

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-First Session
March 17, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9 a.m. on Wednesday, March 17, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Robin L. Titus, Assembly District No. 38

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Judith Bishop, Committee Manager
Geigy Stringer, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Christopher Ries, representing Las Vegas Metropolitan Police Department
Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chair Flores:

[The meeting was called to order. Committee protocol was explained.] Happy Saint Patrick's Day. Thank you to our amazing committee manager, Judith Bishop, for getting the festivities started early and always having the right energy. Our very own Assemblywoman Titus will be joining us to present Assembly Bill 218. At this time, I would like to open up the hearing on Assembly Bill 218.

**Assembly Bill 218: Revises provisions governing certain elected county offices.
(BDR 20-195)**

Assemblywoman Robin L. Titus, Assembly District No. 38:

Assembly Bill 218 is an act relating to public office, authorizing a sheriff or a constable to campaign for reelection to office while wearing the physical accoutrements of their office. I represent District 38, which is all of Churchill County and most of Lyon County.

Assembly Bill 218 clarifies that a sheriff or constable campaigning for reelection to office may indeed wear the uniform of their office. As a wife of a retired sheriff, I know that the job is 24 hours a day, 7 days a week, 365 days a year. The uniform they wear is theirs. When elected, they choose what the uniform looks like; they choose the colors that they and their officers will wear. Assembly Bill 218 clarifies that indeed they may wear that uniform anytime, including when they are campaigning for reelection. They are never not on duty.

I am now going to ask Eric Spratley, the executive director of Nevada Sheriffs' and Chiefs' Association, to give some further comments. I will be available to answer questions, if there are any, at the end.

Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:

The Nevada Sheriffs' and Chiefs' Association is the professional association composed of your 17 elected sheriffs, chiefs of police, and law enforcement leaders throughout the state of Nevada. The association is grateful to Assemblywoman Titus for bringing forth this legislation, and I am truly honored to be in front of this Committee to discuss the need for Assembly Bill 218 and the main points for why we ask you to consider this legislation.

Mr. Chair, if I may take a few minutes of your time to go over those points?

Chair Flores:

Please.

Eric Spratley:

The office of sheriff in the state of Nevada is a political, nonpartisan office in which a candidate for sheriff is elected by the majority of voters in each of the 17 Nevada counties with elections occurring every four years. It is the same for the office of the county constable. The sheriff's qualifications, duties, responsibilities, and other provisions or limitations are spelled out in Chapter 248 of *Nevada Revised Statutes* (NRS); constables are in NRS Chapter 258. This bill seeks to amend these two chapters by adding language permitting a sheriff and/or a constable to wear the "accoutrements of the office"—which are a badge and gun—while campaigning. Here is why this is important. I will speak to sheriffs specifically:

1. Each Nevada sheriff is the chief law enforcement officer in the entire county—24 hours a day, for every day of the year that they are in office, as you heard Assemblywoman Titus say.
2. In that law enforcement capacity, the sheriff has—as the main outward identifiers for their position—a uniform, a badge, and a gun.
3. Even if a sheriff is not in full agency uniform, they will almost always have their badge and gun with them, and the badge and gun are considered what are known as accoutrements of the uniform—whether or not the sheriff personally paid for and owns these items.
4. They wear the uniform and their accoutrements due to their statutory responsibility under NRS 248.090 to “keep and preserve the peace in their respective counties.” This is key. They have the unquestionable personal responsibility to respond to crisis and apprehend criminals.
 - a. Under NRS 248.040, sheriffs have the ability to appoint deputies. This is what you know as command structure—executive staff, supervisors, and deputies. These folks help assist them in carrying out these statutory duties, but the responsibility rests with the elected sheriff.
 - b. There are police departments in cities, but the elected sheriff retains their law enforcement authority at all times.
 - c. Similar to an “is there a doctor in the house?” call during a medical emergency, if there is a need for a law enforcement response at any particular moment in the sheriff's presence, the elected sheriff has the personal duty to respond and handle the issue; they need to have at least the minimum uniform accoutrements on their person to do so.
5. For over 160 years, each Nevada sheriff has worn, and continues to wear, the official uniform and its accoutrements—badge and gun, minimally—while in public and carrying out the wide variety of statutory duties, such as emergencies, traffic control, search and rescue, coroner calls, crime scenes, jail operations, calls for service, officer backup, and things such as that. They also have public service opportunities, such as community meetings, safety meetings, media interviews, recruitment opportunities, speaking events, fish fries, bake sales, town halls, all those fun things they get to do—and that they like to do as well—that are regularly presented to them.

