

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

**Eighty-First Session
April 27, 2021**

The Committee on Legislative Operations and Elections was called to order by Chair Brittney Miller at 4:04 p.m. on Tuesday, April 27, 2021, Online and in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/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:

Senator Julia Ratti, Senate District No. 13
Senator Nicole J. Cannizzaro, Senate District No. 6

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:

Robert LaRiviere, Chairman, Charter Committee, City of Sparks

Wesley Duncan, Chief Assistant City Attorney, Office of the City Attorney,
City of Sparks

Michael Hillerby, representing the City of Sparks

Joseph P. Gloria, Registrar of Voters, Election Department, Clark County

Deanna Spikula, Registrar of Voters, Washoe County

Chair Miller:

[Roll was called. Committee rules and protocol were explained.] We have two bills on the agenda for hearings today. We will hear Senate Bill 82 and Senate Bill 84. The first bill that we will hear is Senate Bill 82. It will be presented by Senator Julia Ratti, and it revises provisions for when the name of a candidate must appear on the ballot for the Charter of the City of Sparks. I will officially open the hearing on Senate Bill 82.

Senate Bill 82: Makes changes to various provisions of the Charter of the City of Sparks. (BDR S-489)

Senator Julia Ratti, Senate District No. 13:

Senate District No. 13 is the middle, or urban core, of the City of Reno and the City of Sparks; I have downtown Reno, but I am also lucky enough to have downtown Sparks. A lot of my district is a good chunk of Sparks. Today, I am here to introduce this bill on behalf of the Charter Committee of the City of Sparks.

I am sure you all know this, but just as a gentle reminder, there are some cities in the state of Nevada that are formed through the *Nevada Revised Statutes* (NRS) [NRS Chapter 266]. They do not necessarily have their own organizing document. Then there are other cities, known as "charter cities," that have their own organized document [*Nevada Constitution*, Article 8, Section 8]. It is called a "charter," and it is very similar to a constitution for a state or the federal government—these are the rules under which the city operates. In the state of Nevada, as all local governments are part of the state, if a city would like to amend its charter, it has to come to the Legislature and ask to make those changes.

How this is handled in Sparks—and I will just remind folks that I was on the City Council of the City of Sparks for eight years, so I got to see this firsthand in that role—what we do is we have a charter committee. The Charter Committee of the City of Sparks comprises an appointee from every legislator who has a portion of Sparks in the district that the legislator represents, every member of the Sparks City Council, and the Mayor of Sparks. We all make an appointment to the Charter Committee, and then the Charter Committee reviews the Charter of the City of Sparks and makes any recommendations for changes.

While the City of Sparks does have one bill draft request (BDR) that it can use for its own legislative agenda, it has been tradition not to give the BDR to the Charter Committee only to keep a level of distance between the Sparks City Council, the government of the city, and the

Charter Committee and its recommendations. That leaves the Charter Committee always needing to find a legislator to carry its bill. For the past three sessions, that legislator has been me. I am here merely to introduce the bill and to let you know that I agree with and endorse the concept; but really, it is not my bill.

Senate Bill 82 comes from the Charter Committee of the City of Sparks. I am here to introduce you to Robert LaRiviere, who is the citizen-appointed Chairman of the Charter Committee, and Wesley Duncan, who may be familiar to some of you in the building, but who is here in his role as the Chief Assistant City Attorney for the Office of the City Attorney of Sparks.

With that, I am chairing the Senate Committee on Health and Human Services right now where Assemblywoman Thomas is presenting a bill, so I am going to leave you in the very good hands of Mr. LaRiviere and Mr. Duncan and run back to my committee to continue chairing.

Robert LaRiviere, Chairman, Charter Committee, City of Sparks:

I have been on the Charter Committee of the City of Sparks for several years. Going back five years, in 2016, the Charter Committee voted to amend Sparks City Charter section 5.010, which changed the general election for council seats from city-wide voting to ward-only voting [Senate Bill 202 of the 79th Session]. While working with the Legislative Counsel Bureau (LCB), Senator Julia Ratti, Wesley Duncan, and I decided to make some amendments and changes.

