

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

**Eighty-Second Session
May 9, 2023**

The Committee on Legislative Operations and Elections was called to order by Chair Michelle Gorelow at 4:05 p.m. on Tuesday, May 9, 2023, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Michelle Gorelow, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblyman Rich DeLong
Assemblywoman Jill Dickman
Assemblyman Reuben D'Silva
Assemblywoman Cecelia González
Assemblyman Brian Hibbetts
Assemblyman Richard McArthur
Assemblyman Cameron (C.H.) Miller
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Sabra Newby
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Melanie Scheible, Senate District No. 9

STAFF MEMBERS PRESENT:

Haley Proehl, Committee Policy Analyst
Bryan Fernley, Committee Counsel
Shuruk Ismail, Committee Manager

Minutes ID: 1041



Kristi Howard, Committee Secretary
Bet Torres, Committee Assistant

OTHERS PRESENT:

Elliot Malin, Founder and President, Alpine Strategies
Annette Magnus, Executive Director, Battle Born Progress
John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts
Chase Whittemore, representing Meruelo Gaming

Chair Gorelow:

[Roll was called. Rules and protocol were explained.] We will start our meeting today with Senate Bill 354 (1st Reprint) and then move to Senate Bill 418 (1st Reprint).

Senate Bill 354 (1st Reprint): Revises provisions relating to justices of the peace. (BDR 1-809)

Senator Melanie Scheible, Senate District No. 9:

With me today is Elliot Malin from Alpine Strategies to talk about Senate Bill 354 (1st Reprint). Senate Bill 354 (1st Reprint) has really only one section to it. I will not do a long walk through the bill, but I will walk through the history of the bill and what the bill is intended to do.

Nevada is a unique state in that we do not have a unified court system. Our court system includes municipalities, justice courts, and district courts. The judges who preside over the justice courts are called justices of the peace and they are judges of limited jurisdiction. That means that they cannot hear felony trials, cannot hear cases in civil matters that arise over \$10,000 in value, and they can only hear cases within their physical jurisdiction. In Nevada in 2015, we passed Assembly Bill 66 of the 78th Session, which no longer required those individuals to be members of the State Bar of Nevada, so you do not have to be an attorney to be a justice of the peace in the State of Nevada. The purpose of S.B. 354 (R1) is not to make any changes to that scheme. The purpose of S.B. 354 (R1) is to provide every person in Nevada who votes for a justice of the peace, who has interactions with a justice of the peace, who is part of a community where a justice of the peace serves—which is everybody in Nevada—is ensured that there is some kind of quality control mechanism to ensure that people who are sitting on the bench have a basic understanding of the legal requirements of their job and the matters that they will be sitting over. If you do not know who your justice of the peace is, ask me afterwards. I will help you figure it out.

Senate Bill 354 (1st Reprint) has gone through an evolution, as all good bills do. I have worked closely with my colleague Mr. Malin, with the judges of limited jurisdiction, with the Supreme Court, with the Administrative Office of the Courts, and the National Judicial College to establish this process. As outlined in amended *Nevada Revised Statutes* 4.010, section 1, subsection 3 of S.B. 354 (R1) says that the Supreme Court will develop a test for

all of these individuals to take within 18 months of being appointed or elected to office. They have to pass that test in order to remain in their seat as a justice of the peace. The bill purposefully leaves the option open for that test to be administered by the Judicial College or as part of the Judicial College training or to be a separate function. We have had really good conversations with both the Judicial College and the judges of this jurisdiction in the Supreme Court, all of whom are very willing and able to take on the task of creating and administering the exam.

The idea is that if you are not an attorney but are entirely capable of sitting as a justice of the peace, you can run in a jurisdiction where you do not have to be an attorney. We are talking about rural jurisdictions with county populations of less than 100,000 people. If you were to live in a rural jurisdiction, if you got elected to be justice of the peace, you would be required to go to Judicial College. What S.B. 354 (R1) says is that at some point between the time you got elected and the first 18 months of your service, in addition to going to Judicial College, you would have to pass a basic exam proving that you understand the laws that you are going to be tasked with implementing or enforcing—that you understand the ethics required of a judge, and the legal process that you will be overseeing.

