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WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

April 10, 2003

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

-
- Assembly Bill 285 _____
 - Assembly Bill 412 _____
 - Assembly Bill 421 _____
 - Assembly Bill 422 _____
 - Assembly Bill 487 _____
 - Assembly Bill 526 _____
 - Assembly Bill 528 _____
 - Assembly Bill 529 _____
 - Assembly Bill 541 _____

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS

DATE: 4-10-03 ROOM: 3138 EXHIBIT C

SUBMITTED BY: Michelle Van Geel

C-1



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WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

April 10, 2003

The following measures will be considered for action by the Assembly Committee on Elections, Procedures, and Ethics during a work session on Thursday, April 10, 2003:

ASSEMBLY BILL 285

Revises provisions regarding filing of declaration of candidacy or acceptance of candidacy. (BDR 24-705)

Sponsored by: Assemblywoman Ellen M. Koivisto

Discussion

Assembly Bill 285 was heard by the Committee on March 18, 2003. Assemblywoman Koivisto presented the bill to the Committee. Among other things, the measure requires that a fingerprint card accompany a declaration or acceptance of candidacy, and prohibits a filing officer from accepting a declaration or acceptance of candidacy if the candidate has not presented certain identification.

Proposed Conceptual Amendments

1. Amend the bill as a whole to delete all suggested language pertaining to fingerprint cards and background checks (proposed by Assemblywoman Giunchigliani).
2. Amend Sections 1 and 2 to add new language such as, "If it is determined during the course of an election that a candidate is a felon who has not had his rights restored, his name must be removed from the ballot by the clerk or registrar of voters. If such a determination is made after the ballots have been printed, the clerk or registrar of voters must post a notice informing voters that the candidate is ineligible for office" (proposed by Assemblywoman Giunchigliani).

ASSEMBLY BILL 412

Increases the period of residency required to qualify as candidate for certain offices. (BDR 24-359)

Sponsored by: Assemblywoman Kathy McClain

Discussion

Assembly Bill 412 was heard by the Committee on April 8, 2003. Assemblywoman McClain presented the bill to the Committee. The measure increases the period of residency required to qualify as a candidate for certain offices.

Proposed Conceptual Amendments

1. Add language moving the primary election to the second Tuesday in August and changing the filing deadlines — see Tab A for a calendar of current and proposed date changes (proposed by Assemblywoman Giunchigliani).
2. Add language to require a candidate to file for office before displaying campaign signs (proposed by Assemblywomen Giunchigliani and McClain).
3. Add language to provide an exception to the six (6) month residency requirement, such as:
 - Not applicable for an election following redistricting (proposed by Assemblywoman Pierce); or
 - Not applicable for an election following redistricting, if the candidate moved to an adjacent district (proposed by Assemblyman Conklin)

ASSEMBLY BILL 421

Requires that candidates for certain nonpartisan offices who are unopposed be declared elected to office. (BDR 24-847)

Sponsored by: Assemblywoman Valerie E. Weber

Discussion

Assembly Bill 421 was heard by the Committee on April 8, 2003. Assemblywoman Weber presented the bill to the Committee. This measure requires that candidates for certain nonpartisan offices who are unopposed be declared elected to office.

Proposed Conceptual Amendments

Amend the bill as a whole, incorporating the new language under Tab B (proposed by Assemblywoman Weber).

ASSEMBLY BILL 422

Exempts State of Nevada from provisions of federal law requiring daylight saving time. (BDR 19-128)

Sponsored by: Assemblyman Bob Beers

Discussion

Assembly Bill 422 was heard by the Committee on April 8, 2003. Assemblyman Beers presented the bill to the Committee. The measure exempts the State of Nevada from the provisions of federal law requiring daylight savings time.

Proposed Conceptual Amendments

No amendments were offered. However, there was discussion to recommend to the United States Congress that the State of Nevada be changed to the Mountain Time Zone. This would need to be done through a joint resolution (proposed by Assemblyman Beers).

ASSEMBLY BILL 487

Enlarges membership of Legislative Committee on Public Lands. (BDR 17-1272)

Sponsored by: Assembly Committee on Natural Resources, Agriculture, and Mining

Discussion

Assembly Bill 487 was heard by the Committee on April 1, 2003. Assemblyman Collins presented the bill to the Committee. This measure adds a representative of the general public to the membership of the Legislative Committee on Public Lands.

Proposed Conceptual Amendments

1. Section 1, subsection 1 — delete lines 12 and 13, which read, “The member who is a representative of the general public must not hold any elective office” (proposed by Assemblywoman Giunchigliani).
2. Add language to sunset the Legislative Committee on Public Lands in four (4) years (proposed by Assemblywoman Giunchigliani).

