

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

**Eighty-First Session
April 8, 2021**

The Committee on Legislative Operations and Elections was called to order by Chair Brittney Miller at 4:08 p.m. on Thursday, April 8, 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:

Assemblywoman Brittney Miller, Chair
Assemblywoman Sandra Jauregui, Vice Chair
Assemblywoman Jill Dickman
Assemblyman Jason Frierson
Assemblywoman Cecelia González
Assemblyman Glen Leavitt
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Clara Thomas
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Pepper Sturm, Committee Policy Analyst
Kathleen M. Norris, Committee Counsel
Bonnie Borda Hoffecker, Committee Manager
Jordan Green, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Dakota Miller, Private Citizen, Las Vegas, Nevada
Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada
Annette Magnus, Executive Director, Battle Born Progress
Quentin M. Savwoir, Deputy Director, Make It Work Nevada
Jim Sullivan, Political Director, Culinary Workers Union Local 226
Emily Persaud-Zamora, Executive Director, Silver State Voices
Dawn Etcheverry, Vice President, Nevada State Education Association
Leonard B. Jackson, Executive Director, Faith Organizing Alliance
Tracey Thomas, Private Citizen, Sparks, Nevada
Alex Goff, Private Citizen, Reno, Nevada
Taylor Patterson, Executive Director, Native Voters Alliance Nevada
Maria Nieto Orta, Nevada State Coordinator, Mi Familia Vota
Verania Rebolledo, Organizer, Make the Road Nevada
Artie Blanco, Private Citizen, Las Vegas, Nevada
Aldo Pardo, Private Citizen, Las Vegas, Nevada
Aria Flores, Las Vegas Area Director, Chispa Nevada
Kerry Durmick, Nevada State Director, All Voting is Local
Oved Gutierrez, Private Citizen, Reno, Nevada
Anwar Green, Private Citizen, Henderson, Nevada
Lucy Gonzales, Private Citizen
Jim DeGraffenreid, National Committeeman, Nevada Republican Party

Chair Miller:

[Roll was called. Committee rules and protocol were explained.] We have two bills scheduled for hearings today. For each bill, I will take up to 30 minutes of testimony in support and in opposition. I would like to move the agenda around a bit by taking Assembly Bill 126 first, doing our work session, and then hearing Assembly Bill 390.

With that, I would like to open the hearing on Assembly Bill 126. This measure is sponsored by Assemblyman Jason Frierson, and it provides for a presidential primary.

Assembly Bill 126: Provides for presidential preference primary election. (BDR 24-99)

Assemblyman Jason Frierson, Assembly District No. 8:

I am here today to present Assembly Bill 126, which would move Nevada to be the first state in the nation in the presidential nominating process and change our current presidential nominating process, the caucus, to a primary. The question is: Why should Nevada have the first say when it comes to nominating candidates for President?

As Nevadans, we know how unique our state is. Our diverse population better represents that of the rest of the country, yet our state is small enough for more of our voices to be heard by those vying for the highest elected office in the land. Also, the issues that are shaping our

country's future have been big issues here in Nevada for years—climate change, public lands, immigration, health care, tourism—Nevada helped put these issues on the map.

I have worked my entire legislative career fighting to make voting and elections more accessible to eligible Nevadans. I believe this bill is another step in that direction. Nevada has made great strides to make caucuses more accessible, but the nature of a caucus limits the ability to make it as inclusive as the process of nominating our President can be. By moving from a caucus to a primary, more Nevadans will be able to have a say in who should ultimately lead our country.

I will now walk through the provisions of the bill and the amendment [[Exhibit C](#)] that I hope you all received. The majority of this bill makes conforming changes to include the presidential primary in sections of *Nevada Revised Statutes* (NRS) that lay out policies and procedures for administering an election for election officials.

Section 43 of the bill has a proposed amendment to make the presidential primary date the first Tuesday in February. This aligns with the historical practices of the Democratic National Convention and Republican National Convention that organize the presidential nominating process at the national level. We will also continue to work with the Democratic National Committee and the Republican National Committee on the primary calendar to ensure that Nevada remains in compliance through the 2023 Session. The proposed amendment also removes references to other western states scheduling a primary ahead of Nevada's. To be crystal clear, the purpose of this bill is to set Nevada up to be the first presidential nominating state in the nation, not just the West.

Section 44 of the bill has a proposed amendment to move up the presidential candidate filing period to October 1 through 15. This change is needed for county clerks and registrars to carry out preelection processes in time for the primary to be held on the first Tuesday in February.

Section 6.5 of the proposed amendment to the bill [page 7, [Exhibit C](#)] adjusts the judicial and nonjudicial candidate filing dates so that they do not overlap with the work county clerks and registrars need to do to administer the presidential primary election. Judicial and nonjudicial candidates will file for office beginning the last Monday in February for the year in which the election is to be held and end three weeks later.

Nevada has consistently punched above our weight when it comes to elevating the issues that we experience every day to national importance—from addressing racial justice to climate change to, most importantly, staunchly working to expand voting rights. Our voices are diverse and better reflect the rest of the country than the current nominating structure, and it is time for Nevada to take its rightful place—not just "First in the West" but first in the nation.

This concludes my introductory remarks. I will say that as with the other bills related to elections, we worked with our local and statewide election officials, whom I believe are the

best in the country, to take into account their experiences and implementation. That is reflected not only in the bill but certainly the amendment that was provided. With that, I am happy to take any questions the Committee may have.

Chair Miller:

Committee members, do we have any questions?

Assemblywoman Dickman:

Is there a plan for when New Hampshire moves its primary to be before ours? There are a couple of states that have made it clear they are moving if we go first.

Assemblyman Frierson:

I am not a legislator in New Hampshire, Iowa, or any of the other states that have historically gone early, but I know that Nevada better represents the population of the country than those states do.

We meet for 120 days every other session, and we are certainly not able to have a moving scale the way some states do. Our job is to make our case—not just to the Republican National Committee and the Democratic National Committee, but also to those other states.

I also think it is important that we make our case to candidates. I think that it would behoove candidates to pitch their positions and make their cases before a state's population that reflects largely what the country looks like. Through that collaboration and communication, we would hope to make our case that Nevada is small enough and manageable enough, yet diverse enough, to give candidates an opportunity to make their cases not only to a diverse demographic but also to a state that handles diverse issues, as I stated earlier. We will work with our election officials in the state and across the country to make our case. I cannot control what other states do. This bill does not incorporate a moving target for a date.

Assemblywoman Dickman:

That is what I wondered: once it is in NRS, that is the date.

Chair Miller:

Are there any additional questions? [There were none.] Let us open it up to those who would like to testify in support of A.B. 126. We will take up to 30 minutes for testimony in support.