The purpose of Senate Bill 354 (1st Reprint) is to ensure that, as we move forward, we continue to provide equal justice to everybody in the state of Nevada. If a person is elected to justice of the peace under S.B. 354 (R1), voters can feel confident, even if they are electing somebody who does not have a law degree, that there is a mechanism of ensuring that they are choosing people who will be able to faithfully fulfill the duties of that office. I will turn it over to Mr. Malin for some more commentary.

Elliot Malin, Founder and President, Alpine Strategies:

I am grateful to be here alongside Senator Scheible, who graciously agreed to bring this bill forward. Also, I would be remiss if I did not thank the stakeholders, as Senator Scheible mentioned, who were great partners in crafting the amendment that is now S.B. 354 (R1). It is important to note that Article 6, Section 8, Subsection 1 of the *Nevada Constitution* vests the power to set qualifications of justices of the peace in this body, the Legislature. As Senator Scheible mentioned, in 2015, A.B. 66 of the 78th Session revised the requirements for justice of the peace for townships and counties with a population of 100,000 or less to be able to obtain that position.

Nevada justice courts are courts of limited jurisdiction. They hear criminal matters which include traffic violations, small claims, evictions, and civil matters up to about \$10,000. The justice court also issues temporary and extended protective orders against domestic violence, stalking, and harassment. Nevada is one of eight states that allows nonattorney justices of the peace to convict in certain criminal courts. This can raise right-to-fair-trial concerns for certain Nevadans.

Currently in Nevada, depending on the population of your township, your justice of the peace may not be an attorney. Their only formal statutory requirement is to hold a high school diploma. However, there are rules from the court that require the justice of the peace to

attend Judicial College. Currently, within these rules, there is nothing that requires a justice of the peace to take and pass an exam showing that they retained a sufficient level of knowledge to adequately address issues before them. We seek to set that standard with a minimalist approach.

It must also be noted that this is not an attack on the justices of the peace in our rural communities. They provide a very important function. This is only saying that we should ensure that our citizens, our fellow Nevadans, are protected and given the opportunity to have a judiciary that works for them and serves them—a judiciary that they can trust knows the ethics and laws required to make sound decisions on the bench.

Today, 27 states permit nonattorneys to be justices of the peace, Nevada being one of them. Again, this bill does not seek to change that. What it intends to do is to establish a minimal level of comprehension of legal ethics and an understanding of the laws that they will be seeing at the absolute bare minimum. Nevadans deserve to know that those who have the ability to make life-altering decisions for them understand these issues. While many have said that this bill does not go far enough, I believe this is a step in the right direction. This is a minimalist approach to making sure that Nevadans are protected with a judiciary that works for them and making sure that we actually have judges in those jurisdictions as well.

Let me reiterate to make this abundantly clear: S.B. 354 (R1) just makes sure that our justices of the peace are able to not only understand the issues before them and spot these issues, but it is also meant to protect Nevadans, including attorneys, clients, and everybody who will be appearing before them.

Having nonattorney justices of the peace take and pass an exam administered by the courts will ensure that our justices of the peace have the competency necessary to serve on the bench. That exam will be prescribed by the Supreme Court and must be passed within 18 months after taking the official oath. The exam will be required to test on, without limitation, judicial decorum, the application of the revised *Nevada Code of Judicial Conduct*, criminal and civil actions, and proceedings over which a justice court has jurisdiction and the financial administration of the court. We are trying to make sure that Nevadans have a judiciary that works for them and will work for all Nevadans. Thank you, and I urge your support. [Written testimony was submitted, [Exhibit C](#).]

Chair Gorelow:

Committee members, it looks like we do have some questions.

Assemblyman Yeager:

How many times can someone take the test? Can they take it more than once in the 18 months or is it a onetime only option?