What keeps sheriffs and constables accountable so they are not behaving improperly with this perceived power and prestige of the office? The answer is NRS Chapter 281A and the federal Hatch Act of 1939. The Hatch Act applies to state and local government employees who work in the Executive Branch and whose principal employment is in connection with any activity financed in whole or in part by loans or grants made by the United States or a federal agency. Sheriff's offices fall under this authority—we get grants from the federal government and we are bound by certain things regarding the federal government. The Hatch Act was specifically addressed by the U.S. Office of Special Counsel in 2012 and 2018, regarding whether or not it was a violation of the Hatch Act for an incumbent sheriff to wear the uniform while campaigning for office. The answer, in plain terms, was no. In its interpretation of the Hatch Act, the Office of Special Counsel says, No, it is not a violation. Some of the language they used in the memo on that determination says:

Because incumbents already hold partisan political office, we have reasoned that incumbents do not violate the Hatch Act by wearing a uniform or using an official title while campaigning for reelection. Thus, we have advised that a sheriff may attend campaign events while wearing his uniform and identifying himself as the sheriff or use photographs of himself in uniform for campaigning purposes. Similarly, a sheriff does not violate the Hatch Act by driving an agency-issued vehicle to a campaign event.

That is from the Office of Special Counsel, August 14, 2018.

Our Nevada sheriffs are well aware of the Hatch Act and the code of ethical standards in NRS Chapter 281A, and they confidently operate within those requirements. However, neither the Hatch Act nor NRS Chapter 281A applies to nonincumbents who may feel free to dress in a law enforcement uniform for the purposes of campaigning for the office of the sheriff. That law, that Hatch Act, does not apply to nonincumbent people running for the office. You would think that if someone is throwing on a uniform and campaigning for the office of the sheriff, that NRS 199.430, impersonating an officer, would apply. But unless that candidate tried to do something official in the uniform and injured or defrauded another person, that statute does not apply. Now the scales would be tipped in favor of that person, whereas the current incumbent Nevada sheriff, who rightfully wears the uniform, is being questioned for wearing his.

Over the past decade or so, there have been complaints filed against incumbent sheriffs claiming that it is improper for the sheriff to wear the official uniform or its accoutrements. As you are well aware, campaigns are difficult enough to navigate, and a wide variety of things are thrown around to try to derail an opponent's momentum. I am not familiar with it, but you are and our sheriffs are. Campaigns are difficult. Congratulations to you for being successful in yours.

To make matters worse, there is no official start date for a sheriff's campaign cycle, so in the case of complaints against an incumbent sheriff, any behavior of a sheriff in uniform, or their simply wearing the badge and gun at any time they are in office, may be used as a basis for a

complaint for a violation of NRS 281A.400 regarding ethics. It should be noted here that while there have been a few campaigning in uniform complaints filed against Nevada sheriffs over the past decade, none that we are aware of have been found as violation of law by the Commission on Ethics. The Ethics Commission has acknowledged that the use of uniforms and badges in campaign materials in Nevada has been employed by candidates for other law enforcement offices in Nevada. They also state that without a state or local law governing or clarifying duties of elected incumbents regarding utilization of the accoutrements of office, the Ethics Commission had to stipulate to the dismissal of these allegations over this past decade.

These complaints, though none have been sustained, really do wear on the sheriff accused, and the other sheriffs as well, during the time the case is being handled by the Ethics Commission. It has them all walking on eggshells rather than freely and confidently focusing on the job at hand and the public service duties they were elected by the people to do.

I will wrap it up with a couple of considerations. Is it reasonable to have a sheriff in uniform deny a citizen conversation simply because it might lead to or be interpreted as campaigning? Should a sheriff not hold a press conference for a critical incident in October of an election year simply because it is close to Election Day, or must that sheriff hold the press conference without wearing a uniform, a badge, or a gun because someone might consider it a campaign advantage? Certainly not.

