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

Eighty-Third Session
March 6, 2025

The Committee on Legislative Operations and Elections was called to order by Chair Erica Mosca at 4:02 p.m. on Thursday, March 6, 2025, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 3 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, 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/83rd2025.

COMMITTEE MEMBERS PRESENT:

Assemblymember Erica Mosca, Chair
Assemblymember Cecelia González, Vice Chair
Assemblymember Lisa K. Cole
Assemblymember Jill Dickman
Assemblymember Rebecca Edgeworth
Assemblymember Brian Hibbetts
Assemblymember Sandra Jauregui
Assemblymember Brittney M. Miller
Assemblymember Daniele Monroe-Moreno
Assemblymember Cinthia Zermeño Moore
Assemblymember Hanadi Nadeem

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Haley Proehl, Committee Policy Analyst
Michael Nakamoto, Chief Principal Deputy Fiscal Analyst
Aaron MacDonald, Committee Counsel
Mackenzie Scruggs, Committee Manager

Kristi Howard, Committee Secretary
George Whalen, Committee Assistant

OTHERS PRESENT:

Jennifer Berthiaume, Manager, Government Affairs, Nevada Association of Counties
Alexis Motarex, Director of Government Affairs, Associated General Contractors of America, Nevada Chapter
Nic Ciccone, Government Affairs Manager, Office of the City Manager, City of Reno
Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County
Mark A. Wlaschin, Deputy for Elections, Office of the Secretary of State
Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State
Emily Persaud-Zamora, representing Let Nevadans Vote Coalition
Kerry Durmick, Nevada State Director, All Voting is Local Action
Izack Tenorio, representing Campaign Legal Center
Annette Magnus, representing Asian Community Development Council
Brenda Zamora, Deputy Director, Make It Work Nevada
Noé Orosco, Government Affairs Manager, Make the Road Nevada
Eric Jeng, Executive Director, One APIA Nevada
William Moore, Civic Engagement Director, Mi Familia en Acción
Shelbie Swartz, Executive Director, Battle Born Progress
Paul Catha, Political Director, Culinary Workers Union Local 226
Trystin St. Denis, Policy and Advocacy Associate, Nevada Conservation League
Bri Schmidt, Program Associate, Silver State Equality
Tatiana "Tia" Smith, Policy Counsel, American Civil Liberties Union of Nevada
Robert Taylor, Private Citizen, North Las Vegas, Nevada
Rudy Zamora, Advocacy Director, Chicanos Por La Causa
Iris Stone, Private Citizen, Las Vegas, Nevada
Ellen Gifford, Private Citizen, Incline Village, Nevada
Lynn Chapman, Treasurer, Independent Party of Nevada
Oscar Williams, Private Citizen, Reno, Nevada
Ashley Garza Kennedy, Principal Management Analyst, Government Affairs, Department of Administrative Services, Clark County
David Cherry, Government Affairs Manager, City of Henderson

Chair Mosca:
[Roll was taken, and Committee rules and protocol were reviewed.] Welcome to the Assembly Committee on Legislative Operations and Elections. I will now open the hearing on Assembly Bill 249. We are excited to have Assemblymember Monroe-Moreno presenting today with Mr.Nakamoto.

Assembly Bill 249: Revises provisions relating to fiscal notes. (BDR 17-932)

Assemblymember Daniele Monroe-Moreno, Assembly District No. 1:
Thank you so much for giving us an opportunity to present Assembly Bill 249. I am here with our nonpartisan fiscal staff, Mr. Michael Nakamoto. As chair of the Assembly Committee on Ways and Means, I have sat on that committee and am now in my fourth term. What I have learned is there is some cleanup work we need to do with some of the processes to make life a little bit easier for the committee, our fiscal staff, and you all.

Mr. Nakamoto is here to go through the bill with you. You will see there are two amendments. There is a friendly amendment from the Nevada Association of Counties, [Exhibit C]. There is a second amendment from a discussion I had this morning with the Nevada Chapter of Associated General Contractors [Exhibit D]. There are just a few language things I want to get through to make sure it is okay with Legal—but I am friendly, they are friendly, and I think we are going to be okay, but I want to make sure Legal is good with it. Once that happens, we will be ready for the work session. With that, I am going to turn it over to Mr. Nakamoto.

Michael Nakamoto, Chief Principal Deputy Fiscal Analyst:
I serve as Chief Principal Deputy Fiscal Analyst with the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB). As Assemblymember Monroe-Moreno pointed out, I am nonpartisan LCB staff. I have been asked to present and answer questions on A.B. 249, which deals with fiscal notes. There are actually two separate provisions of fiscal notes this bill addresses. The first one is the one all of you as legislators are intimately familiar with by this point in session: the statutory fiscal note process in *Nevada Revised Statutes* (NRS) Chapter 218D, relating to bills and joint resolutions.

You all have a one-page overview of the bill [Exhibit E] that should be in Nevada Electronic Legislative Information System (NELIS). As an overview, we have a statutory fiscal note process which we administer in the Fiscal Analysis Division where we are required to obtain a fiscal note on certain bills or joint resolutions where there has been a determination by the Legal Division of LCB there may be a fiscal impact upon state or local governments. *Nevada Revised Statutes* 218D.435 specifically refers to local governments. This is not in the bill, but if a bill or joint resolution is determined by the Legal Division as possibly increasing the expenditures or reducing the revenues of a local government, they are required, pursuant to NRS 218D.415, to place a statement on the face of the bill or joint resolution saying "Effect on Local Government: May Have Fiscal Impact."