Senator Scheible:

It is unlimited. Part of the reason that we discussed an 18-month window is that if someone does not pass it the first time and needs to review certain sections of the Judicial College

syllabus, they can go back and retake it. At some place, however, if somebody cannot pass a test regarding the legal cases they will be presiding over, I think it is fair that the citizens of that jurisdiction should get another chance to select another justice of the peace.

Assemblyman Yeager:

Do you envision that the test for justices of the peace who are not licensed attorneys would be the same test for everybody, or would the test be specific based on the jurisdiction that the person is serving in?

Senator Scheible:

I would imagine that it would be fairly standardized. I could foresee some sections being different for different justices of the peace, but generally their limited jurisdiction is set out by the *Nevada Revised Statutes*, so I would think that the Supreme Court would be able to write one test that everybody would take.

Assemblyman Yeager:

I would feel bad for somebody who ran for election, was not able to pass the test, and was booted off the bench 18 months in. I wondered if you thought about the option of letting someone take the test before they become a candidate for election so they would be able to have that locked up before they got their name on the ballot, campaigned, and spent a bunch of money. Although I think these races generally are a little cheaper than in our urban areas, I just wondered if that was contemplated in here. If not, is that something you would be willing to entertain?

Senator Scheible:

I would be happy to, either in practice or through an amendment, allow for someone to take the exam before they file to run for office.

The reason that the bill includes the 18 months as opposed to having to be a requirement of running for office is we learned that when we all filed to run, we went down to wherever we went—I went to the Clark County Commission and brought proof of my address, identity, and county—the county elections officials were not comfortable with making determinations much beyond residency requirements. We could not really come up with a good statutory way to empower county elections officials to determine whether or not applicants have passed the test with the passing score, and when they were supposed to provide proof. Because of what we went through—asking if it should be within 30 days of filing, or if it should be within 30 days of winning—is how we ended up with within 18 months of election. I think it would be up to the Supreme Court as to whether they would allow somebody who had not been elected to also take that exam. I am fine with it, but obviously I do not speak for them.

Assemblyman Yeager:

For justices of the peace who are not attorneys, I know that they are required to attend Judicial College, but are they required to do continuing legal education classes every year? I am getting some nods in the affirmative behind you, so it sounds like they are. That takes care of that question of how you will account for changes in the law.

Assemblywoman González:

If the elected person cannot pass the test and they are elected, then what happens? Do we have to do a special election?

Senator Scheible:

That would be up to the individual jurisdiction. Even today, different jurisdictions have different ways of appointing temporary justices of the peace based on their internal mechanisms. It would be the same thing if that person would be considered unqualified for the office. That jurisdiction would have to replace them through their normal process.

Assemblywoman González:

I am struggling with the concept of those voters losing out on the people they wanted to have elected and our saying that they are unqualified. We do not take exams here, and I am just trying to understand the issue. I am not a judge. I am not in this space. They do not pass the test and then that jurisdiction would have the authority on if they want to appoint someone in the interim? Would they have another election?

Senator Scheible:

Speaking for myself, what I envision happening is not that you will have people who do not pass the test. I practice in front of justices of the peace who are not attorneys but are fantastic judges. I would not want them to leave the bench and they will be grandparented in, for the record.

The purpose is to make sure that anybody who is taking on this job does not just go through the Judicial College, has that one directional instruction, but that there is a test on the back end to ensure that they retained it. I think that it is part of improving the judicial education for them. What I am hoping will happen is that everybody will take this seriously: they will attend every day of Judicial College, they will pay attention in Judicial College, they will be able to pass the test, and they will retain those seats. First of all, the purpose of the test is to give the voters a better barometer of whom they are electing to become a justice of the peace. I would like to know that because we do not get a lot of information, and you will hear about that in the next bill I am here to present. We do not get a lot of information about our judicial candidates, so it would give me peace of mind to know that after they were elected, they fulfilled this requirement.

