

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session
April 12, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 03:08 p.m., on Tuesday, April 12, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4406 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Ellen Koivisto, Co-Chairwoman
Mr. Harry Mortenson, Co-Chairman
Mr. Marcus Conklin, Co-Vice Chairman
Mr. Bob McCleary, Co-Vice Chairman
Ms. Sharron Angle
Mr. Mo Denis
Mrs. Heidi S. Gansert
Ms. Chris Giunchigliani
Mr. Brooks Holcomb
Ms. Kathy McClain
Mr. Harvey J. Munford
Mr. Bob Seale
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Michelle Van Geel, Committee Policy Analyst
Celeste Gunther, Committee Attaché

OTHERS PRESENT:

Larry Lomax, Registrar of Voters, Elections Department,
Clark County, Nevada; and President, Nevada Association of
County Clerks

Alan Glover, City Clerk-Recorder, City of Carson City, Nevada
Janine Hansen, Executive Director, Independent American Party of
Nevada

Richard Siegel, President, American Civil Liberties Union of Nevada;
and Member, Nevada Help America Vote Act Advisory
Committee

Frankie Sue Del Papa, Co-Chairwoman, Election Reform
Committee, Washoe County Democratic Party

Cathy Bradford, Member, Election Reform Committee,
Washoe County Democratic Party

Kate Marshall, Member, Election Reform Committee,
Washoe County Democratic Party

Mary Lee, President, League of Women Voters of Nevada

Dan Burk, Registrar of Voters, Washoe County, Nevada

Sabra-Smith Newby, Legislative Lobbying Team, City of Las Vegas,
Nevada

Santana Garcia, Intergovernmental Relations Specialist,
representing City of Henderson, Nevada

Nancy Howard, Assistant Executive Director, Nevada League of
Cities and Municipalities

Pam Wilcox, Administrator, Division of State Lands, Department of
Conservation and Natural Resources; and Administrator,
Division of Conservation Districts and State Conservation
Commission, State of Nevada

Bruce Bommarito, Executive Director, Nevada Commission on
Tourism

Lynn Chapman, Vice President, Nevada Eagle Forum

Co-Chairwoman Koivisto:

[Meeting called to order and roll called.] We will open the hearing on A.B. 455.
Mr. Conklin is going to present the bill for us.

Assembly Bill 455: Makes various changes related to elections. (BDR 24-1334)

Assemblyman Marcus Conklin, Assembly District No. 37, Clark County:

This is not my bill; this is the Committee's omnibus bill for election reform. It was my intention to go through and highlight portions of the bill, because it is a little bit convoluted on which sections address what. It is the nature of bill drafting. This bill is designed to do about 10 things.

The first thing that this bill is designed to do is to add an extra hour of time off that employers are required to give to employees to go vote. It was our understanding that in the last election, some people were provided a certain amount of time off, but because of the nature of where they worked in relation to where they were required to vote, the amount of time off in NRS [*Nevada Revised Statutes*] was not enough. The first proposal in this bill, which can be found in Section 27, allows for an extra hour of time off for employees, provided that they work a certain distance away from their polling location.

The second item under this bill is voter registration applications. In the last election there were many reports of destroyed voter registration forms. This bill changes the form requirement for voter registration. In the last election, people would register to vote and get a stub for their registration. That stub doesn't really say anything other than you registered to vote. It is not a copy of the actual registration itself. Under A.B. 455 they would be getting a much larger form, which is a duplicate of the registration that they have been asked to fill out. That becomes their proof of registration should their registration get destroyed or lost. The sections of the bill that pertain to this are Sections 29 and 30.

Another thing covered under this bill is a prohibition on candidates from filing for office or circulating petitions if they have not filed appropriate reports or paid related election fines. This can be found in Sections 3, 12, 35, 36, 42, 43, 44, and 45 of the bill. This provision basically says that if you are a candidate for office and you have outstanding fines for not turning your reports in, or you have outstanding reports that are required by law, you cannot file again for office until you have completed those forms. Likewise, you cannot become a candidate for office unless you have filed the appropriate forms relating to financial disclosure, contributions, and expenses. The same holds true for petition filers. We are trying to tighten up the law so that folks who are following the statutes that we have written are allowed to participate in the

game. Those who choose not to follow the laws as they have been written by this Body will not be allowed to participate. That is what this section does.

[Assemblyman Conklin, continued.] Another thing that this bill does is provide standards for checking out voter registration forms through tracking numbers. That can be found in Sections 2 and 30 of the bill. The idea here is that lots of people have excess blank voter registration forms. They are sitting in boxes at people's homes. Having been through this process myself, I know that it can be easy to fraudulently register fictional people to vote. The problem is that in many cases, we have no way to track where those registration forms came from. This would provide a mechanism to log and track who those forms are being given to. That allows us the opportunity to follow up with somebody who should have better knowledge of where that form originated from, should there be any problem.

A much broader issue for this bill is the cleanup and clarification of statutes regarding signature gathering at public places. The main goal here is to keep the courts from extending the time for gathering signatures. If you are not allowed to gather signatures—which should not happen—but if it does the court can give you back the amount of time lost, not triple the amount of time that was lost, in the actual gathering of signatures. There needs to be a fair amount of time given back, but not necessarily in excess.

We might also be trying to add a requirement that public facilities declare a public area for collecting signatures. They must post the notice of where the public area for signature gathering is. They must provide that information to the clerks so that they can provide it to petition and signature gatherers. If everything is working correctly, there should not be a situation where someone is not allowed to gather signatures in a public place. It just needs to be clearly posted as to where that place is. It also needs to be clearly notified to the clerks and petitioners that this is an appropriate place to gather signatures. That is in Section 5 of the bill.

Many of the other sections of the bill, including Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 24, 26, 28, 32, and 46 discuss specifically the change in the primary date of our elections here in the state of Nevada from the first Tuesday after the first Monday in September to the first Tuesday after the first Monday in June. I will let you all digest that for a moment. We are suggesting that our primary be moved up this year to June 7, which is a Tuesday, as opposed to being the Tuesday following the first Monday in September. The idea is for folks to get the opportunity to have a real campaign with those who are running in the general election. They have a much longer time to make their

decision, to gather information about their candidates, as opposed to having a long primary and a relatively short general which is currently 60 days.

[Assemblyman Conklin, continued.] Another provision of the bill is to allow provisional voters to vote the full ballot. In statute now, if you are a provisional ballot voter, you can only vote the top of the ticket. We want to expand that to the full ballot; that is in Sections 22 and 23. In Sections 4, 18, 19, 20, 21, 34, 37, 38, and 39, we discuss poll watchers. In the last election, out-of-state college students were not allowed to participate in the poll-watching process. They are in most of the other states. We wanted to clarify that language to allow them to be a neutral observer and participate in poll watching. In many cases they may be even more qualified. There is language in the bill to add that.

In Sections 25 and 40, we are shortening the early voting period and lengthening the registration period. That is to make sure that we are getting all of the people who are likely to register to vote before an election. Sections 31 and 41 discuss voter registration again, allowing registration anywhere that voter registration is possible. Currently, in the last 15 days of registration, one can only register at the registrar's office. We want to open that last 15-day period to anyplace that you can register to vote.

That is the Committee's omnibus bill on election reform.

Assemblywoman McClain:

Is Section 9 where we are changing the filing period for candidates? Do you think the change from May to April allows for enough time before a primary election?

Assemblyman Conklin:

I think that was the choice of the folks who were working on this bill. I would certainly think that it is open. By moving the primary up we have shortened the primary and lengthened the general. There are two concerns here: is it enough time, and if I move it up to February, the actual election is going to start in November.

Assemblywoman McClain:

I think that is what you call a "sticky wicket." I prefer the primary be a little bit earlier, especially in southern Nevada. I am just concerned because it is only six weeks after the filing before the primary.

Assemblyman Conklin:

Folks are going to be running their campaign like they do now in February, regardless of when we have that filing date. If we push that filing date too far back, then the question becomes, when do people begin to campaign? Is the public really interested in having a campaign that runs November to November?

Co-Chairwoman Koivisto:

I think another part of the reason for moving it back to June and the filing date to April is because that is the amount of time we currently have for general elections.

Assemblyman McCleary:

You talked about a control number being applied to the voter registration forms. During my campaign, if someone expressed an interest in registering, I just hand them the form and say, "Mail it in when you are done." If you assign them to me and something goes wrong—someone does something fraudulent—and they were signed out to me, am I going to be held responsible for that? I am getting a yes. Any thoughts on that, Mr. Conklin?

Assemblyman Conklin:

We are trying to tighten this up. I understand where you are coming from, because I do the same thing during my campaign. Right now we have no way of knowing where these are coming from in some circumstances. We are really looking for destroyed ones, where someone has collected them and then destroyed them. We had no idea who had them in the first place. Are you necessarily held accountable? You are probably the first person that we would call on to ask what happened to them. You might say that you were given 100 and gave 25 to this person, 25 to some other person, and so on. This was in the group of 25 that I gave over here. It just allows us a way to track it. Right now it is my understanding that they are numbered, but who they are given to is not tracked. We really want to tighten it up in the clerk's office, so when that first report comes in, we can go to the clerk and ask, "Where we should go with this?" Do they have any idea who they gave them out to? Does that mean that you are responsible if it is fraudulent? Not necessarily. If I were in your shoes, when I hand one out, I am going to write down who I handed it out to and what the number was. Then I have my documentation and can say that I knew exactly who I gave that to.

Assemblyman McCleary:

On the provisional balloting, did we have a chance to ask the county clerks on this one? I recall two years ago, specifically in Clark County, the problem was the hundreds and hundreds of ballots. It was almost an election nightmare for

them to be able to provide. We went with just the federal offices, because we could do that easily. Have we addressed any of their concerns on this?

Assemblyman Conklin:

They are going to have an opportunity to talk on this bill and will probably use all of their time.

Assemblyman Munford:

The first thing that concerns me is that if you move the primary up to June, what would be the starting date for campaigning? There is some policy in place related to when we can put out signs and when we cannot. Is there any set date?

Assemblyman Conklin:

I believe there are some city ordinances about signs. Quite frankly, I believe that if they were tested in court they would be declared unconstitutional, because signs are free speech. When you choose to start your campaign is entirely up to you; nobody can tell you not to. It is your campaign and is covered under the First Amendment of the *U.S. Constitution*.

Assemblyman Munford:

Can you still start before the filing date?

Assemblyman Conklin:

You could start your campaign in November of the previous year or two weeks before the primary election. If you have no primary, you can start two weeks before the general. You could have no campaign, file, and see if you win. It has happened before. Nobody can restrict your ability to campaign. You can be restricted from being voted for if you don't file as a candidate. That would be my interpretation.

Assemblyman Munford:

Primary races sometimes have as much impact on the outcome of the election as the general. That is possibly why they have them later in September—to give the candidates more time to campaign. This cuts down on the campaign time in a sense. The incumbent would definitely have the advantage starting in June. Since I am an incumbent, I think that's cool. At one time I would have been concerned about it. It is something that I think everyone is going to have to get adjusted to, because the September primary date has been in place a long time in the state of Nevada. It would be something that not only the candidates, but also the public is going to have to adjust to. The people might not like it.

Assemblyman Conklin:

I think the idea behind giving more time to the general election is that once a primary decision is made, a person has only 60 days to decide on any other candidate. That is the ultimate elected representative of the people. The thought process here is twofold. First we are giving people a greater chance to decide on their ultimate representative, not the one who will proceed on in an election. Secondly, we are giving the county clerks and Secretary of State an opportunity for more time to make corrections to the ballots and get ready for the upcoming election.

Right now in Clark County, it is a huge undertaking to get ready in 60 days for something that is decided the first Tuesday after the first Monday in September. It is literally 60 days to get absolutely everything ready for the next general election, when easily two-thirds of your races or more have just now been decided as to who is going to be running in them. It is a huge undertaking. By moving this back, we are cutting down on the amount of potential mistakes and are allowing them the opportunity to get things squared away—that require more than 60 days—which we haven't been able to address in the past. There is a technical side of this as well that might be very helpful for us to consider.

Assemblywoman Angle:

In Section 4, you discuss the non-resident college students serving on the election board. Why would we want non-residents involved in our election process in Nevada?

Assemblyman Conklin:

Why wouldn't we want them involved? Everybody has a right to vote. Why couldn't they be involved as a poll watcher?

Assemblywoman Angle:

Non-residents don't have a right to vote in Nevada. If you are not a resident of Nevada, you don't get vote in Nevada.

Assemblyman Conklin:

No, but you are still a voter. This person is not voting, and they are not campaigning. They are a poll watcher. They are there for the benefit of the people. What right do we have to restrict them? They are not campaigning. They are not doing anything other than poll watching. From my point of view, we would want the person who is least involved in Nevada politics to be doing the poll watching. The idea is strictly to be there as a resource for voters if they don't understand the process, don't have their registration, or whatever they

might need. We need somebody who is just an expert in the system and can help them get what they need so they are able to vote.

Co-Chairwoman Koivisto:

What the bill is referring to is not poll watchers, but the election board people who are working the election. Part of the problem is that sometimes, the county clerks haven't been able to get enough people to work as election board workers. That is why we talked about changing it, so these college students would be able to work.

Assemblywoman Angle:

There is a requirement that says, "...at least 16 years of age." I am just thinking about how this works. You are allowed to work on the election board, but you are not a citizen of this state, and you are not old enough to vote either. That is okay? I am just trying to understand the rationale as to why we wanted to go with younger and non-citizens.