What we are proposing today is that if there is only one applicant for an office, that candidate is declared the winner and will not appear on the ballot. If there are two candidates for the office, their names will appear on the general election ballot.

At this time, I am going to turn this over to Mr. Wesley Duncan. He is the Chief Assistant City Attorney with the City of Sparks.

Wesley Duncan, Chief Assistant City Attorney, Office of the City Attorney, City of Sparks:

As Senator Ratti said, this bill seeks to ensure that the Sparks City Charter, specifically section 5.020, which governs our elections within the city, mirrors the provisions that are already set in place in NRS—specifically NRS 293C.180; subsection 5 of NRS 293C.175; and subsection 8 of NRS 293C.387.

As a way of background, the City of Sparks has been operating under the procedures laid out in NRS Chapter 293C as its guide, as it was passed in the 2019 Legislative Session [Assembly Bill 50 of the 80th Session, Assembly Bill 345 of the 80th Session, and Senate Bill 123 of the 80th Session]. This bill has come forward just to ensure that the Sparks City Charter is conforming with NRS.

I will walk you through the technical aspects of the bill and also give you the reference to the section of NRS that our charter is now hoping to mirror. For example, in section 1, subsection 2, [paragraphs (a) through (c)] of the bill, the changes that you see seek to conform with NRS 293C.180, subsections 1 through 3, respectively. Paragraph (a) essentially means that if only one candidate has filed at the end of a filing, he or she is declared the winner and does not go on the ballot for the general election. For paragraph (b), if only two people have filed, there is no primary election; they go directly to the general election. For paragraph (c), if there are three or more people who have filed by the end of filing, there is going to be a primary election. Again, that all conforms with the exact language from NRS 293C.180.

If you look at section 1, subsection 3 of this bill, that part of the Sparks City Charter is seeking to conform with NRS 293C.175, subsection 5. Section 1, subsection 3, paragraphs (a) and (b) of the bill seek to make that change. This essentially says that if there are three or more candidates in the primary election and one person gets 50 percent in one vote, that person is declared the winner. There is going to be no general election. Otherwise, the top two vote getters go to the general election.

Finally, section 2, subsection 3 of the bill is seeking to mirror the language that is in NRS 293C.387, subsection 8. This essentially says that the Sparks City Council must certify the results within 10 days—or as in the case of last year, within 13 days if there is a declared emergency. For example, in the City of Sparks, the 2020 General Election was held on November 3, and the election canvass was held 13 days later on November 16 because of the pandemic and the emergency.

That is really what the bill does. Again, this body passed language because of the ward voting in 2019. The language that you see in the Sparks City Charter just seeks to mirror what is already in NRS. If anybody has any questions, I am happy to answer them.

Assemblyman Leavitt:

These provisions seem similar to provisions that are in other municipalities currently; I know that in my hometown, Boulder City, there is a very similar provision. If there is a singular candidate, he or she is essentially elected by acclamation and does not even go on the ballot—and if there is only one open seat, it is a 50 percent plus 1, even if there are 30 candidates in the race [Boulder City Charter, section 96, subsections 5 and 6]. Are you mirroring these provisions after other municipalities, or are you re-creating something that has not been done before?

Wes Duncan:

What we are doing is mirroring what is already in state law—those provisions that I testified to just now: NRS 293C.180, subsections 1 through 3; NRS 293C.175, subsection 5; and NRS 293C.387, subsection 8. Those are already in state law.

This body codified those changes in 2019, so every municipality should be operating under what is already in state law. We are not reinventing the wheel; we just want our charter language to comply with NRS.

Assemblyman Leavitt:

Is it my understanding that you cannot currently do this unless it is in the charter? Boulder City is a charter community as well. Is it something that you cannot do without adding it to the charter, or are you just trying to solidify the charter with current state law?