In the unusual case that somebody is really unable to pass the test; we do lose justices of the peace as it is. In most places someone will be appointed to fill the rest of the existing term, then the seat will be up for a normal election in the normal election cycle. That happens to voters already who vote somebody into office who then resigns, retires, passes away, or whatever the case may be, and they get somebody who is appointed instead.

Elliot Malin:

It is really important to understand that right now, with these justices of the peace, there is nothing that shows they retain any information after attending the Judicial College. It is just that they showed up. When we are sending them to Judicial College the counties are typically paying for that. We know what the curriculum is, but we do not know what they have actually learned while there. We are trying to make sure that we understand that they are qualified, they understand what the job is, what the qualifications are, and what they are going to be seeing.

Assemblyman DeLong:

I think my questions have pretty much been addressed by the questions from the previous two members, so I just have a comment. This bill only applies to counties with populations of less than 100,000. There is no one on this Committee who represents any of those counties.

Senator Scheible:

In fact, it only applies to people who are elected to the position of justice of the peace and who do not hold a law degree. Many of our rural justices of the peace are, in fact, attorneys. It is just that, for whatever reason, in 2015, this Legislature decided that it was fair to say that if you live in a county of over 100,000 people, your justice of the peace has to be an attorney, but if you live in a county of less than 100,000 people, the requirements are different.

Assemblywoman Monroe-Moreno:

With the Judicial College, are there testing procedures as they go through the college, or is there a test at the end? Would it be easier to put a test at the end to make sure that the attendees were retaining what they were taught?

Senator Scheible:

The intent of the bill is to allow for that test to be administered at the end of the Judicial College. It is purposely written with just enough room so that whether it is literally the last day of Judicial College, or they want a week to study for it first, or the Supreme Court wants to be the one to administer the test. Either way is fine, but the purpose is to have the test within 18 months of election; they have already attended the Judicial College and the test mirrors the Judicial College syllabus.

Assemblywoman Monroe-Moreno:

I did not see that in the amended language.

Senator Scheible:

It does not spell it out explicitly. It does not mention the Judicial College in the amendment language so I do not know how anybody would know that without having this conversation that we are having right now.

Assemblyman Hibbetts:

In the bill, in section 1, subsection 3, it says ". . . an examination prescribed by the Nevada Supreme Court . . ." Has anybody checked with the Supreme Court to make sure they are okay with this?

Senator Scheible:

I think it was their idea, but they are okay with this, and they will be here to testify in support or neutral.

Assemblywoman Brittney Miller:

If we are talking about asserting a test for the completion of the Judicial College, why are we not just requiring the test for the Judicial College and for everyone who completes that program instead of singling out individuals, districts, and stuff like that? I think many of us may be a bit surprised that there is not already some assessment at the end of that program. Could you speak to why we do not just simplify it and that would cover anyone who would be required to go?

Elliot Malin:

The reason why we did it this way—worked with the stakeholders, the Judicial College, the Supreme Court, and the courts of limited jurisdiction—was it gives the court the latitude to work with all of them in the interim to make this exam. The other part of that is we also do not want to handcuff the Judicial College into, as we talked about, within 18 months of being elected. If we were to do it, we could handcuff them, and I would be uncomfortable doing that as well.

Senator Scheible:

I will also just speak frankly to the process that we went through to get to this bill, which is that as legislators, we do set the qualifications for justices of the peace. I have not been involved in a bill before that tasked the Judicial College with any kind of curriculum change. I do not know what our legislative authority or duties are over the Judicial College. I think it would be probably a different road to the same ends, and I am open to a discussion about whether it is the better route to the same ends. Since we came at this from the direction of qualifications for election, that is how we ended up being on a separate track from the Judicial College itself. You could probably go that other direction and get to the same place.

Chair Gorelow:

Seeing no more questions, we will open up testimony in support of Senate Bill 354 (1st Reprint).

