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

# WORK SESSION

## Assembly Committee on Elections, Procedures, and Ethics

May 15, 2003

- Assembly Concurrent Resolution No. 21 \_\_\_\_\_
- Senate Bill 147 \_\_\_\_\_
- Senate Bill 249 \_\_\_\_\_
- Senate Bill 262 \_\_\_\_\_
- Senate Bill 309 \_\_\_\_\_
- Senate Bill 329 \_\_\_\_\_
- Senate Bill 362 \_\_\_\_\_
- Senate Bill 449 \_\_\_\_\_
- Senate Bill 453 \_\_\_\_\_

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS  
 DATE: 5/15/03 ROOM: 3138 EXHIBIT D 1 of 16  
 SUBMITTED BY: Michelle Van Ardel



# WORK SESSION

## Assembly Committee on Elections, Procedures, and Ethics

May 15, 2003

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The following measures will be considered for action by the Assembly Committee on Elections, Procedures, and Ethics during a work session on Thursday, May 15, 2003:

### **ASSEMBLY CONCURRENT RESOLUTION NO. 21**

Declares that preservation of Walker Lake's freshwater ecosystem is in public interest. (BDR R-1302)

Sponsored by: Assemblywoman Giunchigliani et al.

#### Discussion

Assembly Concurrent Resolution No. 21 was heard by the Committee on May 13, 2003. The resolution concerns the preservation of Walker Lake's freshwater ecosystem.

#### Proposed Conceptual Amendment(s)

See amendment from concerned parties.

## **SENATE BILL 147**

Makes various changes relating to Commission on Ethics. (BDR 23-500)

Sponsored by: Senate Committee on Government Affairs

### Discussion

Senate Bill 147 was heard by the Committee on May 8, 2003. The bill makes various changes relating to the Commission on Ethics, including electronic filing to the Commission, revising certain deadlines related to investigations, and eliminating the authority of the Commission to impose a civil penalty against a person who submits a false accusation or information in bad faith or with a vexatious purpose.

### Proposed Conceptual Amendments

1. See memorandum with suggested amendment under Tab A (proposed by Stacy Jennings, Executive Director of Nevada's Commission on Ethics).
2. Add language qualifying that financial disclosure statements have to be filed by public officers (and/or candidates) "who make in excess of \$6,000 per year for serving." This would eliminate the need for members of small boards and commissions to file the financial disclosure statement (proposed by Assemblywoman Giunchigliani).
3. Add language from A.B. 127, which repeals certain provisions relating to Commission on Ethics. This bill was indefinitely postponed in Senate Government Affairs (see bill summary under Tab ~~X~~ for explanation).

A

**SENATE BILL 249**

Creates Nevada Commission on Minority Affairs. (BDR 18-766)

Sponsored by: Senator Raggio et al.

Discussion

Senate Bill 249 was heard by the Committee on May 1, 2003. The bill creates the Nevada Commission on Minority Affairs within the State Executive Department.

Proposed Conceptual Amendments

1. Make the Commission an interim commission to sunset in 2007.
2. Reduce the number of members from 11 to 9.
3. Add provisions to specify that members representing a variety of minority groups must reflect a percentage of the general population. The members will be recommended by various minority groups, and the Legislative Commission will select the members.
4. Change the terms of the members to 2 years, and allow the members to select the chair and vice chair.
5. Section 7, Subsection 3—delete that language. Add provisions requiring the Commission to also study:
  - a. The availability of employment for minorities in this state and the manner in which they are employed;
  - b. The manner in which minorities can be encouraged to start and successfully manage their own businesses; and
  - c. The availability of affordable housing for minorities.

Proposed by Assemblywoman Giunchigliani.

**SENATE BILL 262**

Requires certain abstracts of votes to be posted on certain websites or transmitted to certain public libraries. (BDR 24-906)

Sponsored by: Senator Neal et al.

Discussion

Senate Bill 262 was heard by the Committee on May 1, 2003. The measure requires abstracts of votes to be available at all public libraries in the state.

Proposed Conceptual Amendment

Section 1, Subsection 1 and Section 2, Subsection 5—amend to read “Transmit on paper and, if possible, by electronic means, including by CD” (proposed by Assemblywoman Giunchigliani and Assemblyman Beers).

**SENATE BILL 309**

Makes various changes concerning support for participatory democracy.  
(BDR 18-1167)

Sponsored by: Senators McGinness and Titus

Discussion

Senate Bill 309 was heard by the Committee on May 6, 2003.

Proposed Conceptual Amendment

See proposed amendment under Tab B (proposed by Larry Struve, Chairman, Advisory Committee on Participatory Democracy).

**SENATE BILL 329**

Makes various changes relating to administrative regulations. (BDR 18-730)

Sponsored by: Senator Amodei

Discussion

Senate Bill 329 was heard by the Committee on April 29, 2003. The measure authorizes the review of a temporary regulation by the Legislative Commission upon the request of a Legislator.