Wes Duncan:

The City of Sparks has been operating to conform with the state law. We are merely wanting to make sure that the language in the Sparks City Charter is not in conflict at all with state law. As a city, we obviously have to comply with state law—and we have been compliant with state law—we just want to ensure that our constitution for our city conforms with what this body has said is the law as it relates to municipal elections. I hope that answers your question.

Assemblyman Leavitt:

It did. Thank you very much.

Chair Miller:

Are there any additional questions from members? [There were none.] We will move on to testimony for anyone who would like to testify in support of Senate Bill 82.

Michael Hillerby, representing the City of Sparks:

I am representing the City of Sparks, and I am also a Sparks resident. I am here today to support the bill. I want to thank Mr. LaRiviere and the members of the Charter Committee for their hard work and Mr. Duncan for the excellent presentation. As he said, we want to be sure that the Sparks City Charter mirrors the changes made in state law. We thank you for your time, attention, and support.

Chair Miller:

I do not see anyone else in the room who would like to come forward. Is there anyone on Zoom who would like to testify in support? [There was no one.] Is there anyone on the phones who would like to testify in support of S.B. 82? [There was no one.] I will open up for testimony from anyone who would like to testify in opposition. [There was no one.] I will go ahead and open it for anyone wishing to testify as neutral. [There was no one.] I will close testimony in neutral. With that, I will ask our bill presenters for any final remarks.

Wes Duncan:

We are appreciative of Senator Ratti, who has been very supportive of the City of Sparks, for helping us out with this bill. We appreciate your time today.

Chair Miller:

Thank you so much. It was good to see you back here in our Committee. I will close the hearing on Senate Bill 82 and open the hearing on Senate Bill 84.

We have Majority Leader of the Senate, Nicole Cannizzaro, here to present Senate Bill 84. This measure relates to changing the number of registered voters within an election precinct.

**Senate Bill 84: Increases the maximum number of voters in an election precinct.
(BDR 24-532)**

Senator Nicole J. Cannizzaro, Senate District No. 6:

I am pleased to come before you today to present to you Senate Bill 84, which proposes to increase the maximum size of election precincts.

I would like to offer a little testimony on this bill, and then joining us via Zoom are our county registrars, Joseph Gloria and Deanna Spikula, who would be available for additional insight and to answer any questions from members of the Committee as well.

By way of background information, during the 2019-2020 Legislative Interim, I was fortunate enough to sit on the Committee to Conduct an Interim Study of the Requirements for Reapportionment and Redistricting in the State of Nevada. Joining me on the Interim Study Committee were our colleagues who are on this Committee: Speaker Frierson, who also serves as the Vice Chair of the Interim Study Committee, Assemblywoman Jauregui, and Assemblyman Leavitt. This study is held every ten years in advance of the redistricting session to help us prepare for that redistricting exercise and essentially sets the stage for our redistricting efforts in 2021.

As you are aware, due to delays in the delivery of necessary data from the U.S. Census Bureau of the U.S. Department of Commerce, we will be unable to conduct reapportionment and redistricting during this regular 81st Legislative Session. As part of its discussions, however, the Interim Study Committee did hear from local election administrators who shared considerations and input regarding political boundaries and precincts and the potential impacts of redistricting on election administration.

Census geography, specifically, "census blocks" are the basis for any redistricting plan. Nevada's census blocks share the same boundaries as our election precincts. Testimony from the Clark County and Washoe County Registrars of Voters indicated that, in some cases, certain areas of their counties could accommodate precincts with more than 3,000 active registered voters, the current statutory maximum [*Nevada Revised Statutes* (NRS) 293.207]. Moreover, under the current vote center model that has been used by Nevada's counties for the past few election cycles, assigning voters to a single polling location is no longer necessary—thereby allowing for those larger precincts.

The Registrars of Voters further noted that being able to assign more voters into one precinct would be helpful in avoiding the splitting into multiple precincts of certain high-density population areas, such as larger apartment complexes or certain neighborhoods. Finally, it was noted that since the proposed increase sets forth a maximum number of active voters per precinct, jurisdictions such as rural counties could continue to create smaller precincts as needed or leave existing precincts unchanged.

