

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

**Eighty-Second Session
May 18, 2023**

The Committee on Legislative Operations and Elections was called to order by Chair Michelle Gorelow at 4:27 p.m. on Thursday, May 18, 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:

None



STAFF MEMBERS PRESENT:

Haley Proehl, Committee Policy Analyst
Bryan Fernley, Committee Counsel
Jasmine Shackley, Committee Services Manager
Shuruk Ismail, Committee Manager
Kristi Howard, Committee Secretary

OTHERS PRESENT:

None

Chair Gorelow:

[Roll was called. Rules and protocol were reviewed.] Today we have seven work session bills; however, we are going to hold off on Senate Bill 354 (1st Reprint).

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

[Senate Bill 354 (1st Reprint) was agendized but not considered.]

Chair Gorelow:

I will open the work session on Senate Bill 60 (1st Reprint). I will turn it over to Ms. Proehl to walk us through the document.

Senate Bill 60 (1st Reprint): Revises provisions relating to elections. (BDR 24-412)

Haley Proehl, Committee Policy Analyst:

The first bill on the work session today is Senate Bill 60 (1st Reprint) [[Exhibit C](#)]. This was heard in Committee on May 11, 2023. The measure makes various changes concerning elections. I am not going to read through them all, but there is an amendment from the Office of the Secretary of State, which seeks to:

- Revise *Nevada Revised Statutes* (NRS) 293.363 and NRS 293C.362 to clarify that mail ballots may be counted prior to the closing of the polls, pursuant to existing law; provide that the counting procedures must be public and continue without adjournment until completed, as practicable; and repeal outdated provisions relating to counting paper ballots;
- Allow the Secretary of State to establish by regulation a sensitivity level threshold to be used in determining whether a vote for any office or question may be counted under certain circumstances; and
- Remove language authorizing a voter to request a replacement mail ballot and designate a person to sign the replacement ballot on his or her behalf, under certain

circumstances, and add language to instead allow a registered voter the ability to request and use the Effective Absentee System for Elections in the event of an emergency.

Chair Gorelow:

Committee members, are there any questions? [There were none.] I will entertain a motion to amend and do pass S.B. 60 (R1).

ASSEMBLYWOMAN MILLER MOVED TO AMEND AND DO PASS
SENATE BILL 60 (1ST REPRINT).

ASSEMBLYWOMAN NEWBY SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Dickman:

I just have a statement. Normally I would be in support of this bill, but until the Governor receives a fair hearing on Senate Bill 405, his election bill, I am going to have to be voting no on any election bills.

Chair Gorelow:

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

THE MOTION PASSED. (ASSEMBLYMEN DELONG, DICKMAN,
HIBBETTS, AND MCARTHUR VOTED NO.)

I will assign the floor statement to Assemblywoman González. I will close the work session on S.B. 60 (R1) and open the work session on Senate Bill 133 (1st Reprint). I will turn it over again to Ms. Proehl.

**Senate Bill 133 (1st Reprint): Revises provisions relating to presidential electors.
(BDR 24-539)**

Haley Proehl, Committee Policy Analyst:

Senate Bill 133 (1st Reprint) was heard in Committee on May 11, 2023 [[Exhibit D](#)]. The measure prohibits a person from creating or serving in a false slate of presidential electors or conspiring to commit such acts. A person who violates these provisions is guilty of a category B felony, may be subject to a fine and liable for the costs of investigation and prosecution, and is not eligible for probation or a suspended sentence. The bill authorizes a person who believes that such an offense has occurred to notify the Secretary of State, who then must investigate or refer the alleged violation to the Attorney General for investigation and prosecution. Finally, the bill prohibits a person convicted of such an offense from being elected or appointed to public office or being employed by the State or a local government. There are no amendments for this measure.

Chair Gorelow:

Committee members, do you have any questions or comments? [There were none.] I will accept a motion to do pass S.B. 133 (R1).

ASSEMBLYWOMAN MONROE-MORENO MOVED TO DO PASS
SENATE BILL 133 (1ST REPRINT).

ASSEMBLYMAN MILLER SECONDED THE MOTION.

Are there any comments or questions on the motion?

Assemblywoman Dickman:

I just wanted to say this has never happened in Nevada, except for one time in the entire history. It has happened in other places with Democrat electors, false electors, but it had zero effect on the election when it happened here. It is not going to have any effect on any election because by virtue of what it says they are false electors, and the penalty is, as the public defender said, way over the top, so I will have to be a no.

Chair Gorelow:

I am curious about the accusation of a false Democrat elector. I do not know enough to say true or false, but we are just going to move on.

