Nevada elections laws, practices and procedures that involved three or four cases of election contests that have had some serious questions concerning the quality of counting and reporting by Clark County department chief. The issue on the table is the person who is in charge and the person who presided over the person in charge have shown cases of bias and disregard of candidates wanting to seriously investigate the count. I have been an expert witness in two cases in district court. The system of a civil servant supervising elections does not serve the interest of the people of Nevada. It causes doubt and confusion. It is not a good management practice and not a good element of democracy. I strongly support S.B. 118 for county elections officials.

MR. GOODMAN:

I think we are going in the wrong direction. As for voters electing the registrar of voters, perhaps we should be looking at appointing the city clerk as well as some of the other county offices. I worry about turning election officials into elected officials. Even though we elect the Secretary of State, other positions in the office are hired by the Secretary of State. We need someone that is knowledgeable about election law and procedures in this position. Voters do have a recourse should there be a problem with the registrar of voters—to go through the county commissioners and get the commissions to remove or address the concerns. I oppose S.B. 118.

CHAIR OHRENSCHALL:

If any voters are not happy with their county officials, they can go to the Secretary of State as another avenue in terms of any kind of election issue.

SONDRA COSGROVE (League of Women Voters of Nevada):

The League of Women Voters in Nevada oppose S.B. 118. According to the MIT Election Performance Index, Nevada rates sixth overall in the Nation for election performance. This is a good list, and Nevada is right at the top ten nationwide. Nevada loses points for low voter registration and low voter turnout, neither of which are directly related to the election officials. Consistently, there is no reason to unnecessarily interject the political process that contributes to no benefit into administering elections. If S.B. 118 passes, the League of Women Voters feel that county registrars running elections should not run for office at the same time. Clark and Washoe Counties registrars are both highly competent and execute their duties with the utmost professionalism.

SENATOR PICKARD:

Is it not true that the Secretary of State is both up for election and also responsible to oversee elections in impartial basis? How would this run afoul of that?

MS. COSGROVE:

Mr. Thorley manages the election functions in the Secretary of State's Office. The functions that the county registrars and county clerks are overseeing are different from what the Secretary of State's Office does. When looking at voter role maintenance, hiring poll workers and maintaining the voting machines, those are all handled at the county level and not at the State level. These are completely different when it comes to interacting in the election process.

MS. LIEBERMANN:

Battle Born Progress opposes S.B. 118. This bill is a craven attempt to put an end run on the will of the Nevada voters in the two most populated counties. This bill is targeting two counties that have the largest population communities of color that have made significant strides to ensure that everyone is eligible to vote and has easy access to register to vote. This bill is a solution looking for a problem. Nevada has one of the best election systems in the Nation run by Barbara Cegavske, Secretary of State. Clark County is one of the models for the Nation when it comes to the Registrar and the Department of Elections.

This bill could lead to large shifts every four years. This would lead to unpredictability on how the voting system is managed. It would lead to confusion, having a new registrar bringing in new staff each election cycle and making valuable institutional knowledge no longer available. Many of the election departments' employees in Clark and Washoe Counties have been doing a great job for years and passing on important institutional memory. The registrars should focus on running elections and not running for office.

JAMIE RODRIGUEZ (Washoe County):

Washoe County is neutral to S.B. 118. Increased scrutiny of the election process and Washoe County-appointed Registrar allows the County to deal with concerns and issues that may come up. The Registrar has to come to the County Commissioners with all actions that are related to elections for approval. That includes determining where polling locations are placed during the elections. When there are issues, oftentimes those concerns do come to the

county commissioners. The Board can address those concerns at the time instead of waiting for a potential election to make those changes.

Washoe County has had issues where people have been fired from the Registrar of Voters Office and the Commission appointed an interim manager to complete the election process to ensure it was handled properly according to all laws. In the 1960s Washoe County created the appointed registrar position shortly after that. Washoe County has the ability and flexibility to address concerns with elections rather than having to wait. Having an appointed Registrar allows for more seamless communication with Washoe County and the residents along with the Board of County Commissioners.

LESLEE SHELL (Clark County):

Clark County has been using an appointed Registrar of Voters for decades. Clark County is neutral to S.B. 118. The qualifications are set up for the Registrar. These large elections are complicated and technology is getting into this work. A lot of election laws are changing. The Registrar reports directly to an elected body. Clark County's Election Department has the large budget of \$12 million. There are lots of things that happen during this process, including contracts, purchasing and personnel matters. These matters have to coordinate with the Board's priorities. The Registrar serves at the pleasure of the Board of County Commissioners. If there are issues or concerns, the County has the ability to handle those issues immediately.