Annette Magnus, Executive Director, Battle Born Progress:

I am here today in support of S.B. 354 (R1). In Nevada, justices of the peace preside over misdemeanors, traffic, evictions, and small claims disputes. Additionally, they oversee protection orders. In short, the cases that the justices of the peace oversee have a pronounced effect on people's lives across Nevada. In some jurisdictions, only a high school diploma is required to run for the office of justice of the peace. This is a very low threshold for the seriousness of what they oversee. Adding the justice of the peace's requirement to pass a multistate professional responsibility exam is not creating an insurmountable barrier to running but is raising the office's professionalism. I encourage this Committee to pass S.B. 354 (R1).

Chair Gorelow:

Is there anybody else in Carson City who would like to come to the table in support? Seeing no one else, it does not look like we have anybody in Las Vegas either. We will move to callers in support of S.B. 354 (R1). [There were none.] We will close testimony in support and open up testimony in opposition. Is there anybody in Carson City who would like to come to the table in opposition to S.B. 354 (R1)? [There was no one.] Seeing no one in Las Vegas to testify in opposition, we will move to callers. [There were no callers.] I will open up neutral testimony in Carson City for Senate Bill 354 (1st Reprint).

John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts:

As Senator Scheible indicated, the Supreme Court is willing to administer the testing provisions. Just by way of note, the Chief Justice has been having conversations with the Judicial College on some of this. Again, as Senator Scheible indicated, we did not want to get too prescriptive in the language.

Chair Gorelow:

Is there anyone else in Carson City who would like to come to the table in neutral? [There was no one.] Seeing no one in Las Vegas, are there callers to testify in neutral? [There were none.] Would the presenters like to come back to the table and say a few final words?

Senator Scheible:

I appreciate your hearing this bill and remain open to questions and conversations after the hearing.

Chair Gorelow:

We will close the hearing on S.B. 354 (R1) and open the hearing on Senate Bill 418 (1st Reprint).

Senate Bill 418 (1st Reprint): Revises provisions relating to candidates to the office of district judge. (BDR 1-803)

Senator Melanie Scheible, Senate District No. 9:

Senate Bill 418 (1st Reprint) is a bill to help our judicial elections and empower voters to make informed choices when they are voting for district court judges—well, actually everybody—but this started as district court judges. Before I get too far under way, let me address the amendment [[Exhibit D](#)] that you hopefully see on Nevada Electronic Legislative Information System (NELIS). This amendment actually was adopted by the Senate Judiciary Committee, and through a clerical error, we adopted a different amendment on the floor. I have talked to Legal Counsel about it, and if you all will just pass the amendment that we also passed, that makes it easy and we are all good. Otherwise, we can find some other creative ways to go back and reamend our bill. I think that you will all agree that the amended version of the bill with the amendment [[Exhibit D](#)] that you see on NELIS is a great idea. It will be an easy amend and do pass vote.

Senate Bill 418 (1st Reprint) says that anybody who is running for office for a judicial race has to fill out a questionnaire that will then be published on the website of the filing officer's or elections officer's website for every single voter to see. Where this idea came from was that in every county in Nevada today when judges are appointed—like we just talked about, we lose judges for various reasons: they get appointed to higher office, they retire, they leave, they resign—judges are appointed to the vacancies. When a judge is appointed to a vacancy, there is a fantastic panel of experts who review the applications from lawyers in the community who want to be appointed to the district court. Applicants have to fill out this approximately 15-page questionnaire. The questionnaire includes some biographical information like where they went to school and how long they have been practicing law. It also includes professional information like the types of law that they practiced, where they practiced law, and where they were admitted to practice law. The questionnaire also includes questions about their approach to the law and cases that they have worked on.

When I talked to members of the committee who help to select the applicants who are then referred to the governor for appointment, they all had the same thing to say: they really, really value those questionnaires. One of the most valuable parts of the questionnaire is where candidates described legal cases that they have actually worked on because it gives the committee an opportunity to understand how that person thinks and what they think is important. It is not about whether or not you agree with the position that their client had, but about understanding that this person litigated a complex case in front of the Supreme Court or that they had litigated a high-profile case where they dealt with the media and handled it with dignity and integrity.