ASSEMBLY BILL 526

Makes various changes concerning contests of general elections for offices of Assemblyman and Senator. (BDR 24-1289)

Sponsored by: Committee on Elections, Procedures, and Ethics

Discussion

Assembly Bill 526 was heard by the Committee on April 3, 2003. Assemblywoman Giunchigliani presented the bill to the Committee. The measure authorizes the contestant in a contested election to continue investigating the contest and to amend the statement of contest until the day of organization of the Legislature. The bill also authorizes the parties in a contest to take depositions, and it provides that the contestant in a contested election is responsible for costs under certain circumstances.

Proposed Conceptual Amendments

1. Section 1, Subsection 2(b)—add language requiring that the statement of contest may be amended until December 15. Additionally, all documents that a contestant intends to present must be submitted by this date. Further, a list of witnesses must be provided by this date. Any information relating to the contest after this date may be used in the hearing but will not be added as part of the contest. (proposed by Assemblywoman Giunchigliani).
2. Add language defining the word “contestant” to (proposed by Assemblyman Beers).
3. Section 1, Subsection 2—move language in subsection 2(a) “Investigate issues relating to the contest” to Subsection 3. This will clarify that either party in a contest, not just the contestant, may conduct investigations (concept proposed by Assemblyman Beers).
4. Section 2, Subsection 6—add language such as “must pay the costs incurred by” on line 38 after the word “and” to clarify that the contestant must pay the costs incurred by the candidate receiving the highest number of votes (proposed by Assemblywoman Giunchigliani).
5. *No Rebuttal* If after hearing the contest, a house declares the contestant elected, the contested candidate is responsible for costs incurred in connection with the contest by the State of Nevada and the contestant, unless: a) The election results were overturned due to error or fraud by election officials; or b) The house in which the contest was heard determines that under the circumstances it would be unjust for the candidate who lost the contest to be responsible for such costs.

ASSEMBLY BILL 528

Makes various changes to provisions governing elections and campaign finance.
(BDR 24-559)

Sponsored by: Assembly Committee on Elections, Procedures, and Ethics

Discussion

Assembly Bill 528 was heard by the Committee on April 8, 2003. Renee Parker, Chief Deputy Secretary of State, presented the bill to the Committee. The measure proposes to make various changes to elections including, among other things, explanations and arguments for ballot questions; how time periods are measured for election duties; the date by which county clerks must determine the number of registered voters of each major political party; consequences of a candidate's death; county clerks providing minor political parties with a free copy of a list of registered voters; and the date by which certain groups must make available information concerning advertising for campaigns.

Proposed Conceptual Amendments

1. Delete certain sections and change language as suggested in the amendment under Tab C (proposed by Renee Parker, Chief Deputy Secretary of State).
2. Section 7, subsections 2 through 5 -- amend language referring to dates so that the section of the *Nevada Revised Statutes* does not have to be amended again if the dates of the primary are changed in other legislation (proposed by Assemblywoman McClain).
3. Section 23 -- delete section if the Committee processes Assembly Bill 529 (proposed by Renee Parker, Chief Deputy Secretary of State).

ASSEMBLY BILL 529

Makes various changes concerning reporting of campaign contributions and expenditures. (BDR 24-558)

Sponsored by: Assembly Committee on Elections, Procedures, and Ethics

Discussion

Assembly Bill 529 was heard by the Committee on April 1, 2003. Dean Heller, Secretary of State, and Renee Parker, Chief Deputy Secretary of State, presented the bill to the Committee. The measure requires the Secretary of State to design and provide a single form for reporting campaign contributions and expenditures; revises the dates for filing reports for campaign contributions and expenditures; and requires certain candidates and public officers to file statements of financial disclosure with the Secretary of State instead of the Commission on Ethics.

Proposed Conceptual Amendments

1. Amend the bill as suggested in the first amendment under Tab D (proposed by Dean Heller, Secretary of State).
2. Amend the bill as suggested in the second amendment under Tab D from the Commission on Ethics — most suggested changes duplicate those in the Secretary of State's amendment (proposed by Stacy Jennings, Executive Director, Commission on Ethics).

ASSEMBLY BILL 541

Makes various changes relating to elections. (BDR 24-166)

Sponsored by: Assembly Committee on Elections, Procedures, and Ethics

Discussion

Assembly Bill 541 was heard by the Committee on April 3, 2003. Assemblywoman Giunchigliani presented the bill to the Committee. The measure requires the word "incumbent" to appear following the name of a candidate on a ballot under certain circumstances; specifies a specific order that initiatives must appear on a ballot; allows an absentee ballot to be returned by an authorized person; shortens the period for early voting; prohibits the Secretary of State and city clerks from requiring candidates and other persons to list expenses of \$100 or less; and revises the period when candidates may solicit or accept monetary contributions before a special session.