CHAIR OHRENSCHALL:

How many employees serve the Registrars of Voters for Clark and Washoe Counties?

Ms. RODRIGUEZ:

I will have to double-check for specific numbers. During the Interim, it is less than 10, however, during elections it can be 1,000.

Ms. SHELL:

I will also get that information for you and echo Ms. Rodriguez. It is around 20 during the off cycle, but it can get up to hundreds or even thousands during election cycles.



SENATOR SETTELMAYER:

Senate Bill 118 presents an issue of parity to allow voters to weigh in on who runs their elections. The Secretary of State position is elected, and this individual is either Democrat or Republican and does a fair and impartial job.

SENATOR CANNIZZARO:

This issue is concerning election security or other issues that are alleged to resolve from not having an elected official. It is interesting that the Secretary of State's presentation talked about how to help people vote, grant money, and election security. Nevada is a leader in election security with the Election Integrity Task Force. Clark County does a fantastic job, and those individuals try to do the best job possible. It is a daunting task that has no voter fraud or election security issues. Nevada is a leader in creating a secure election process.

CHAIR OHRENSCHALL:

Please take the opportunity to tour the Clark County Election Department and attend meetings regarding plans for upcoming elections. The Registrar of Voters, Joe Gloria, works hard to be efficient and transparent and tries to reach out to the community during the election process. We will close the hearing on S.B. 118 and then open the meeting on S.B. 122.

**SENATE BILL 122**: Revises provisions relating to the qualifications of certain candidates for partisan office. (BDR 24-52)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

Senate Bill 122 comes from an issue that happened in a previous election concerning voter parity. If an individual is a Democrat and decides to flip registration and file for the other party, the law states that a person cannot flip the registration from one party to the next. As of December 31 of the previous year, an individual has to be in the party he or she originally signed up to run. If the individual is in a major political party; however, that does not apply if the person is in a minor political party. If the person is an Independent, he or she can flip and run for the Libertarian Party.

Senate Bill 122 seeks to try and create parity in that aspect. If an individual has not designated a political party, which under Nevada law a person has the right to do, he or she must do so to run for a partisan office by a certain date. The law should be fair and have the same rules apply to all parties across the board. The bill adds "minor political party" to the law changing party affiliations by a

certain date. There are some changes concerning the dates. Legal Counsel changed it from December 31 of the previous year to January 1. Section 2 had no real changes except for the form that is filled out for party preference and date. Legal Counsel also changed this section from December 31 to January 1. The effective date will be January 1, 2020.

CHAIR OHRENSCHALL:

Has this been a real issue with a candidates switching from one minor party to another prior to an election?

SENATOR SETTELMAYER:

This is why the bill was brought forward. It did not seem proper to have such laws, regardless if one person is affected or everyone is affected. Everyone should operate under the same rules. For example, if one political party has an advantage over a minor party, it is not fair. If an amendment is needed on the bill, let us discuss how to equal the playing field. Again, it is either parity or not, and that is the basis of the bill. There was only one particular incident that took place, and that was enough to create S.B. 122.

JANINE HANSEN (Nevada Families for Freedom; Independent American Party):

The Independent American Party opposes S.B. 122. There is agreement with Senator Settelmeyer if the deadline is removed for all parties. There is no parity between the major parties and minor parties because of the incredible discrepancies for the number of voters. The Independent American Party, which is the largest minor party in Nevada, only has 4.6 percent of the registered voters. There are many laws that are difficult for minor parties to comply with. This measure is designed to suppress the number of candidates that minor parties can recruit to run for office. It allows limits for the choice of voters, and 61 percent of a recent survey responders say neither political party represents their opinions. A lot of people are not happy with one or the other political party. This particular survey showed virtually no variation across class or race.

One thing unfair to minor parties are the campaign finance laws. The finance law requires people to report if they give a \$100 or more to a candidate. The laws impact a minor party different than how it impacts a major party. For example, if a person donated \$1,000, it will be on the Secretary of State's website and the Independent Party will see it. Often a donor will support a candidate but only donate \$99 so that this information is not displayed online.

These are problems the party faces in recruiting candidates that the major parties do not experience.