Essentially, Senate Bill 84 is quite simple in its application. It allows for the flexibility to have those larger precincts while not necessarily mandating that where it does not make sense. As you can see, it amends NRS 293.207 to increase the maximum size of a particular precinct from 3,000 to 5,000 registered voters.

With that, I will turn it over to our Registrars of Voters for any additional input that they would like to add, and then I would remain open for questions from members of the Committee.

Joseph P. Gloria, Registrar of Voters, Election Department, Clark County:

Thank you for the opportunity to come forward. We are in support of the bill. It does not impact voters as it might have in the past before we had implemented the vote centers. With the vote center model, the increase in the number of voters in a precinct would not impact polling places and create a strain for those voters who previously had to go to a particular polling place. This does make it easier for us to manage the growth, especially in the urban area here in Clark County. We are in support of the bill, and if you have any questions related to this issue, please just let me know. I am available.

Deanna Spikula, Registrar of Voters, Washoe County:

I appreciate the opportunity to testify in support of letting our precinct allocations grow as our population grows. As Registrar Gloria mentioned, we are no longer assigning voters to polling locations based on their precinct assignments. People can go and vote at any vote center during early voting and on Election Day, so those assignments of precincts to polling locations are no longer necessary and are no longer used. Therefore, allowing our precincts to organically grow is definitely something that we can accommodate, and it does eliminate the need for us to unnecessarily split up precincts simply because they have reached the cap. I am very much in favor of this bill, and I very much appreciate it being brought forward. Thank you.

Chair Miller:

Majority Leader Cannizzaro, do you have anything to add before we open for questions?

Senator Cannizzaro:

At this point in time, we would be happy to take any questions that members of the Committee may have.

Chair Miller:

Members, do we have any questions?

Assemblyman Leavitt:

The intent of this is not to redraw larger precincts; it is essentially to allow precincts that already exist to organically grow as they increase in population as they are currently drawn—or is it more of the intent to draw larger precincts?

Senator Cannizzaro:

The intent of this is to allow for precincts to be drawn larger where it does make sense. It just increases the maximum number of voters who can be in a particular precinct from 3,000 to 5,000. With redistricting, you may see that precincts change their boundaries and that is a natural process of redistricting in drawing lines of things, even such as precincts.

What the intent of this is—and I think one of the most common examples that we heard during the Interim Study Committee's meetings was where you may have a very large apartment complex. Before, those may have been split because there were too many voters in that particular precinct once you included the apartment complex. Voters used to have to be assigned to particular polling locations based on their precinct. Now, we use a vote center model of voting in Nevada, so you can vote at any vote center regardless of where your particular precinct is. If we can draw a precinct where an entire apartment complex is located, rather than trying to draw an arbitrary line through the buildings in the middle of the complex, then that allows for the precinct to be just a little bit larger and allows for some of that fluctuation.

I will let Registrar Spikula explain more if she would like, but I think her point was that because we naturally have some areas where there may be more voters centralized because of population density, this would allow for that flexibility where those precincts simply should be a little bit larger. However, that is all a process of redistricting in terms of drawing the lines.

Assemblyman Leavitt:

Excuse my ignorance because I do not know much about how precincts come to fruition. Do you not have the ability to create a new precinct? Is that something that you cannot do?

Senator Cannizzaro:

You can draw additional precincts, but I think the issue occurs when you have so many voters in a particular area that it becomes impossible to not split up a particular neighborhood, apartment complex, or high-density population area. This would allow for that flexibility, so you have one precinct. I will let Registrar Gloria or Registrar Spikula speak to this as well, but I believe this will allow for some better ability for them in terms of printing ballots and making sure that everybody is in the same area, which is less important now because we do have that vote center model of voting.

Chair Miller:

Registrar Spikula, did you want to respond?