Under current law, the threshold and the requirement is a little bit different for state agencies, and NRS 218D.430 requires Fiscal to obtain a fiscal note if the bill or joint resolution appears to create or increase any fiscal liability or decrease any revenue for the State which appears to be in excess of $2,000 or if it "increases or newly provides for a term of imprisonment in the state prison or makes release on parole or probation from the state prison less likely." To denote that and to show there is a requirement for Fiscal to obtain a fiscal note, the statement on the face of the bill or joint resolution with respect to the "Effect on the State:," rather than saying "May Have Fiscal Impact," says, "Yes."

Section 1 would amend NRS 218D.415 to align those provisions and change the "Effect on the State: Yes," to "Effect on the State: May Have Fiscal Impact." One of the things in the now ten sessions I have been involved in these processes is this causes maybe a little bit of confusion because, ultimately, the fiscal note is submitted by the affected state agency, and they could very easily submit a fiscal note that indicates no impact. I think this bill is a good example. There are actually, in NELIS, two fiscal notes submitted on this bill. If you look at the face of A.B. 249, it says "Effect on the State: Yes," but the two fiscal notes submitted by the Office of the Secretary of State and LCB both say no impact. Therefore, to create a little more clarification on what the actual process is, that is the reason why this change is being requested—to show the certainty is not in the drafting of the bill, rather it is in the fiscal notes themselves.

Section 2 of the bill deals with a different process that is a requirement for the Fiscal Analysis Division to submit fiscal notes to the Office of the Secretary of State after a petition for referendum or initiative is filed with that Office as is allowed under Article 19 of the *Nevada Constitution*. Under current law, after a petition for initiative or referendum is filed with the Secretary of State's Office, NRS 295.015 requires that Office to consult with the Fiscal Analysis Division to determine whether the petition would have any anticipated financial impact upon state or local government. If the Fiscal Analysis Division determines there may be an impact upon state or local governments, we are required to submit a fiscal note to the Secretary of State's Office, which they must put on their website within ten business days after that initiative or referendum is filed.

The change in section 2 is to NRS 295.015 to remove that requirement for it to be filed within ten business days after it is filed, instead tying the deadline to submit that and have it posted to the challenge period for the description of effect in NRS 295.061. That statute requires that if somebody wants to challenge the petition based on the description of effect, subsection 1 of NRS 295.061 requires that challenge to be filed in the First Judicial District Court in Carson City within 15 business days after that petition has been filed with the Secretary of State's Office. Section 2 would change our deadline and the deadline for that fiscal note to be posted on the Secretary of State's website to ten business days after that challenge period ends if there is not a challenge filed in this district court, but if a challenge is filed with the First Judicial District Court, then it would be no later than ten business days after the First Judicial District Court has ruled on the merits of that petition or of that complaint.

The changes in the bill would all take effect on July 1, 2025. Everything would be either for the interim for section 2, or for section 1 dealing with the session provisions, would take effect during the next regular legislative session. That is really what the bill is doing. Specifically, with respect to section 2, what we have found in the time we have been doing this—I believe a law was put into place in 2005—is the ten business days really do not give us enough time to do the due diligence. We treat it similar to the fiscal note provisions for statute for session; we reach out to agencies, we are getting information from them; it often takes them time to get the information to us; and then we have to evaluate it, compile it, and put together a final product. This is largely to give us additional time to comply with the

statutory requirement. There are two amendments to the bill, Madam Chair. If you would like me to speak to those from the perspective of staff, I can do so. Otherwise, I am available for any questions.

Chair Mosca:
Did you want the amendments or is it because you are still working on it, we will do it later? What do you prefer?

Assemblymember Monroe-Moreno:
I think the amendments are self-explanatory, and I know those who submitted the amendments are also here. They will be speaking in public comment as they speak in favor or neutral on the bill, so they can speak to their amendments. If you do have any questions, Mr. Nakamoto is here to answer all those questions.

Chair Mosca:
I will take a point of privilege to say I miss you in Revenue, but it is great to see you here. We do have some questions.

Assemblymember Miller:
I appreciate and recognize I am speaking to the chair of Ways and Means, and I have also worked alongside you since Day One—since we came into this building. I know you have had concerns and ideas to streamline this process, and I appreciate that.

I am going to ask a two-part question. One, just a general question: what kind of training or guidance do agencies receive—if any—when it comes to how to fill out, complete, or calculate for fiscal notes? I will be honest. As someone who has been in this body for the longest we have in our house—I will go ahead and get myself in trouble because I have been good all day, so it is time for a little trouble for the day—oftentimes, from our perspective, it feels like fiscal notes are used to weaponize against bills certain agencies may not want to implement. We know putting a very exaggerated fiscal note on something is a good way to demonstrate opposition and to potentially have that bill not go any further. I am not saying everyone does that—we know that is not the case. I have also worked with agencies where they really try to work to fine-tune it to be very accurate and specific of what the needs would be in order to implement that bill. But we have inconsistencies. I was wondering, first: what type of training or guidelines are given when it comes to the development of fiscal notes? And then, after that, would there also be something provided if this bill is to go forward?

Michael Nakamoto:
For clarification on your second question, are you talking about additional resources for the division or training—is that what you meant for other agencies?

Assemblymember Miller:
Yes, because we would be changing some of the processes for the fiscal notes, how that would be communicated to everyone.

Michael Nakamoto:
Thank you for the clarification, Assemblymember Miller. What I will tell you right now is—and there are many people behind me who can attest to that because many of them have attended our training—we do a fiscal note training for state and local government agencies. It used to be something we historically only did for state agencies because most of those people were here in Carson City, and of course, the local agencies could be anywhere in the state.

The pandemic forced us to reevaluate how we did that training, because we used to do it in the Legislative Building in Room 4100. We would bring everybody in and basically give them a live demonstration of how our automated fiscal notes or our online fiscal note system worked. We would push everything through email; they would get notifications; they learned how to do this. We do not tell them how to do fiscal notes, but we show them how the process works, and some things—some pointers or suggestions—of things they can put in.