In Nevada, the Independent American Party has 69,000 active voters out of total of 1,590,000. Republicans have 530,000, Democrats have 609,000, nonpartisan have 349,000, Libertarians have 15,000 and other parties have around 14,000. These are recent statistics from the Secretary of State's Office. The party feels the purpose of this law will suppress our ability to recruit candidates. The major parties have an opportunity to vet their candidates between the times the people file and vote because any Republican or Democrat can file for office. But minor parties have a State convention for voters to meet potential candidates. The candidates of minor parties do not as much time for voters to get to know them. That is another disadvantage for recruiting candidates. The Independent American Party would ask to leave the law alone, for there has been no problems with it.

LYNN CHAPMAN (Nevada Families for Freedom; Eagle Forum; Washoe County Chair, Independent American Party):

I signed a petition to get the Green Party on the ballot. This was important because Nevada needs more candidates to run for different positions. Political parties need to encourage more people to run for office. If things are more difficult with time limits and money limits, less people will be interested. It makes it more difficult. People need help in participating instead of putting up more barriers in front of them.

KAMAU BAKCARI (Independent American Party):

I oppose S.B. 122. If I could not be a part of the Independent American Party, I would not vote at all. There is a reason I joined this party. I left the other two parties on purpose and was disgusted with them. There are lots of people who think the system is messed up. The Independent American Party is trying to fix it. If we cannot have our party, it will not end well for any of us. A lot of people are fed up with the process and think it is rigged. If we cannot have a party alternative to the major parties, I will not vote at all, and others will not participate either.

JOEL HANSEN (Chair, Independent American Party):

I oppose S.B. 122. The minor parties select a candidate from a convention instead of having a primary, so final candidates have to be chosen at the end of February. Minor parties do not have the chance to have five or ten candidates

and let voters to decide the candidates in the primary election. There is not the same amount of time to decide who is going to be our candidates. Minor parties do not get a chance to vet or get to know people except through the convention.

The convention process is fine for now, but if people have to register in our party by January 1, that does not give enough time to decide who the candidates will be by February. I went out recruiting people, and the best time to recruit people is during an election year. It is not parity to make minor parties choose those people and name those people at the end of the year. The major parties have all the time from registration to the primary to decide which candidates will be put up for office. The purpose of this law is to further burden minor parties from finding candidates with the time frame that is being proposed.

JONATHAN FRIEDRICH (Independent American Party):

I am opposed to S.B. 122. Let the bill quietly die or eliminate it completely.

SENATOR SEEVERS GANSERT:

It is my understanding that the list of candidates is due the first week of March, but a convention can be held at any time. The submission is in statute and not when a convention is held.

KEVIN POWERS (Committee Counsel):

The statute does provide that a minor political party has to file its list of candidates by essentially the close of the filing period, the second Friday after the first Monday of March in even-numbered years, which are election years. The statute does not specify when the minor political party has to hold its convention. However, the minor political party has to qualify for the ballot. There is a procedure that the minor political party has to go through between qualifying for the ballot and producing its list of candidates at the convention. Their process for placing candidates on the ballot is different than it is for major political parties.

The major political parties go through a primary process, where the minor political parties have to qualify for the ballot, hold a convention and present a list of candidates by the second Friday after the first Monday in March. Although conventions are not specified by a particular date by statute they do have to fit within that time frame.

SENATOR SETTELMAYER:

There is nothing in S.B. 122 that refers to minor parties meeting or selecting candidates. All the bill is saying is a person does not have the right to shop or switch parties.

CHAIR OHRENSCHALL:

I will now close the hearing on S.B. 122 and open up for public comment.

MR. FRANK:

I want to touch more on S.B. 118. I am qualified as a computer security specialist to testify at the district court in logistics. None of the United States have secure systems that could pass a security test for any State department. The U.S. elections system is not anywhere close to the kind of security that is used for national security. I think there is nothing more important than keeping the election system secure.

MR. TRAMP:

The process to appoint partisan offices when there is vacancy is with the Legislators and county commissioners. The county commissioners appoint a Legislative seat that is open. The Governor appoints county commissioner seats. This is not a democratic system to use. Special elections are an option at the taxpayers' expense. Voters right now do not get any say in who gets to serve out a remaining term.

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CHAIR OHRENSCHALL:  
This meeting is adjourned at 6:10 p.m.

RESPECTFULLY SUBMITTED:

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Janae Johnson,  
Committee Secretary

APPROVED BY:

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Senator James Ohrenschall, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	6		Attendance Roster
	C	32	Wayne Thorley / Office of the Secretary of State	Elections Vision Overview
S.B. 107	D	3	Doug Goodman / Nevadans for Election Reform	Presentation-Election Reform