Co-Chairwoman Koivisto:

Current law allows high school kids to work on election boards.

Assemblywoman Angle:

Okay, that is not a change then? [Co-Chairwoman Koivisto answered in the negative.] Just because it is in blue doesn't mean that it is a change? [Co-Chairwoman Koivisto answered in the affirmative.]

Assemblywoman Gansert:

When I first looked at this language I had the same question, but then I noticed that the student has to be enrolled in the University and Community College System of Nevada. It would be like if I went to school at Santa Clara and was helping there, which might be for a government class or something. I guess that is what made the difference for me. It is someone who is enrolled in school in Nevada, but not necessarily a resident right now.

Assemblyman Conklin:

I have an amendment to this bill ([Exhibit B](#)). The Committee may remember that we considered A.B. 455. I took it off the agenda last week, because it did not come back from printing the way that we had intended it to. I have since had Ms. [Michelle] Van Geel put up a mockup amendment to A.B. 455 to cut down on the workload of the Committee. This Committee had this last session. It requires candidates to list cash on hand at the beginning of the reporting period. I think it is pretty self-explanatory. Basically, we are requiring candidates to disclose that information on their campaign contributions and expense reports.

**Larry Lomax, Registrar of Voters, Elections Department, Clark County, Nevada;
and President, Nevada Association of County Clerks:**

We have a few concerns with the bill, beginning with Section 2—specifically, the issue of keeping track of the forms. As I understand it, the bill requires us to keep track of the forms, which is something that we already do in Clark County. Our problem in the last election was not that we didn't know who we gave the forms to; it was when we identified stacks of 50 to 100 fraudulent forms. We would go to the organization and point out that the forms were fraudulent. They would agree with us, but did not know who they were given out to. That happened in every single incidence where we did this; they would deny any accountability. I am all for addressing this issue if there is a way to do it. We need to force them to account for who they are giving the forms to. Remember, at least in Clark County, we are issuing these forms in groups of 1 to 10,000 to an organization. If they can tell us who they gave them to, we can follow this path to the guilty party.

We issue large numbers of forms. The way this is written implies to me that anyone can ask for any number of forms and we are required to give them to them. We try to negotiate with the people asking for forms to some reasonable number. If they actually use those forms, we will give them more. I would like to have some language in there that would at least allow us to restrict that to a reasonable number. A lot of people who have never done this before will come in and ask for 1,000 forms when 100 might be more appropriate. This is just a comment on Section 2.

Alan Glover, Clerk-Recorder, City of Carson City, Nevada:

We ordered 4,000 registration forms last year; we gave out almost all of them to people who came in. However, we only had about 1,000 of them returned to us. We would like some limit on that. Present law requires that if you order over 50 of them, you have to pay for the additional ones you receive. We have a bill that deals with this area. We don't know where they are going; they are disappearing on us. They may be going to other counties or something.

My personal reaction is that I don't know why the taxpayers of Carson should have to pay for these forms that are being used in Lyon County or somewhere else. They will come in every day and ask for 49 so they don't have to pay for them. We need some limit on that. We could keep better track of them if we had some limit. We ran out and didn't have enough for people. We had to order more and the printer could not do them in time.

Larry Lomax:

I have no problem with the candidate not being able to file if they are delinquent on expense reports, as long as we are not the ones responsible for monitoring whether or not they have delinquent forms, because we have limited ability to do that. Those are not filed with us. We don't track them.

Section 5 addresses public buildings, petition gathering, and the requirement for all public buildings to designate a spot. I don't have a clue what all the public buildings are in Clark County. I will happily provide the information from everyone who sends me this information, but I am not going to have any way of knowing if they didn't. I would imagine that is true for the other counties.

A more serious problem with that section appears in lines 6 through 12, the appeal process. If someone goes to a district court and it is determined that they were deprived the right to gather signatures for a certain amount of time in a building, they are automatically granted that additional time to collect signatures. There are no limits placed on this. We have to have some limit, because we have to print ballots. There has to be some point at which this terminates. There is also no required filing time for these suits. This could happen months prior and then they decide to file very late in the process. I think there needs to be some sort of restriction here so that we can get to a certain point when we know that we can start printing ballots.

Assemblyman Conklin:

That is a valid point. What would be your suggestion on how we might restrict this without limiting the rights of a petitioner? There is a delicate balance here.

Larry Lomax:

My immediate response would be that when the event occurs, they have to file this process quickly. When they are out gathering signatures it is usually a 6-month process. They should not wait until the end, find out that they didn't get enough signatures, and then start identifying the problems they had.

Assemblyman Conklin:

Sort of like a statute of limitations. You have 15 days to file from the date of incidence.

Larry Lomax:

We went through this in court on a similar issue in the last election as to how long could the judge extend it. We took all the time the law allows us to process a petition and backed it up from the date of the election. We came up with a date, which is the date that is used as the absolute last day they can

turn in a petition. We could work that out, but I can't remember exactly what that was at this point.

[Larry Lomax, continued.] With regard to page 8, Section 11, you have already discussed moving it up to June. We would prefer moving it up to May. We prefer moving it up to anything from where it is right now. We have tried for the last several sessions. Our only problem with June is that the first week of June is the last week of school. We know this because this is when we conduct the municipal elections in Clark County. The schools have a large problem with us being there because they are holding their ceremonies and testing. They always try to move us out of the rooms that we normally conduct elections in. It also runs into a Memorial Day conflict. This is not a "fall on your sword" issue, but it would make our life easier if it were in May.

One thing that is important in Section 12, which is where you establish the candidate filing deadline: you must move the candidate filing up in the same lead time that we currently have. If it is going to be in June, it needs to be moved up to February. We cannot deal with our statutory requirements if it is only a couple of months ahead of time. First of all, the law provides that people can challenge candidates after they file. There is a withdrawal period, then they can get challenged and we go to court. We go to court every time. That is almost a month, the way it works out. Then we have to get the ballots prepared and printed. There are federal guidelines that say the mail ballots that are supposed to be sent overseas must be received a minimum of 45 days prior to the election. We can't comply with that now with a September primary, but there is no reason to move it all the way to June and then set a candidate filing date that still prohibits it. I recommend moving your candidate filing date up to February, if it is going to be in June, or January, if it is going to be in May.

Assemblyman Conklin:

The lead time that you have in the primary election, based on your comments, is more than ample? It is the general that you are having difficulty meeting all those statutory requirements in time?

Larry Lomax:

Yes. It is the time between the primary and the general that we can't meet our statutory requirements.

Assemblyman Conklin:

Is there a date that is later than February, but earlier than April, that allows you to meet that requirement and doesn't expand the amount of time that voters have to put up with signs in the road?

Larry Lomax:

Remember that the judicial candidates are allowed to put those things up in January, which is when they are all showing up anyway. Yours would just be up there with them. I prefer not to say off the top of my head. There might be something that can be a little bit later; I just don't know. In the last election, because of the lawsuits, it got pushed right up to the limit. This also happened in 2002. The courts always ask us what the last date they can hear us is. We can push it out a little further if we changed that date.

Page 18, Section 22, talks about the full provisional ballot. I am not taking any position on whether it is better to vote a full provisional ballot or a federal-only provisional ballot. At some point in time, the provisional ballot issue needs to be addressed as a whole. We need to have clear guidance in the law, because right now, it isn't clear. This suggests that everybody be allowed to vote a full provisional ballot. There are other bills that say that any voter ought to be able to go vote provisionally in any polling place, even if they are registered in another polling place. The law currently says that if you are given a provisional ballot, but it is the wrong ballot for where you live, the provisional ballot will be thrown out. If you are going to vote a full provisional ballot, but are able to vote at any polling place, they are all going to get thrown out, because it won't be the right ballot. All of these issues need to be addressed at some point in time, so that I don't have to go to court and fight all the lawyers, which is what went on last time.

Assemblyman Conklin:

You are saying that it is possible to do provisional balloting at every location? My precinct is 2701; that is where my ballot is. I can't make it there, so I go to the nearest voting location near my office. You give me a full ballot. That ballot, under current law—if you could give it to me—is null and void because it is not my ballot and I voted the full length of it. Correct? [Mr. Lomax answered in the affirmative.] It sounds to me like that is possible for you to provide that, but it's just not possible under current law.

Larry Lomax:

It is not possible under current law. We can provide it because of the touch-screen voting machines that everybody in the state is using. Those machines will allow you to vote provisionally. After the election, as we are sorting all of it out, we can enter the voter's correct precinct and it will automatically throw out the votes that the person should not have voted on and accept the correct ones.

[Larry Lomax, continued.] There are two things that you need to be aware of. If we do that, that forces us to do all provisional voting on the voting machines. We learned in the last election in Clark County that if the machine is not activated correctly, it will not go in as a provisional ballot. It goes in as a voted ballot. That happened 198 times. We will train as best we can, but you are going to have to deal with that potential error. You can avoid that by using paper.

Another issue you need to consider is that if you are going to allow anyone to go to any polling place, and we are going to sort all of this provisional stuff after the election, you are going to have to give us more than 5 working days or 7 total days to canvas the election and give you the results. We didn't have any of this last time; it was just federal. We just barely got it done in 7 days, and even then, we were not able to go see if people voted twice. We subsequently identified 7 people who voted twice. We didn't even have time to check that. We were just trying to sort out who we should count and who we shouldn't count.

The parties will be pushing people into the polls anywhere if they can. The number of provisional ballots will go up substantially and we will need more time to deal with that. California gives them 30 days to canvas an election. You can get your results, but you have to give them more time.

With regard to Section 25, page 19, I strongly object—for the people of Clark County—reducing the early voting period. We have 20,000 people vote a day. If you cut out even 3 days, that is, in essence, 60,000 people. We were at 16 locations every day. That is 48 voting days cut out of the process, as far as people having an opportunity. You reduce the number of locations where we can serve the community. I see no advantage at all to doing this. It does nothing but make our life more difficult. You have an early voting program that sets the standard for the nation. Fifty percent of the people in Clark County voted early in the last election. Why are we shortening this? It also cuts out the first weekend, which is a big part of our program.

Assemblywoman McClain:

I totally agree with you. I think if we do this, the public is going to come unglued, because they really do love the early voting. They will have a fit if it is even cut back a few days.

Assemblyman Conklin:

I don't have an issue one way or another with the early voting; I vote early all of the time. The question is whether this would create a problem with another

provision in the bill that allows voters to register anywhere in that final 15 days. That may have been the reason the bill was drafted this way. I am asking you from a technical standpoint.

Larry Lomax:

If it is in here that anyone can register anywhere in the last 10 days, I missed it. That just creates a nightmare for us. I don't know how we could deal with that. If that is in here, I missed it and I don't want to deal with that. We can't mail out sample ballots until we draw a line. That is why the 30-day deadline is in there right now, so we can address and mail all the sample ballots. If you allow anyone to register anywhere for an additional 10 or 15 days, everybody that registers after a certain date just isn't going to receive a sample ballot until a second mailing. They would then receive them well after early voting had begun. It would be well after. We would be pressed to get it to them even before the election.

Assemblyman Conklin:

At the bottom of Sections 31 and 41, the language that is stricken is the language that did say that you could only register at certain locations during that final 15 days.

Larry Lomax:

When I read that, I was all for it. I thought you were just getting rid of that 10-day period. I didn't see anything that extended the other period. Getting rid of the 10-day period is fine with me. I missed anything in here that extends it beyond the original close on registration.

Section 30 requires us to provide a duplicate copy of the voter registration form. It currently allows us an option to provide them a receipt, which is a tear-off portion on the bottom of the form. This accomplishes nothing and doubles the cost of the form. I am at a loss for what the point is. A duplicate copy of a voter registration form means nothing to me. You can go to a library, fill out 100 forms, tear off the front, throw it away, and bring me in the duplicate. You can say that you really are registered to vote, but that doesn't prove anything. You are not registered to vote unless I have the original. The voter receipt does the same thing for us. We can start tracking things down with a receipt, but I don't see the point in doubling the cost of the forms just to have a duplicate.

Co-Chairwoman Koivisto:

I think our thought was that it is a three-page form.

Larry Lomax:

It used to be. In some counties it may still be. In Clark County, it is a single form with a tear-off stub at the bottom.

Co-Chairwoman Koivisto:

One of the problems we ran into last time was that people couldn't prove who registered them to vote. We thought that with the NCR [no carbon required] forms, they would have a tear-off page and be able to prove who registered them and what date they registered. I think a person is more likely to hold on to a whole page than one corner.

Larry Lomax:

Just be aware that it doesn't prove a thing. Forms are available, and anybody who didn't register could go fill out a form, bring this carbon copy in to us, and say that they really did register. It doesn't mean anything to me. The only thing a receipt does is to help us track something down, but I can do that with a receipt number. If you want to amplify the information that is on the tear-off portion of the receipt, we are all for requiring the person who took the form and who was going to turn it in to put their name and some contact information on the tear-off stub. I have no problem with anything that will help us track down this fraud. Just bringing in a receipt or a carbon copy doesn't prove anything, unfortunately.

Assemblyman Denis:

Doesn't it say somewhere in here that the forms would all have an individual number? [Mr. Lomax answered in the affirmative.] Wouldn't the receipt have the individual number? [Mr. Lomax answered in the affirmative.] So you could not create a fake one, because it would have a different number.