The pandemic forced us to reevaluate this. We went to doing it on Microsoft Teams. Now we do it for local governments as well, and this is now something we have done for a couple of sessions. Right at the end of the interim, so it is usually in mid-January after we have rolled out the fiscal note system, we send out invitations to interested state and local government officials who get to listen to me give a presentation for about three hours, going through how the system works, everything they can do with the system, the functions, the features. Basically, we walk through a demonstration on how they provide a fiscal note. Where that gets to your question though, Assemblymember Miller, is that is kind of where it ends. We, as nonpartisan LCB staff, do not want to be in the position where we are telling agencies what they should be putting into their fiscal note.

The concern you raise about fiscal notes being weaponized is a legitimate concern, and it does happen. I do not think anybody who has been around here as long as you or I would say otherwise. The fiscal notes from state agencies—if it is an Executive Branch agency—are required to go through the Office of Finance, Office of the Governor, for approval. If it is submitted by the Governor's Finance Office, then we print whatever they send us. There is no review process for the non-executive agencies, including LCB. Same for the local governments; they come straight to us.

What I will tell you, as your nonpartisan fiscal staff, is if you have concerns about a fiscal note that has been submitted by an agency, you can call our office, and we can look into those concerns for you. Basically, the fiscal notes statutes in NRS Chapter 218D require us to print what is sent to us. We ask for the information, they submit it to us, we print it without it being evaluated. But if you would like it to be evaluated, if you have questions, you can reach out to our office and we can look into it and see if we can get some answers if you have concerns.

Assemblymember Miller:
I want to clarify, I probably misspeak by just saying agencies, because it is not just the agencies, but thank you so much for the clarification.

Assemblymember Monroe-Moreno:
As chair of Ways and Means, when there is a fiscal note on a bill we hear in a hearing in Ways and Means, we also invite—or tell the member to invite—the agency that has a fiscal note on it. As a chair, I ask them to explain what that fiscal note is for—on the record in public—to make sure that fiscal note is legitimate and matches the needs of that bill.

Since you left us in Ways and Means, we have implemented a training for the Ways and Means Committee we now do prior to session, because when I came on, it was kind of like, Hey, you are on Ways and Means, go learn it. That just did not seem fair. It is a lot to learn when those budget binders are put in your office right after State of the State—it is kind of scary. We have implemented—and it is optional for members to attend if they choose to, who are on Ways and Means—a whole training: what it is like, what it means to be on Ways and Means, how to read the budget. It is a full week of training for our members.

Chair Mosca:
As someone on Ways and Means who went to the training, I am very grateful for it.

Assemblymember Cole:
My question is on the one amendment that was provided by the Associated General Contractors of America. This additional language was put in just for section 1, not section 2—this might be a really dumb question. I know there are no dumb questions, but I am going to ask one—is there any time where section 2 would have that kind of fiscal impact on the State Highway Fund, yes or no? Because I think fuel revenue indexing came through an initiative.

Michael Nakamoto:
The fuel tax indexing was originally approved as a legislative measure back in the 2013 Session. There were some amendments to it in a subsequent session, but it was not through the initiative process.

Getting directly to your question though, the answer is, that potentially could happen. There is not a specific form by which we have to have indications on what the effect would be on the Highway Fund or any particular fund. Basically, what we will do is, we will explain what the initiative or referendum would be doing and then have a description of what agencies would potentially be affected, what provisions could cause the effect, and then what those effects would be, to the extent that we could identify them. If somebody were to submit a petition for initiative or referendum that would have an effect on the Highway Fund, then yes, we would potentially be dealing with issues relating to the Highway Fund. But, given what is submitted through the initiative or referendum process, it could be any potential fund, not just limited to the State Highway Fund.

Assemblymember Hibbetts:
My question is on section 2, new subsection 5, paragraph (a). If I understood the testimony correctly, current law allows 15 days to file a challenge for the description of effect, but this would change it to 10 days. What is the reasoning behind the shortening of the time frame?

Michael Nakamoto:
This does not affect the filing of the challenge for description of effect. Basically, we are just tying the deadline for submitting the fiscal note required to that particular petition to the filing of that challenge for the description of effect. That would stay at 15 days. It is just that 15-day period then dictates when we would have to submit the fiscal note, depending on whether there has been a challenge filed or not.

Chair Mosca:
Thank you, members. We will now go to testimony in support of Assembly Bill 249. We will start in Carson City.

Jennifer Berthiaume, Manager, Government Affairs, Nevada Association of Counties:
The Nevada Association of Counties (NACO), whose members represent all 17 counties, would like to thank Assemblymember Monroe-Moreno for considering our amendment [Exhibit C] friendly. What our amendment would do is make an addition to NRS 218D.475 to allow the Fiscal Analysis Division to extend the period in which local governments can submit fiscal notes upon request. We are thankful and support this bill.

Alexis Motarex, Director of Government Affairs, Associated General Contractors of America, Nevada Chapter:
I am with the Nevada Chapter of Associated General Contractors, representing the commercial construction industry in northern Nevada. We are supportive of the bill. Most of the bill as drafted does not have a tremendous impact on us, but we would like to propose an amendment [Exhibit D]. I hope Legal clears it and it is considered friendly. The intent is to require bills and resolutions introduced during the session to not only indicate the fiscal impact to the state or local governments, but also the State Highway Fund. Money from the Highway Fund is used to augment the budgets of other agencies in addition to its intended purpose of building and maintaining Nevada's highway system. In 2023, that amounted to $44.5 million.