You have the opportunity with this bill to support that elected sheriff—your elected sheriff—and elected constable, if you have one in your county, so they may continue to perform their statutory duties and daily functions without worrying whether or not their actions in uniform will be used as a basis for yet another complaint. Assembly Bill 218 will make it clear that our elected officials may wear the uniform they have the right to wear—to perform the duties they have been elected to perform—and to do so within the guidelines of the Nevada code of ethical standards and the federal Hatch Act.

For those reasons, the Nevada Sheriffs' and Chiefs' Association asks for your support and affirmative vote for Assembly Bill 218.

Mr. Chair, that concludes my testimony.

Chair Flores:

Thank you for that detailed explanation. I appreciate your going to other sections of the NRS that may have triggered some questions by folks and preemptively addressing them. At this time, we will start with questions.

Assemblywoman Dickman:

I think you touched on my question, but say a deputy was going to run against the incumbent sheriff, or the Sparks police chief decided he wanted to run for the Washoe County Sheriff's

position. In those two examples, would they both be able to wear their uniforms while campaigning, or is it just the incumbent sheriff who is included?

Eric Spratley:

It is questionable. I believe NRS Chapter 281A, the way I read it, covers the fact that elected officials and their employees cannot—and I am just trying to pull it up as I am speaking to you, so I am multitasking—I believe it covers them as well. I, Eric Spratley, not a law enforcement officer, can buy some uniform accoutrements, put on patches and a badge that says Las Vegas Metropolitan Police Department, and run for that office. The Hatch Act, NRS Chapter 281A, ethics—none of that applies to me. If I do not try to do something official with that uniform and harm another person in doing it, I am not impersonating an officer. There is nothing that really prohibits a person from doing that. When it comes to employees, directly to your question, I believe they are covered under NRS Chapter 281A and would be prohibited from doing that.

Assemblywoman Dickman:

It basically gives the incumbent sheriff an advantage over someone else who might have a uniform but cannot wear it. Why not just include every law enforcement officer in this bill and allow them all to wear their uniform if they are campaigning for sheriff?

Eric Spratley:

I guess that would be a decision for this Committee to make.

Assemblywoman Anderson:

Assemblywoman Titus, I emailed you two questions yesterday, and Assemblywoman Dickman just brought up one of them, so I greatly appreciated it. This is my other question: Say there is someone who runs for office and wins in 2015, and then runs again and loses. He decides to run for sheriff for a third time against the incumbent sheriff. Are both individuals able to wear their uniforms because they have both served as sheriffs? Or is it only the current sheriff who is able to wear the uniform while campaigning?

Eric Spratley:

In your scenario, the nonincumbent sheriff—the one who was sheriff, did not win, and is coming back—can actually wear that uniform again. The incumbent sheriff would not be able to, under current law—or current lack of law. He could, but then people file complaints and the Ethics Commission deals with the complaints. The Commission states in some of their determinations that it is not prohibited without a state statute or local law. They do not provide very clear direction; they have to go off of what seems to be impartial. That is why we are asking for a state law. To that point, it can still be a local government's choice and even a policy decision by that sheriff's office. If there is a policy against it, or a local government says, Hey, we do not want our sheriff wearing the uniform while campaigning, that is up to the local government. We are asking for the state level to say, Yeah, it is appropriate. That would get rid of the ability for ethics complaints to be filed and avoid people having to deal with that and keeping the sheriffs on eggshells as to whether or not they can wear their uniform in an election campaign.

Assemblywoman Anderson:

If I understand correctly, the current format is the complaint would be done at the local level. For clarification purposes, could you walk through how that complaint is made? Is it done at the state level or the local level?

Eric Spratley:

I believe complaints of this nature would go directly to the Ethics Commission at the state level.

Assemblywoman Anderson:

Then the Ethics Commission would utilize the state law. But based on your answer, it sounds like there is also a way to get the local level involved in making that decision as well. I guess that is where my confusion is coming from.

Eric Spratley:

Your local county commission can pass a county ordinance handling the matter of whether a sheriff or elected official can wear a certain uniform during the campaign or not. Yes, they can. Right now, the Ethics Commission does not see any of those at the local level or, for example, that there are no prohibitions in a sheriff's policy manual or a county policy. The Ethics Commission reverts back to the language in NRS Chapter 281A and tries to make a decision based off of that. We are asking for it to be clear: Yes, a sheriff can wear the accoutrements. He is elected for four years and he gets to be the sheriff the entire time. He does not have to pull back or dress down when he has a press conference and a microphone comes up and somebody thinks he is campaigning in uniform when he is just being the sheriff and doing his or her job at a traffic crash scene.