Dakota Miller, Private Citizen, Las Vegas, Nevada:

I am a first responder and a constituent of Assembly District No. 18. I am calling in support of A.B. 126 because caucuses are confusing and inaccessible to working folks who cannot commit several hours, and the bill would make Nevada first and best in the West. Thank you.

Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada:

We want to thank Speaker Frierson for bringing this overdue and very important bill. The current caucus system is a messy, confusing system that appears to have been designed to deter participation. Every elector should have a say in nominating his or her party's candidate, and the caucus system does not give that.

I have seen firsthand the chaos that is the caucus system in this state working as a precinct captain. I have seen caucus organizers doing their best but failing to understand voter registration laws. I have seen caucus locations run out of registration forms, delaying the caucus for hours.

My father, who delivered mail through the United States Postal Service, has had to take hours off of work in the middle of delivering a route to attend a caucus in which only four other people in his precinct showed up. He then had to finish his route, returning home well after dark, exhausted and frustrated. This is not how voting should be. The system is silly at best. It is not conducive to working-class people, people with disabilities, or older adults. In a traditional primary, these individuals can vote quickly and conveniently.

The state continues to work hard to increase access to the polls by expanding early voting and polling locations. Even with these changes, voting remains challenging for some. While I personally may miss arguing with a small group of strangers who live in my general area over who is the best candidate for the party, we have social media that can scratch that itch. Untold thousands of Nevadans will benefit from a traditional primary system, and we should do everything we can to encourage participation in the process. Please support this important piece of legislation.

Annette Magnus, Executive Director, Battle Born Progress:

We are here in support of A.B. 126. It is time to make this process more accessible for our growing electorate on all sides of the aisle by moving to a presidential preference primary system proposed by this bill to give oversight of the presidential primary process to the Secretary of State and county clerks. This provides assurance to voters that their votes will be tabulated by an unbiased, public third party, increasing confidence in the primary system.

Furthermore, the simplicity and efficiency of a presidential preference primary avoids the confusion sometimes created by the caucus process, which can be esoteric for some voters who are not overly knowledgeable about the rules and counting procedures. More confidence and easier process means greater participation, which is good for our democracy.

Assembly Bill 126 also sets rules for polling locations during the presidential preference primary to include at least ten days of early voting and longer hours of operation to ensure as many eligible voters have a chance to participate as possible. All of this makes for more secure and accessible primary elections for Nevada voters. We thank Speaker Frierson, Majority Leader Benitez-Thompson, and Chair Miller for their work on this measure. Please support A.B. 126. Thank you for your time.

Quentin M. Savvoir, Deputy Director, Make It Work Nevada:

So much of our work is anchored around public education and keeping our communities fully abreast of all the happenings that would directly impact our communities and our day-to-day lives. During the 2020 election, we threw this public education into overdrive to ensure that our community members were able to use their voices at every single turn. Admittedly, explaining the caucus process to individuals and families who are not routinely engaged in the electoral process was especially challenging. It was hard getting people to understand the rules associated with going to a particular precinct when just two years prior we were explaining to community members that they could go to any vote center. As well, it was complicated explaining to community members this concept of "viability" and why it was important for them to have a second and, in some cases, a third or fourth choice pick.

Participating in democracy should not be a formulaic science. It should be accessible and standardized so that all Nevadans know what to expect when it is time to use our voices in choosing our elected leaders. Assembly Bill 126 will eliminate a great deal of the arbitrary rules and deadlines associated with the caucus process. It will also put to bed this antiquated process of caucusing that does not seem to serve the era and time that we are living in. Passing this legislation will propel Nevada forward in welcoming more people into the process of selecting future presidential candidates, and it will also aptly position us to become the first state in the country to select presidential candidates. We urge bipartisan support for A.B. 126. Thank you.

Jim Sullivan, Political Director, Culinary Workers Union Local 226:

The Culinary Workers Union supports A.B. 126, which will establish a primary election in lieu of a state caucus. In the 2020 Democratic Presidential Election, the majority of the caucus participants chose to early vote rather than to participate on caucus day. The Culinary Union hosted an early vote site for the first time in 85 years for Culinary Union and community members to participate in this democratic process. The Culinary Union mobilized members and their families to vote early. We are proud that over 2,500 Nevadans cast their ballots in four days at the Culinary Union early vote site location. In addition, several Las Vegas Strip casinos hosted 24-hour voting sites, which gave workers the option to vote at their job.

Assembly Bill 126 promotes voting accessibility, encourages voters to participate in the presidential primary election, and simplifies the voting process for all voters. Lastly, Nevada is more representative and reflective of the diversity of our country. As the largest organization of Black, Asian American and Pacific Islander, Latinx, and immigrant workers, the Culinary Union believes that Nevada's diverse communities should be the first in selecting a presidential candidate. The Culinary Union urges the Nevada Legislature to support and pass A.B. 126. Thank you.

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

I am calling on behalf of the Let Nevadans Vote coalition. Today we stand in strong support of A.B. 126 because it would make participation in our presidential preference elections much more accessible to everyday Nevadans.

The reality is that while primary elections tend to have lower turnout than general elections, caucuses tend to have the lowest turnout because it leaves a large number of people out of the process. Everyday working Nevadans, which are the communities that we and our partners work with on a daily basis, may not be able to commit to several hours to attend their precinct's caucus. It is simply inaccessible to many Nevadans.

Another issue is the educational component that goes into helping community members familiarize themselves with the caucus system. It is long and complicated; it can be intimidating and discourages many from participating.

Assembly Bill 126 would provide more oversight and transparency, as the elections departments would be responsible for conducting the primaries. The clerks have ample experience conducting elections, and it would keep elections out of the hands of political parties. Thank you to Speaker Frierson for bringing this bill forward and for always advocating that Nevadans' voting systems are equitable and accessible to everyone.

Dawn Etcheverry, Vice President, Nevada State Education Association:

When Nevada hosted the first caucus back in 2008, the Nevada State Education Association and the National Education Association invested money and time in Nevada teaching state residents how to participate in the process. Many hours were spent by trainers traveling the state helping voters and high school seniors learn the Republican and Democratic caucus systems. As one of the members of the team, I will say that we worked tirelessly to make the voters comfortable. Unfortunately, the process is confusing and, for many, uncomfortable.

The Nevada State Education Association supports the return to the primary process. Casting your vote is a privilege. The process should not be hard to understand and must be accessible to all.

Leonard B. Jackson, Executive Director, Faith Organizing Alliance:

Faith Organizing Alliance strives to increase civic participation in the Las Vegas Valley and is a partner of the Let Nevadans Vote coalition. Faith Organizing Alliance is in full support of A.B. 126 because it would preserve Nevada's "First in the West" status and move us even closer to first in the nation.

Nevada is known for being one of the most diverse states in the nation, and that is apparent in our school system, our communities, and at the ballot box. While our state parties have long performed diligent work running the presidential caucus for years, 2020 made it clear that attitudes about the caucus process are changing.