The Highway Fund has an increasing deficit as vehicle miles traveled in the state continue to increase while funding decreases due to an antiquated funding mechanism that has not been adjusted since 1992. At the same time, we continue to see requests for funding from other agencies that directly impact the department's ability to perform its core function of planning, constructing, operating, and maintaining over 5,000 miles of highway in the state, which provides for thousands of prevailing wage jobs for Nevadans every year. We believe including the fiscal impact proposed legislation has on the Highway Fund will provide for better transparency, education, and awareness about the funding of non-highway-related expenditures.

Nic Ciccone, Government Affairs Manager, Office of the City Manager, City of Reno:
I just want to say thank you to Assemblymember Monroe-Moreno. We are at about 110 fiscal note requests from the City of Reno. On top of all the daily work our individual employees do, this is another task they take on. It is always an additional task for them to take on and something I might have to chase them down for, so I think an additional seven days will make a big difference in their lives and in their daily work. We very much appreciate the friendly amendment.

Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County:
We, too, appreciate the amendment NACO brought forward is considered friendly. For context for you all, to date for this session, Washoe County has received 144 fiscal notes. This additional time does specify that it is allowed when additional research is necessary. I think perhaps it may go to some of the concerns that were heard. I think this amendment will allow us to give you better quality fiscal responses. Right now, when we are dealing with that volume, in some cases we are forced to sort of shortcut that. I think particularly on issues that relate to industrial insurance or things where our benefits might be impacted, we need to go back to our third-party administrators. We appreciate the consideration and ask for your support.

Chair Mosca:
Seeing no others in Carson City, is there anyone in Las Vegas or on the phone lines for testimony in support. [There was no one.] We will move to testimony in Carson City, Las Vegas, or on the phone lines to testify in opposition to A.B. 249. [There was no one.] We will move to testimony in Carson City, Las Vegas, or on the phone lines to testify in neutral on A.B. 249. [There was no one.] Are there any closing remarks?

Michael Nakamoto:
I just want to thank you today for having this hearing and allowing me to give this presentation. I also wanted to take this opportunity to thank the state agencies and local governments who are part of our fiscal note system. We have 112 agencies in the fiscal note system—64 local governments and 48 state agencies. I checked this morning; we have submitted just over 9,000 fiscal note requests during this legislative session. At the tail end of our presentations or our trainings we give to the agencies, I acknowledge and thank every single person who participates because we know how many we send out. The fact that we have already sent out 9,000 and we are barely a month into the session speaks volumes to that.

Chair Mosca:
With that, we will close the hearing on Assembly Bill 249. I will now open the hearing on Assembly Bill 287. We have Assemblymember González presenting.

Assembly Bill 287: Revises provisions relating to elections. (BDR 24-202)

Assemblymember Cecelia González, Assembly District No. 16:
[Exhibit F, a bill summary, was submitted and will become part of the record.] Election recounts provide an opportunity to ensure all ballots cast are counted accurately and the correct candidate or ballot question wins. In Nevada, when election results are within a very narrow margin of victory, the results are not automatically recounted. Instead, a defeated candidate may request a recount of the ballots for the office they ran for, and any voter may request a recount of the results of a ballot question. Additionally, the person requesting the recount must cover the costs of the recount if the outcome is unchanged at the end of the process. Twenty-four states and Washington, D.C., provide for automatic recounts when the margin of victory falls between a certain threshold.

Assembly Bill 287 seeks to establish automatic vote recounts for elected offices when the margin of victory is 0.25 percent or less. This bill still allows defeated candidates to request a recount if the vote difference is 5 percent or less; however, for those tight races where the vote difference is 0.25 percent or less, a recount will automatically be performed at no cost to the defeated candidate.

Assembly Bill 287 also removes the ability for voters to request a recount for a ballot question. Instead, it automatically requires a recount for a ballot question if, again, the margin of victory is 0.25 percent or less at no cost. The outcome of some contests, especially local contests with lower voter turnout, are often determined by just a handful of votes. Requiring automatic recounts in these cases will provide another level of verification to ensure the election results are accurately certified. Automatic recounts also increase voter confidence in elections by proactively addressing potential discrepancies and routinely verifying results.

I will now walk through a brief overview of the bill. I will also be addressing the friendly amendment [Exhibit G] that was posted and you all should have as well. Section 1 provides that a defeated candidate may demand and receive a vote recount for the office for which they are a candidate for if the difference between the highest number of votes cast for a candidate of the office and the number of votes cast for the defeated candidate is 5 percent or less. Defeated candidates will continue to have three working days after the results are certified to request a recount. Assembly Bill 287 before you does not change that deadline. Additionally, defeated candidates must still deposit the estimated cost of the recount they are requesting in advance.

Section 1 also requires an automatic recount if the difference between the highest number of votes cast for a candidate and the next highest number of votes cast for a candidate of the same office is 0.25 percent or less. This requirement does not apply to a recount of the votes for an office in which voters may select more than one candidate on the ballot. For example, general improvement district elections often allow voters to vote for more than one candidate from the list of eligible candidates to fulfill multiple seats at once. And finally, section 1 eliminates a voter's ability to demand and receive a vote recount for a ballot question and

instead requires a vote recount for a ballot question to be conducted if the difference of the results for a ballot question, whether approved or disproved, is 0.25 percent or less. No voter is required to pay for the cost of such a recount.

Sections 2 through 5 make conforming changes. Note that section 3 retains language stating the candidate who requests a recount that is not automatic—meaning the vote difference is more than 0.25 percent but less than 5 percent—must still pay for the recount unless the election results were reversed because of that recount.