Larry Lomax:

No. My point is that you can go to a library or anyplace where we have voter registration forms, pick up one hundred, go home, fill them all out with phony names, bring this stuff in, and say, "I really registered." It doesn't mean anything. It helps us track them down, but it doesn't prove that you are really registered.

Assemblyman McCleary:

In Section 2, you mentioned that there is really no way that you can track the forms. The people that you are giving it to would have to. What concerns me about that is they aren't going to do it anymore. You mentioned the library. Right now, it is just sitting on the counter. Anybody who walks by can grab a

form and do it. As a matter of fact, during the campaign, when I needed extra forms, I swung by the library and picked them up.

Larry Lomax:

I am focusing on the people who come to us and sign out forms. A library is a distribution center. We have lots of places where we personally go stock forms. We know what forms we stock there. We are already tracking forms. That is good enough for me. We know the public can grab those. I am more concerned with the groups that come in and sign out forms from me personally. As we know from this last election, because they were paying people, there was this incentive to fraudulently collect more forms. That is the group that I am addressing. I am certainly not trying to include what you are talking about.

Assemblyman McCleary:

I just want to be very careful that we don't end up discouraging institutions, groups, and candidates from providing this service to the people. I am going to be very careful as we go forward with this bill.

In Section 3, I don't really think you have any business with it. You can't enforce who goes on that ballot or not. All you can do is accept their filing. This bill has to address somewhere in it that the Secretary of State needs to step in if somebody needs to be disqualified.

Larry Lomax:

Another solution is to allow the candidates to continue to police each other, which you do a pretty good job of.

Assemblyman McCleary:

Yes, we do.

I agree with you on May. I think May is a pretty good time to have the primary. I agree with you that we would have to have a filing the first week of February, if we are going to do May.

Janine Hansen, Executive Director, Independent American Party of Nevada:

I would like to start on page 2 of A.B. 455, with the voter registration forms. In some of the other legislation, there are penalties for not turning those in. We have those forms available in our office. In Washoe County I know they keep track of the number of the forms that we get. I don't have a problem with that. I just don't want to make anything so onerous that people will be reluctant to even have registration forms available if there are going to be some penalties. I am just concerned about any kind of penalties.

I am particularly concerned about Section 3 on page 2. I had this letter made out for the Senate ([Exhibit C](#)) and did not have time to change it. I will just give this to you; it outlines some of our concerns.

[Janine Hansen, continued.] In this section it states that if you have not submitted these campaign finance reports, financial disclosures, or paid a civil penalty, you cannot be a candidate. The information you are going to receive is about approximately twenty-five of our candidates who are now in a process with the Attorney General's Office. There has been a lot of unequal enforcement from the Secretary of State and the AG [Attorney General] on these particular issues. For instance, the Secretary of State said that they would not pursue some cases that owed \$225, and yet, they took my nephew to court for \$25. He is an Independent American.

You will see a list provided to me by Renee Parker ([Exhibit D](#)) of all of the fines that were due in 2003. You'll notice that I have starred several of those; those are Independent Americans. Many of them have fines of \$15,000. To my knowledge, none of them spent \$100 in the campaign. In 2003, you changed the law so that people who had not spent \$100 did not have to file them; it wasn't required. That was the will of the Legislature. These people are facing fines from 2001 and did not spend \$100.

Let me explain to you what happened. In January of 2002, my brother Dan was killed. He was the founder of the Independent American Party. He had written pamphlet encouraging there to be 50 candidates. When he was killed, we had many people who had never run for office come forward and asked to be candidates. The law that was on the books in 2001 was somewhat confusing. They filed in 2002. The law states in one place that if they had not spent \$100, they did not have to file. In another place it said they had to. These people did not spend \$100. They put their name on the ballot. Many of them participated, in terms of going to candidates' nights and other things like that.

Some of these people are currently being prosecuted by the Attorney General's Office. Some of them have never even been contacted. One of them is Doug Miller; another is my 89-year-old mother, Ruth Hansen. I have never even been contacted and told that they owed \$15,000. There is a tremendous problem with the Secretary of State's Office with regard to the AG and how they are pursuing these fines. There is not justice in pursuing fines between \$15,000 and \$22,000 for people who were in default on these when they didn't even spend \$100 in the campaign. The Legislature changed the law. Several weeks ago, a lot of people came here from the Conservation District.

They said that they would all resign if this was not retroactive so that we don't have to pay our fines. I talked to my brother, who is an attorney, about this. I have spoken to the Senate Legislative Operations and Elections Committee about it. I haven't had an opportunity to speak to you. They are looking at trying to do something to repair this inequity that exists from the law that was passed in 2003.

[Janine Hansen, continued.] These people are all under these huge fines that serve no purpose. When you put it in the law that people can never run again when there has been such unequal enforcement, in many of these areas, you are essentially denying them their constitutional right to participate. A lot of this was because there were issues with the Secretary of State's Office under Dean Heller. I am very concerned about this section of the bill. I won't belabor that right now.

I would like to go on to some of my other concerns about this particular bill, as well as some of the things that I like. On page 3, you have an area designated for petitioners to be posted conspicuously. I favor that. We were the ones that battled, and I ended up getting arrested. We had many of our people thrown off when other petitioners were not thrown off. We think this needs to be available for people. We support designating it and so forth, so people can understand.

On page 5, you talk about the extended time. I am sure that is a result of the Nevadans for Sound Government suit that came as a result of me getting arrested, many of our people getting thrown off repeatedly, and being intimidated by public officers. I don't really think this is necessary, because it was resolved fairly in the courts. I doubt that this would happen very often, because hopefully the government officials are going to obey the law and allow people to participate. I think the system worked last time. The judge was fair in what he had provided.

My brother Christopher documented all of the times that we were thrown off and all of the times that we appealed to the Secretary of State and nothing was done. He had a stack of emails that he turned in to the court. That is why the judge gave us that time. It was because of the repeated violation. Who is going to make this decision? This is a can of worms. I think that if the government would just obey the law and allow people to be there to petition, this would never be an issue. We hope it is never an issue. People just want their right to be able to petition without being arrested, harassed, and thrown off. I don't think it is really necessary and can be handled if the government would just obey the law.

[Janine Hansen, continued.] Let's look at Section 9 on page 7. Minor parties handle their candidates in a different way. They have to hold a convention and then those candidates can file for office. I definitely prefer the primary in June for minor parties, rather than in May. The earlier that primary is, the earlier we have to hold our convention. Some of the bills have the primary in May and filing for minor parties the first week in January. How do we hold a convention in December during Christmas? It is absurd. It doesn't work. For us, if the primary is in June and filing is in April, March, or even February, we can have our conventions in January. Then we would be able to participate. If it is in January, we have to file the first week in January, which is absolutely impossible. June is better for us, or if the filing date is in April, March, or February, we can deal with any of those. It would be impossible to file in January for minor parties, because of the requirement that we hold a convention.

I already mentioned that I liked the primary better in June than in May, because of the difficulty for us to hold our conventions. That includes not only us, but the Libertarians and the Greens. I don't know who else.

There is another problem on page 7 of this bill. It states that we have to file our presidential candidates by the first Tuesday in June. We can't do that. We don't even have our convention until August, just like the Republicans or the Democrats. We can't file our presidential candidates in June. Republicans and Democrats do not file theirs until September, so it is impossible to meet that requirement, because we don't have our convention and we don't know who our candidates are. I don't know why that would be moved up. It wouldn't be any different for the other parties. Ours is the same.

On page 9, in the middle of this declaration of candidacy, they have filed other campaign reports. This is the same issue I have with the unfairness of the Secretary of State's Office, with the battle that we have had going on there with these fines that have been imposed on people that did not even spend \$100. If we can get all of that cleared up, then maybe this language isn't as bad as it appears now.

The other problem is with financial disclosure. Anybody can just lie on those, and there is no recourse. If you claim the Fifth Amendment on something, we know that it is suggested that some of these people be prosecuted criminally. One of our objections for some of these people in filing the financial disclosure and not being able to claim the Fifth Amendment is that they might be prosecuted criminally. That has happened. That becomes a problem for some people. It is not because they are not willing to be open. I think the political

process is the best way to allow other candidates to bring some of these issues out. When you are denying people their right to participate because they have a constitutional issue with it, it becomes an issue.

[Janine Hansen, continued.] Page 18 talks about full provisional ballots. We have a little concern about abusing provisional ballots, but that is not a huge issue. We also have a problem with page 19, which talks about early voting. Early voting is a problem for people who have limited amounts of money and campaign resources. It puts them at a great disadvantage. For minor parties, the longer the early voting period is, the harder it is. Almost all of the free events on television and in the newspaper take place during provisional voting times. If we could get the media to do it before early voting, that would be good, but they don't.

The last issue I have with this is on page 32. Once again, no person may place a copy for a petition for an initiative and file it with the Secretary of State if they have failed to submit a campaign finance report. If they don't have the opportunity to have a trial by jury to determine whether or not the Secretary of State was fair in what he did, then how can their name ever be cleared? They have no way to clear their name, except by complying with the Secretary of State. In all of these issues—where the Secretary of State may keep someone's name off the ballot because of his interpretation of the law—that becomes problematic.

In another bill in the Senate, it says that the Secretary of State can ask for any other things that he wants to be in these reports. In other words, he can change all of the election laws that you have set down if that provision were to pass. They could determine them arbitrarily and capriciously. He could keep you off the ballot and you would have no way to appeal that anywhere. You would not have a trial to prove you innocent. These provisions, which keep people off the ballot—because they have an ongoing problem with the Secretary of State, like we had—are problematic for us. We have tried to work these things out for years now. He won't answer any of our questions. He said that by asking these questions, we had placed him on the horns of a dilemma. How do we know the answers to our questions if he won't answer, because he is on the horns of a dilemma? Where does that put us if he can't answer our questions? He is supposed to do that. This is one of the reasons that we have problems with those sections of the bill.

If you are going to change the primary, then we would support a June primary.

Co-Chairwoman Koivisto:

Did you say that there is some legislation pending in the Senate to deal with your situation?

Janine Hansen:

We hope there will be, and we are working on that now. I just brought it up here because of the issues that were in this bill. That should be coming forward soon after the deadline.

Richard Siegel, President, American Civil Liberties Union of Nevada (ACLU); and Member, Nevada Help America Vote Act Advisory Committee:

There is a lot of overlap between 4, 5, 55, and 499. I want to take some opportunity to comment on the parts in A.B. 455. First of all, the provisional ballot section is being handled by crossing out the word "federal." One of our biggest priorities is to get all elections on the provisional ballot; otherwise, we disenfranchise thousands of people in terms of all state and local election issues. I am concerned with two points having to do with the provisional ballot. I am not sure that simply crossing out the word "federal" is quite sufficient. I would like to see us specify that all state and local ballot issues will be on the provisional ballot. I would like to see it put in an affirmative place, because there is no place where it is otherwise specified.

Secondly, I would like to see, in terms of provisional ballots, that we count provisional ballots on a countywide basis. We presently count provisional ballots on the basis of congressional district. In Clark County, that means if you are in the wrong congressional district, but across the street from the correct congressional district, your provisional ballot will not be counted. Mr. Lomax has testified that he has the technology to count everybody's ballot in the same county. If they were not, in fact, eligible to vote for a certain office, their vote would not count. He has indicated that there could be a problem in terms of getting everybody voting on machines, but he has indicated that he could if everybody did.

The ACLU strongly asks you to have countywide voting of provisional ballots, which means everybody who was legitimately entitled to a provisional ballot in the county—which is the appropriate jurisdiction—will have their ballot counted. If they were voting for the wrong member of the House of Representatives, that vote will not count. Every vote which they were legitimately entitled to make from their proper residence would count.

The third point that I would like to make refers to the very serious penalties for willful and intentional obstruction of voter registration. It is a Class E felony.

The kind of things that were done to tear up ballots is a Class E felony. There is some language in both A.B. 455 and A.B. 499 that refers to other kinds of speech, for example, that is used to discourage registration. Please be careful that we are not “felonizing” speech alone. Let us just felonize action, not the kind of speech that discourages people from registering appropriately. I think that we get into a can of worms with that. Let’s limit ourselves at this point just to the action and not to the speech.

[Richard Siegel, continued.] We do not see the filing period that was mentioned as a civil liberties issue. I am going to change hats for a second as a political scientist. The earlier we have the elections and the filings, the less the public will be able to pay attention. We have a saying that the people start to pay attention at the World Series. The World Series comes a month before the election. They certainly are not paying attention in May. If we do have a May or June primary, let us make the date for filing as late as possible and let us allow the minor parties to file as late as possible. I think there will be sympathy for that.

I disagree with my friend Janine on the point about petitions on public property. We litigated for Janine on this issue. Let us put it into the law and reinforce the law that says that not only do we have the right to have petitions signed in public buildings, but as Janine found out, the problem can be in a public bus stop. Let us make it clear to everybody, from the DMV [Department of Motor Vehicles] to any kind of public official who has property: they have to allow the public the most basic of political speech and petition.

The final issue I will comment on is allowing people to run who have not complied with the reporting laws. I think Janine has raised some legitimate issues in terms of that. We should be sure that people have been properly dealt with, in terms of due process, before we deny them that important and fundamental right of being able to run for office. The fact that they have not filed the proper forms will be raised in the election campaign, just like everything else that gets raised. I am very concerned about that.

