

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

**Eighty-first Session
April 1, 2021**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:07 p.m. on Thursday, April 1, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Roberta Lange, Vice Chair
Senator Nicole J. Cannizzaro
Senator Heidi Seevers Gansert
Senator Carrie A. Buck

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Bryan Fernley, Counsel
Diane Rea, Committee Secretary

OTHERS PRESENT:

Bradley Schrager, Managing Partner, Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
Oliver Hall, Center for Competitive Democracy in Washington, D.C.
Jo Culver, People's Party
Gennady Stolyarov II, Transhumanist Party
Janine Hansen, Nevada Families for Freedom
Sam Toll
Lynn Chapman, State Vice President, Nevada Families for Freedom
Richard Winger, Editor, Ballot Access News

CHAIR OHRENSCHALL:

We will open the hearing on Senate Bill (S.B.) 292.

SENATE BILL 292: Revises provisions relating to elections. (BDR 24-999)

SENATOR ROBERTA LANGE (Senatorial District No. 7):

Thank you for allowing me to present S.B. 292. I am going to walk you through my presentation ([Exhibit B](#)), outline the purpose and answer any questions.

I also have a friendly amendment from county clerk and election officials who will replace language concerning the primary elections in section 8, subsection 1, paragraph (a). It aligns special elections with existing elections for the counties. We are also going to submit an amendment that will allow counties to go to the Legislative Commission to ask for available funds if they are holding an election.

BRADLEY SCHRAGER (Managing Partner, Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP):

I am here to support this presentation and to provide information.

SENATOR BUCK:

How is this giving credit to the intelligence of the electorate? How does it give the voter we represent credit for deciding who is the best candidate for each race based on character, education and experience?

SENATOR LANGE:

States that have straight-ticket voting have increased the participation in their elections. When you have straight-ticket voting, just because you circle at the top that you are voting Democrat or Republican, does not mean you do not make a different choice as you go down the lines of the ballot. Voters would also be encouraged to know about other candidates and have the opportunity to vote for them. It does not sway people from making those choices on their own.

SENATOR CANNIZZARO:

When you go to vote, if a voter said "I only want to vote for a couple of offices" or "I want to go office by office and make my selections," would you still be permitted to do that under this legislation?

SENATOR LANGE:

Under this legislation, a person can vote for whomever they choose. If they wanted to do the straight ticket, they can. If they wanted to vote for individual people, they can. It does not say you have one or the other. It is the voter's choice.

SENATOR CANNIZZARO:

If a person had a conversation with a person from another party and decided to vote for a different candidate, they still have the option under this bill to make a different selection in another party. Is that an option under this bill?

SENATOR LANGE:

Correct. They would be able to make that choice. They could vote straight ticket at the top and then chose to vote for someone from a different party. The vote would take precedence in the race.

SENATOR CANNIZZARO:

We are saying to voters there is another choice on the ballot for those who feel compelled by shared values to vote for a particular candidate. You can vote for candidates you want to give a voice to with your vote.

SENATOR SEEVERS GANSERT:

Nevadans are very independent and get to know their candidates. Are any other states doing this?

Where there is a legislative vacancy, a number of candidates can submit their applications and the county commissions decide what they are going to do. This bill says the "Majority or Minority Leader," depending on the party of the person who is leaving, has to take one or more candidates who end up on a ballot or get presented. In this instance, there needs to be choices and the county commission may not have just one submission. The county commissioners have an understanding of their communities and probably want a choice, not just something automatic. This limits who can be proposed for a vacancy.

SENATOR LANGE:

Other states are doing this. The majority of the states doing straight-ticket voting are Republican and the one Democrat state is Michigan.

There is a misnomer that if you circle a straight-ticket ballot, you do not have other options. Anyone can circle a straight-ticket option and still have the option to vote for others individually down the ticket. It does not eliminate that for people.

We have heard from the Commission in Clark County about the appointments. They do not want to make them. They will do it under the law. It is

constitutional, but they do not really want to do it because he or she is part of the Legislative Body. They would prefer us to pick them, but we cannot. Senators have left and the Commission has to appoint a replacement, but they would prefer being told who would fit best in our Body.

SENATOR SEEVERS GANSERT:

I do not think it is addressed in this bill, but if there is only one proposed candidate does the county commission have to appoint that person or can they reject them and send it back to the Legislature to request another nominee?