What we wanted to do with S.B. 418 (R1) was to have every person who is seeking a judicial office fill out that same questionnaire that anybody seeking to be appointed would have to fill out, and then have the filing officer in the place where the person is seeking election post that questionnaire on their website. The questionnaire as it currently is written does have some confidential information in it that would not be appropriate to share on the elections website,

so the amendment to the bill that was accidentally adopted says that it will exclude the confidential information. The new and improved amendment [[Exhibit D](#)] also says that the Supreme Court will provide the questionnaire.

Like the test that they are going to prescribe for justices of the peace, it does give them some leeway to adjust that questionnaire, but we are not starting from scratch and reinventing the wheel. We are talking about a questionnaire that already exists, with some modifications to be made to adapt from going to a panel to going to the voters. That is the basis of Senate Bill 418 (1st Reprint). In addition, it was also amended to include judicial candidates beyond the district court, so it could include judges running for municipal or justice court.

Chair Gorelow:

Committee members, do you have any questions?

Assemblywoman Brittney Miller:

My question goes back to the comment that you made about the questionnaire and one of the questions being about the cases that the candidates had worked on previously. I know that the initial response would be, Will they have a choice about which cases they put on? My concern is, it is also public record so people can look it up, but the average Nevadan does not do that, they are just going by the information they have. My concern would be security. Judges are vulnerable people, as is anyone in the criminal justice system. Could you speak to that security issue? I am also not clear on who would develop the questionnaire and its purpose. Could you speak to the security first?

Senator Scheible:

The Supreme Court would be prescribing the questionnaire. We encounter the same questions with our judicial appointment candidates. They already fill out a questionnaire which is made publicly available when it is submitted to the panel for the panel to review and submitted to the Governor for their recommendation.

I completely agree that we want to make sure that we are keeping parties to action safe and want to make sure we are keeping judges and everybody else involved in the system safe. I think that would be an important consideration for the Supreme Court and how they phrased that question and the kind of information that they asked for. Having reviewed the questionnaires, they are general in nature. It is kind of like asking a legislator to talk about three bills they were most proud of or were the hardest to get passed. They are not asking you to list every single person who you talked to and every single person who came in in support or opposition. It would be the same thing with asking a lawyer to talk about a case that they worked on. We are not asking for every single filing in the case or first and last names of litigants to a matter. What we are asking for in broad strokes is, I handled this case where the court ultimately upheld this rule or overturned this rule or something like that.

Assemblyman Yeager:

It says that the person must file the questionnaire with the filing officer. Is the filing officer doing any vetting of that questionnaire? For instance, if someone does not complete a question—or it asks for educational experience, and they only put high school but depending on the district they may have to be an attorney—if they hand it in, does it just get uploaded to the website, and you are now a candidate for judicial office?

Senator Scheible:

The other qualifications would still exist in law for somebody to be eligible for whatever judicial office they are running for. This would be an additional requirement that they fill out the questionnaire and that the filing officer posts the questionnaire online. There is no requirement or expectation that the filing officer will be reviewing it for accuracy.

Assemblyman Yeager:

It indicates on the proposed amendment [[Exhibit D](#)] that the questionnaire is going to be on the Internet website of the filing officer. If I am a voter, how do I know where to go, assuming I want to find this information? How do I know where to go to find that information about the questionnaire?

Senator Scheible:

"Filing officer" is defined in the *Nevada Revised Statutes*, so that is why we use that term. It would be the same website that everybody goes to find out where early voting locations are, how to register to vote, and where to find the sample ballot. There would simply be an additional link to an option to review those questionnaires. I have spoken to the county clerks, county registrars, and the Nevada Association of Counties, and they are all fine with this requirement and do not think that it would cost them enough money to put a fiscal note on the amendment [[Exhibit D](#)]. It is a fairly simple process to upload one additional document for those few races that it would be required for.