Assemblywoman Angle:

I would like your comments on page 32, Section 42. It is about the initiative petition. No person may place a copy of the petition for initiative on file at the Secretary of State unless they file these campaign finance reports. Could you comment on that a little bit? I am a little bit concerned about that. It is Section 42 and the new additions there. Also, Section 43 contains this kind of language that refers to initiative prohibition.

Richard Siegel:

Who may file an initiative? That would be of equal concern to me, because you are just getting at the core. Somebody could be asking for a petition concerning what they consider their wrongful adjudication on a campaign finance issue. I think the right of petition is in the First Amendment to the *Constitution*. I believe that no matter what this Body does, the federal courts will rule on the basis of the First Amendment. People have the right of petition. I think it will hold to the right of candidacy, but it will certainly hold to the right of petition, because that is expressly in the First Amendment to the *U.S. Constitution*.

Assemblywoman Angle:

Could you comment a little further on what a "public place" means? I am having some difficulty with designating areas within public places. If it is public, it is public, or it isn't. That is where my difficulty lies.

Richard Siegel:

The basic idea is that you have access, but the person who is responsible for the public space has control of time and place restrictions. There is another bill with time and place restrictions on another issue that recently passed through. No, I don't have the right to interfere with the proper operation of that public building or that public forum, like a bus stop. They can make time and place restrictions if they are reasonable. Fundamentally, we have to have access. We were talking here last week about raising the petition numbers from 10 to 20 percent. Without even more access to public property, we won't be able to approach that.

Assemblywoman Angle:

So you don't see any free speech problems with designated areas? That seems to fall within the parameters?

Richard Siegel:

The concept of designated areas is acceptable, but they have to be reasonable. We have, for example, problems with the university saying that one or two areas in the entire University of Nevada, Reno, are appropriate for full free speech and petition activities. That is not reasonable to us. In a huge university, far more than one or two places should have reasonable access as a public forum. It is partly a matter of implementation, but on principle, you can make time and place restrictions.

Assemblywoman Angle:

Do you think that language needs to be expanded to include "reasonable"?

Richard Siegel:

I think the word "reasonable" should be there, absolutely. Not anything that anybody thinks of.

Co-Chairwoman Koivisto:

I am going to close the hearing on A.B. 455 and bring it back to Committee. Let's open the hearing on A.B. 497, Ms. Giunchigliani's bill.

**Assembly Bill 497: Revises provisions relating to initiatives and referendums.
(BDR 24-442)**

Assemblywoman Chris Giunchigliani, Assembly District No. 9, Clark County:

A.B. 497 deals with the initiative petition process. Section 1 is trying to clarify when a person may sign a petition. There are some ongoing arguments related to this question. Back when I was first involved in initiative petitioning, if they signed a voter registration form that day and then signed a petition, that was acceptable. All of a sudden, this changed this time around. I was trying to find a reasonable place to go and say that as long as you sign your voter registration form, you can sign the petition. That document has to be turned in within two days to the voter registrar. There needs to be at least some period of time, so that it's not being held for months and months. That is the intent of Section 1.

Section 3 deals with the single subject matter, similar to what Mrs. Gansert has in her bill. I didn't define it, but maybe Mrs. Gansert and I can work on this. I know Ms. [Michelle] Van Geel did some checking and didn't come up with much language any place. The closest we came was constitutional language in California. Maybe we can work off of that part of it, if we want to entertain the concept.

I did something a little different. Mine simply deals with the title, rather than the content. It does not have the Secretary of State reviewing it for the AG [Attorney General]. It just goes to the AG, who approves the title. If there is a challenge, it goes to court. I took a little bit different tact with something fairly similar to what you have, regarding the single subject area.

Section 5 deals with the process for rejecting the title and what will go into play. Some states did as Mrs. Gansert's bill did, which is the actual writing of the body of the text. I didn't get into that. I wanted the title to reflect what the content is and that there would be a process for accepting or rejecting a title. That is the next procedure that goes in. If one of the parties challenges it, it will

go to the court, and the court would have to do an expedited process. That is contained in Section 5.

[Assemblywoman Giunchigliani, continued.] I am not quite sure why the language was deleted in Section 6. That may have just been drafting language, but I am not sure if that was just simply deleted and not something that I requested.

Section 8 restricts special ballots, ordinances, and such to general elections only, instead of primary elections. A lot of games are played and there is a low turnout for primary elections. I figure that if it is important enough for the public to vote on, let's make sure that they do it on a general election. There are various changes through various sections in here to deal with that part of it.

In Section 9, I was trying to anticipate whether there were any challenges to the Secretary of State, similar to what we had this time around, and maybe back up the dates a little bit more on when signatures had to be turned in. I just picked a number, truthfully, but it was to try to get a handle on things. If there is going to be a challenge, let's make sure we give everybody enough time to get their arguments made and go through the court process. It requires expedited hearings by the courts if there is a challenge regarding petitions.

I was looking on page 7 and did not have time to contact Mr. [Larry] Lomax to see if the language there was something that they had requested, or if that was current. I am not sure. We were trying to work with Mr. Mortensen's language that we have modified over the years, on the committees writing their ballot questions. They were having difficulties finding people to participate. They were trying to say that if they could not, they would go ahead and appoint. I think we had a bill the other day that also addressed that language. It didn't open it up. I remember they even called me and asked if I would write it, because they couldn't find anyone to volunteer. I said that I was just chair of the committee and have no idea. I didn't feel comfortable doing that, but that is how desperate they had gotten, to make sure that they could then appoint a committee if no one else came into play.

Again, most of the rest is drafting language regarding whether or not a challenge comes into play, to make sure that there is an expedited process and that it parallels the city elections. The first half of the bill is a different NRS [*Nevada Revised Statutes*]. The second half parallels exactly the same part in the front of the bill. That is pretty much what the legislation is intended to do. Depending on how you wish to proceed, I would be happy to work with

Mrs. Gansert to see, or we could do both bills. Hers deals with content; mine deals with title, and we can kind of see where we can parallel those.

Assemblyman McCleary:

On Section 9, subsection 4, I am just having trouble understanding why the 180 days was changed to 150. Could you just explain that?

Assemblywoman Giunchigliani:

Currently, the petition has to be turned in to the county clerk 180 days or 130 days prior to the election, whichever is easier, so that they have time to verify the signatures. I was backing that up just in case they had another challenge. They have such a crunch time. They have to go in random order to make sure that the petitions even qualify. I was just shortening that time period.

Assemblyman McCleary:

So, you are giving the clerks more time.

Assemblywoman Giunchigliani:

That was the intent. Mr. Lomax or one of the other clerks can tell us whether I accomplished that or not.

Assemblywoman Gansert:

You mention the AG in Section 5, page 2; did you talk to that office? I know that with my petition, I had a problem with the AG and had to go straight to the court. Did you discuss that with them?

Assemblywoman Giunchigliani:

I took it from the model initiative referendum study that was done nationwide and kind of picked some things out of there. I think there is a legitimate case. You shouldn't have the Secretary of State overseeing the AG, or vice versa, because it is an awkward position, since they are both duly elected. I may need to address that. Perhaps the title is written by the AG and the Secretary of State doesn't have to worry about it, or the Secretary of State writes it, and it goes to court rather than having that intervention.

Janine Hansen, Executive Director, Independent American Party of Nevada:

When the Nevadans for Sound Government did our petition, we had a lot of difficulties with this issue, which is addressed on the first page. When you go out to get signatures, a lot of people might want to sign your petition, but they can't because they aren't registered, they have moved, or some other issue. If we had them sign up to register to vote and then sign the petition, that wasn't counted. They were essentially denied their franchise. Unless it was in the

county clerk's office, they did not count it. That policy was not the same in every county, because when they started denying the signatures that we had when we turned in newly registered people, some counties denied us that and other counties did not. I called a number of the counties and asked them about that. The policy was not uniform in every county. Most of the counties denied that person the opportunity for their signature to count, but some of them did not.

[Janine Hansen, continued.] I am wondering how this "two days" works. If you get a petition signed on Friday at 5:00, you cannot turn that in until Monday; that is three days over the weekend. I don't know how these two days apply. Is that two working days, or two regular days? If you are doing it on the weekend, you have to be able to turn it in by the next Monday. If it is a holiday, it might be Tuesday. We are very much in favor of that, because a lot of people want to sign the petition, but are denied that right because they cannot register to vote and have their signature count.

I would like to talk about page 2, Section 3. In the Senate they were reviewing this one subject issue, and they found that it is difficult to define. We are concerned about the definition of what "one subject" means. It can mean a lot of things here at the Legislature, and we don't know how that will be interpreted. We are not against one subject; it is probably a good thing. How is it defined?

This one issue concerns me on line 10, page 2: "The measure shall be void as to the matter not expressed in the title." How can you express everything contained in a petition just in the title? What are the parameters of that? I don't know how that is going to apply. I have a question about that and would like to have some clarification on that when it is appropriate.

When we look at the bottom under Section 5 and it talks about taking the review of the title to the Attorney General and then to the court, it is important to be able to appeal to the court. I am wondering if there is more wisdom in just going directly to the court. I am not sure about that process. We did have to take the former Secretary of State to court because of the way the language was written. There might be political philosophies if there is a Republican or Democrat in and the petition is opposed to their political philosophy. They might have one set of rules to apply to you and another set of rules to apply to someone else. It needs to be real clear as to who is making the decision, and you need to have this appeal process available so there is fairness in the courts. I think that is very important.

[Janine Hansen, continued.] Those were my only issues, but I support allowing people to register to vote and then sign the petition, because I think it disenfranchises them if that doesn't happen.

Assemblywoman Giunchigliani:

That's a very good point. I was thinking two days, excluding weekends and holidays. There needed to be a time at some point, but it didn't disenfranchise anybody. You are absolutely correct; you used to be able to sign and then sign, and it was not challenged. Unfortunately, that changed since last time around.

As to Section 3, I took that out of that initiative study. It was an initiative and referendum thing that was put together by a national group. Truthfully, they had no suggested language. They did in several other areas, but they did not for that one. I think the intent was with the title, because it would be a single subject and the title should say that it includes discussing whether to have mom-and-pop businesses do X. That would be the intent, so that it was truly reflective. Titles can sometimes be skewed and have nothing to do with the content of it, because it makes a good selling point. I think that is where I was trying to go on the title part, but we may need to flush the language a little bit.

Janine Hansen:

I don't have a problem with being truthful in the title. I think that is good, but I don't know if you should void it. Who makes the determination? If they have the opportunity to appeal it or to get a title that is accurate, we want that. I don't know if that accomplishes that.

Assemblywoman Giunchigliani:

That is what the group recommended, but I am not tied to that.

Larry Lomax, Registrar of Voters, Elections Department, Clark County, Nevada:

We are not in opposition. I have a couple of points here. First of all, Section 1 and this issue of counting people as registered two days after they register. I want to emphasize that nothing has changed in Clark County since 1998. We have always processed petitions in exactly the same way. The law is very clear as to when the signatures are counted and when they are not. We had a lot of sloppy petition gathering in this election. They never came in to talk with us to establish what the law requires. The law states that a voter is registered on the day the form is postmarked or the day that they submitted it in person. This does create some challenges for somebody gathering for a petition. Someone can register at the time they sign the petition. It is just simply that the person gathering those signatures needs to drop all of those forms in an envelope and get them postmarked that day—which you can do in Clark County any day of

the week, including Sunday—or they have to bring them in and deliver them to us in person that day. Obviously, this is an issue on Saturdays, Sundays, and after 5:00 p.m. The law is clear on that.

[Larry Lomax, continued.] I would suggest that there is a potential constitutional issue here that at least needs to be addressed, but I am not a constitutional lawyer. The *Constitution* says that we have to have an affidavit from the signer of the document, where the person is attesting that everyone who signed that petition was, at the time of signing, a registered voter of the county. If we are going to allow people to turn their forms in and we are supposed to count them two or three days after they signed the petition and somehow track this two days, we are going to have to redefine what a “registered voter” is. In my opinion, you are going to have to say that a voter is registered two days prior to the day that we get the form.

You run into a lot of potential problems that I am not sure can just be washed away. The bottom line is that we have no way of dealing with this technologically. This is going to require us to get some new technology in there. That is almost a side point. You are basically saying that someone can sign a petition two days before they are registered. That is really what it amounts to, but no more than that. Remember that in a busy time like last election—where we were receiving 5,000 forms a day—we would not process your form until up to a week after we received it. We are not even going to know we had it two days after we do it. We do date stamp them the day we get them.

My only other comment is on Section 9. I think we got the wording wrong on page 4. Right now, the law says they have to turn a petition at least 130 days before the election. This changes it to 115 days, which is closer to the election.

We need to go to 145 days, but I appreciate the effort to help us out. You have actually shortened the amount of time they have to collect the signatures, so that does help us out. Instead of subtracting time, you need to add time.

Assemblywoman McClain:

You were talking about something in the *Constitution*. Will a constitutional amendment be needed?

Larry Lomax:

I don't know. I am going to have to leave it up to your legal experts. There is a section in the *Constitution* requiring someone gathering signatures to sign an affidavit stating that everyone who signed the document was a registered voter

at the time they signed the document. That was challenged, taken to court, and thrown out. How would anyone know if everybody was a registered voter at the time they signed the document? I think the implication of the *Constitution* is that they are supposed to be registered voters at the time they sign the document. That is where the issue is. We accept them as registered voters if they turn that form into us that day or they throw it in an envelope and get it postmarked that day. Lots of people gathering petitions deal with that with no problem at all. There are a few groups that don't, but it can be done.