Assembly Bill 126 ensures that the Nevada presidential preference primary is held on the second to the last Tuesday in January of each presidential election year. If another state in the western United States chooses another date before this, the Secretary of State must choose an earlier date after January 2. This means that Nevada stays first and "Best in the West."

With Nevada uniquely situated in the presidential primary process as a diverse state full of working people, our values and our people are deserving to cast their vote among the first states in the cycle. Assembly Bill 126 protects that and even puts in contention to be the first state and the "Best in the West." Thank you.

Tracey Thomas, Private Citizen, Sparks, Nevada:

I pushed the wrong button. I queued too soon.

Alex Goff, Private Citizen, Reno, Nevada:

Thank you to Chair Miller and members of the Committee for taking the time to hear this bill today; thank you to Speaker Frierson and staff for working on A.B. 126 and bringing it before you.

I serve on the Democratic National Committee for our state of Nevada. Giving Nevada's voters a voice to shape the national debate is something that I believe is central to my role, and I look forward to casting the vote to make Nevada first in the nation at the Democratic National Committee.

I urge your support for this bill, and I look forward to working with all of you to see this become a reality. Thank you and have a wonderful day.

Taylor Patterson, Executive Director, Native Voters Alliance Nevada:

I am a member of the Bishop Paiute Tribe. The Native Voters Alliance Nevada is in full support of A.B. 126 because it will be a more inclusive process for all Nevadans, but particularly for Native Americans.

In 2020, we saw the many difficulties associated with the caucus system. Our community, which already experiences low voter turnout, was bogged down by the confusing rules and process. This bill will create an equitable system that all communities can easily participate in. It will also allow tribal governments to request their own polling locations, allowing for further convenience and accessibility for all Natives. Thank you for your time and consideration.

Maria Nieto Orta, Nevada State Coordinator, Mi Familia Vota:

Mi Familia Vota is a nonpartisan organization that strives to improve political efficacy in the Latino community and is a partner of the Let Nevadans Vote coalition. Mi Familia Vota is in full support of A.B. 126 because primaries would make it easier for new citizens to participate in our electoral process.

Assembly Bill 126 is important because the caucus system may be confusing and difficult to maneuver through, especially for first-time voters who have not experienced caucuses before. We are an organization that works closely with your Latino constituencies, and A.B. 126 would be beneficial for the eligible permanent residents who become new citizens, as the electoral process, especially during a presidential election, can be one of the most confusing.

Also, it is important to note that the caucus system is not necessarily accessible for working-class communities who do not always have the time to participate, as they work sometimes two to three jobs to make ends meet or have to watch over their kids to ensure that they are going to school and being fed. When they have other priorities that have to do with staying alive and keeping a roof over their heads, participating in a democratic caucus will not be a top priority.

Assembly Bill 126 will allow people to participate in an equitable way and make sure that they are still meeting all their needs. I urge you to please support A.B. 126. Thank you for your time.

Verania Rebolledo, Organizer, Make the Road Nevada:

Make the Road Nevada is an organization committed to building power amongst our members through organizing, policy innovation, and transformative education. We are also partners of the Let Nevadans Vote coalition.

Make the Road Nevada is in support of A.B. 126 because transitioning back to a direct primary system would make our presidential selection process much more accessible for Latinx and working-class communities across Nevada.

Throughout the year, we constantly engage with our members to ensure that they have the proper resources and are well-prepared to advocate for themselves and to participate civically. Although we make it a priority to help educate them, there are several different civic processes. We found that the entire caucus system is quite a challenge.

During the past election cycle, Make the Road Nevada saw firsthand how confusing the caucus system may be for first-time voters. We held bilingual trainings, phone banks, canvassed our communities, and even caucused early in groups in efforts to increase new voter turnout. Even so, it is extremely intimidating for a majority of our members, especially those whose first language is not English. Beyond the confusing system, it requires people to be able to spend an indeterminate number of hours that often requires them to take time from their work. For several employees, that means losing wages from their work, and families desperately need to stay in budget.

For all these reasons, a direct primary system would make participation in the presidential selection process more accessible for new voters, especially Latinx and working-class Nevadans. That is why we extremely urge you to support A.B. 126. Thank you.

Artie Blanco, Private Citizen, Las Vegas, Nevada:

I am here to testify in support of A.B. 126 as an at-large member of the Democratic National Committee. Nevada's status as a caucus state made sense when we became one of the first four nominating states. We have done a tremendous job to overcome the limitations caucuses historically present, and the state party did incredible work in making the 2020 caucus a huge success. We introduced early voting for the first time ever and made it far more accessible in providing caucus materials and trainings in multiple languages.

As we move forward, it is time to shift to a primary process. Nevada should become the first early state to vote in the 2024 primary for many reasons. A primary will ensure as many Nevadans as possible have the opportunity to participate, which is incredibly important. As a member of the Rules and Bylaws Committee of the Democratic National Committee, I look forward to communicating and showing my colleagues why Nevada deserves to be first in the nation. I commit to working with them and our legislators to do all we must in the 2023 Session should we need to become in compliance.

I thank Speaker Frierson for bringing this bill forward. It is time now for Nevada, as the most diverse state, to become first in the nation. Thank you.

Aldo Pardo, Private Citizen, Las Vegas, Nevada:

I am a constituent of Assembly District No. 15, and I am calling today in support of A.B. 126. I would like to ask Chair Miller and the Committee members to please pass this bill. Thank you.

Aria Flores, Las Vegas Area Director, Chispa Nevada:

I am in strong support of A.B. 126 because, frankly, caucuses are difficult to maneuver through, especially for new voters who have not experienced this before. I saw this firsthand in 2016 when my father participated for the first time. I remember seeing how confused he was, but luckily, I was able to explain the process to him. I have also seen the same confusion in other Latino families where they often bring their children to explain the caucus system to them. When I first participated in the caucus, I noticed that many folks often walked out before casting their vote because not everyone can commit to several hours to attend their precinct caucus. This often leaves first-time Latino voters with the feeling of frustration in our electoral process.

The transition to a primary preference election would make it easier for folks who have a language barrier to engage in our electoral process, and they are far more accessible for working Latino voters who need the flexibility to choose the best date and time to cast their ballot. Also, primary elections ensure there is transparency while also [unintelligible] the voter's right to [unintelligible] ballot. I urge you to support A.B. 126. Thank you for your time.

Kerry Durmick, Nevada State Director, All Voting is Local:

All Voting is Local is a voting rights project housed at The Leadership Conference on Civil and Human Rights. We are also a proud member of the Let Nevadans Vote coalition. All Voting is Local is in full support of A.B. 126.