Assemblywoman Dickman:

There is probably an email you have that will explain.

Chair Gorelow:

I will do a little more research than an email, but thank you. Are there any other questions or comments?

Assemblywoman Monroe-Moreno:

I will be supporting this measure because we are here to make laws for the state of Nevada. I cannot dictate what happens in other states, but we have to make sure the elections within our state, the people casting their ballots, and those who are working at voting polls are safe. Our job is to make sure elections in the state of Nevada are safe. For that reason, I will be casting my vote for a yes on this provision.

Chair Gorelow:

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

THE MOTION PASSED. (ASSEMBLYMEN DELONG, DICKMAN,
HIBBETTS, AND MCARTHUR VOTED NO.)

I will assign the floor statement to Assemblyman Miller. I will close the work session on S.B. 133 (R1) and open the work session on Senate Bill 262.

Senate Bill 262: Revises the qualifications for membership on certain advisory councils and boards. (BDR 21-857)

Haley Proehl, Committee Policy Analyst:

Senate Bill 262 was heard in Committee on May 16, 2023 [[Exhibit E](#)]. The measure eliminates the requirement that a member of a town advisory board or citizens' advisory council be a qualified elector. Senator Flores proposed the attached amendment that seeks to:

- Additionally require a member of a town advisory board or citizens' advisory council to be a citizen of the United States or lawfully entitled to reside in the United States;
- Clarify that members of a town advisory board must still be qualified electors if such a board has been delegated the power to manage one or more town services by the board of county commissioners, as the board would no longer be purely advisory in nature; and
- Replace the term "office" with "position" in the declaration of candidacy for a member of a town advisory board so as not to create an implication that these members are public officers.

Chair Gorelow:

Members, are there any questions? [There were none.] I will entertain a motion to amend and do pass S.B. 262.

ASSEMBLYWOMAN MILLER MOVED TO AMEND AND DO PASS
SENATE BILL 262.

ASSEMBLYWOMAN NEWBY SECONDED THE MOTION.

Are there any comments or questions on the motion?

Assemblywoman Miller:

I would just like to say, I know there were deep concerns about this bill, or the impression of the bill, when it first came forward. I also did share some of those concerns. I appreciate the bill sponsor amending it to clarify what the intention of this bill was, and to make sure we are capturing the different groups and everything that is appropriate. I really appreciate his amendments on this and that is why I was able to move to a yes. I know a lot of times with people narrative speaks louder than policy. I hope going forward people make sure they read the bill and the amendment and understand the contributions that will be coming from including more people into these groups.

Chair Gorelow:

I would agree. I, too, had some concerns and I was very appreciative to work with the bill sponsor and make those changes. With that, are there any more comments or questions? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN DELONG, DICKMAN, HIBBETTS, AND MCARTHUR VOTED NO.)

I will assign the floor statement to Assemblyman D'Silva. I will close the work session on S.B. 262 and open the work session on Senate Bill 328 (1st Reprint).

Senate Bill 328 (1st Reprint): Eliminating the exemption of the Cannabis Compliance Board from the provisions of the Nevada Administrative Procedure Act. (BDR 56-519)

Haley Proehl, Committee Policy Analyst:

Senate Bill 328 (1st Reprint) was heard in Committee on May 16, 2023 [[Exhibit F](#)]. The measure makes the Cannabis Compliance Board subject to the provisions of the Nevada Administrative Procedure Act for the purposes of adopting, amending, or repealing regulations and the adjudication of contested cases. The bill repeals statutes that set forth specific procedures for the Board to adopt, amend, or repeal regulations; and revises the procedures for the Board to take disciplinary action to conform with the procedures for the adjudication of contested cases. There are two proposed amendments.

Senators Titus and Nguyen proposed the attached amendment [pages 2 through 7, [Exhibit F](#)] which revises provisions relating to the legislative findings and declarations of the cannabis industry, the Board's membership and powers, and the types of regulations the Board may adopt. That attached amendment is the same that was presented during Tuesday's meeting [May 16, 2023] with the exception of two changes that address items discussed during the meeting. Those are highlighted on the second page of the attached amendment [page 3, [Exhibit F](#)].

In addition, the Legal Division of the Legislative Counsel Bureau proposes a technical amendment to: (1) add transitory language to apply the bill to contested cases that commence on or after the effective date so that cases in process under the current administrative procedures governing the Board do not need to restart under a new procedure; and (2) add transitory language to ensure the regulation adoption process applies only to new regulations as of the effective date and does not affect regulations currently in process that have not yet been adopted by the Board.

Chair Gorelow:

Members, are there any questions? [There were none.] I will entertain a motion to amend and do pass S.B. 328 (R1).