Proposed Conceptual Amendment

1. Section 1, Subsection 3—remove language allowing the Legislative Commission to appoint a committee to examine any temporary regulation. Substitute language referencing the same committee referenced in NRS 233B.067. If the Committee agrees to this amendment, the next amendment should also be adopted (proposed by Assemblywoman Giunchigliani).
2. Amend NRS 233B.067 to name the Committee to Review Regulations. The statute currently just allows the Commission to appoint a committee; it does not name the committee. If you add language in SB 329 to reference the same committee, it is referencing a committee. Saying the “same” committee could be interpreted to mean the same people, who may not be serving anymore. Naming the committee will avoid this potential problem. See copy of this statute under Tab C.



**SENATE BILL 362**

Requires Las Vegas Monorail Company to provide certain documents to Legislative Commission and authorizes Legislative Auditor to conduct audit under certain circumstances. (BDR S-573)

Sponsored by: Senators Titus and Care

Discussion

Senate Bill 362 was heard by the Committee on May 13, 2003. The measure requires the Las Vegas Monorail Company to provide audited financial statements to the Legislative Commission and authorizes the Legislative Auditor to conduct an audit if the Company does not provide such statements.

Proposed Conceptual Amendment(s)

No amendments proposed.

**SENATE BILL 449**

Makes various changes to provisions governing advisory questions appearing on ballot. (BDR 24-250)

Sponsored by: Senate Committee on Government Affairs

Discussion

Senate Bill 449 was heard by the Committee on May 13, 2003. The measure makes various changes concerning advisory questions and information that must accompany advisory questions on the ballot.

Proposed Conceptual Amendment(s)

Remove provisions lowering the county population requirements from 100,000 to 40,000 and the city population requirements from 60,000 to 10,000 to which this bill would apply (proposed by Alan Glover, Nevada Association of County Clerks, and Mary Henderson, Nevada League of Cities and Municipalities).

## **SENATE BILL 453**

Makes various changes concerning elections. (BDR 24-560)

Sponsored by: Senate Committee on Government Affairs

### Discussion

Senate Bill 453 was heard by the Committee on May 8, 2003. The measure makes various changes concerning elections to bring the State of Nevada into compliance with the federal Help America Vote Act.

### Proposed Conceptual Amendment(s)

1. Section 7, Subsection 1 on page 3 at line 44—remove “the statewide” and insert “a” (proposed by Assemblywoman Giunchigliani).
2. Section 7, Subsection 2 on page 4—add language clarifying identification requirements apply only to people who apply by mail to register to vote after January 2003 (proposed by Assemblywoman Giunchigliani).
3. Revise provisions to require that provisional voting only apply to federal races, as required under HAVA (proposed by Assemblywoman Giunchigliani).
4. Section 33, Subsection 2(a) on page 23 at lines 27 and 28—remove “3 days” and insert “5 days, excluding Sundays” (proposed by Alan Glover, Nevada Association of County Clerks).
5. See other proposed amendments under Tab D (proposed by Alan Glover, Larry Lomax, and Secretary of State Dean Heller).



Stacy M. Jennings, MPA  
Executive Director

Nancy Lee Varnum  
Commission Counsel

State of Nevada  
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April 29, 2003

TO: Chris Giunchigliani, Chairman  
Assembly Committee on Elections, Procedures & Ethics

FROM: Stacy M. Jennings, MPA *SJ*  
Executive Director

RE: Alternative Amendments to SB 147

After hearing from the Secretary of State's office, it remains uncertain as to whether AB 529 will pass out of the Senate with the provisions intact which would transfer to the Secretary of State authority for receiving the financial disclosure statement filings of elected public officers and candidates for public office. Given this consideration, the Commission would provide the following alternative amendment to SB 147. Hopefully by the May 8 hearing date, we will have a better idea regarding the status of AB 529, and can recommend either the adoption of the April 24 amendment or this amendment.

Proposed amendments to SB 147, with the NCOE remaining responsible for financial disclosure statement filings:

Page 15, Section 11, line 17 delete 'willfully'

Page 15, Section 11, line 18 delete 'willfully'

Page 16, Section 11, delete lines 11 and 12

Add a new section to the bill, amending NRS 281.561 as follows:

**"NRS 281.561 Filing.**

1. Except as otherwise provided in subsection 2 or 3, if a candidate for public office *will be entitled to receive compensation for serving in the office that he is seeking* or if a public officer is entitled to receive compensation for serving in the office in question, he shall file with the commission, and with the officer with whom declarations of candidacy for the office in question are filed, a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

(b) A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 30 days after his appointment.

(c) Every public officer, whether appointed or elected, shall file a statement of financial disclosure on or before March 31 of each year of the term, including the year the term expires. *The statement shall cover the financial information of the public officer for the preceding calendar year.*

(d) A public officer who leaves office on a date other than the expiration of his term or anniversary of his appointment or election, shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed.

3. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office in which he is also serving.

4. A person may satisfy the requirements of subsection 1 by filing with the commission a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the commission.

5. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.”