Assemblywoman Giunchigliani:

That was a change.

Larry Lomax:

No.

Assemblywoman Giunchigliani:

Well, it has since the time that I did petitions. They could sign their registration form and the same day they could sign the petition.

Larry Lomax:

That is still the same. We haven't changed that at all.

Assemblywoman Giunchigliani:

No, we did not turn in the forms immediately. We didn't.

Larry Lomax:

You have since 1998 and beyond, because that is as long as I have been here. Before that, I wasn't here and cannot make any comments.

Assemblywoman Giunchigliani:

We can set in statute what we want to have clear so that it is clear for you, clear for us, and clear for any of the groups gathering signatures. I think that is all we are trying to do in this part of it.

Could you help me understand why they deleted the population caps in Section 12? I am not sure why that went away, because we just did that last session or the session before for the rural areas.

Alan Glover:

That was going to be my point. On behalf of the smaller counties, we would like you to put it back to 100,000, but that line should be deleted in there. The

problem is that in the small counties, it is very difficult—for example, Esmeralda County, with 400 registered voters.

Assemblywoman Giunchigliani:

You are basically saying we should undelete whatever they deleted. I have no problem with that, because I don't know why that happened.

Alan Glover:

Mr. Mortenson has been working on this section of the law quite a bit with these committees. We would like to propose an amendment to the bill ([Exhibit E](#)). We are looking at every bill that deals with the committees. The problem is trying to find people to serve on committees. We had a question on the ballot here in Carson and begged. We finally got two people, one on each side, to write the questions. What happens if you cannot find somebody to serve on a committee? Our proposed language would be to add at the end of the section in NRS 293.120, "If the board and the clerk are unable to appoint at least one person to each committee or if the committees fail to submit their work by the date specified by the clerk, the clerk in consultation with the district attorney shall write the arguments for and against the question and no rebuttal may be written."

One of the other problems that I had, as the clerk, was that we had a couple of people on these committees who were drafted to this and weren't really enthusiastic about it, so they didn't really get their work done on time. I had to keep pushing the date back on when we needed it done so that we could get it to the printer. The thought came to me: what happens if you have a person on a committee who becomes very ill? This happened in Douglas County. They only had two people serving, and one of them became very ill. Finally, they got around and she got her work done. There is no provision in the law to handle this. We are asking for some out here, so that we can literally put something on the ballot that we are thinking about. It came down to putting no arguments for or against. I don't think that is a good idea. I picked the clerk and the district attorney, because that is traditionally who has written it. If we can't find somebody, let's go with what we know. I would like to offer that.

Co-Chairman Mortenson:

That sounds good to me. The important thing is that when we have really inflammatory issues, the committees are not hard to find. That is really when it is important to have them. I agree with your amendment. You said no rebuttals will be written. I know it becomes a burden, but what is your feeling on that?

Alan Glover:

My thought was that I am writing the arguments for and against. Why would I want to rebut my own arguments? I have no strong feeling about that part, but I thought it was rather redundant. The district attorney's office would actually end up doing this. Why would you ask them their counterargument?

Co-Chairman Mortenson:

I don't think that is as important in an issue that cannot gather up enough people, so it is a non-issue, so to speak. I would be in favor of the amendment.

Co-Chairwoman Koivisto:

We will close the hearing on A.B. 497 and bring it back to Committee. Let's open the hearing on A.B. 499.

Assembly Bill 499: Makes various changes relating to elections. (BDR 24-898)

**Frankie Sue Del Papa, Co-Chairwoman, Election Reform Committee,
Washoe County Democratic Party:**

Cathy Bradford will be discussing the two yellow sheets ([Exhibit F](#) and [Exhibit G](#)) that we provided you previously. Next to her is Kate Marshall, Anita Hara, and in the audience are Hal Taylor, Sherry Foster, and Karen McEntire. We are all members of this ongoing Election Reform Committee. We have tried to approach this in a nonpartisan way. What you see is the result of things that each of us personally observed during this election cycle. We have been very concerned about the process and many other aspects of this.

Part of what I would reiterate to the Committee is the fact that I think a number of very important issues are on the table and may not be addressed this legislative session. I encourage you to consider a formal interim study or, if that is not possible, an informal interim study. I don't have to tell any of us sitting here in this room that 2006 is going to be a very important year and certainly 2008, with another presidential round. I can tell you that all of us feel very strongly. We have put a lot of time and energy into this product, and I know how difficult your job is to find time in this compressed atmosphere to deal with these issues. I think you would agree that there are some very significant issues.

When I was Secretary of State and Attorney General, I was fond of saying that democracy is not a spectator sport. Our form of government requires

participation, and certainly, anything we can do to encourage that participation results in a victory for all of us.

[Frankie Sue Del Papa, continued.] I would like Cathy to walk you through this. I think the work the members of the task force have done has been very helpful. They have given you a comparison of A.B. 499 and A.B. 455 ([Exhibit F](#)), honoring what the Chair has asked us to do in terms of a time commitment. We are going to primarily concentrate our comments on those items that are not included in A.B. 455, the priority issues that we ask you to give some consideration to. It seems like the Committee's focus would be on A.B. 455, the omnibus bill.

The other sheet that you have is a summary of the more salient issues ([Exhibit G](#)) that we have tried to address and what we witnessed during the election process. I can tell you that we are committed. You will probably see us back here at the next legislative session trying to speak with you again. We are also committed to trying to work with the clerks and all parts of Nevada to really approach this on a statewide basis.

I can tell you about one of the things we witnessed, and I can primarily speak to Washoe County. You have a county clerk's office that is very dedicated. It is often understaffed, not a lot of resources, and a very compressed timeframe. There are some things that we will continue to do here, to work as volunteers to improve this process.

Cathy Bradford, Member, Election Reform Committee, Washoe County Democratic Party:

We have given you a handout ([Exhibit G](#)) that summarizes the 14 points that are contained in A.B. 499. The order that you have these items in is the order that they appear in the bill.

First, I would like to draw your attention to item number one on the bill. This portion of the bill is in Sections 2, 6, and 10. It permits nonresident college students to serve as poll workers. This is also in A.B. 455, so I am not going to spend a lot of time on this one. I just wanted to point out a couple of things. HAVA [Help America Vote Act of 2002] actually recommends that states do this to ensure the quality of poll workers. I would also like to point out that a lot of college students, such as political science majors, would love this kind of opportunity to do their civic duty.

The next item, number 2, is found in Sections 3 and 9 of the bill. This would allow county clerks and poll managers to deputize and reallocate poll workers as

necessary on Election Day. This bill is going to formally create the position of a poll manager for each polling place. It is going to give that poll manager the discretion to reallocate workers from one precinct table to another as needed on Election Day. As you know, most polling places have more than one precinct table. A lot of times, one precinct gets very busy and the other precinct is not busy, so some of the workers sit idle. This bill allows the poll manager to reallocate these workers to reduce the lines at the poll, keep everybody busy, and hopefully keep things going at a better pace.

[Cathy Bradford, continued.] The bill will also permit the poll manager to deputize additional poll workers as needed on Election Day. During the last election cycle we saw a couple of incidents happen in Washoe County. In one incident, a poll worker actually passed out and was unable to continue doing their duties for a certain amount of time. In other polling places—for example, where I was a poll observer—the lines became extremely long. The poll workers were overworked and we desperately needed more poll workers. I actually volunteered to give up my duties as a poll observer and become a poll worker, but the polling manager there said that he didn't have the authority to do that. This would give him the authority to appoint people he feels are qualified and able to perform that function as needed on Election Day.

Number three on the handout ([Exhibit G](#)) is found in Section 4 of A.B. 499. This portion of the bill would make available the results of county programs that purge inactive voters from voter lists 45 days prior to the close of registration. HAVA, as well as the *Nevada Revised Statutes*, allow counties to engage in purging programs, where they take off the names of inactive voters who have not voted in a certain number of election cycles. If they have given notice and the voter hasn't responded to the notice, they are purged from the voter list. HAVA requires that the county make this list public, but they don't give a deadline. So, all this bill is really going to do is give a deadline for when it has to be made public. I would just like to point out that we are not requiring that it be published in the newspaper, because we realize that would be pretty cost-prohibitive. All we want to do is make sure that we get the list. This would give political parties the chance to get the list before the close of registration, so that they can contact those voters that were purged and assist them in taking the necessary steps to become active voters again.

Item number 4 can be found in Section 5. This provides the Attorney General and county district attorneys' offices with concurrent jurisdiction to prosecute criminal violations of the Election Code. As you are all no doubt aware, during the last election cycle there were allegations that there were violations of the Election Code in terms of destroying voter registration forms. We became

concerned when we heard nobody was prosecuting these violations. There seemed to be some confusion as to whether or not county district attorneys actually had the jurisdiction or authority to prosecute these types of violations. Our bill would take away any doubt that these district attorneys' offices could, in fact, prosecute these types of violations. It wouldn't just be these types of violations; it could be any criminal violation of the Election Code.

[Cathy Bradford, continued.] Number 5 on your handout can be found in Sections 11 and 13 of A.B. 499. It would require all polling places to have access to countywide voter registration lists. Current Nevada law just provides that you have to have the voter list for each precinct at the polling place. In the last election cycle in Washoe County, a lot of the voters went to the wrong polling place for a variety of reasons. Sometimes they were told by the registrar's office to go to a certain polling place when, in fact, they should have gone to another. A lot of times you have college students who do not have any clue where they are supposed to be. Sometimes you have seniors that have been going to the same polling place for a number of years and didn't realize that their polling place changed.

If a polling place has a countywide list, which some of them apparently did, they can tell that voter where they are supposed to go. Then that voter doesn't have to do a provisional ballot and we can get out of that whole problem. We can just tell them to go to the right polling place. If the poll workers don't have access to that list, they can't tell that person where to go. It became a problem in the last election cycle. People's cell phones did not work at the polling places, they couldn't get through the registrar's office, and nobody could help these voters. They ended up voting provisionally. We would sure like to try to avoid that as much as we can. Ideally, what we would love to have would be a computer at every polling place, like they do during early voting. We realize that this is going to be cost-prohibitive for a lot of the counties.

We are proposing to give a lot of flexibility and let the county decide they want to facilitate having the list there. For instance, in a small county like Esmeralda County—with only 400 registered voters—they could probably have a paper list there. In Clark County that is not going to work. In Clark County, they could have laptops at some of the facilities. They could also have dedicated phone lines in some of the facilities where the cell phones wouldn't work. Sometimes I know that schools will offer their computers with Internet access to the poll workers. This happened in Washoe County. In advance, the county registrar can figure out how each of these polling places can accommodate having a list there.

[Cathy Bradford, continued.] I would also like to point out that this will not go into effect until the year 2008, so there will be two more election cycles before they have to comply with this.

Number 6 on the list is found in Section 12 of A.B. 499. It just clarifies the identification requirements at the poll. This has to do with NRS 293.277. We believe this is really just a housekeeping matter. To me, it seems that the clear legislative intent of this statute is to require first time voters who registered by mail to show an ID. These are the type of voters that did not have to show ID when they registered. Other voters showed ID if they registered at the DMV [Department of Motor Vehicles] or at the field registrar. There is really no rational basis for having them show their ID again at the poll, but the statute is a little unclear. All we are asking for is a little bit of clarification. The ID cannot be required if the signatures match and if it is not a first-time voter who registered by mail. This is just a clarification in our minds.

The second portion of this part of the bill deals with the type of ID that is permissible when ID is required. Currently, the statute lists drivers' licenses, DMV cards, military IDs, and government-issued IDs. We just propose to add that they can use student IDs. This can be a high school ID or a college ID. We did have reports here in Washoe County that a lot of college students were turned away because they were not allowed to use their college IDs. We are hoping to avoid that problem in the next election cycle by letting them use their college or high school IDs.

Number 7 on your list makes provisional ballots available for all federal and State offices. This is found in Sections 14 and 15 of A.B. 499 and also in A.B. 455. Listening to the testimony, I understand there are going to be some procedural issues involved in this. I would just suggest that there are 44 other states that are doing this. Maybe we could research how they do it and if they have done it successfully. We can use other states as a model to try to accommodate the expansion of provisional ballots.

Number 8 on your list makes permanent absentee ballot status available to all voters. This is found in Sections 16 and 27 of A.B. 499. The current law states that you can receive permanent absentee ballot status when you first register to vote if you are a senior or disabled. If you do not fit into one of these categories, the only time you can get absentee ballot status is just for the next election cycle. Every election cycle you have to reapply. This bill would permit all voters at any time to request permanent absentee ballot status. This way they do not have to resubmit this every election cycle. We believe this is going to simplify the process, encourage more people to vote absentee, and provide a

cost savings to the counties. They do not have to reprocess request forms every year. It should cut down on the lines on Election Day. We will need fewer machines and few poll workers on Election Day if more people are voting by absentee ballot.

Number 9 on your list is found in Sections 18 and 20 of the bill. This clarifies and expands the availability of absentee ballots in emergency situations prior to or on Election Day. The intent of this bill is to permit voters who suddenly take ill or are called out of state to request and receive an absentee ballot by fax prior to or on Election Day, as well as voters who requested an absentee ballot but were not given an absentee ballot, which happened a lot in this last election cycle too. In addition, the bill would also allow them to fax it back to the registrar's office with the requirement that they sign a waiver indicating that they know they are giving up the right to privacy of their vote. It wouldn't be private in a fax situation.