Deanna Spikula:

Yes, I just wanted to provide some more background. The intention is not necessarily to go and split up or create new election precincts—just with redistricting. As Senator Cannizzaro said, we have some apartment complexes, some of the neighborhoods around colleges have new dorms being put up, we have a lot of urban areas that are condensing by building high-rise and new apartment complexes, and there are other high-density options within the urban core. Allowing our precincts to be able to absorb the additional voters without us having to create new precincts is definitely a benefit to our office.

It is very tedious managing those precincts with every precinct we have, all the districts that are associated with them, making sure that all of those are correctly defined and all those street ranges are in those precincts, and ensuring everything lines up. Allowing these areas to grow, and not necessarily having to split up a precinct just because it is starting to get close to that maximum cap, is definitely a benefit for our offices.

Again, voters can go to any location. They are no longer assigned precinct-specific polling locations. There is no downside for our voters. It really just helps us with the administration of elections and managing our districts and precincts.

Joe Gloria:

Just to add to Registrar Spikula's comments, it is all administrative. The districts do not change for these voters. They are still voting for the same representatives. It would just become an increase for us in as far as costs and administrative efforts to send out notifications to these voters to unnecessarily split precincts. I am in agreement with Registrar Spikula.

Chair Miller:

Thank you both. We have another question from Assemblywoman Dickman.

Assemblywoman Dickman:

I am just curious, are we at 3,000 voters with a lot of our precincts? Are you at a point where you would need to start creating new precincts?

Deanna Spikula:

We are at a cap for some of our precincts, especially our downtown areas and around college campuses. There are many areas where we have extreme growth, as in the South Meadows area. We are reaching, if not already exceeding, those caps from the last election cycle; we are looking at having to split those.

Again, we will probably be doing a lot of that work with redistricting depending on how the lines are drawn. Yes, we are looking at some of those areas that have grown past the current cap, and it will definitely be challenging even with the 5,000 maximum cap when we get to that if this bill is passed.

Chair Miller:

Are there any additional questions from Committee members?

Assemblyman Frierson:

I just want to thank the sponsor for bringing this bill. I recognized when I first read the bill that Nevada has the third-smallest number of legislators, at least in the Assembly, in the country. That means that we are serving a larger number of the public than a lot of other states—we certainly are not the third smallest state.

The notion of providing flexibility to deal with the populations that are like populations to me seems to make complete sense. We are not changing their districts as I believe Mr. Gloria said. We are providing folks on the frontline with the flexibility to meet the needs of the people in their communities. It seems to make complete sense, particularly considering how many more members of our districts and the public we serve compared to other states, even similarly situated states that have urban, rural, and spread out areas. We also recognize that we have lots of federal land that connects people. If the local election officials know what those communities are like and can form precincts that help meet those precinct members' needs, I think they certainly deserve the flexibility to do that.

Chair Miller:

Is there anyone else with a question? [There was no one.]

We can move into testimony in support of S.B. 84. Is there anyone who would like to testify in support? [There was no one.] Do we have anyone who would like to testify in opposition to S.B. 84? [There was no one.] Is there anyone who would like to testify as neutral to S.B. 84? [There was no one.] Majority Leader Cannizzaro, do you have any final remarks?

Senator Cannizzaro:

I just wanted to thank the Committee for hearing Senate Bill 84 and offer thanks to Registrars Spikula and Gloria for joining us and being able to help assist in answering questions. I am happy to have any additional discussions on this bill to answer questions that members of the Committee may have.

Chair Miller:

Thank you so much. With that, I will close the hearing on Senate Bill 84.

The next item on our agenda is public comment. Just to remind everyone, you will have up to two minutes to make public comment about something that is within the purview of this Committee. Is there anyone interested in making public comment? [There was no one.]

We will wait just another moment because we know we are a minute or so behind for those who are watching online. Has anyone dialed in? [There was no one.] I will go ahead and close public comment.

I want to thank the Committee members for your attention and your efforts today. This was the last thing on our agenda, so I will see you all Thursday, April 29, at 4 o'clock. This meeting is adjourned [at 4:39 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.