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**BILL SUMMARY**  
72<sup>nd</sup> REGULAR SESSION  
OF THE NEVADA STATE LEGISLATURE

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**ASSEMBLY BILL 127**

**Topic**

Assembly Bill 127 revises certain provisions relating to ethics in government.

**Summary**

This measure repeals provisions in Nevada's Campaign Practices law that prohibit a person from making a false statement of fact concerning a candidate or a question on a ballot and from willfully impeding the success of the campaign of a candidate or the campaign for the passage or defeat of a ballot question. Provisions making it unlawful for a person to use a false or misleading statement to induce Nevada's Commission on Ethics to render an opinion or to take action related to rendering an opinion are also repealed in A.B. 127. Finally, this measure repeals provisions that give the Commission jurisdiction over complaints of negative campaigning.

**Effective Date**

This bill is effective on July 1, 2003.

**Background Information**

Testimony indicated that current provisions inhibit persons from free speech during campaign season.

Suggested Amendments to SB 309

(Based on Testimony Offered on May 6, 2003, to Assembly Elections, Procedures, and Ethics Committee)

Larry Struve, Chair, Advisory Committee on Participatory Democracy

A. Amend Sec. 7 of the bill by adding a new subparagraph 8. at line 40 of the First Reprint to read as follows:

"8. A resource panel may be established by the Secretary of State or the Advisory Committee on Participatory Democracy, comprised of individuals who can assist the Committee in carrying out its duties and responsibilities, including, without limitation, representatives of groups, organizations, associations, and other entities committed to improving participatory democracy in Nevada and youth-led committees established for the purpose of improving the teaching of principles of participatory democracy in the schools and universities of the state."

B. Amend Sec. 12, subparagraph 1(a) of the bill to read as follows:

Sec. 12.1.(a): "An evaluation of the efforts currently in progress to implement standards for the social studies curriculum being offered in Nevada schools, including co-curricular activities, that promote learning and understanding particularly in the area of civics and the skills and values of citizenship." [New material in italics]

C. Amend Sec. 12, subparagraph 2 of the bill to read as follows:

Sec. 12.2.: "The State Board of Education and the Board of Regents of the University of Nevada shall consider and develop recommendations to the 73rd Session of the Legislature concerning how principles of participatory democracy can be better taught and practiced, including processes of service-learning, in the schools, colleges and universities of the State of Nevada."

NRS 233B.067 Legislative commission: Review of permanent regulation after adoption.

1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the legislative counsel for review by the legislative commission, which may refer it to a joint interim committee, to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the legislature in granting that authority. The legislative counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The legislative counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the legislative counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this state,

it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. The legislative commission, or the joint interim committee if the commission has referred it to such a committee, shall review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting and a regular meeting is held within 35 days after receipt of the regulation. The commission may appoint a committee composed of three or more members of the commission or any joint interim committee to examine proposed regulations received more than 35 days before a regular meeting is scheduled to be held.

4. The legislative commission shall notify the legislative counsel of the results of its review within 30 days after receipt of the regulation from the agency. If the commission does not object to the regulation, the legislative counsel shall file it with the secretary of state within 35 days after receipt from the agency and notify the agency of the filing. If the commission objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority; or

(c) The regulation does not carry out legislative intent,

the legislative counsel shall attach to the regulation a written notice of the objection of the commission, including a statement of the reasons for its objection, and shall promptly return the regulation to the agency.

(Added to NRS by 1977, 1546; A 1979, 223, 1357; 1981, 508; 1985, 256; 1987, 1581; 1993, 856; 1995, 132, 2581; 1997, 275, 1602; 1999, 2204)



**Proposed amendment to SB 453 (or another election bill)**  
**Larry Lomax, Clark County Registrar of Voters**

The following language was worked out with the district attorney's office. It is wordy, but attempts to alleviate fears that a runaway clerk will arbitrarily decide to cancel voters.

New subsection to be added to NRS 293.540:

The county clerk may cancel any registration if, after consultation with the district attorney, the clerk determines that there is probable cause to believe that information in the registration regarding the name or residence of the voter is fraudulent. If insufficient time before a pending election exists to complete the notice process provided in subsection 3 of this statute, the clerk shall place an affidavit of cancellation with the poll records. Said affidavit shall set the grounds for the cancellation. If the voter appears to vote at the election next following the cancellation, the voter shall be allowed to vote if the voter provides official proof of identity and address consistent with the cancelled registration. Upon receipt of a mail or absentee ballot from the voter whose registration was cancelled pursuant to this subsection, such ballot shall be segregated until the voter responds to the mailed notice and provides official proof of identity and residence consistent with the cancelled registration.

**PROPOSED AMENDMENT TO S.B. 453**  
**OFFERED BY SECRETARY OF STATE DEAN HELLER**

**May 8, 2003**

Amend Sections 23, 24, 28, 29, 33, and 40 to change the phrase "fifth Saturday preceding an election" to "fifth Sunday preceding an election".

**PROPOSED AMENDMENT TO S.B. 453**

from Alan  
Glover

**May 8, 2003**

Amend Section 44 to add *or a contract awarded to a vendor to upgrade or replace voting systems throughout the state.*