Number 10 on the list is found in Sections 21 and 22 of the bill. This would require all permanent early voting places to remain open from 8 a.m. to 8 p.m. throughout the early voting process. I know we have heard a lot of testimony already about the long lines during early voting. Washoe County had six-hour lines at some of their early voting sites. A lot of people just gave up, left, and came back the next day to find another 6-hour wait. All we are really doing is proposing that the permanent polling places extend their hours from 8 to 8. Currently, the permanent polling places do have to be open 8 to 8 on Saturdays and 8 to 6 on weekdays. We are just adding a couple hours and are hoping to reduce the lines.

Item number 11 on your handout is found in Section 23 of the bill. It prohibits the county clerk from charging a fee to groups who are requesting 50 or more voter registration forms. We have heard some talk today about giving out these forms. This is not really a tracking issue in our minds; this is just a cost issue. I just wanted to point out that most voters these days, if they don't register at the DMV, do end up registering to vote when political parties and other groups go out and have their massive registration drives. This is a great service that these groups are providing to the citizens, especially in a state like Nevada where we are having thousands of new citizens come in every year. I think it is fantastic that the political parties and other groups are out registering these voters. If the county started charging us for these forms, it is going to make it very difficult for us to go out and do this. I would just suggest that this is something that we want to look at to make sure that the political parties are not curtailed in this type of activity.

[Cathy Bradford, continued.] Item number 12 on your list is contained in Section 24 of A.B. 499. This requires employers to give their employees an additional hour off of work on Election Day. This is also contained in A.B. 455. I don't think we need to elaborate on this one.

Item 13 is found in Section 25. This would require public schools and libraries to all become voter registration agencies. Currently by statute, there are certain agencies that are mandated to be voter registration agencies. These are the DMV and other State and county agencies that provide public assistance. It is discretionary with the Secretary of State and the counties as to whether or not they are going to designate them to be voter registration agencies. Some libraries in the state are and some are not. In Washoe County, the schools and libraries are not designated to be voter registration agencies. HAVA encourages states to designate public schools and public libraries to be voter registration agencies.

My daughter is in high school and is going to be turning 18 during the next election. She is telling me that a lot of her friends don't know where to go to register to vote. This would provide a great opportunity. All we are asking is that they post a sign in the office saying that they have voter registration forms available here. They would just give out the forms. It would be at schools and libraries. I think that would be a great public service and a great way to get the kids involved and actually registered to vote.

The last item on your list is number 14. It is found in Section 26 of the bill. It clarifies that anyone who willfully or intentionally destroys a completed voter registration form may be prosecuted as a Class E felony. That is also contained in A.B. 455. I would point out that our language adds a willful or intentional element to it. That might be something to consider, because you don't want to prosecute someone who accidentally loses a form. I know I was on a lot of voter registration drives, and I could see that I might accidentally lose a form at some point. We just want to protect the people that innocently lose forms, as opposed to people who willfully destroy the forms.

Co-Chairman Mortenson:

When you say, "...provide the Attorney General and the county district attorney's office concurrent jurisdiction to prosecute," does that mean that they both need to prosecute the same case, or can either one prosecute the case?

Cathy Bradford:

It means that either one can prosecute the case. They just both have the authority.

Co-Chairman Mortenson:

In this Legislature, when it is referred concurrently to committees, it must go to both, so that's why I was asking. Actually, it goes sequentially.

Cathy Bradford:

Our intent is to give either office the discretion. It is not requiring them to prosecute; they would still have their discretion as to whether or not they had enough evidence and which agency believed that they could prosecute.

Co-Chairman Mortenson:

You might reconsider "willful." We are having a terrible discussion about "willful" in Judiciary and all the evils of the term. It seems to be a can of worms, so think hard on that.

Cathy Bradford:

Everything in the law is subject to interpretation. Most criminal statutes do use the words "intentionally" and "willfully" to distinguish between negligent or unintentional acts. There would be all sorts of case law out there to interpret those types of terms.

Co-Chairman Mortenson:

If I tore up a form that was blank and soiled, would I be prosecuted?

Cathy Bradford:

No. We are talking about completed voter registration forms.

Co-Chairman Mortenson:

It doesn't say that.

Assemblyman Munford:

I think that you have a long laundry list of things. I think the high school thing is pretty good, because I used to be a high school government teacher. We tried strongly to encourage kids to vote. I think they could do something at the schools where the government teacher or someone of that nature could become a registrar. All the high schools could promote this and the kids could be registered at school. I used to give my students bonus points for being registered. These were all seniors or close to it. I think this is a good point that you make. This is something that we can work on and push.

Assemblywoman Angle:

In Section 12, subsection 6, I have some questions. It says that if the Election Board officer can't identify that signature, then they need to look for something that identifies this person. I am wondering how these forms of identification work with HAVA, because I am thinking about those other forms allowed as identification in HAVA. They don't require a signature, just proof of residency.

My second question has to do with the faxing of absentee ballots and how we can ensure that those are going to be legitimate documents once they come back in our direction. The whole faxing situation is shaky for me. I am just wondering if you have thought about those kinds of issues.

Kate Marshall, Member, Election Reform Committee, Washoe County Democratic Party:

With respect to faxing, there is certainly the issue that the potential voter waives their right to privacy and understands that their vote will not be private, because someone will have to review it and input it into the system. There may be certain security issues that the voter will also have to be aware of.

We believe the magnitude of this issue to be very small. In other words, we don't think you are going to have 500,000 voters on Election Day saying that they suddenly have an emergency and want to fax return vote. This is simply an attempt to facilitate access. In the past, we had an instance of a medical emergency that we were made aware of on this committee. The person still wanted to vote, probably on a measure that was very important to him. What do you do in that instance? The person is registered, legitimate, and asking for some kind of means to be made in an emergency situation. The voter will obviously have to be informed of what they are giving up by having that voting mechanism available to them.

Assemblywoman Angle:

My sister-in-law received three absentee ballots and my intern received three absentee ballots. My sister-in-law lives in Boise, Idaho. She received two from Nevada and one from Idaho. My intern just moved into her residence and she received three for previous residents. After hearing these things, I feel that it should be more proactive. You shouldn't just be able to sign a form interminably. We need something proactive on the part of the voter, so that we can avoid these situations. That is my feeling about this faxing. Once you start faxing, another level of security is removed.

Kate Marshall:

With respect to the absentee ballot being made permanent, the question arises as to whether the problems you are outlining occur because of the current process. Some people are signed up for permanent absentee ballot status. If they do that at the time they initially register, then they are permanent. If they do it later—take for example, the 60 percent of people over age 64 in the state of Nevada; let's say one of those persons should become disabled at that time and decide that they would like to become a permanent absentee voter—they will have to re-up every time. The first thing that happens is the county registrar has to follow a process and send them a postcard asking if they would like to renew. The person has to respond with an affirmative answer. It may be in that process that you are starting to receive duplicate absentee ballots; it is unclear. Certainly, if you have a single list of permanent absentee ballots and have people who request them put on that list, that might clean up the process. It might, in fact, save money.

The second thing to know is that more and more people are requesting absentee ballots. In Washoe County, approximately 3,000 requested absentee ballots in 1998. In 2004, 25,000 requested absentee ballots. You are getting more and more people who want to participate in this process. If you streamline that process, you might solve the problems that you are raising.

Assemblywoman Giunchigliani:

I thought we had different attacks in our Committee bill, but recognized that once they have requested the mail ballot, especially seniors and the disabled, they tended to wipe them off the list. We were trying to facilitate a process that was not as loose as yours, but rather more balanced.

We are a transient society. People move and I didn't want to jeopardize having a ballot mailed to no one knows who, not knowing who was honest enough to not open that or vote it. We were trying to say that if you filled it out and received a notice in January, you were good to renew it. You had to at least acknowledge it so the registrar had an understanding that you were the individual who had made the initial request. I don't think that made it into any of our bills.

Kate Marshall:

Is it your belief that the matching signatures on the absentee ballot and the registrar's list would not take care of the fraud problem?

Assemblywoman Giunchigliani:

No, because I think they cancel them out. We were trying to not have them just cancelled out every six months. I ran into some of my seniors who thought they were still on the mail ballot list, didn't get it, and then it was beyond the timeline to make the request. We were trying to figure out how we balance this and make sure that there is a more timely procedure with people knowing that they were bumped off. They would then have the opportunity to renew. We were thinking January of every year. Once they reaffirmed that they wanted to stay on the mail ballot list, the voter registrar had verification they were good for that entire election cycle, not just the county or State. We anticipated this, but apparently it didn't make it in. I think conceptually we are all trying to get to the same place. We just need to do it where we have a balance. We need to make sure that we don't disenfranchise or create opportunities for fraud to occur.

Kate Marshall:

With respect to item number 5, requiring all polling places to have access to countywide voter registration lists, it is my understanding that at least in Washoe County, there is an expectation that each polling place will have a laptop by 2010. This provision of the bill will be effective in 2008, thus shaving two years off that. It is my understanding that the counties are moving in that direction.

Co-Chairwoman Koivisto:

I think you are correct.

Kate Marshall:

With respect to item number 1, permitting out-of-state college students to serve as poll workers, it might also be amenable to allow students who seek to take part in the Millennium Scholarship to do their community service as a poll worker, as long as they meet the age requirement of 16 years.

With respect to charging a fee for groups requesting 50 or more voter registration forms, I know we heard a lot today about the tracking of those forms. It seemed to me that the issue is whether or not there is a chain of custody—not once you leave the county registrar's office, but thereafter. I would like to emphasize that should be distinguished from charging for the form. Tracking the form is separate from charging for the form. It may be that we can enact this provision of the bill. We could not charge for the forms and still track them.

Lastly, with respect to the Class E felony, I wanted to point out that in A.B. 455 there is a section that deals with this same concept. Section 28, subsection 13 also states, "... or any other person." That seems to be stronger language, and we would support that language.

Co-Chairwoman Koivisto:

I think our intent will be to amend both bills so that we don't have the overlap. We will hear from other folks that are here today and see what their take on the measure is.

Mary Lee, President, League of Women Voters of Nevada:

Since its founding 85 years ago, the League of Women Voters has supported measures to protect and enhance voting rights to ensure opportunities for citizen participation. The League of Women Voters of the United States prepared a chart showing voter participation by state ([Exhibit H](#)).

The turnout of the voting eligible population increased by 20 percent from 2000 to 2004 in Nevada, but Nevada is still below the average percentage for the eligible population turnout. Nevada's percentage is 54.49 percent; the national average is 56.63 percent.

A.B. 499 includes several measures to ease the voting process and to thereby encourage more citizens to vote, which the League supports. Most of the measures in the bill are ones that help with voting. We support all of the ones that are listed here.

Dan Burk, Registrar of Voters, Washoe County, Nevada:

The provision to allow us to recruit out-of-state students for service at the polls is an important one. It will allow us to begin to answer the ongoing problem that every jurisdiction in the U.S. has. We have a growing aging population. The demographics have changed, we have two-worker families, and it is getting harder and harder to find people to work at the polling places. Not only that, but it has the additional effect of giving those who are the least likely to register an opportunity to take part in this process and to learn that it is something to embrace. This is quite a reinforcing thing for them. What is important to understand about this provision is that the individuals that we choose have to go through all of the training that anybody else has to go through. They don't get a free ride. They are not the chairs of any of the election committees; they merely serve as a member. I hope that you can support this.

I think the provisions that have been discussed in A.B. 499 bring a tremendous amount of flexibility that we need. The old way of doing elections—the

paradigm of three elderly people standing at a table, one of them with a book and whatnot has to change. We just cannot run elections that way anymore. We have to have the flexibility to change people around who are needed at the polling place. We particularly need young people, because they are so good with technology. As we move more towards technology, we need to find a way to have individuals who are good with technology actually there, admitting people if we have laptops, checking their background, and making sure that they are okay. The flexibility in this bill is something that we badly need and we very much support in Washoe County.

[Dan Burk, continued.] Sections 11 through 13 is on page 5 and deals with the list of registered voters. I understand that there has been an effort to try to back up a little bit on saying that you don't necessarily need a hard copy at every single polling place in order for us to be able to comply with this. If you actually read the statute, the way that it is drawn it says that the polling place and the precinct may not function without this list at the polling place.

We already provide a staff in Washoe County of 19 people who are on the phones throughout the day to answer questions that come up at the polls. We need to expand that, but that is an administrative thing that needs to be done. We don't need to dictate to every single county that they must have a list of every single voter in the county at every polling place. In fact, in Washoe County alone this would mean 650,000 pages would have to be produced and divided out to the 130 locations. On the other hand, if the State wants to give us the funding for the 130 laptops, it would come to about \$283,000. We will take that money and do this with laptops, which is the only way that Clark and Washoe Counties can respond to this need. We cannot do it on paper, but we want to do it and Washoe County will make the first commitment this year by buying the first 30 laptops. We will put those in our largest locations. We will commit to adding an additional 30 laptops each year thereafter, until all locations in Washoe County have a laptop there. They will have a CD with all the data on every voter, so that we can check on things. Is the voter in the right polling place? Which precinct does the voter vote in? Does he have the proper identification? If he has moved from one place to another, how do we get them re-registered at the other address so that they can vote in future elections as well as on that day? Washoe County is making progress, doing all of the things that need to be done to help the voter, with these laptops.