During a presidential preference primary, those who vote within the contest of the party are registered to vote, will fill out a card with their choice indicating their preference, and simply cast their vote. The hassle, time, and sometimes obscure rules around the caucus process can be left in the past in favor of this simpler and more accessible system for voters who are new and old. Oversight of the process by the Secretary of State and county clerks provides

assurance to voters that their votes will be tabulated by an unbiased, public third party, increasing confidence in the system.

Additionally, [section 48 of] Assembly Bill 126 would require polling locations that must be active ten days before the election through the Friday before the day of the presidential primary election. Voters will be able to vote early, in-person, on Sundays or federal holidays, and hours of operation for locations must be eight hours Monday through Friday and at least four hours on Saturday.

Nevadans need to ensure that we are protecting everyone's right and freedom to vote. This bill would give Nevadans a better option to make their voices heard and cast their ballots in a safe way. All Voting is Local asks the Committee to support A.B. 126. Thank you for your time.

Oved Gutierrez, Private Citizen, Reno, Nevada:

I am a voter of Assembly District No. 31; Assemblywoman Dickman is actually my representative. I voted in the last election. I am calling today in support of A.B. 126. Please pass this bill. Thank you.

Anwar Green, Private Citizen, Henderson, Nevada:

I am a constituent of Assembly District No. 16. I am here in support of A.B. 126 because it is time to make this process more accessible for our growing electorate on all sides of the aisle.

Moving to a presidential preference primary system provides assurance to voters that their votes are being counted by an unbiased and public third party, which increases confidence in the primary system. Additionally, the simplicity and the efficiency of a presidential preference primary helps to eliminate the confusion that is sometimes created by the caucus process. That helps to instill voter confidence, which means greater participation, which is good for our democracy at the end of the day.

Assembly Bill 126 makes for more secure and accessible primary elections for Nevada voters. For that, I would like to thank Speaker Frierson, Majority Leader Benitez-Thompson, and Chair Miller for their work on this measure. I urge you guys to please support A.B. 126. Thank you for your time.

Chair Miller:

We have now completed 30 minutes of testimony in support, so I will close testimony for that position.

[[Exhibit D](#) and [Exhibit E](#) were submitted in support of A.B. 126 but not discussed and are included as part of the record.]

Is there anyone who wishes to testify in opposition to A.B. 126?

Lucy Gonzales, Private Citizen:

I oppose A.B. 126. It is too costly for our state. There is no need for a third election. The primary elections already meet the needs of this bill.

I realize as a nonpartisan Nevadan our comments do not matter because the committees are already just voting along party lines. Do not be fooled by this wolf in sheep's clothing. The authors are merely trying to manipulate you and our elections by providing yet another opportunity for bad actors on both sides to compromise the integrity of our elections. They want to encourage voters to switch parties with same-day registration, so they can infiltrate their opponents' closed elections in order to pick the worst candidates and eliminate viable competition to their own party's candidates.

Caucuses were reengaged to weed out bad actors wishing to corrupt our primary. Presidential primaries are just another ploy to undermine the accurate reflection of the true will of the party, no matter which side of the aisle. This is just another power grab for Clark County to further disenfranchise the 16 other counties in Nevada.

The third revision was supposed to be there, but there are no amendments posted to the Nevada Electronic Legislative Information System, so who knows what is really in this bill.

Scripture tells us to refrain from using your freedom to cover up for evil. Educate instead of our current processes. Please reject this bill for the evil it is attempting to inflict.

Jim DeGraffenreid, National Committeeman, Nevada Republican Party:

I am in opposition to this bill. With just three exceptions, Nevada has used the caucus system for the last 75 years ["Selection of Presidential Nominees in Nevada Fact Sheet," February 2016, prepared by Carol M. Stonefield, Research Division, Legislative Counsel Bureau]. Although, for most of this time, we were irrelevant to the presidential selection process because it happened after the nominee was already determined.

However, in 2008, we joined Iowa, New Hampshire, and South Carolina as early states, and suddenly the caucus was very popular. With greatly increased attendance, we had a learning curve on how to run an inclusive caucus, but Republicans have improved our process every year. By 2016, participation in our caucus was 17.8 percent of registered Republicans, which was almost the same as the 18.5 percent participation rate in the primary election that year. We include absentee voting for military members as well as vote-and-go voting options to maximize participation and eliminate confusion.

The fiscal notes estimate the cost of a primary election at well over \$5 million. Given the post-pandemic budget situation in Nevada, we do not believe this is a good use of state resources, particularly when our party has demonstrated the ability to hold a successful caucus with participation rivaling that of a primary election.

In the past, there has been legislation to allow parties to determine how they prefer to select their nominee. Under such a law [Assembly Bill 695 of the 68th Session], in 1996,

Republicans held a primary election while Democrats stayed with the normal caucus process. Leaving us the choice of how to nominate our own candidates is far more fair than having the state dictate that we abandon a fair and inclusive process.

The biggest problem with this bill is that it violates party rules on when caucuses and primaries can be held. Both parties have rules that prohibit caucuses or primaries in any state before the first Tuesday in March, with the exception of the four carve-out states. Under Rule No. 16 of *The Rules of the Republican Party*, we cannot hold our caucus more than one month prior to the first Tuesday in March.

Democratic Party rules are much more restrictive. Rule No. 12 [of the *Delegate Selection Rules for the 2020 Democratic National Convention*] states that Nevada may not hold its caucus earlier than ten days prior to the first Tuesday in March. Rule No. 22 is three paragraphs long and is very specific that Democratic state parties are to take every possible step . . . [Allotted time was exceeded.]

Chair Miller:

Sir, that is your time. You are free to submit the remainder of your remarks for the record, please.

[There were no more callers in opposition.]

[[Exhibit F](#) was submitted in opposition to [A.B. 126](#) but not discussed and is included as part of the record.]

Is there anyone wishing to testify in neutral? [There was no one.]

[[Exhibit G](#) and [Exhibit H](#) were submitted but not discussed and are included as part of the record.]

Speaker Frierson, would you like to make any final remarks?

Assemblyman Frierson:

I appreciate the discussion and the input. I do believe that changing from a caucus to a primary would absolutely serve a purpose of allowing more people to participate and be heard without the process of having a caucus that is largely a pep rally. I think normal voters have been increasingly discouraged from participating in that process. I would be more than happy to answer any questions after the hearing, but I urge the Committee's support.

Chair Miller:

With that, I will go ahead and close the hearing on [Assembly Bill 126](#). I would like to open our work session because I know we have Committee members who are leaving for other hearings at 6 o'clock, and I want to make sure that we have a quorum for our work session. Mr. Sturm, please begin with [Assembly Bill 129](#) and take us through our work session documents.

Assembly Bill 129: Revises provisions governing campaign finance. (BDR 24-508)

Pepper Sturm, Committee Policy Analyst:

As an employee of the Legislative Counsel Bureau, I cannot advocate or oppose legislation. I am just here to review measures that are up for the work session. Madam Chair, if time is a concern, you can certainly cut me off and make sure that I hit highlights versus going through the details of these bill pages.