Now addressing the amendment [Exhibit G], which is a friendly amendment proposed by the Office of the Secretary of State and should be on the Nevada Electronic Legislative Information System. In section 1, subsection 1(b), we will be replacing the word "person" with "filing officer," as it is the filing officer who would determine the cost of the recount. Also in section 1, subsection 1(b), we are replacing the term "estimated costs of the recount" with "estimated recount costs" for clarity purposes—kind of a word jumble there. The third clarification I think is very important is that the automatic recount required by A.B. 287 is paid by the county but reimbursed by the Reserve for Statutory Contingency Account as currently required by *Nevada Revised Statutes* (NRS) 293.405 for election recounts in which the recount changes the outcome of the election.

With that, I do want to provide two examples. In the 2024 elections, with this language—the margin of victory of 0.25 percent or less—there would have been two recounts that would have been automatically conducted. That would have been the North Las Vegas City Council Ward 2 race, as well as the Las Vegas Justice of the Peace Department 8 race. There were two additional races that would not have been recounted. The margin of victory for the Laughlin Town Advisory Board was 0.1 percent. That would not be automatically recounted because in that race you were able to vote for more than one candidate. There was also an example of the margin of victory for the Incline Village General Improvement District, which was 0.07. Again, you were able to vote for multiple candidates, so this would not have been part of this automatic recount. With that, I will take any questions.

Assemblymember Nadeem:
Do you have any idea how many other states are doing automatic recounts?

Assemblymember González:
Currently, there are 24 states, including the District of Columbia, that have automatic recounts.

Assemblymember Cole:
On section 3, I understand why you are adding in the automatic recount on the ballot initiative or ballot question, but I am just curious as to why it is being removed for somebody to be able to do it if they choose to do it?

Assemblymember González:
Just give me one second. You said section 3?

Assemblymember Cole:
Yes. We are eliminating the ability for a voter to pay for a recount. You are adding in the auto, but you are deleting the ability to do it discretionally—if that is a word. At least that is how I read it.

Assemblymember González:
Let me just read it really quickly. I am phoning a friend. The Secretary of State's Office is here and will be able to assist me with that question.

Mark A. Wlaschin, Deputy for Elections, Office of the Secretary of State:
I do not want to speak for the Assemblymember of course, but the removal of that provision relating to anyone essentially requesting a recount of a ballot question in part ties into—this bill proposes to set a standard, and if the standard is met, the recount will be initiated. If it is not, then a citizen would not be able to request a recount, even if it were, for example, kind of a blowout, so to speak. That, I think, touches on the document the Assemblymember provided [Exhibit F] that talks about preventing the overburdening of election officials. By creating a standard that is uniform across the board for ballot questions and others that spark the recount, it removes the need, essentially, for somebody to either take that upon themselves, or—really this has happened in the past, even fairly recently, individuals requesting a recount when perhaps it is not even remotely close. Does that answer your question?

Assemblymember Cole:
I think it answers my question. I think my concern would be maybe keep the ability to do it but use that same threshold on the recount for the candidate of the 5 percent. That way there is still an option to do it. But you are right, anything that is not close does not make sense.

Assemblymember González:
Are there any examples of people asking for recounts for ballot questions? Is that a common thing that comes to your office? If you could speak to that.

Mark Wlaschin:
Not that I have seen in the last at least five years in regard to recounts that were requested for ballot questions, though it has historically been an option. I will do some more research and get you an answer on that.

Chair Mosca:
I have a question, Deputy Wlaschin. I think my understanding was, if there was a recount and it cost a certain amount, if you had to do more than one recount, it would actually cost the same because it recounts at the same time? I want to get that clarification on the record.

Mark Wlaschin:
The way it has worked in the past is, if two candidates request a recount—at least, again, this is an as-is process—both candidates have to provide the payment up front. Then, after the recount is conducted, again, if it changes the results, all of the money goes back to the

candidate. However, if it does not, the State keeps the payment to pay for the cost of that recount. But if two people both request it, they both pay the full amount and then it essentially gets split 50/50—or if there are three people, it is divided evenly among the three of them, the idea being the goal is to pay for the cost of the recount. This is not an opportunity for the county or the State to make money for the State General Fund. It is purely to meet the requirements. Even going so far, in statute it says if the estimate is too low or too high, the remainder—or delta there—will either be requested from the candidate to make sure it is exactly the amount provided, or if there is extra, it goes back to the candidate in those cases.

Gabriel De Chiara, Chief Deputy, Office of the Secretary of State:
Sorry for inserting myself into the conversation, but I think part of the question you were asking was about if a single recount would potentially cover multiple races. I believe the answer to that question is yes. Ever since the State of Nevada moved to the vote center model—every county has now moved to the vote center model with some very small exceptions. For example, in Clark County, any voter can vote at any vote center in the county, regardless of whether or not that is close to their precinct, et cetera. That fact, along with how our mail ballots are processed, et cetera, means essentially any recount would be a countywide recount. However, while that is a significant amount of work for the county, one, the friendly amendment from the Secretary of State—and thank you Assemblymember González for making that a friendly amendment—that cost could be predicted by the county. And yes, that cost will not be for every separate race.

For example, in the two races Assemblymember González referenced, a single recount would accomplish the recount for both of those races because it would be all of the ballots in possession of Clark County that would need to be recounted. I hope that answers your question.

Assemblymember Dickman:
I just want to be sure here. With this bill, a ballot question or a referendum could only be automatically recounted—it could not be requested—and the State would have to pay for it if it was within 0.25 percent?

Assemblymember González:
Correct. I do not think it was my intention to take that piece of it out. I am happy to explore keeping that piece in for voters to still request that if they would like to.

Assemblymember Dickman:
If it would be in with whatever is required for the candidate, right? Like the candidate that would request, say the—what is it—5 percent?

Assemblymember González:
I do not think I understand. Sorry, can you rephrase your question?