As to the question on Section 16, page 7, which deals with permanent absentee voters, I agree to some extent that we need some sort of catch at the end so that if a person doesn't participate in elections, we don't keep sending them absentee ballots in perpetuity. I really do think that the evidence from

Oregon and the state of Washington—where 60 percent of the state now votes absentee—shows that this is the way to go. I really hope that you will consider allowing us to have permanent absentee requests when people register to vote, or even after that if they wish to. We already have a request system that allows a person who wants a larger-type ballot to be sent to them. We had about 3,000 people eight years ago who voted absentee in a large election. This year we had over 25,000 requests. We have to be conscious of moving forward with this process that allows more people to be involved and do so in the way that they want. I hope you can find a way to support permanent absentee ballots.

[Dan Burk, continued.] I very much support the idea of allowing us to fax ballots and requests back and forth for people who are in an emergency situation, especially people who are institutionalized in a hospital or elderly care facility. It really is an important way for them to be able to participate in the process. Many times they aren't aware until very late in the process. I know that all of my fellow clerks and registrars are very busy during that time, trying to connect up with these various care facilities and getting those ballots out to them. I hope that you will consider allowing us to use the faxing process when we go into these emergency categories, like an elderly or ill person.

We really will have some problems when we get to Section 20 on page 11, where we begin to talk about faxing them to anybody who has not received a sample ballot by the week before the election. Anybody who requests an absentee ballot on the Thursday, Friday, Saturday, or Monday previous to the cut-off will not receive their absentee ballot by the Tuesday before the election. Consequently, everyone of those people can say that they want a faxed copy sent to them. I can tell you from my 7-year experience here and 19 years with the state of Oregon that the biggest push that we have for absentee votes is always right at the end. According to this provision, every single one of those individuals would be allowed to have a ballot faxed to them. They would fax it back to us, then we check that, send them a ballot, and then they send it back to us with a signature.

You are asking for a huge challenge if you try to adopt something like this. It is not that we are against it. Even in 2004, when we sent a ballot to the wrong place or there was an emergency situation, we took care of that if we could. We are talking about a routine thing set up for anybody who didn't receive their absentee ballot by the week before the elections, and that is a tremendous challenge to us. If we are in that situation, people have the right to go to early voting. If we are in that situation, people can go to the polls if they want to, even though they requested an absentee ballot. That is already in our state

laws. We have options for these people, but to say that they all get faxes is really beyond the pale.

[Dan Burk, continued.] The next thing is Section 21, page 12. There is another bill before us that talks about the issue of early voting locations and mandating certain hours and days during that period. We are okay to some degree, but if you start mandating hours that we have to be open—which is okay in this case because these are permanent locations, but there is another bill which removes the permanent category—we have to meet the timelines at every single polling place, every day. That means that all of the rural locations that we use—like the library in Verdi—that are only open a few hours a day, cannot be used, because you have given us a mandatory block of hours from 8:00 a.m. until 6:00 p.m. and all day Saturday. They are not open on those days. There are several locations that we use in the rural areas that could not meet the requirement in order to comply with this statute, if the other bill passes and says that we are not going to have this distinction between permanent and temporary. We would be in a devil of a situation.

As far as the whole issue that our friends from the Washoe County Democratic Party raised about not charging for voter registration applications, absolutely. I couldn't agree more. I don't think that we, as a public body, should be charging people for access to the voter registration applications. As far as registration with the schools and libraries, have at it. I hope that they will go for it. You have to understand that we are not saying that we will provide the forms, but we are also designating them, if we adopt this, as locations to conduct registration. That is a challenge, but if they want to do it and you want to adopt it, then we will go along with it. The more places we do it, the better.

The last thing is this categorization of willful defacement, which exists in Section 26. I think we are all still hurting from what happened with the Sproul [& Associates] group and the Voter's Outreach of America group. I hope that you do take some steps to firm this up so that we don't allow something like that to happen in our election process again.

Assemblywoman Angle:

I want you to clarify for me on the absentee ballots from 3,000 to 25,000. I know that when we did the reapportionment, we had lots of mail-in districts; they all used mail-in ballots. How many of those 25,000 are mail-in precincts? Or are those just absentee ballots that have been requested?

Dan Burk:

Washoe County has about 9,300 people who are in mailing precincts. All of them receive a ballot. Those are not included in the 25,000. Out of the 25,000 that were requested, about 17,500 actually voted that absentee ballot. Some did not vote it, some went to early voting, and some choose to go to the polls instead. We actually sent out all 25,000 requested mail-in ballots. That does not include the over 9,000 that went out to mail-in precincts.

Sabra-Smith Newby, Legislative Lobbying Team, City of Las Vegas, Nevada:

We also support A.B. 499 in its intent. We only have one concern, which is requiring our permanent polling places to open every day, including Saturdays, Sundays, and holidays, for the entire 14-day period. This is in Section 39. We have a concern about that, because for municipal elections, the turnout is quite low. As you also now, City Hall is one of those areas; therefore, we would have to keep City Hall open every day for 14 days for those time periods. This causes us some overtime cost and security issues. That is our only concern with this bill. Otherwise, we support it.

Alan Glover, City Clerk-Recorder, City of Carson City, Nevada:

Mr. Lomax had to be in the Senate for another bill, but he had several points that he wanted to make. One was the issue of publishing the list of each person who is cancelled from the registered voter list. The figures show that if this had to be published, it would cost \$370,000. The Clark County Registrar of Voters has 194,000 people who have been deleted off of the list; Carson City has 8,360. We are willing to put those out on the Internet; however, I must warn you that list may or may not be very helpful to people. You can list someone's name, like Chris Giunchigliani. Who do you know which one of the 2,300 people by that name is the correct one? It may not be as useful as you think it would.

On page 5, Section 11 talks about a list of all the registered voters at the polling place. Fifteen of the 17 counties do that now, because they can. It is only Washoe and Clark County that can't. That will probably require a laptop in every polling place. As you know, in southern Nevada there are quite a few. I know the intent is good, but everyone does have a phone, so they can call the office and check on that.

**Larry Lomax, Registrar of Voters, Elections Department, Clark County, Nevada;
and President, Nevada Association of County Clerks:**

Section 16 allows for permanent absentee ballots, which is a change. I'm not saying that it is necessarily a bad change, but it is a change. The wording of Section 17, line 26 is a little confusing. Any time before 5:00 p.m. the week

before the election, you can request an absentee ballot for that election. That is the deadline for requesting a ballot for an election, but you could also request it for every election that followed—as long as that is clear, because it is could be confusing for people.

[Larry Lomax, continued.] Section 18 covers fax ballots. This causes me and the other clerks enormous concern. Allowing anyone who hasn't requested a mail-in ballot 7 days before the election to fax theirs in provides for an enormous number of potential people to be requesting faxed ballots and faxing in their requests. The state of Washington had an extremely close election. They are still arguing about who won. I dread the scenario where people start saying that they faxed us requests, but we didn't respond with a ballot. Currently we fax ballots to military personnel overseas. I can be on the phone with them and our machine will say that it has arrived; theirs says that it hasn't arrived. People will say that they faxed their ballot to us and we haven't received it. I just see a lot of potential problems. I wasn't aware that this has been an issue in Clark County, so why are we doing this? I didn't hear the testimony as to why it is being suggested. I just caution you about opening up this whole area of fax ballots. I have no idea what the volume would be, but I know that my one fax machine would have to be augmented significantly.

Section 19 deals with someone who is unable to fill out a ballot by themselves. You are asking a physician to sign a statement that for the rest of this person's life, some other individual has to fill out their ballot for them. We will just keep mailing it to that address. There is a lot of potential there for concern. Does the physician really want to sign a statement that for the rest of this individual's life, some other specific individual should fill out this person's ballot?

Let's take a look at Section 20, on page 12, paragraph 2. The last time to request a mail ballot is by 5:00, a week before the election. This bill doesn't change that. That seems to have worked all right. This changes it to if you have not received your ballot by then, you can request a fax ballot. You may have only requested it the day before. I am not sure of the logic behind why they picked a week. I am not in favor of the fax ballot in general, but this is too early if you are going to do it.

Section 21 deals with an issue that we are probably going to address in other bills. This requires every early voting site be open every day from 8:00 a.m. to 8:00 p.m. That doesn't make sense to me. We use malls that don't even open at 8; they don't open until 10. I think you need to allow the flexibility to have the sites open when the voters are going to use them, rather than some hard and fast rule that we be open every day. I think the thrust of this may have

been to some other counties other than ours. I think that needs to be addressed in another manner, if that is what the issue truly is.

[Larry Lomax, continued.] Section 25 has to do with making voter registration forms available. This section addresses registration agencies. It adds public schools and public libraries. I need to point out that "registration agencies" are defined in the National Voter Registration Act of 1993 [42 USC 20]. An agency is required to ask everyone who comes in there for service if they want to register to vote. I don't think that is what this was intended to do. If you read the following paragraphs, you would theoretically have to ask everyone who came into a library if they wanted to register to vote. You would have to ask every kid in a public school if they wanted to register to vote. We are happy to make them distribution points. If you want us to make these forms available at all of these locations, then that is not an issue at all. Public schools range from elementary all the way up to high school. We have no problem designating them as distribution points, but I just think you might want to put this in a different section with different wording. I really don't think that you want to make them agencies. All of the people have to go through training in an agency. Whoever is going to monitor this at every public school would have to come to training. There are just a whole lot of things involved here that I don't think were intended.

Alan Glover:

I have two other comments on faxed ballots. What concerns me with those is when those are faxed back in. Those have to be sent to the duplicating board to be copied. I really don't like it when a third party touches those ballots, because there is human error. After this experience up in the state of Washington, it really makes me nervous. Those of us in the rural counties are asking for more flexibility in our bill on the hours for the early voting sites. Storey County and Virginia City get a half a dozen people on a Saturday, yet they have to stay open all day long. We don't get anyone coming into our office at the courthouse after about 6. In some of these rural places, literally no one shows up. They need to have more flexibility and probably shorter hours. Please take that into consideration in your deliberations.

Co-Chairwoman Koivisto:

We will close the hearing A.B. 499. [Called a five minute recess.]

Co-Vice Chairman Conklin:

[Reconvened as subcommittee.] Let's take a look at A.B. 500.

**Assembly Bill 500: Makes various changes relating to public officers.
(BDR 24-127)**

Assemblywoman Chris Giunchigliani, Assembly District No. 9, Clark County:

Assembly Bill 500 attempts to do a variety of things. I would rather walk through the bill. I contacted the Secretary of State to temporarily put into regulation what Section 2 codifies. We have school districts that name schools after living individuals rather than those who are deceased. This makes sure that if someone's name appears on a ballot that is running for office at that time and the school happens to be named after them, they have the polling area changed for that particular race.

Section 3 deals with appointing a committee to select polling places for early voting by personal appearance. This attempts to make sure that we have input from both minor and major parties on the selection of those sites. I think that there might be an error on line 27, Section 3. It probably should read "...both primary and general election." The purpose of the committee is to work with the local governments when they select their sites to make sure that it is spread out and equitably accessed.

There are two sections that parallel this. For some reason it got split up. The issue is to make sure that the sites are accessible at the same times. I personally believe that some of the early voting sites were open for shorter periods of time in minority areas in comparison to more affluent areas. That is what I am trying to get at in Section 5.

Section 7 was taken out of some of the national studies that had been recommended for websites. The Secretary of State will include information. I need to hear from them if they have the capability to do this. I don't know until they testify whether some of these new areas are available. I would point out that the abstract and the compilation of reports is very key piece, as well as subsection 2, which permits the searching of that information. Currently, if you wanted to find out how everybody voted in your district on questions X, you have to go through 250 different lines in order to compile the information to make it into a document that you could actually use. I am trying to encourage the Secretary of State and the county clerks' offices to have searchable information on their websites. I want it to be user-friendly, so that you don't have to go through tons of lines to see how your district voted on a particular matter.

Section 5 continues with the clerks. I have a question about whether the sample ballot is appropriate on there, because I know that there are 100 or more different faces in Clark County. I don't think the sample ballot was the appropriate one to pick up. We might want to eliminate subsection b. The locations of polling places will still be published, so I don't know if that needs to be on the website or not. We can hear from the clerks on that part of it.

[Assemblywoman Giunchigliani, continued.] Section 6 tries to clarify that if you are a candidate for office, you should have to prove who you are and that you actually reside where you say you do. For the purpose of the election, you actually know that they are really supposed to be running in that race. I will use myself as a perfect example. My opponent this last time around lives in Boulder City. He was able to list his address as confidential, which was not the original intent of the legislation. It was to protect those in domestic violence and stalking cases. He apparently did not show an ID card to prove where he lived. I found out that he claimed to be residing in a business next to Talk of the Town on Las Vegas Boulevard, but it was a business—not a residence—so he couldn't have resided there. No one really had an opportunity to verify the election because of the confidential address. This is an attempt to say that if you are going to file for office, you at least have to prove that you live where you say you live in order to be a candidate. I think that will help the clerks out a little bit and not put their staff in any kind of an awkward situation of having to ask for ID. It just makes it very clear that candidates must prove who they are.

Section 7 did not come back right. It is for conversation purposes. You heard a bill the other day that went a little bit further. I was trying to have the Secretary of State adopt a symbol or an identity for a nonpartisan race in local races only, not including judicial races. In a nonpartisan race you can at least verify what party that person is. I don't want an open race; I still only vote for the D depending on your registration. Constituents will call saying that they don't know who a person is and they want to know if they are a Democrat or a Republican. This is really just to see in local races what kind of an impact this would have. If there is a willingness to do that, I would restrict it to that. Maybe we sunset it in two or four years to see how it works and what the impact might be, but that is for discussion purposes.