Assemblywoman Duran:

My question is this: Basically, you cannot wear campaign gear while you are near voting sites. Is it going to be a violation if a sheriff wears his uniform to vote?

Eric Spratley:

I do not know. I do not have an answer. I think our sheriffs would be very cautious in that regard.

Assemblywoman Titus:

I think this bill does not affect that. I think for a sheriff in uniform—or anybody in uniform going to vote on their way to work—there is no prohibition. We could ask our legal counsel, if they are not too busy helping finish some of the bill draft requests. I think there could be a problem if the sheriff wore a reelection campaign button or that sort of thing. But if somebody wears their uniform—whether it be for the military, National Guard, or something else—to vote on their way to work, I would say that is not a campaign violation. They are not wearing the T-shirt they wore in their reelection campaign—I think there would be a difference. If our legal counsel is available, we could certainly have them get some clarification on that.

Assemblywoman Duran:

If they are available, we would like to get that clarification for the record.

Chair Flores:

We will have our policy analyst reach out with an inquiry. I am sure that by the conclusion of today's hearing, we will have a response from the legal counsel. As we all know, we are responsible for having them work really late and not being available since we have so many bill draft requests. They are out drafting, but I am sure we will get a response later during the hearing.

Assemblywoman Thomas:

I have one question for clarification. I am a retired veteran, and I think it would be great if I could show up at campaigns in my military uniform. Even though I am a veteran, I am still allowed to wear my uniform. Would that be appropriate?

Assemblywoman Titus:

Thank you for your service. Nothing in this bill interferes with whether you can wear your uniform or not while you are campaigning. It is your uniform. We have veterans show up in their uniforms to campaign; there would be nothing that restricts that based on this bill or the current law we have. That is not really this bill's purpose and would not affect your ability to wear your uniform at any time.

Assemblywoman Thomas:

Would that be an advantage that I would have over my opponent?

Assemblywoman Titus:

I certainly cannot address who your opponent might be and whether or not he is a veteran. Again, this bill is not about giving advantages. This bill is about clarification on ethics complaints about the sheriff. I think this is a one-page bill that we need to put in statute to say sheriffs and constables can wear their uniform. Going back to Assemblywoman Dickman's question of whether or not the captain of the Sparks police force could wear his uniform while campaigning, this bill does not prohibit nor does it address whether he can do that. That is a company policy. This is just going to clear up in statute that, indeed, the sheriff is able to wear his uniform because of the uniqueness of that uniform. However, if the Sparks city police have no problem with their captain wearing his uniform, and he is on duty 24/7, that could be a policy. None of this bill affects whether they can be wearing their uniform in all these unique situations. Nothing prohibits it either.

Assemblywoman Considine:

After I read this bill, I had so many questions running through my head. Assemblywoman Titus, I know I sent you a bunch of those questions. For example, I asked if the sheriff could wear his uniform when he is fishing, if he wears it 24/7. To boil it down: I understand what this bill is for, but from the other side, how does anyone know whether the sheriff is being the sheriff or is in campaign mode if he looks the same in both situations?

Assemblywoman Titus:

Being married to a sheriff, I know he had his badge and gun when we went fishing. He never left those behind, whether he was in the supermarket, or fishing, or wherever he was. He was the sheriff, and we could have gotten—and have gotten—calls during any situation. There is none in which you could describe whether or not he would have his badge or gun—because he did. Did he have some other stuff in the car? Yes. As Eric Spratley expressed, that is the purpose because they could be at a car accident in October or the day of the election. They could be there anytime; they would be in uniform. Your question is well taken because how do you know if they are campaigning or not? When does X happen? Someone is in campaign mode and then is the sheriff—and a transition does not happen because they are always in sheriff mode and it may be a reelection year. That is where the gray zone is and that is why there is a need for this bill. Anybody can say the sheriffs are just out campaigning, when in reality the sheriffs are working. We are trying to clarify that it does not matter when something happens; they are entitled to be wearing it.