Assemblymember Dickman:
You would consider putting this back in for a ballot referendum or initiative at the 5 percent? Someone could request it if it were a 5 percent discrepancy? Is that not what it is for the candidates?

Assemblymember González:
Yes, I can definitely explore options where that language is the same for ballot questions and initiatives as well.

Assemblymember Dickman:
I did not quite understand but now I do.

Chair Mosca:
I believe we have no other questions. Thank you, Assemblymember González and the Secretary of State's Office. With that, we will now hear testimony in support of Assembly Bill 287. We will start in Carson City.

Emily Persaud-Zamora, Executive Director, Silver State Voices; and representing Let Nevadans Vote Coalition:
I am here to testify in support of A.B. 287 on behalf of my organization, Let Nevadans Vote Coalition. We view A.B. 287 as a bill that addresses inequity within our representative democracy. Sometimes races, especially races at a city and county level, have a small margin of victory between the winning and losing candidate. For example, in 2020, the Clark County Commission [Board of Clark County Commissioners] District C race was decided only by ten votes. In 2024, the North Las Vegas Councilmember Ward 2 race was decided by only eight votes. In these scenarios, well-resourced candidates who can quickly raise thousands of dollars within several days have the advantage since they can pay for a recount up front. For example, in the 2020 [*sic*] North Las Vegas race I just mentioned, the two candidates ended with different amounts for their campaign fund balances. According to 2024 campaigning expense reports, at the end of quarter three, the winning candidate ended with just a little over $40,000 in their account, and the losing candidate had $2,300 in their account.

The standardization thresholds of 0.25 percent and 5 percent, which would apply to all races, will level the playing field. It will also help election officials balance their already overflowing workload by preventing frivolous recount requests based on political or ideological reasons. We believe all Nevadans, no matter the size of their bank account, should feel they can access their democracy, including the ability to run for office. We thank Assemblymembers González and Monroe-Moreno for sponsoring this bill, and Campaign Legal Center for all the research they provided on this issue. We urge the Committee to support A.B. 287.

Kerry Durmick, Nevada State Director, All Voting is Local Action:
We are an organization that advocates for policies and legislative priorities that expand voter access to build a democracy for all of us. We strongly support A.B. 287. This bill will institute automatic recounts paid for by the counties or by the State for races with a

0.25 percent or less margin between the winning and losing candidate. As you have heard, in the past, several local races and state races obviously have been decided by this threshold. We have seen candidates being forced to pay for those recounts, even resulting, in some cases, where the candidate actually cannot afford the recount where it is only decided by a few votes. Additionally, this bill will cap any paid recount candidate request at a 5 percent difference between the two candidates. This provision is also essential because it will help counties save resources and people power during the recounting period.

Additionally, research from FairVote, a nonpartisan organization working for better elections, showed us that between 2000 and 2023, there were only 34 statewide recounts out of over 6,000 general statewide elections, and only 3 of those recounts resulted in a reversal—just showing you how rare this truly is. These reversals were all under 0.06 percent. I point this out to show both thresholds in this bill are very fair to candidates, voters, and our elections departments across the state. Thank you so much for your time, and I urge you to support A.B. 287, as it will create a fair and equal recount process in our state for candidates, voters, and election departments across the state and ensure our voices are accurately heard.

Izack Tenorio, representing Campaign Legal Center:
Today I am representing Campaign Legal Center, supporting A.B. 287, which provides significant and essential updates to the recount process in Nevada. This legislation provides a much-needed clarity to the current statute that governs the recount process here in our state. It ensures the recount process is both available to confirm the accuracy of the Nevada elections and it also protects the potential misuse by candidates seeking to undermine the post-election process. We respectfully urge this Committee to take action on A.B. 287 to adopt efficient and statistically sound automatic recount processes that would benefit all candidates regardless of political affiliation, and we thank Assemblymembers González and Monroe-Moreno for sponsoring this piece of legislation.

Annette Magnus, representing Asian Community Development Council:
We are in support of A.B. 287. We believe this bill is important because it addresses issues of financial inequity within the electoral process for candidates. We believe it is imperative candidates, especially those in smaller races where they may not have the means other candidates have access to, have the ability to have an automatic recount or request a recount in the proper amount of time, depending on the margin of the race. This is a fairness issue, and we believe all candidates with races that have very tight margins should have this opportunity. We urge your support of this bill.

Brenda Zamora, Deputy Director, Make It Work Nevada:
We are a proud member of Let Nevadans Vote Coalition. Make It Work Nevada is dedicated to empowering families through political advocacy because we truly believe those closest to the problem are closest to the solution. However, financial inequity within the electoral process creates barriers for many candidates, particularly in smaller, local races where margins of victory can be razor thin. The high cost associated with requesting a recount can put an unfair burden on candidates who may not have the personal wealth or immediate

fundraising networks to cover these expenses within the required time frame. We believe everyone directly impacted by these issues should have a fair and equitable chance to run for office, and that includes ensuring our electoral system does not favor wealth over democracy. We strongly encourage you all to support A.B. 287.

Noé Orosco, Government Affairs Manager, Make the Road Nevada:
We are also a proud member of Let Nevadans Vote Coalition. I am testifying today in support of A.B. 287, which would streamline the recount process, providing an objective set of criteria for all races and candidates for which recounts can and cannot occur. Not only does this bill protect the workload of election workers, but equally important, we believe it levels the playing field for our representative democracy. In tight races where only ten or fewer votes separate the winning and losing candidates, every vote matters. Candidates with better resources and funds have the advantages because they can pay the recount costs up front, which can easily be in the thousands.

At Make the Road Nevada, we believe democracy should be accessible for all Nevadans. We go as far as engaging with our community and sharing that they have election plans in place so they can go ahead and make sure their voices are heard. And for that, we are supporting A.B. 287, and we ask this Committee to please support it.