SENATOR LANGE:

In the language, it talks about the respective "House" or Body giving the name to the county commission. It is up to that Body to give one or more names. The commission could not send it back under the law.

MR. SCHRAGER:

It is not spelled out within the text of the bill at this time. The ultimate constitutional duty always evolves upon the body that is designated to do that, which is the county commission. This would not likely be a problem given the alignment of interests and relationships between the two bodies. Without a right being spelled out for the county commission to send it back, this is where we would fault.

SENATOR SEEVERS GANSERT:

The way I read the bill, it does not say they shall appoint someone if they have one. Judicial offices are nonpartisan offices and are confusing for people because there are so many. I would prefer our voters are engaged and can pick right down the races. That is typical in Nevada.

CHAIR OHRENSCHALL:

If this passes into law, would a registered nonpartisan person be able to vote a ticket one way or another, or would it only apply if you are registered Democrat or Republican? Would they have that option under this bill in the general election?

MR. SCHRAGER:

When you get your ballot, the ballot does not know what party you are registered for or whether you are registered with a party at all. All of the ballots

would be the same and would function the same. Even a registered Democrat could vote straight Republican or for any minor party.

OLIVER HALL (Center for Competitive Democracy in Washington, D.C.):

The facts demonstrate that the proposed increase in the signature requirement is not necessary to protect Nevada's legitimated interests. The U.S. Supreme Court has recognized that when pursuing a state interest, the state may not choose or unnecessarily restrict constitutionally protected liberty. If passed, this bill will be unconstitutional.

JO CULVER (People's Party):

Section 2 affects the People's Party. This is voter suppression. I am gender-nonconforming, so I am a marginalized community. This further marginalizes those who want and need representation that the two-party system is not giving us. The People's Party is ready to advocate. We just need to be able to do it.

GENNADY STOLYAROV II (Transhumanist Party):

I have submitted my testimony ([Exhibit C](#)) in opposition.

JANINE HANSEN (Nevada Families for Freedom):

I have submitted my testimony ([Exhibit D](#)) in opposition.

SAM TOLL:

The purpose is to create more challenges for third-party candidates. I would have gotten fewer votes when I ran for county commissioner if this were in effect. I agree with what Ms. Hansen said.

LYNN CHAPMAN (State Vice President, Nevada Families for Freedom):

The National Conference of State Legislators in 2020 said the number of states offering straight-ticket voting has been declining in popularity over time. Every year bills are introduced to eliminate it. Occasionally bills are introduced to establish straight-ticket voting. Utah abolished it in 2020, Pennsylvania in 2019, Michigan in 2016, New Mexico in 2001 with the Secretary of State trying to put it back from 2002 to 2010, Iowa abolished in 2017, Texas in 2017, Indiana in 2016, Rhode Island in 2015, West Virginia in 2015, North Carolina in 2014, Wisconsin in 2011, New Hampshire in 2007, Missouri in 2006, Illinois in 1997, South Dakota in 1996 and Georgia in 1994. You should be able to vote for whoever you want, regardless of the party.

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RICHARD WINGER (Editor, Ballot Access News):

Section 2 is a big mistake. In 1992, U.S. District Court Judge Edward Reed struck down Nevada's June 10 petition deadline for new parties. This bill puts the deadline back in violation of that court order. Please delete section 2.

CHAIR OHRENSCHALL:

I reached out to our Legal Division and was told the Legislative Counsel Bureau does not draft a bill for any Legislator or Committee if they believe there are constitutional affirmatives.

MR. SCHRAGER:

With the two amendments brought up at the start of the hearing, we will seek to take care of all of this.

CHAIR OHRENSCHALL:

We will close the hearing on S.B. 292.

MR. STOLYAROV II:

I would like to call to the attention of the Committee members that in prior Legislative Sessions it was possible, on the legislative website, to see the text of individual public comments in support or opposition to legislation. For the 2021 Session it seems the Opinion by Bill only generates summary reports. If it is not a technical glitch, it seems to be a lack of transparency, and I would urge the Legislature to reconsider the removal of that invisibility of individual comment.

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CHAIR OHRENSCHALL:

Having no further business, the meeting is adjourned at 5:01 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 292	B	1	Senator Roberta Lange	Written presentation
S.B. 292	C	1	Gennady Stolyarov II / Transhumanist Party	Written testimony
S.B. 292	D	1	Janine Hansen / Nevada Families for Freedom	Written testimony