The first bill in the work session is Assembly Bill 129, sponsored by Assemblyman Roberts. We heard the bill on February 23, 2021. I have shortened the summary of this bill because I am going to go through the proposed amendment and refer to what is in the bill a little later.

[Mr. Sturm read from the Work Session Document, [Exhibit I](#).] Assembly Bill 129 revises current law to require a political action committee (PAC) to open and maintain a separate account in a financial institution. It must make certain reports concerning contributions and expenditures. Further, the measure requires the PAC to report its account balance at the end of a specified reporting period. Finally, A.B. 129 makes conforming changes to reflect the new requirements, and it specifies that these new requirements only apply to reports on contributions and expenditures filed by the PAC after January 15, 2022.

Assemblyman Roberts recommends mock-up Amendment 3129 for consideration by the Committee. Following is a summary of the proposed amendment separating the requirements into three categories and describing the proposed changes in context with the bill as introduced:

1. Contributions:

- a. Existing law requires PACs to report: (1) each contribution exceeding \$1,000; and (2) contributions from one contributor that cumulatively exceed \$1,000.
- b. The original version of the bill: (1) decreased the PAC reporting thresholds for contributions; and (2) added an additional contribution reporting requirement relating to contributions. The original version of the bill required a PAC to report the following contributions: (1) each contribution exceeding \$100; (2) contributions received from one contributor that cumulatively exceed \$100; and (3) the total of all contributions received which are \$100 or less.
- c. The mock-up increases the thresholds for the PAC reporting requirements to \$1,000, so the reporting requirements for contributions are: (1) contributions exceeding \$1,000; (2) contributions received from one contributor exceeding \$1,000; and (3) the total of all contributions received which are \$1,000 or less.

2. Expenditures:

- a. Existing law requires PACs to report: (1) each expenditure exceeding \$1,000; and (2) expenditures made to one recipient that cumulatively exceed \$1,000.
- b. The original version of the bill: (1) decreased the PAC reporting thresholds relating to expenditures; and (2) added an additional reporting requirement relating to expenditures. In conclusion, the original version of the bill required a PAC to report the following expenditures: (1) each expenditure made exceeding \$100; (2) expenditures made to one recipient that cumulatively exceed \$100; and (3) the total of all expenditures made which are \$100 or less.
- c. The mock-up retains the amendments made by the original version of the bill.

3. Bank account:

- a. Existing law requires PACs to open a bank account when they receive contributions in an aggregate sum of \$1,000 or more.
- b. The original version of the bill: (1) decreased the threshold for a PAC to open a bank account from \$1,000 to \$100; and (2) required the PAC to report the balance in the bank account at the end of the same reporting periods as contributions.
- c. The mock-up retains the amendments made by the original version of the bill.

The detailed mock-up of the amendment is included immediately following this bill page [page 3, [Exhibit I](#)].

Chair Miller:

Committee members, are there any questions? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 129.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 129.

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Are there any additional questions or comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I would like to assign the floor statement to Assemblyman Leavitt. With that, I will close the work session on A.B. 129 and open the work session for Assembly Bill 321.

Assembly Bill 321: Revises provisions relating to elections. (BDR 24-927)

Pepper Sturm, Committee Policy Analyst:

[Mr. Sturm read from the Work Session Document, [Exhibit J](#).] Assembly Bill 321 was sponsored by Assemblyman Frierson and Assemblywoman Benitez-Thompson. We heard the bill on April 1, 2021. Assembly Bill 321 makes extensive changes to Nevada's election statutes. The bill replaces existing law concerning ballots for absentee voters, mailing precincts, and mail ballots with new provisions that require county and city clerks to send each registered voter a mail ballot for all elections. The existing processes for preparing and distributing the ballots are essentially maintained with a few changes. In a similar manner, the processes are maintained, with certain changes, for voting as well as for the return, verification, and counting of the mail ballots. Assembly Bill 321 also provides an opt-out provision for active voters who prefer to not use the mail ballot, at their request. Deadlines for a city or county clerk to receive a ballot are shortened from the existing seven days following the election to four days.

The bill requires the appointment of a bipartisan counting board and specifies that the board must complete the count of all mail ballots on or before the seventh day following the election. The measure specifically authorizes the use of manual or electronic signature verification, and procedures are set forth for the process of using electronic verification devices. The deadline by which a voter can either provide or confirm a missing or questionable signature is reduced from the current nine days to the sixth day following the election. In addition, standards are established for testing the accuracy of these signature verification devices prior to an election, with daily audits as the ballots are processed. Audit reports are produced and must be collected and maintained by local election officials. Annually, each county and city clerk and their election staff are required to complete an approved class on forensic signature verification. In the event a voter's signature is questioned, the person's birthday is excluded when certain personal information is requested to confirm identity. In order to maintain an accurate voter registration list, the Secretary of State and the State Registrar of Vital Statistics are required to do comparisons at least monthly of the statewide voter registration list with records concerning the death of residents.

Confidentiality protections concerning personal information are extended to certain election officials at their request. In addition, these individuals are authorized to request that their driver's license or state identification card contain a substitute address to use in place of their physical address. The current automatic voter registration statutes are clarified by specifying that a voter who has been registered to vote by the Department of Motor Vehicles, and who has produced the required documents at that time, will not be required to show proof of identity or residency when voting for the first time in a federal election. The measure also extends the deadlines for requesting polling places at Indian reservations or Indian colonies.

Assembly Bill 321 has amendments. Speaker of the Assembly Jason Frierson recommends mock-up "Proposed Amendment 3219" to this measure that does the following:

- Requires a minimum number of polling locations by size of county, for early voting and for election day activities.
- Authorizes online voter registration within the Secretary of State's system with no break between the end of early voting and election day.
- Specifies that if voters are newly registered or have updated their information after the 60 day opt-out specified in this amendment, they will receive a mail ballot unless they opt out at least 14 days prior to the election, and if they register to vote or change information within 13 days of the election, they must vote in person.
- Clarifies that Indian reservations and Indian colonies may request a polling place, a ballot drop box, or both a polling place and a ballot drop box.
- Sets a deadline of 60 days prior to an election for a voter to opt out of receiving a mail ballot.
- Deletes the requirement that an identification envelope be sent in the voter's mail ballot packet.
- Changes the time by which a person may provide acceptable proof of identity from three days to six days following the election in order to align with other deadlines.
- Removes the requirement for a written statement from a person assisting a voter filling out a form, but requires such a person to provide his or her name, address, and signature on the return envelope.
- Requires that ballot drop boxes be provided at all early voting and election day polling sites, and prohibits anyone other than a city or county clerk from establishing a ballot drop box.
- Allows for differences in punctuation, and the use of one name of a voter with two last names as long as the signature does not otherwise differ from that which is on file in the voter records.
- Aligns signature verification requirements specified in *Nevada Revised Statutes* (NRS) 293.285 to apply to mail-in ballots as well as requires: (1) answering questions from the election board officer regarding the personal data that is reported on the voter registration application form; (2) providing personal data that verifies the identity of the voter; or (3) providing proof of identification as described in NRS 293.277, other than the voter registration card issued to the voter.
- Clarifies that a voter may be contacted for a signature cure via "electronic means," including electronic mail.