Assemblywoman Considine:

Again, having thought about this all night, reading the letter that is attached, and listening to Mr. Spratley today, I am wondering if the problems coming up that Mr. Spratley had mentioned could be taken care of by tweaking or working on campaign laws to tighten them up as opposed to what this bill does.

Assemblywoman Titus:

Mr. Spratley can address this also, but I will say there was a lot of discussion prior to this bill being presented about what the best fix was in terms of clarity. As we all know, sitting in this hearing on both sides of the Zoom meeting, campaigns can be tough. None of us want to have an ethics violation filed against us, and there can be issues out there. We looked at the different options—what would provide the most clarity with a simple wording change and the simplest processes to make it clear. This is where we landed. Now I will have Mr. Spratley add anything he might want to add.

Eric Spratley:

That is right. It is really about going for the clearest option in this regard. Sheriffs and constables are unique—especially sheriffs—in that they have to wear that uniform, as well as the accoutrements of the uniform, which is what it really comes down to. It used to be thought that if the sheriff buys his uniform, badge, and gun, then those are his personal property and he can wear them whenever he wants. But it has been determined that this is not the case; it is the official uniform of the sheriff's office. It is unique in that regard, so when you get into the campaign side of things, it starts affecting everybody. Maybe an elected official is in his official position, wearing a tweed jacket with leather patches on the elbows all the time. Then all of a sudden he is campaigning in that same tweed jacket and he can get an ethics complaint filed against him. It is kind of a stretch, but that is the idea. For example, my little pin here is an accoutrement of my position in this organization.

The sheriffs have a duty; they have been elected to do that job 365 days a year. Certainly, they do not sleep in the uniform or sit in a uniform while fishing, but they have the badge and

the gun, and they are ready to respond to a law enforcement crisis at any time. It really made sense to put it specifically into NRS Chapter 248 for sheriffs and NRS Chapter 258 for constables.

Assemblywoman Considine:

Personally, I am trying to look at some sort of fair balance on this, so I do appreciate the answers.

Assemblywoman Brown-May:

Thank you, Assemblywoman Titus, for bringing this bill forward and giving us an opportunity to consider this decision. I have one clarifying question. I certainly appreciate that a sheriff would need to carry a badge and gun at all times so he can be easily identified in the duties of his office. I am curious, though. When there is campaigning going on, is there any distinction between appearing in person in uniform—in the action of his or her duty—and appearing in TV ads or other media ads that would be specific to campaigning events? Has any thought been given to that?

Eric Spratley:

There is no distinction here, especially when you look at the Hatch Act of 1939, when this was addressed in 2012 and 2018 regarding sheriffs. In simple terms, they said, No, it is not improper, so go ahead and do it. They even included the vehicle, and I am thankful that they did because, as I said, of our rural sheriffs. In Nye County, Sheriff Sharon Wehrly will be out driving and come across a traffic crash or hear of an officer needing assistance. She drives a marked patrol vehicle and will show up on scene, so the person on scene knows who she is—I guess they would probably consider her a deputy of the department; they would not know she is the sheriff. It is not inappropriate, and it is for all aspects of the campaign—left to the discretion of the sheriff.

Assemblywoman Torres:

I am looking at the legislation, and I know it talks about the uniform and badge. In the conversation today during the hearing, we also talked about the gun the sheriff or constable would have. I do not see that specified here in the legislation. I think the disagreement here with the Committee is specifically with the uniform, not with the other two items. I can understand that an officer would have the badge on their person at all times. But even for our state offices, a state employee could not wear their badge to attend a campaign event. I suppose I have concerns about the specific part of the uniform, and I think part of the conversation has included the arms. That is not included in this legislation, and I am wondering if there was the intent to add it.

Assemblywoman Titus:

Are you speaking to their carrying a firearm at all times?

Assemblywoman Torres:

I think the idea that they should be able to carry their badge and gun was a big part of Mr. Spratley's conversation. It is not specified, though obviously the legislation does say

"without limitation." I just feel "without limitation" might be a little general. They cannot use a government car off duty as desired, right? Could we get more clarification on that?

Assemblywoman Titus:

Again, they are not off duty. They are issued a car and they always have that car. They are always on duty. Just to clarify, this is not somebody who is hired through a department and is assigned a car while on duty, like all government officials—like any of our employees here and our officers who do such a good job. Those employees are hired, they do their shift, and when they are off duty, they are off duty.