Eric Jeng, Executive Director, One APIA Nevada:
The Asian American and Pacific Islander community here in Nevada has experienced significant growth in recent years for the state's electorate—not just the electorate, but also growing elected, and also for people running for office. By refining the recount procedures, Assembly Bill 287 will enhance transparency and confidence in election outcomes, encouraging greater civic engagement and trust among community groups.

Chair Mosca:
Seeing no one else here Carson City, we will go to Las Vegas for anyone in support of A.B. 287.

William Moore, Civic Engagement Director, Mi Familia en Acción:
I am testifying in support of A.B. 287. Mi Familia en Acción is a civic engagement organization focused on building Latino political power. We advocate on issues that impact Latino communities, including voting rights. We support A.B. 287 because it aims to standardize the recount process for all Nevada races and will protect our elections from frivolous requests that aim to slow the certification process and sow doubt about the integrity of our election workers. If passed, A.B. 287 will protect candidates' access to the recount process, specifically in races that are not as costly, such as municipal or school board races. These races are integral to our local communities because they make the decisions that impact our day-to-day lives. At Mi Familia en Acción, we do not believe potentially significant decision-makers should be penalized because they cannot afford to recount. Thank you, Assemblymembers González and Monroe-Moreno, for cosponsoring this bill. We urge the Committee to support A.B. 287.

Gabriel Di Chiara:
I would like to speak in support on behalf of Secretary of State Francisco Aguilar, who had to run but is very supportive of this bill. I think you have heard a number of reasons why, and we are also grateful to the sponsors for bringing it.

Chair Mosca:
I am not seeing anyone else in Las Vegas. We will go to the phone line for support of A.B. 287.

Shelbie Swartz, Executive Director, Battle Born Progress:
We are in strong support of A.B. 287. This bill strengthens the core of what makes our state truly a citizen legislature that represents all Nevadans. This bill is a promise to every Nevadan that our democracy belongs to all of us, not just those with deep pockets. Without A.B. 287, the current structure of paying for a recount is advantageous to well-heeled candidates or candidates with a funding advantage who can afford the up-front cost. This means even when races are razor thin—when just a handful of votes could determine the future of our communities—only the well-funded candidates have the power to demand verification. That is not how a government of the people, by the people, and for the people should function.

We cannot allow money to dictate the fairness of our elections. If we truly believe in a citizen-led government, then we must pass A.B. 287 and guarantee our democracy remains open, fair, and accessible to everyone, not just the privileged few. I want to thank Assemblymembers González and Monroe-Moreno for their leadership and commitment to ensuring every Nevadan's voice is heard.

Paul Catha, Political Director, Culinary Workers Union Local 226:
I would like to thank the Committee for their time and echo the comments of the other supporters.

Trystin St. Denis, Policy and Advocacy Associate, Nevada Conservation League:
We would just like to echo the support of everyone else here and thank you for your time.

Bri Schmidt, Program Associate, Silver State Equality:
I am testifying in support of A.B. 287. Silver State Equality is Nevada's statewide LGBTQ+ civil rights organization. We work to bring the voices of LGBTQ+ people and allies to institutions of power in Nevada. The objective recount procedure set in place by A.B. 287 helps all candidates by addressing financial inequity within Nevada's current electoral process. We support A.B. 287 and urge you to support this vital legislation as well.

Tatiana "Tia" Smith, Policy Counsel, American Civil Liberties Union of Nevada:
The American Civil Liberties Union of Nevada strongly supports this bill. We ditto everything that has been said already, and we urge the Committee to support it as well.

Robert Taylor, Private Citizen, North Las Vegas, Nevada:
My name is Robert Taylor, previously known as candidate Robert "Twixx" Taylor for North Las Vegas [unintelligible] Ward 2. First, I would like to thank Assemblymembers González and Monroe-Moreno for sponsoring this very important bill. I am most definitely supporting this bill, A.B. 287. Speaking from my own experience—winning my primary election in 2024, being ahead in the general election from early voting, even until Election Day, to lose by 8 votes after 1,608 ballots were found and then receiving information that only 5 of those ballots were for Ward 2; not receiving a thorough breakdown of the other 1,603 votes was disheartening. After Clark County certified the votes, I was advised by multiple elected officials and lawyers I could pay for a recount for $2,500. I was totally willing to do so. I found out the price was $156,000—yes, more than three times the annual pay of any councilmember in North Las Vegas.

With that being said, I am not here to cry over spilled milk. I am letting everyone know, and I am testifying, that the milk is spoiled. We have brilliant people who are making bills, and we have to think better and do better. Having everybody's support of this bill is a very touching thing to me. We have to make it fair for all of us.

Rudy Zamora, Director of Advocacy, Chicanos Por La Causa:
We strongly support A.B. 287. We would just like to echo everybody's previous comments.

[Exhibit H, a collection of letters in support, was submitted but not discussed and will become part of the record.]

Chair Mosca:
We will open opposition testimony starting in Carson City. Seeing no one, we will go to Las Vegas. Seeing no one, we will open the phone lines for opposition to A.B. 287.

Iris Stone, Private Citizen, Las Vegas, Nevada:
I oppose portions of A.B. 287. The practicality of the matter is very few candidates or voters request recounts for races or ballot initiatives in Nevada. I do not support section 1, subsection 1 of this bill that puts a 5 percent limit on the margin of the difference between candidates. There should be no numeric restriction to request a recount. The fact that candidates carry the financial burden to conduct a recount when the contest is lost is enough to keep unreasonable challenges from happening. It is fundamental to the individual's freedom of speech enshrined in the *U.S. Constitution*. However, I do support section 1, subsection 2, calling for an automatic recount for both candidates and ballot questions at the 0.25 percent margin. I would even consider a 0.50 margin. This regulation will correct an existing issue that disadvantages candidates who cannot afford to pay for a recount, especially when the results are very close.