- Provides that when two mail ballots are returned in the same envelope, they must be rejected.
- Deletes subsection 2 of section 14 concerning numbers on the mail ballot and the return envelope.
- Requires election board officers indicate "received" on the roster when signatures of ballots are verified, and then change status to "voted" after all ballot processing procedures are completed and the vote is counted.
- Revises dates for polling location requests for Indian reservations and colonies, making them one month earlier than specified in the bill—March 1 for primary elections and August 1 for general elections.
- Clarifies that a voter's date of birth can be a piece of information used to verify the person's identity if the voter appears at the polls in person and his or her signature does not match the signature on file.

The detailed mock-up follows this bill page [page 3, [Exhibit J](#)].

Chair Miller:

Committee members, are there any questions? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 321.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 321.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Are there any further questions or comments?

Assemblyman Leavitt:

Although I appreciate the bill sponsor addressing some of the concerns of constituents, I cannot support this bill at this time. I will be voting no on this measure.

Chair Miller:

Are there any additional questions or comments?

Assemblyman Frierson:

I just want to be clear because I cannot help but think that the amendment addressing "some" of constituent concerns is kind of an understatement. There was a letter that was circulated, and I believe that this amendment addressed 95 percent of the items that were mentioned in that letter. That letter was not from constituents; that was from colleagues in this body.

It is difficult to make concessions and find common ground if it is not an option. Moving forward, I will continue to, but if someone is a no, then be a no and do not list out things that are the problems if those problems get addressed, and it is still a no. I think that A.B. 321 goes a long way in addressing both constituent concerns that we see via email and concerns expressed by members of this body. We will continue to work and see if there are other areas where folks would be moved if those adjustments were made.

I do think that it is incumbent on us—on measures that we may not agree with, if we can mitigate them, that it is common and, until recent cycles, has been customary—to make concessions and make good bills better and make bills that you do not agree with less bad. That is kind of how government and this policy development process works. I hope one day we get back to that.

Chair Miller:

With that, we will take a roll call vote.

THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, LEAVITT, MATTHEWS, AND MCARTHUR VOTED NO.)

I would like to assign the floor statement to Vice Chair Jauregui.

We will close the work session on A.B. 321 and open the work session for Assembly Bill 392.

Assembly Bill 392: Requires the Legislative Counsel Bureau to enter into an agreement with a qualified consultant to analyze certain data submitted to the Legislative Counsel Bureau concerning traffic stops and other stops. (BDR S-1036)

Pepper Sturm, Committee Policy Analyst:

[Mr. Sturm read from the Work Session Document, [Exhibit K](#).] Assembly Bill 392 was sponsored by the Assembly Committee on Judiciary and heard by this Committee on March 30, 2021. Assembly Bill 392 requires the Legislative Counsel Bureau (LCB) to enter into an agreement with a qualified consultant to analyze information submitted by law enforcement agencies concerning traffic stops and submit a report concerning the data. The measure sets forth the contents of the report, including certain questions that must be addressed, how information gathered from traffic stops is used and preserved, the identification of any software used by the agencies, and whether that software is compatible with systems used by the Central Repository for Nevada Records of Criminal History. The consultant must make recommendations about: (1) what data should be collected; (2) how data collection might be improved; (3) the preferred software features; and (4) the use, control, and analysis of that data.

The information the consultant is required to analyze was submitted to the LCB pursuant to the provisions of section 9 of Assembly Bill 3 of the 32nd Special Session. This provision required that law enforcement agencies provide a report to the Legislature on or before

November 1, 2020, that included certain information relating to traffic stops and other stops by law enforcement officers and the software used to process the identity or driver's license number of a person during such a traffic stop or other stop.

At the hearing, there were no amendments to this bill.

Chair Miller:

Do we have any comments or questions?

Assemblyman McArthur:

Why is the LCB getting involved with traffic stops?

Chair Miller:

It is not so much that LCB is getting involved, but it is a request to study the information. We have already had the bill hearing, and that would have been the time to ask those particular policy questions.

Are there any additional questions? [There were none.] I will entertain a motion to do pass Assembly Bill 392.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
ASSEMBLY BILL 392.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Are there any additional questions or comments? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I would like to assign this floor statement to Assemblywoman Monroe-Moreno.

With that, I will close the work session on A.B. 392 and open the work session for Assembly Bill 421.

Assembly Bill 421: Establishes the preferred method of referring to persons with certain conditions in the Nevada Revised Statutes and the Nevada Administrative Code. (BDR 17-1037)

Pepper Sturm, Committee Policy Analyst:

[Mr. Sturm read from the Work Session Document, [Exhibit L](#).] Assembly Bill 421 was sponsored by this Committee and heard on March 30, 2021. The bill establishes the preferred manner of referring to persons with mental illness and persons who are deaf or hard of hearing. The measure makes specific reference to what is considered the preferred, respectful language in *Nevada Revised Statutes* (NRS) for these individuals and lists words and terms that are not preferred when referring to these individuals. In addition, the bill

specifies that the *Nevada Administrative Code* (NAC) must also use respectful language and sentence structure when referring to persons with mental illness or persons who are deaf or hard of hearing. The Legislative Counsel must update these wording changes in reprints and supplements of NRS and supplements to the NAC to conform with the provisions of this bill.

There were no amendments proposed during the bill hearing.

Chair Miller:

Committee members, are there any questions or comments? [There were none.] I will entertain a motion to do pass Assembly Bill 421.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
ASSEMBLY BILL 421.

ASSEMBLYMAN MATTHEWS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I would like to assign this floor statement to Assemblywoman Brown-May.

Next, let us move to Assembly Bill 422.

Assembly Bill 422: Makes various changes relating to elections. (BDR 24-1040)

Pepper Sturm, Committee Policy Analyst:

[Mr. Sturm read from the Work Session Document, [Exhibit M](#).] Assembly Bill 422 was sponsored by this Committee and heard on April 6, 2020. The bill requires the Secretary of State to create a centralized, top-down database that collects and stores voter preregistration and registration information from all counties. County clerks must use the database to collect and maintain records of voter preregistration and registration. The Secretary of State is required to use the database to create the official statewide voter registration list.