The distinction here is a sheriff is an elected official who is never off duty. As everyone here in this meeting knows, we are never not assemblymen. We are elected. There is a distinction between an elected official and an employee who has set hours and certain things they do at certain times. That is the distinction we are making—this person has this position at all times. Again, my husband takes his boots off and puts the gun beside the bed—he does not wear it to bed, but it is never far away, I will tell you. That is the reality here. There was this gray zone of going home to change and going to an event or something. I was asked to carry this bill because of the concern about the ethics. Are they entitled to do this? We are trying to make this distinction. It does not roll over to others who are employees; that would be a limited policy.

Again, the gun stays with them no matter what. Even if a sheriff is out campaigning in a suit, he will have his gun on. That is just part of the process.

Eric Spratley:

Just to add to that, even if the person is wearing a suit like mine, he is still wearing the accoutrements of the office. If he becomes visible at any time, it could be an issue—for example, if he unbuttons his jacket and the badge appears. The accoutrements of the office are important. Again, it comes down to an elected sheriff who has a specific uniform he wears the majority of the time. They want to be able to wear it without question and complaint, to do their normal duties if it turns into something that could be perceived as campaigning—for example, if they are answering media questions and somebody says, No, they are campaigning. It just gets rid of that gray area.

The Hatch Act says it does not apply to a sheriff in uniform going door to door campaigning. The Hatch Act says that because a person feels compelled to open the door to talk to a law enforcement officer, door-to-door campaigning would maybe put the person back on their heels a bit. This bill does not apply to that; it is not free rein to do anything you want in uniform. Our sheriffs in Nevada are very cognizant of that. They are cognizant of NRS Chapter 281A ethics violations and the Hatch Act. They just wanted clarity. That is all we are asking for here today—that NRS Chapter 248 and NRS Chapter 258 be clear on what sheriffs and constables are allowed to do.

Assemblywoman Torres:

I would advise caution about saying what this bill does and does not apply to. I believe it would actually apply to that. If that was the discussion, I think there needs to be more clarification on what type of campaigning this could apply to—is it just photos on literature or is this more general? Is it door-to-door campaigning? Because when I look at the phrase "campaign for reelection," I think those examples are central parts of it. I do not need a response; I just urge the sponsor to consider putting more clarifying language into the bill.

Assemblywoman Martinez:

If they are campaigning with their uniforms on, would that mean taxpayers are paying for them to campaign?

Assemblywoman Titus:

To clarify, they are salaried whether they are campaigning or not. What they do is what they do; this does not change any of that behavior. I am sensing some pushback from folks who think it is giving sheriffs and constables undue abilities. I think we can get some clarification for your question, Assemblywoman Martinez, and Vice Chair Torres' point about whether they can go door to door campaigning. That would be inappropriate, and it is not the intent of the bill. The questions folks have raised are well-intentioned, and I do appreciate them. If you have those questions, what does the system have? So I appreciate your bringing that up and asking whether taxpayers are paying for sheriffs and constables to go door to door.

Whether they are wearing their uniform or not while they campaign, they are campaigning at times when they are the elected official because they are salaried and work 24 hours a day. This bill does not affect whether they will go door to door and campaign when they are salaried employees, just to be clear on that.

Back to the Vice Chair's question: I think those are great questions, great points, and we can certainly get some more clarity.

Assemblywoman Considine:

A similar question to mine was asked, but mine is a little narrower. It has been mentioned that part of the sheriff's accoutrements is the car. My specific question was a bit different, but Assemblywoman Titus may be able to follow up with it: I know that is not necessarily part of the salary if they are using the car to go to and from campaign events, but is that something the taxpayers are paying for whether it is for the campaign or not?

Assemblywoman Titus:

A vehicle is assigned to you, for X amount, wherever you are going with that vehicle. I can assure you my husband would not even drop his child off at school in the sheriff's vehicle because that is just not something he did. To clarify: This bill does not address that; it does not say you can or cannot take the car somewhere. A sheriff has to be responsible and know what is right and wrong. For anybody out there who has an issued vehicle, we would hope they would only ever use it for the intended purpose. I would hope the sheriffs also follow that rule. Just to be clear, that is not what this bill is trying to do.