Proposed Conceptual Amendments

1. Amend the bill as suggested in the amendment under Tab E (proposed by Assemblywoman Giunchigliani).
2. Section 17, subsection 2(a) — delete "residence addresses" and insert "middle name or middle initial" (proposed by Assemblywoman Giunchigliani).
3. Section 17, subsection 2(b) — delete "the word Incumbent must appear immediately following the name of that candidate" and insert "the incumbent must be listed first and the name must be in bold" (proposed by Assemblywoman Giunchigliani).

Possible Changes to Registration and Filing Deadlines

Sun	Mon	Tue	Wed	Thu	Fri	Sat
April 18	19	20	21	22	23	24
25	26 Start Filing	27	28	29	30	May 1
2	3 Start Filing (NRS 293.177)	4	5	6	7	8
9	10 End Filing	11	12	13	14	15
16	17 End Filing (NRS 293.177)	18	19	20	21	22
23	24	25	26	27	28	29
30	31	June 1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	July 1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
August 1	2	3	4	5	6	7
8	9	10 Primary Election	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	September 1	2	3	4
5	6	7 Primary Election (NRS 293.175)	8	9	10	11

Blue = Current Law; Red = Proposed Changes

- 1) Number of days between end of filing and primary (current law) = 113
- 2) Number of days between end of filing and primary (changing primary date only) = 85
- 3) Number of days between end of filing and primary (changing both primary and filing dates) = 92

ASSEMBLY BILL NO. 421

PROPOSED AMENDMENT by Assemblywoman Weber
for discussion by the
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS

(Prepared by the Legal Division)

(Proposed Changes are Underlined and in Green)

Amend the bill as a whole by deleting section 1 of the bill and inserting a new section, designated section 1, following the enacting clause to read as follows:

Section 1. NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office ~~{or}~~ **and** no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for any office:

(a) Any partisan office or the office of Justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(b) Any nonpartisan office, other than the office of Justice of the Supreme Court, the name of those candidates must appear on the ballot for a primary election. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election.

6. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for a nonpartisan office, other than for the office of Justice of the Supreme Court, that candidate must be declared elected and no election may be held for that office.

~~7.1~~ If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

Sec. 2. NRS 293C.180 is hereby amended to read as follows:

293C.180 1. ~~If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.~~

~~2. Except as otherwise provided in subsection 1, if~~ **If** not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

~~13.1 2.~~ If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

PROPOSED AMENDMENT TO A.B. 528
OFFERED BY SECRETARY OF STATE DEAN HELLER

April 1, 2003

Amend the bill as a whole by deleting Sections 1, 2, 3, 15, 16 and 26 through 38.

Amend the bill as a whole by adding a new section to amend NRS 306.030 as follows:

1. The petition may consist of any number of copies which are identical in form with the original, except for the name of the county and the signatures and addresses of the residences of the signers. The pages of the petition with the signatures and of any copy must be consecutively numbered. Each page must bear the name of a county and only registered voters of that county may sign the page.
2. Every copy must be verified by [~~at least one of the signers~~] *the circulator* thereof, who shall swear or affirm, before a person authorized by law to administer oaths, that the statements and signatures contained in the petition are true to the best of his knowledge and belief. The verification must also contain a statement of the number of signatures being verified by the [~~signer.~~] *circulator*.

Amend Section 14, page 13 to provide that *any person or entity that receives a free list under the provisions of this section shall not use the list for any purpose other than election purposes and shall not be entitled to resell the list for any compensation or other consideration.*

Amend Section 17, subsection 3, page 16, lines 10 and 11 by deleting the words [~~Ten days~~] and the words [~~if feasible~~]

Amend Section 21, subsection 1, page 18, lines 30 and 31 by deleting the words [~~Ten days~~] and the words [~~if feasible~~]

PROPOSED AMENDMENT TO A.B. 529
OFFERED BY SECRETARY OF STATE DEAN HELLER

April 1, 2003

Amend the bill as a whole by adding a new section that: *(1) requires electronic filing of contribution and expenditure reports be mandated for all filers; and (2) requires contributions of \$1,000 or more to be electronically reported to the Secretary of State within 24 hours of receipt of the same.*

Amend Section 3 to delete all references to NRS 294A.125.

Amend Section 4, page 3, subsection 1 at line 12 by adding after the word "election" *and every elected official who is not also a candidate.*

Amend Section 4, page 3, subsection 1 at lines 13 and 14 to delete [~~that the provisions of this subsection apply to the candidate~~]

Amend the bill as a whole by deleting Section 5, pages 5 and 6.