Speaker of the Assembly Jason Frierson proposed an amendment that does the following:

1. Revises the effective date to be January 1, 2024, for all other purposes; and
2. Provides that the Secretary of State submit progress reports to the Interim Finance Committee every six months beginning January 1, 2022, concerning the implementation of the provisions of the bill.

The mock-up detailing these changes follows this page [page 2, [Exhibit M](#)].

Chair Miller:

Committee members, are there any questions or comments? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 422.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 422.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Are there any additional questions or comments? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Torres.

Mr. Sturm, are we prepared for the work session documents for Assembly Bill 126?

Pepper Sturm:

I have not entered anything into the Nevada Electronic Legislative Information System at this time, but we can go through the summary of the bill and the proposed amendment if you prefer.

Chair Miller:

If we do that, are we able to take a vote on that bill right now, or should we wait until after hearing the next bill?

Pepper Sturm:

As the Chair, you can take the vote whenever you want to.

Chair Miller:

Let us go ahead and open the work session for Assembly Bill 126.

Assembly Bill 126: Provides for presidential preference primary election. (BDR 24-99)

Pepper Sturm, Committee Policy Analyst:

Assembly Bill 126 was sponsored by Assemblyman Frierson and Assemblywomen Benitez-Thompson and Miller. It was heard, of course, today. The bill establishes the requirements and procedures for conducting the presidential preference primary election to be held by each major political party the Tuesday immediately preceding the last Tuesday in January of each presidential election year. Of course, the mock-up [[Exhibit C](#)] made a change to that, which I will mention later. An exception is made for a party in cases where only one major party candidate has filed a declaration of candidacy. The measure establishes the procedure for a candidate to make a declaration of candidacy for the primary. Additionally, the date may be adjusted if another western state schedules its presidential primary or caucus prior to a date set in the bill. I believe there is a change there as well

[[Exhibit C](#)]. The state pays the cost of this election from the Reserve for Statutory Contingency Account.

The bill clarifies that minor political parties do not participate in the presidential preference primary. Major political parties, precinct meetings, and party conventions must occur after the presidential preference primary. A registered voter who indicated a major party affiliation may vote at any polling place in the county, and each county must provide a vote center on the day of the presidential preference primary. The bill provides a time frame for early voting, and same-day voter registration is approved. An Indian tribe is authorized to request a polling place for the purposes of this primary within an Indian colony or Indian reservation.

The Secretary of State is required to compile the returns and certify the number of votes. County clerks must compile and submit information to the Secretary of State consistent with the information that they provide for primary and general elections. Further, county clerks must also publish information about the presidential preference primary and are required to post a notice if a qualified candidate listed on the ballot has died. As is the case for current elections, these officials must also determine the number of registered voters by precinct and district in their county and the political affiliation prior to the presidential primary election.

Again, we had mock-up Amendment 3222 [[Exhibit C](#)], which was presented by Speaker Frierson. I believe that changed the date to be the first Tuesday in February for each presidential election year. There were a number of other changes that the Speaker went over. There was a change about the western states; I believe that was deleted. Speaker Frierson can probably correct me if I am wrong. I think there were a number of conforming changes throughout that reflect the last Monday in February date and some conforming changes for when the clerks need their information. Again, Speaker Frierson may have some additional information on that, but I think that was most of what was in the mock-up.

Chair Miller:

Committee members, do we have any questions or comments? [There were none.] I will entertain a motion to amend and do pass A.B. 126.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 126.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Are there any additional comments or discussion on the motion?

Assemblywoman Dickman:

I have serious concerns about the cost of having two primaries, especially when there are so many things that we are not funding this session. Also, it does violate the rules of both parties. This could end up causing us to lose our "First in the West" status. Because of those things, I have to be a no—at least for right now.

Chair Miller:

Are there any additional questions or comments?

Assemblyman Frierson:

I do not want to rehear a bill, but I also do not want our record to be inaccurate. I think the bill presentation and the mock-up [[Exhibit C](#)] were clear with the reality that we have.

We will continue to work with the Republican National Committee and the Democratic National Committee to not violate rules. I think that was a mischaracterization of what the bill does. Minds can disagree, and that is fair. I just wanted to make sure that we are making a record that is accurate. I have not received any indication that this is jeopardizing our position in the West, let alone in the country.

Again, if there are folks who have concerns about money, those are fair concerns. I think that democracy costs money, and it is well worth it. That is certainly an issue that will have to be vetted because this will have mandates that will cost local governments funding, and that has been part of the commitment with the local election officials to address.

Assemblywoman Dickman:

Madam Chair, if I may, Mr. Speaker—

Chair Miller:

Assemblywoman Dickman, members need to be recognized before speaking. Comments are supposed to be directed to and about the policy. This is not the time to go back and forth between members and open a debate. If you would like to make a comment in general about your position on the motion or the policy, that would be fine.

Assemblywoman Dickman:

What I was just going to say is that is why I am saying "for now." We may find out that this is not going to violate rules—but we do not know at this point, so I am a no for now.

Chair Miller:

Everyone reserves their right to change their vote on the floor. Again, we will just see when we get there. Right now, let us take a roll call vote.

THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, LEAVITT,
MATTHEWS, AND MCARTHUR VOTED NO.)

I will take the floor statement myself.

With that, I will close the work session items and move to our next item on the agenda, which is the bill hearing for Assembly Bill 390.

Assembly Bill 390 is sponsored by the Assembly Committee on Legislative Operations and Elections and presented by Speaker Frierson. This measure requires that a notice of contest of an election be provided to the candidate whose election is being contested.

Assembly Bill 390: Revises provisions relating to elections. (BDR 24-1038)

Assemblyman Jason Frierson, Assembly District No. 8:

I am here to present Assembly Bill 390. My notes say this bill is rather—and I am not going to say that word—straightforward. That typically jinxes folks. This bill simply requires the defendants in election contests are notified that such a contest has been filed. I believe that the practice has always been to notify, but it has not been legally required.

Currently, if someone were to contest your election, the contester, under the law, has no obligation to notify you that such a contest has been filed with the appropriate authority. In civil cases, for example, a defendant is given every reasonable opportunity to be notified that such a case has been brought against him or her.

This is not uncommon practice in election contests, either. Per data from the National Conference of State Legislatures, at least 14 other states expressly require that defendants in an election contest are notified.

I want to be clear that A.B. 390 does nothing to change current processes or procedures that exist for challenging an election other than simply notifying the person who is being challenged. Assembly Bill 390 simply ensures that contests of elections are treated similar to other civil cases and gives those who have elections that are contested a reasonable amount of time to prepare their affairs and defense.

Walking through the provisions of the bill, section 1 addresses the process for a candidate at any election or any registered voter to contest the election of any candidate, except for the office of United States Senator or Representative in Congress, office of the Governor, Lieutenant Governor, Assembly member, or State Senator, justice of the Supreme Court or judge of the Court of Appeals. Under existing law, to contest an election, a written statement of the contest must be filed with the district court. Assembly Bill 390 adds language to section 1, subsection 5, of the bill to add that the contestant must notify the defendant that the statement of contest has been filed.