Eric Spratley:

The accoutrements of the office, as defined by Nevada, include the badge and the gun; they do not include a vehicle. In the statement I read, I talked about the vehicle not being a violation of the Hatch Act—the Hatch Act is the one that talked about door-to-door campaigning as well. That is where it comes from.

Assemblywoman Considine:

To me, this goes back to the distinctions and how gray they are. I think we could probably go on for hours coming up with situations where it is unknown whether the person in question would be the sheriff as sheriff or sheriff as campaigner. I just feel like the distinctions, as we go on, are getting harder and harder to define.

Assemblyman Matthews:

Under this bill, what would happen if an incumbent sheriff was campaigning for another office? The way it is written in the bill is "for reelection," which at least implies it is for the office currently held. If an elected sheriff campaigned for county commissioner or some other office, would that sheriff be allowed to wear the uniform under those circumstances?

Assemblywoman Titus:

At this point in time, they can because it is their uniform. They can show up in their uniform now and campaign for that next office. It is not addressed in this bill. The complaint was they were campaigning for their own office in uniform and they should not; that was the ethics concern. I think a sheriff would have to make the choice whether or not he would show up in his uniform and campaign for the office, and whether it was a good decision on his part. I would go back to the scenario you described. If they filed and ran for county commissioner but are now going to an accident scene and reporting on that, somebody might file a complaint on them—now they are in uniform and running for office. Again, we have opened a lot of gray zones and are just trying to get clarity about whether they can wear their uniform for any office they are running for. I will turn it over to Mr. Spratley to see what his comments are.

Eric Spratley:

I do not have an answer to that question. I do not know.

Chair Flores:

Maybe we can get some clarification in a little bit on that particular question.

Assemblyman Ellison:

As a rural person, a lot of these sheriffs might get called in to speak and talk about campaigns—they are still on duty. They would still go in wearing their full uniform; if there is any event, they are there as a sworn officer but still might be campaigning. I support this bill; I think it is a good bill, mostly for some of the people in Ely, Eureka, and Elko—all these other small counties. I strongly support this bill.

I just want to let you know I am trying to follow two meetings. I was not ignoring everything; I am just trying to do both at one time. I want to get on the record that this is a good bill. I could not believe we had to go to this point to put a bill in for something that is common sense.

Assemblywoman Dickman:

One of my colleagues—I cannot remember who it was—brought up a topic I think is kind of important here. The fact that under this bill, they would be able to use their uniform in TV ads and campaign material, it seems to me it would give them an unfair advantage. What if we clarified that a little bit, since the point of this bill seems to be to make it easier for sheriffs not to have ethics complaints filed when they are performing their duties. Would you consider being more specific on what this allows? I want to support this bill. Years ago, I had a sheriff who took a picture with me. He was on duty. We used it on a campaign piece and found out afterward that we had to destroy the 5,000 pictures we had printed because no one was sure if it would be an issue.

Assemblywoman Titus:

We will certainly try to be thoughtful about where we need to fix this and about your concerns regarding when they can and cannot wear the uniform. It is all gray zones, and I appreciate everyone's questions and comments. They were all thoughtful. I appreciate everybody on the Committee because each of you had a unique question and observations. We have hearings to vet these bills before they go forward, if we can get you on board with the need for this, and to clarify what this addresses and what it does not. All the questions and thoughts were great and obviously needed to be asked. I can guarantee that we will try to work on that. I hear your question, Assemblywoman Dickman, and I do not have an answer. I think we can certainly follow through with that and see if we can clarify some of this for you.

Assemblywoman Dickman:

That would be great because I really want to support this bill, but I do see some issues with it.

Chair Flores:

I do not believe we have additional questions. At this time, I would like to invite those wishing to testify in support of Assembly Bill 218.

Christopher Ries, representing Las Vegas Metropolitan Police Department:

I would like to echo Director Spratley's testimony to allow elected sheriffs to campaign in uniform, and we are in support of A.B. 218. Sheriffs have been duly elected and in turn have earned that title as well as the ability to wear the uniform which identifies them as such. This bill decreases confusion for both the elected sheriff and the citizens of Nevada.