ASSEMBLYWOMAN MONROE-MORENO MOVED TO AMEND AND DO PASS SENATE BILL 328 (1ST REPRINT).

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Newby. I will close the work session on S.B. 328 (R1) and open the work session on Senate Bill 404 (1st Reprint).

Senate Bill 404 (1st Reprint): Makes various changes relating to elections. (BDR 24-843)

Haley Proehl, Committee Policy Analyst:

Senate Bill 404 (1st Reprint) was heard in Committee on May 16, 2023 [[Exhibit G](#)]. The measure sets forth what constitutes "satisfactory identification" for purposes of voter challenges based on proof of residency. The bill further provides that the provisions of existing law relating to voter challenges do not authorize a person to challenge the ability of a registered voter to vote by mail ballot. Finally, the bill authorizes the counting of the returns for early voting to begin on or after the first day of early voting. There are no amendments.

Chair Gorelow:

Members, are there any questions? [There were none.]. I will entertain a motion to do pass S.B. 404 (R1).

ASSEMBLYWOMAN MILLER MOVED TO DO PASS SENATE BILL 404 (1ST REPRINT).

ASSEMBLYMAN D'SILVA SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DELONG, DICKMAN, HIBBETTS, AND MCARTHUR VOTED NO.)

I will give the floor statement to Assemblywoman Miller. I will close the work session on S.B. 404 (R1) and open the work session 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)

Haley Proehl, Committee Policy Analyst:

The final measure on work session today is Senate Bill 418 (1st Reprint). It was heard in Committee on May 9, 2023. The measure, as originally written, requires a candidate for district judge to submit with his or her declaration of candidacy the same application that is required by the Commission on Judicial Selection from a person who applies to fill a district court vacancy.

There is a proposed amendment by Senator Scheible. During the bill presentation, she had proposed an amendment to replace the original content of the bill with provisions to require that, in addition to a declaration of candidacy, a candidate for judicial office must file with the appropriate filing officer a questionnaire prescribed by the Supreme Court that includes information on, but is not limited to, the candidate's education and qualifications for the office he or she seeks to fill.

Senator Scheible has since proposed a new amendment which is attached to the work session document [pages 2 through 4, [Exhibit H](#)] that seeks to replace the original content of the bill with provisions that still require a judicial candidate to complete and file such a questionnaire, though the requirement now does not apply to incumbent judicial candidates.

Chair Gorelow:

Members, are there any questions?

Assemblyman Yeager:

I appreciate the sponsor of the bill for being willing to do the amendment. I did want to note, and I know we are on questions or comments, that when we get to the motion I want to ask for one additional clarification that I think our legal staff could do pretty easily, and I think is in line with the intent of the bill. That would just be to indicate the amendment says nonincumbents have to fill out the form and submit it, but to make clear that incumbents can do it if they want to do it. They are not precluded from doing it. The way I envision it in my mind, particularly judicial offices, often incumbents file and might not get an opponent for a week or two, so they would not fill out the questionnaire. If they do get an opponent, and the opponent has to fill it out, they may want to submit their own. I have consulted with our legal staff and they said that would be appropriate. If there are no other questions, I could certainly make that motion to amend and do pass with the further clarification that it would be permissive for incumbents if they wanted to fill out the questionnaire.

Chair Gorelow:

Are there any other questions or comments on Assemblyman Yeager's amendment? [There were none.] I will entertain a motion to amend and do pass S.B. 418 (R1), including additional verbiage by Assemblyman Yeager.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
SENATE BILL 418 (1ST REPRINT).

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Monroe-Moreno. I will close the work session on S.B. 418 (R1) and open the hearing for public comment. [Public comment was heard.]

Before I close the hearing, are there any Committee members who would like to make any comments? [There were none.] We will be at the call of the Chair for tomorrow in case we have any last-minute work sessions. With that, we are adjourned [at 4:47 p.m.].

RESPECTFULLY SUBMITTED:

Kristi Howard
Recording Secretary

Gina Hall
Transcribing Secretary

APPROVED BY:

Assemblywoman Michelle Gorelow, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for Senate Bill 60 (1st Reprint), submitted and presented by Haley Proehl, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for Senate Bill 133 (1st Reprint), submitted and presented by Haley Proehl, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for Senate Bill 262, submitted and presented by Haley Proehl, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for Senate Bill 328 (1st Reprint), submitted and presented by Haley Proehl, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for Senate Bill 404 (1st Reprint), submitted and presented by Haley Proehl, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for Senate Bill 418 (1st Reprint), submitted and presented by Haley Proehl, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.