Section 2 of the bill addresses the process for a candidate or a registered voter to contest an election for the office of the State Assembly or the State Senate. A statement of contest must be filed with the Secretary of State under existing law. Again, A.B. 390 adds language saying that the person who is contesting the election has to notify the defendant that a statement of contest has been filed.

Section 3 of the bill addresses the process for a candidate or a registered voter to contest the election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals. Similarly under existing law, a statement of the contest must

be filed with the Secretary of State. Again, A.B. 390 adds language to section 3, subsection 1, of the bill: the contestant and the Secretary of State shall notify the defendant that a statement of contest has been filed.

In conclusion, A.B. 390 is an effort to give everyone whose election is contested the benefit of being notified at the very least. It may sound obvious but, technically, there is no requirement for someone to be served. Because of that, someone could miss a deadline and be penalized for it. Usually what happens is you find out in the press: in a newspaper or a tweet. You find out casually, but technically, it is not required that you be notified. This simply says that if you are going to contest an election, notify the parties that you are contesting their election.

That concludes my remarks, and I am happy to take any questions.

Chair Miller:

Thank you for bringing this forward. It looks like we have some questions.

Assemblyman Leavitt:

Thank you for presenting this very straightforward bill—I will say it for you. Is this just codifying a current practice into law? Is that what we are doing here?

Assemblyman Frierson:

It is actually adding a requirement that is ordinarily done. If I say to you that I think I am going to contest your election, I file that with the Office of the Secretary of State. Ordinarily, I will tell you, the Secretary of State's Office will tell you, or you would find out in the press. In narrow circumstances, none of that happens, and you are left not knowing. This simply says that if you are going to contest someone's election, you should tell the person so that he or she knows what is to happen.

It has happened where elections have been contested and someone thought that the Secretary of State's Office was going to notify the person, the Secretary of State's Office thought that the person contesting the election was going to notify the person and, ultimately, the person was never notified. This simply says to give the person notice that his or her election has been contested, and then the process moves forward as it ordinarily would.

Chair Miller:

Are there any additional questions? [There were none.] We will go ahead and open testimony for anyone in support of A.B. 390. [There was none.] Is there anyone for testimony in opposition? [There was no one.] Is there anyone who would like to testify as neutral? [There was no one.]

Speaker Frierson did say that this was a straightforward bill. Mr. Speaker, do you have any final remarks for us?

Assemblyman Frierson:

Thank you very much, and I will stop there.

Chair Miller:

With that, I will close the hearing on A.B. 390 and open the work session on Assembly Bill 390.

Assembly Bill 390: Revises provisions relating to elections. (BDR 24-1038)

Pepper Sturm, Committee Policy Analyst:

Assembly Bill 390 was, of course, heard just now. It was sponsored by the Assembly Committee on Legislative Operations and Elections.

The bill requires that any notice of the contest to an election must be provided to the candidate whose election is being contested. The person contesting the election must notify the candidate. If the contest is for a candidate in the general election for the offices of Governor, Lieutenant Governor, member of the State Assembly or State Senate, Supreme Court Justice or Appeals Court Judge, both the person contesting the election and the Secretary of State must notify the candidate whose election is being contested.

There were no amendments proposed to this bill.

Chair Miller:

Do we have any questions or comments about the bill? [There were none.] I will entertain a motion to do pass Assembly Bill 390.

ASSEMBLYWOMAN JAUREGUI MADE A MOTION TO DO PASS
ASSEMBLY BILL 390.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I would like to assign the floor statement to Assemblywoman González.

That is the end of our business, and we have successfully moved all of our bills out of the Committee. We can move to our final agenda item for the day, which is public comment.

Lucy Gonzales, Private Citizen:

No part of our state law should compromise the safety of its laws or legal citizens. There has been much testimony in several committees on the consequences of undocumented persons simply being held accountable to current laws—yet no one seems to be able to provide a valid explanation of why migrants can conscientiously choose to violate rules of the

privileges of living in the United States. Why are resources not being spent and efforts being made instead to get these persons documented, rather than protecting them from laws? Why are these persons not going to as great of lengths to get documented as they are trying to circumvent our laws?

The implementation of laws is not what is separating families. It is their deliberate and conscious choice not to follow laws that separates them. There is no evidence that they are being suppressed from getting documented, especially for 20 to 30 years. Funding for our local law enforcement agencies has been depleted to enable agencies not to work together and support each other.

Scripture tells us the moral thing to do is to follow the laws of authority. Encouraging migrants to remain undocumented is immoral. Comments about due process is hypocrisy when undocumented migrants are not following due processes of migration. Why are migrants not getting documented to remove fears of being deported, threats from drug cartels, et cetera? There have been no arguments to explain this. Community and trust are built through following rules and laws, not breaking or circumventing them. Nevada should provide no law to support breaking other laws.

[There were no more callers for public comment.]

Chair Miller:

I know there was enough time for people to jump on if they wanted to give public comment, so I will go ahead and close public comment. Committee members, at this time we have an agenda for tomorrow at the call of the Chair. Make sure you are paying attention; we will notify everyone in advance if and when we come back into Committee. Thank you, everyone. With that and no other business before us, I will adjourn this meeting [at 5:46 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Green
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 126](#), dated April 6, 2021, submitted by Assemblyman Jason Frierson, Assembly District No. 8.

[Exhibit D](#) is a letter dated April 8, 2021, submitted by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada, in support of [Assembly Bill 126](#).

[Exhibit E](#) is a letter dated April 8, 2021, submitted by André C. Wade, State Director, Silver State Equality, in support of [Assembly Bill 126](#).

[Exhibit F](#) is a letter dated April 7, 2021, submitted by Michael J. McDonald, Chairman, Nevada Republican Party, in opposition to [Assembly Bill 126](#).

[Exhibit G](#) is a letter dated April 7, 2021, submitted by Aubrey Rowlett, Clerk-Recorder, Carson City, neutral to [Assembly Bill 126](#).

[Exhibit H](#) is a document titled "Nevada Rural Counties and Washoe County Bill Review Comments: AB 126," submitted by Miguel Camacho, Chief Deputy Clerk, Office of the Clerk-Recorder, Carson City, regarding [Assembly Bill 126](#).

[Exhibit I](#) is the Work Session Document for [Assembly Bill 129](#), submitted and presented by Pepper Sturm, Principal Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 321](#), submitted and presented by Pepper Sturm, Principal Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 392](#), submitted and presented by Pepper Sturm, Principal Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 421](#), submitted and presented by Pepper Sturm, Principal Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 422](#), submitted and presented by Pepper Sturm, Principal Policy Analyst, Research Division, Legislative Counsel Bureau.