Assemblyman Yeager:

Would this questionnaire have to be signed under penalty of perjury or something like that? What is the consequence for somebody lying or misstating their qualifications? Is that contemplated here? The second part is, who is the arbiter of that information in terms of its accuracy?

Senator Scheible:

Having them fill it out under the penalty of perjury is a great idea. I do not know if we have to put into statute that it is filled out under the penalty of perjury, or if the Supreme Court could just include that in part of the questionnaire.

The question about accuracy goes to the questions that we always ask about candidates, and their accuracy, and their qualifications for a particular office. I do not mean qualifications colloquially, I mean literally. When a dispute comes up about whether somebody actually

lives in their district, or whether they actually reached the age you need to reach to file for office, we have a patchwork of protections that allow voters and other people to challenge somebody's eligibility for a particular office.

Assemblyman Yeager:

Do you envision that incumbents would have to do this as well, or would it just be for first-time candidates?

Senator Scheible:

I would envision that incumbents would be able to update their questionnaire each year once they have already filled it out. That is how I envisioned this working.

Assemblyman Yeager:

I do have one follow-up with that. The bill would apply going forward, right? We have incumbents that are serving now, so they have not had to fill this out in the past. In the next election cycle, will all those people running for reelection have to fill out this questionnaire? I am not saying that they should not, but at the same time, they are on the bench and doing the job, so would they be exempt as long as they continue to be on the bench, or would they have to fill it out?

Senator Scheible:

I am not sure of the answer to your question. I will defer to Legal Counsel if they have an interpretation of the amended language.

Bryan Fernley, Committee Counsel:

The amended language refers to a candidate. An incumbent, when they filed for reelection, would be a candidate. It would apply to those filing for reelection or incumbents filing for reelection. If there was a desire to change the applicability of that, that could certainly be done in the amendment.

Assemblyman Yeager:

I do think that would be a good idea for incumbents not to have to essentially validate themselves, but that is a discussion for another day, and it is not a deal breaker for me.

At the risk of drawing the ire of my court friends out here in the audience, I think one of the challenges we have with district court elections in Clark County is we have close to 85 seats on the ballot, right? It is a lot to ask of even the most astute voter, even under the current regime, to try to vet all these different folks, and that is in addition to the rest of the ballot. I know why we aligned all those seats on one ballot, but I just wish there was some way that our voters would not have to make choices in all of those races every six years for district court. That is a discussion for another day.

Senator Scheible:

My intent is to make voting easier for voters and not more difficult. The idea is not to inundate them with additional information to sift through, but to put all the information in

one spot. I know when I go to vote for 75 judges at a time, even as a practicing attorney, I do not know all of them. In the races where I do not know the attorneys running, it can be onerous to try to look them up on the State Bar of Nevada website, go to their campaign website, or ask around to all of my friends. The idea is to be able to, with a click of a button, get a questionnaire that gives me the basic information I am looking for and then move on to the next candidate and go through that with each one since judicial elections are different from other types of elections.

Assemblywoman Newby:

I wanted to go back to the amendment [\[Exhibit D\]](#), because section 1, subsection 2 that you are striking kind of threw me off. You are essentially deleting the whole bill and then replacing it with your new section 1. Is that correct?

Senator Scheible:

That is correct.

Assemblywoman Newby:

Is section 1 deleted from *Nevada Revised Statutes* (NRS), or deleted from Senate Bill 418 (1st Reprint)?

Senator Scheible:

We are not deleting section 1 from the NRS. It is only being deleted from Senate Bill 418 (1st Reprint). It will remain in law because those are the rules about how you become qualified to run for district court judge. Yes, that is to be deleted from the bill, not from the *Nevada Revised Statutes*.

Assemblyman Hibbetts:

It is my understanding that the purpose of this bill is to provide more information for the populace to make an informed decision. While I am ecstatic about having more information for people to know about judicial candidates in particular, we do not do this for any other elected office. Why should we think that justices of the peace or municipal court judges or district court judges are special?