Chair Flores:

Is there anyone else wishing to testify in support of Assembly Bill 218? [There was no one.] At this time, I would like to invite those wishing to speak in opposition to Assembly Bill 218 to call in.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I am opposed to this bill. It is important to me who becomes the elected sheriff, given that my brother was killed at a jail run by a sheriff in Nevada. There needs to be that separation between the politician and the position, which is the highest-ranking law enforcement office in the county. Many hypotheticals have been presented; I am curious about the actual yearly number of ethics complaints regarding this issue. This bill does not strengthen transparency and accountability. How many times has a former law enforcement officer running for office worn their uniform? I know that Allan Fox was running for sheriff in 2018 in Washoe County. He did not wear his uniform; he was a former member of the Reno Police Department. Also, Adam Hopkins ran for sheriff in 2018; he was a former Washoe County sergeant, or maybe even higher ranking. He did not campaign in uniform.

As a previously uninformed voter—and I admit it, I was—that is something that would sway me. Being an uninformed voter—I am not anymore, but I was—seeing somebody in their uniform would be something that would sway me to vote for them, and I do not think it is right. Please do not support this bill. Please support bills that strengthen transparency and accountability from law enforcement.

Chair Flores:

Is there anyone else wishing to speak in opposition to Assembly Bill 218? [There was no one.] At this time, we will invite those wishing to speak in the neutral position to A.B. 218 to call in. [There was no one.] Assemblywoman Titus, I invite you to come forward with any closing remarks you may have.

Assemblywoman Titus:

I really appreciate all the wonderful questions that were brought up by members of your Committee today. Trust that I will take each and every question to heart, try to get some clarifying language, and answer your concerns. To those of you who have reached out to me via email, I still have about 15,000 emails in my inbox—I am trying to get through them as best I can, so I apologize for not responding prior to this meeting. Happy Saint Patrick's Day to you all.

[[Exhibit C](#) was submitted but not discussed and is included as an exhibit for the hearing.]

Chair Flores:

I am sure the members will continue to reach out with questions and work with you on this bill. At this time, we will close out the hearing on Assembly Bill 218. Thank you again, Mr. Spratley, for joining us this morning, and for all the work you all do to help our Nevada citizens. At this time, I would like to invite those wishing to speak in public comment to call in.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother, Thomas Purdy, was 38 years old when he was hog-tied by Reno Police and asphyxiated to death by four deputies at the Washoe County Jail. Those officers' names were Christopher Good, David Tallman, Jorge Aparicio, and Officer Maxwell, Brendan Glynn, Timothy Senger, and Paul Hubbell.

It is the little things I miss the most about my brother: a hug, a phone call, the way he was so protective of my son in order to make sure nobody was bothering him and made sure that my son was doing right. There is not a single day—I am sorry—I miss hearing him say, I love you, Anne, at the end of our conversations. My brother was a father of two children who were ten and eight years old when he was killed by Reno police on October 8, 2015. I have to bear witness to the profound and detrimental effects it has had on their lives. Myself, I have not slept over three hours a night since October 4, 2015. Can you try to imagine being a child and having to process your parent being asphyxiated to death by those who we have taught them are there to protect them?

Kenny Stafford was also a father of three when he was killed by Sparks police. Niko Smith was a father when he was asphyxiated to death by the Washoe County Sheriff's Office. Johnny Bonta was a father when he was shot and killed by Sparks police. Kyle Zimbelman was a father of three when he was killed by multiple law enforcement agencies in Nevada. Nick Farah was a father when he was asphyxiated to death at the Clark County Detention Center.

There is not a single day, hour, or minute that my brother, and the torture and terror he experienced, is not on my mind. This is why I continue until my last breath to be his voice and advocate for change. I do not want your families to know this pain, and it is a real reality. I, too, once lived on an imaginary pedestal, where my loved one would never be murdered by police without consequence either. Please promote bills that support transparency and accountability from law enforcement.

Chair Flores:

Thank you again for joining us, and as always, we are sorry to hear about the tragic loss of your brother. Is there anyone else wishing to speak in public comment? [There was no one.]

Members, as you know, tomorrow we will be having a hearing on Assembly Bill 253 that will be presented by our very own Assemblywoman Considine. Please give yourself an opportunity to review that bill and reach out preemptively if there is anything you would like to get clarified. This meeting is adjourned [at 10 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Recording Secretary

RESPECTFULLY SUBMITTED:

Lindsey Howell
Transcribing Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated March 12, 2021, submitted by Sharon Wehrly, Sheriff, Nye County, in support of Assembly Bill 218.