Amend Section 8, page 13, subsection 1, at line 36 by adding after the word "election" *and every elected official who is not also a candidate.*

Amend Section 8, page 13, subsection 1 at lines 37 and 38 to delete [~~that the provisions of this subsection apply to the candidate~~]

Amend Section 14, page 26, subsection 1, at line 16, by adding after the words "general city election" *and every elected city official who is not also a candidate.*

Amend Section 14, page 26, subsection 1 at lines 19 and 20 to delete [~~that the provisions of this subsection apply to the candidate~~]

Amend Section 21, page 31, subsection 1(a), line 18, by adding after the word "elected" *or appointed.*

Amend Section 23, page 32, subsection 1, line 36 by adding after the words "public office" *is entitled to receive compensation for the office he or she is seeking.*

Amend the bill as a whole by deleting Section 24

Amend Section 25 of the bill to mirror NRS 294A.420.

Amend Section 26 of the bill to also repeal *NRS 294A.125*



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April 1, 2003

Amendments to AB 529

Page 31, Section 21, Line 18: Clarify to read elected “or appointed” public officers or delete “elected”

Page 32, Section 21, Line 19 and Page 33, Section 23, Line 35: Define “incomplete”

Page 32, Section 23, Line 37: Specify that a candidate for public office “who would be entitled to receive compensation” must file a financial disclosure statement

Page 34, Section 24: Delete this section from the bill

Page 35, Section 25: Intent was to make enforcement, including civil penalties, identical to existing penalties and penalty system for Secretary of State’s campaign contribution and expenditure reports and have all enforcement for financial disclosure statements under the Secretary of State. Also, Page 31, Section 21, Paragraph 4 provides the Commission with the ability to pursue those who failed to file a financial disclosure statement. The Secretary of State language, based on current statute, has no provisions for failure to file – only failure to timely file.

AB 541
4/3/03
Chris Giunchigliani

Amend Sec. 2, pg. 2, line 12-13 delete "the word Incumbent" and insert " then the opponent must designate his middle name and the incumbent's name will have an asterisk * next to their name. If neither one is an incumbent then they both must designate their middle name or initial."

Same language in Sec. 17, 18, 19,20, 21, 22, 23,24, 25, 26.

Suggested amendment from Lucille Lusk which I agree with:

Amend section 3, subsection 5, by inserting:

The sample ballot and ballot face will include a statement to read, "The following questions are alternative approaches to the same issue and only one may be enacted into law. Please vote for only one."

Amend Sec. 5, pg. 7, line 5 to read, "appearance begins the second Friday preceding a primary."

Amend Sec. 5, pg. 7 lines 7-13 and return to original language in the law.

Amend Sec. 5, pg. 7, subsection 3, "A permanent polling place for early voting must remain open:

- (a) On the second Friday preceding a primary or general election through the Friday before the election day, Sundays and holidays excepted, from 8am until 6pm or until 8pm if the county clerk so requires.
- (b) If the county clerk includes the Sunday that falls within the period for early voting pursuant to subsection 2, he may establish such hours.

Make the same language changes on early voting for Sec. 10 and 12 (city elections)

Amend 293.560 and add to the bill to extend the time period for voter registration to at least one week longer. In a primary or general election the close of registration would be on Tuesday the second week prior to the beginning of early voting. This would be ten days before. We need to hear from the clerks about process time.

What the bill does:

Section 1 is current language and is relocated and then a new subsection 2 is attempting to set up a scenario for individuals who may have exactly the same name when running

for office. I think we still need to add some language in case someone isn't an incumbent.

Section 3, just makes it clear that if the legislature places an alternative initiative on the ballot it would be listed first. I've suggested an amendment to add to this section already.

Section 5 and 10 deal with early voting. The intent is to shorten the time for early voting and add more time to allow people to register to vote.

Section 9, subsection 4, authorizes someone other than a family member to sign a form allowing them to return a ballot.

Sec. 13 Makes it clear that we don't have to report under \$100.00

Sec. 14 Clarifies the time period for being able to accept contributions before an after a special session. A Governor could announce one but not call it and then you couldn't accept contributions for the whole period even though the intent was when the date was set.

August - September 2004

Sun	Mon	Tue	Wed	Thu	Fri	Sat
August 1	2	3	4	5	6	7 Close of ○ Registration (NRS 293.560)
8	9	10	11	12	13	14
15	16	17 Close of ✱ Registration	18	19	20	21 Start Early Voting (NRS 293.3568) ○
22	23	24	25	26	27 ✱ Start Early Voting	28
29	30	31 Start Early Voting =	September 1	2	3 End Early Voting ○ (NRS 293.3568) ✱ End Early Voting End Early Voting =	4
5	6	7 Primary ○ Election (NRS 293.175)	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

○ Blue = Current Law

= Green = Proposed Change in Assembly Bill 541

✱ Red = Possible Amendment