Regarding section 1, subsection 3, an important section has been deleted and should be reinstated, and based on the discussions just earlier, I believe that will happen. We must return the text that allows voters to ask for a recount of ballot question outcomes. This would

be outside of the 0.25 percent automatic recount. Lastly, for section 2, subsection 2, I urge you not to ban voters from being present during the recount for a ballot initiative contest. Why allow candidates to be at the recount but not voters be at the recount for a ballot initiative? That seems discriminatory to me.

Ellen Gifford, Private Citizen, Incline Village, Nevada:
Assembly Bill 287 sets forth criteria for requesting a recount of votes for an officer or ballot question, implying there is only a single calculation that might warrant a recount to check the accuracy of an election. How is this criteria reached and where can the data be found that supports this particular criteria? Removing the voter from the recount process or imposing any criteria to be met in order to demand a recount of votes for an office or a ballot question is unconstitutional in Nevada. The *Nevada Constitution* states, "Each voter who is a qualified elector under this Constitution and is registered to vote in accordance with Section 6 of this Article and the laws enacted by the Legislature pursuant thereto has the right . . . to a uniform, statewide standard for counting and recounting all votes accurately as provided by law." Having to meet criteria of any kind to demand a recount violates that right. None of the amendments put forth by this bill should be implemented into any Nevada statute.

Lynn Chapman, Treasurer, Independent American Party of Nevada:
We only have a couple of concerns. Our concerns have to do with recounts. We feel the auditors should be able to use the printout on the side of the machines. If they do not use the printout, what is the purpose of the printout? Is it just to make voters feel good or is it to check to see what was voted on? We need to use the printout for recounts to help with accuracy of recounts. Also, we would like to see the voter be able to request a recount on ballot questions since the ballot questions will have an effect on all voters. I would like to see that back in.

Oscar Williams, Private Citizen, Reno, Nevada:
I am opposed to A.B. 287 because it is unconstitutional. Let us go through a hypothetical. Let us say the mayor of Reno gets caught up in some tawdry sex scandal, and they have to abruptly resign, and we hold a special election. We use our own ballots, we use our own machines, we fund it ourselves. We know it does not need the Secretary of State's intrusion in how we conduct our local business. We have a constitutional right, enumerated right, per *Nevada Constitution* Article 4, Section 20. And let me read that because this is specifically into your change of NRS 293.405, 2(a). "If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount," which is very consistent with constitutional rights of counties and cities. But your red line ballot question, I guess we are not allowed to recount local referendum and initiatives? That would be what we call local and special elections that are prohibited by the *Nevada Constitution*, which clearly says, and I will read it to you now, "The legislature shall not pass local or special laws in any of the following enumerated cases—that is to say . . . Regulating county and township business; Regulating the election of county and township officers, . . . Providing for opening and conducting elections of state, county, or township officers, and designating the places of voting."

We have constitutional rights—enumerated rights—for the cities and counties to conduct their business. Assembly Bill 287 walks all over that. This is a power grab by the Secretary of State. I am vehemently opposed to it. I encourage you to vote no on this and all amendments.

[Exhibit I was submitted but not discussed and will become part of the record.]

Chair Mosca:
We have no more callers in opposition, so we will go to testimony in neutral for A.B. 287. Seeing no one in Carson City for neutral testimony, we will go to Las Vegas.

Ashley Garza Kennedy, Principal Management Analyst, Government Affairs, Department of Administrative Services, Clark County:
I am testifying in neutral with the amendment [Exhibit G] presented by the Secretary of State. We thank the Secretary of State for offering it to reimburse the county for the cost of the recount.

David Cherry, Government Affairs Manager, City of Henderson:
We have a very close working relationship with Clark County. When it comes to elections, we just want to ensure they are able to recover the cost if there should be a recount, either in our jurisdiction or countywide, as was described is often the case. That is how it needs to be handled. Thank you for bringing the amendment. We are in neutral with that amendment.

Chair Mosca:
Seeing no others in Las Vegas, we will go to the phone lines for neutral on A.B. 287. [There was no one.] At this time, I would love to invite Assemblymember González back to the table for any closing remarks.

Assemblymember González:
I want to say that taking the voter option out of the ballot questions was not intentional, so I will definitely explore to have the parity for that. I look forward to passing this and for all of your support.

Remainder of page intentionally left blank; signature page to follow.

Chair Mosca:
With that, we will close the hearing on Assembly Bill 287. Our last item of business is public comment. [There was none.] Our next meeting will be on Tuesday, March 11, at 4 p.m. Seeing no other business before us, this meeting is now adjourned [at 5:17 p.m.].

RESPECTFULLY SUBMITTED:

_____
Kristi Howard
Committee Secretary

APPROVED BY:

_____
Assemblymember Erica Mosca, Chair

DATE: _____

EXHIBITS

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 249	C	Jennifer Berthiaume, Manager, Government Affairs, Nevada Association of Counties	Proposed amendment
A.B. 249	D	Alexis Motarex, Director of Government Affairs, Associated General Contractors of America, Nevada Chapter	Proposed amendment
A.B. 249	E	Michael Nakamoto, Chief Principal Deputy Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau	Document titled "OVERVIEW OF ASSEMBLY BILL 249" and prepared by the Fiscal Analysis Division
A.B. 287	F	Assemblymember Cecelia González, Assembly District No. 16	Bill Summary
A.B. 287	G	Office of the Secretary of State	Proposed amendment
A.B. 287	H	Various Individuals	Collection of letters in support
A.B. 287	I	Oscar Williams, Private Citizen, Reno, Nevada	Letter in opposition