Senator Scheible:

Judges, including judicial candidates, have different codes of conduct and ethics than the rest of us. When we run for partisan office, we get to stand up on a soapbox and tell people exactly what we think about everything. We get to talk about policies and how we would vote on issues and where we stand. Judges do not get to do that. Any candidate for judge who would come out and tell you where they stand on a political issue is a bad candidate for judge. I will say it: Do not vote for that person.

Judges are in a very difficult position. If you want to be a judge, you have to put your name on the ballot, but you cannot go out and rely on your party platform. You cannot organize around the grassroots issues that all of us organized around to get elected. All judges can do is go from one event to the next and say, I have this much experience; I promise I am fair;

I am a good person; please vote for me. We do them a disservice by not having another platform where they can speak directly to voters in the way that matters, and in a way that voters are able to hear and evaluate what they have to say. I have been to panels where judges sit, or to the judicial debates that the *Las Vegas Review-Journal* has hosted in the past, and they are great for the few really invested voters who actually take the time to watch those or attend those.

This is to try to get to those people in the middle who are not quite invested enough to go and watch 18 hours of judicial debates, but they are invested enough to click the link and read where this candidate went to law school, how long they have been living in Nevada, or what their practice area has been. I think that there is a special lack of knowledge about judicial races because they are not just nonpartisan, but they are supposed to be impartial jurors when they are elected. That makes the information gap wider; that is why we should treat them differently and have these questionnaires for judicial candidates that we do not have for other candidates.

Chair Gorelow:

Committee members, are there any other questions? Seeing none, I will open up testimony in support of Senate Bill 418 (1st Reprint).

Chase Whittemore, representing Meruelo Gaming:

We would very much like to thank Senator Scheible for bringing this bill and the amendment forward. We would also like to thank the stakeholders who had some help in drafting the amendment as well. We really think this bill is a solid step in the right direction. To give voters access to more information about judicial candidates is extremely important. I am an attorney. As an attorney, every couple of years I get the same phone call from friends and relatives. It always goes about the same: Chase, you know the judges, you are in politics, you do campaign work, you are an attorney. Who should I vote for, for judge? I am sure some of you get those same calls as well. That is the point of this bill. Voters all over the state face the same issue each election cycle: information on judicial candidates is just hard to come by. We believe providing more information to voters about a candidate's education and work history will ultimately improve the judiciary. I urge your support of this bill. Maybe I will get fewer phone calls next election cycle.

Chair Gorelow:

Is there anyone else who would like to come to the table in support of S.B. 418 (R1) in Carson City? Seeing no one, we will go to Las Vegas. Seeing no one in Las Vegas, we will move to callers in support for S.B. 418 (R1). [There were none.]

Is there anybody in Carson City who would like to come to the table to testify in opposition? Seeing no one, we will go to Las Vegas. Seeing no one in Las Vegas, are there any callers in opposition to S.B. 418 (R1). [There were none.]

We will close testimony in opposition and open up testimony in neutral. Is there anyone in Carson City who would like to come to the table in neutral for S.B. 418 (R1)? Seeing no one, and no one in Las Vegas, we will go to callers who would like to testify in neutral for S.B. 418 (R1). [There were no callers.]

The presenter has no further comments, so we will close the hearing on Senate Bill 418 (1st Reprint) and move on to public comment. [There was no public comment.]

Committee members, are there any other comments or questions? Seeing none, we will see everyone back here at 4 p.m. on Thursday, May 11, 2023. We are adjourned [at 4:54 p.m.].

RESPECTFULLY SUBMITTED:

Kristi Howard
Committee Secretary

APPROVED BY:

Assemblywoman Michelle Gorelow, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony dated May 8, 2023, submitted by Elliot Malin, Founder and President, Alpine Strategies, in support of Senate Bill 354 (1st Reprint).

[Exhibit D](#) is a proposed amendment to Senate Bill 418 (1st Reprint), presented by Senator Melanie Scheible, Senate District No. 9.