In addition to that, Section 9 deals with provisional balloting. This is an attempt to establish the provisional balloting. I did not get into the countywide issue that was being discussed when I came in.

I think the language in Section 12 needs to be fixed. If somebody voluntarily gave an early voting site to a county clerk, that is all well and good, but then

that throws off the balance of accessibility in another part of town. Just because somebody has the wherewithal to give a portable area like some of the casinos did, it may restrict access in other areas. I was trying to get at that here, but I don't think the language quite did it. I did not want to prohibit the clerks from being able to accept donations and they don't pay for any sites.

[Assemblywoman Giunchigliani, continued.] In Section 13, I was trying to parallel so that we don't get into the argument over minority areas versus affluent areas not having the same polling access. I am looking for times, dates, and equity throughout. However we get there, I will be happy to work with the clerks to make sure that it is something that works. You all know how I feel about early voting anyway. I just want to try to deal with the equity issue.

Section 14 is just drafting language. Sections 13 and 14 talk about right-to-vote restoration and automatic voter registration for new residents from the state they came from. That is pretty much what we are doing, and this just codifies it by putting it in statute.

Section 19 is something that I think occurred unintentionally. Voter registration forms and documentation were never intended to be confidential, except in stalking situations. We had language that existed in another part of the law that said that you have the right to keep your information confidential. That is what this was supposed to do. It has gone beyond that, and now you have candidates and other public officials making their addresses confidential; that was not the intent when we put that language in originally. This repeals the issue of confidentiality, but I think we still need to pick up the language currently in statute that allows a person who is under a court order for domestic violence or stalking to maintain confidential information.

Sections 20 and 21 are trying to parallel for the cities what had to happen regarding early voting if we did it for the State and the county, to ensure that there is a group that works together with the registrars on the selection of the places. That is just parallel language throughout.

Let's take a look at Section 31. We did not have a definition in our statute of a loan for purposes of a contribution to a candidate. I worked with Legal to add a definition. That is what is contained in Sections 31 and 32. This is to make sure that if you get a loan from a family member to use for the campaign, you have to report it. This lays out the procedures for how that reporting comes about. A loan could be a written commitment as well. I forget which state I took this from, but this is language that Scott Wasserman and I found because we had some areas where we did not have definitions. That is the intent here.

Notice in Section 23, subsection 4, there are brackets around "except for the office of Justice of the Peace or municipal judge." I checked into that to find out why that exists in state statute. It is in the *Constitution*, but on a separate matter. Back in 1983, former Secretary of State William Swackhamer explained that there is not much interest in reporting in these offices, and a copy of their report would be on file if somebody wanted to request it. Therefore, this would be an additional expense for no reason. That is why the brackets are there. I am recommending that we remove the brackets, so that they treated the same as every other judge. This means it is public information and it should be made available. I believe the financial disclosure forms for the AOC [Administrative Office of the Courts] are available upon request. Rather than putting it in law, they are going to put it on their website so we have access to their information, just like they do for anybody else that is a candidate for office.

[Assemblywoman Giunchigliani, continued.] Section 33 states that you cannot solicit monetary contributions, or to solicit or accept a commitment to make such a contribution, for any political purpose during the period beginning 30 days after the person has been issued a certificate of election to the public office and ending thirty days after. That is exactly how we work at this point, but local election boards, city councils, county commissions, and boards of supervisors that are elected can collect contributions throughout their entire term. There is no beginning time. They can be voting on matters and taking contributions at the same time. It puts them in a very awkward position, but it is also a very dangerous practice.

I don't know if the language came back as correctly as I would have liked. I am thinking that starting in January of the year that their terms are up for city council or county commission, they can begin raising their funding and continue to do so through the election, but 30 days after the election, just like with us, they have to stop raising money. This way it might assist in discouraging people from voting on a matter while receiving checks. That is what I am trying to get at in Section 33. I don't think the language quite accomplished this, but it is close.

Assemblywoman McClain:

Is this just for local elections?

Assemblywoman Giunchigliani:

Yes, it is supposed to be for local elections. I don't know if NRS 294A.300 actually gets to the local only.

Assemblywoman McClain:

We can start raising money 30 days after we end the session.

Assemblywoman Giunchigliani:

Correct. Did I state that backwards?

Assemblywoman McClain:

That is why I am asking, because this doesn't affect us.

Assemblywoman Giunchigliani:

We can because we are not voting on any matters. That is why we are different. Once we are out, we do not have another time period. The issue is with voting and taking money at the same time. I was trying to come up with a beginning time and an ending time. It should be within the time that you are up for reelection. We can go ahead and raise money—but most people don't, luckily—because we are not voting on any matters that put us in direct conflict with someone.

Assemblyman McCleary:

I just want to make sure that I understand this correctly. January 1 of the year that you are running for city council you can start raising money; you cannot raise money before then.

Assemblywoman Giunchigliani:

Correct. That is what I am proposing. It doesn't say January 1. I just picked that date out of the air, because I don't think that 30 days before your election is appropriate. You would never have a challenger be able to raise enough money to run against an incumbent.

Assemblyman McCleary:

Thirty days before your election?

Assemblywoman Giunchigliani:

That is how I read this.

Assemblyman McCleary:

You will be in the middle of a campaign and suddenly not be able to raise money; is that what you are saying?

Assemblywoman Giunchigliani:

No. The way I read the language didn't come out right. I am suggesting, for example, if a city council primary election is in May, we should have some

certain time prior to that election that they can start to raise money and then a certain time after they have been elected to cease raising money, whatever that time period may be. I think we need to massage it, because city primaries are held different times than ours, regardless of whether we move ours back. I think theirs was last week.

Assemblyman McClain:

We just had a bill about Elko. They are all over the board. It depends on their charter. They are all over the map.

Assemblywoman Giunchigliani:

What we may need to do, rather than a January date, is designate 90 days or some other certain date prior to their election and some certain date after their election. That is all I am trying to do. I am very open, but I think that policywise this is long overdue, and we need to deal with that.

Co-Chairman Mortenson:

With regard to the loan, if a candidate throws a couple thousand into his account because it is running low and he takes it out a month later, is he included in this?

Assemblywoman Giunchigliani:

No. That is already in current law. This refers to third parties giving loans. It is trying to capture a group that we have never referred to. You can do that now; you just have to document it on your form. You are allowed to pay yourself back if you have additional money.

Section 34 is just trying to implement Section 33. I suggest that I work on 33 and 34. I welcome anybody's ideas on those two. They are just trying to put a time for the raising of funding for local races. That is why it parallels that.

There is one other key piece. Turn to Section 46 and Section 47 on page 30. This requires financial disclosure of other public officers who we currently don't require. There are individuals appointed to manage a lot of money who never have to report anything. We don't know where that revenue stream comes from. In drafting they came up with provisions for an administrative head of a district. That just doesn't work, so I found language currently in law. It says, "An officer of a governing body of a county, school district, municipal corporation, political subdivision, political corporation, public/private corporation, or other state or local governmental agency." That is who I am trying to capture. They must fill out a yearly financial disclosure form. We should at least know financial situations in relation to income. Through public disclosure we

would know if there was anything untoward. If you have managers of the county or city who manage and direct a lot of money and programs, a financial disclosure makes sense, so at least you know where their revenue stream is coming from. I think we are unique in not doing this. I believe I got this idea from the national group that compares our financial disclosure laws. We are very weak in Nevada as far as our reporting requirements. That is what is intended by Sections 46 and 47.

[Assemblywoman Giunchigliani, continued.] Finally, if local elected officials change their jobs mid-year, within 30 days they need to do an addendum to their financial disclosure. That way you know whether or not their revenue stream has changed and whether or not they can really vote on something. A lot of times you don't know whether to challenge or question a potential ethics violation or conflict of interest, because you don't know where individuals are getting their income from. If they change their income, who is paying them? They could be voting on particular items, and you don't know until the next year when you submit your financial disclosure.

A good example was last session, when we dealt with the tax issue. We were moving along on everything, and then we find out all of these people started declaring that they had conflicts because they served on bank boards. I was ignorant and didn't even know you got paid to serve on a bank board, but it was \$30,000 to \$40,000 in many instances. Many financial disclosures never reported that as a source of income and it should have been. The whole purpose of the financial disclosure is if someone ever wants to challenge whether someone should be allowed to vote. You have to be sure you know where that revenue stream comes from. I am trying to tighten that up and dispel the rumor or feeling among the public that politicians are not honest and forthright. I think they are as a whole, but we have some that are bad actors. Disclosure is what the public wants. They do not want us abstaining on everything; they want you to enact your democratic right to cast a vote. They want to know where your money is coming from, and that is the whole purpose. I am suggesting that we broaden that and tighten up the issue of financial disclosure for those who are in a position to vote daily.

Co-Vice Chairman Conklin:

We are dealing with another ethics bill that the Committee heard last week. I am curious what you envision to be reported. For example, I have some rental property out-of-state. My annual revenue on it is about a couple thousand dollars. Is that a reportable item? This is one scenario and seems rather minor. As a percentage of my total income it is actually a loss after I pay all of my expenses. Then you have another person who has a consulting agreement with

ABC Company on the side. It is not their primary career; they have another job or own a business. Is that something that is reportable? Where do you draw the line on what you need to report as a revenue threshold? Is there percentage of income thresholds, or is it just everything? The question is whether or not we want to reach in to the ridiculous with things like child support.

Assemblywoman Giunchigliani:

Any income stream that you receive is currently reportable. This would not change that. If you get \$2,000 a year from a rental property, that should be disclosed. It is probably the reason that Legal advised a variety of groups to stand up on the floor a couple weeks ago and disclose that they had rental property. It is a source of revenue, and that was my understanding. I was not intending to change that. There is no threshold. It doesn't matter if you get \$100 or \$10,000. You still don't have to disclose a list of clients and those types of things. There are states that do that. They require the disclosure of that type of information. I figured in Nevada we should start with what is reasonable and not get into the ridiculous. I don't want to put a barrier for people to serve either. If you are getting money from some corporation, that should be reported.

Assemblywoman Gansert:

I think on the disclosure it was any source of income, but over 2 percent of an interest. It is dual. It is income and interest in a bank, or whatever it may be. It is actually not just your family. It goes beyond that. I think it might be two degrees.

Assemblywoman Giunchigliani:

I knew there was a percentage threshold, and I couldn't remember if it was for that or someplace else. That language was in Section 52.

Co-Chairwoman Koivisto:

I really appreciate the part in your bill where a candidate has to prove that he lives where he is filing.

Assemblywoman Giunchigliani:

It was one of those things that I had not even thought of. I couldn't get the District Attorney or the Attorney General to do anything about it. It was filed and I went to the city. I said that he was residing in a business. They said that it was zoned commercial and it was an abandoned office for a period of time. By then it was not worth it, because I didn't want to have to make them reprint ballots. It is not just for me. If you are going to run for office, prove who you are. Former Assemblywoman Eileen Brookman said that you can't use a

post office box as your purpose for filing for office, because there were a lot of individuals who did not live in the districts that they were running for. That is the way the process works. If you are going to represent an area, you ought to live in the area you represent. I just want to make sure that people are doing that. It is a unique concept for some.

Co-Chairwoman Koivisto:

In my second campaign, the gentleman who filed and ran against me did not live in the house he said he did. We found out purely by accident. He was charged by the district attorney's office with a gross misdemeanor and told that he could not run again for another election cycle.

Assemblywoman Giunchigliani:

You have a lot of food for thought. Unfortunately, some of these large bills came out late. I would have liked to have given you all more time to look through it. I think we are going to see that with a lot of the legislation that we have this week.

**Larry Lomax, Registrar of Voters, Elections Department, Clark County, Nevada;
and President, Nevada Association of County Clerks:**

[Submitted [Exhibit I](#) and [Exhibit J](#).] Assemblywoman Giunchigliani and I have the same goal to conduct the best election as possible. We do disagree on some things. If it isn't broken, don't fix it. The early voting program in Clark County is nationally renowned. People came from all over the country in the last election to see how we do it and to imitate us. It has been successful.

Let's take a look at the handout ([Exhibit I](#)) with the circles across the bottom of it. It shows that starting in 1996 and continuing through the presidential elections of 2000 and 2004, the number of sites for early voting and the number of voters who participate in it has increased. In 1996, 17 percent of the voters voted early. Then, it went to 44 percent. In the 2004 election, half the voters in Clark County who voted did so at one of our early voting locations. You can see the numbers over on the right hand side. That is over a quarter of a million people voting early in Clark County.

Our ability to support the early voting program has increased, and more people are aware and taking advantage of it. In 1996, every other state beat us in turnout. In 2000, we raised our turnout to 69 percent, which is essentially on par with the other states. In the 2004 election, half of the people voted early. We are up to 80 percent and actually outperformed all of the neighboring states. I do think there is some pretty good evidence that it increases turnout. That

wasn't specifically addressed in this bill, but it is my contention that the provisions of this bill would devastate our early voting program in Clark County.

[Larry Lomax, continued.] One of the things that have made it successful is that it is a nonpartisan program. We go to extreme lengths to ensure everything is fair. We keep the politicians essentially at arm's length. We want to be fair to everyone, but we don't want to take sides. Clark County has an Early Voting Advisory Board and a Hispanic Advisory Board. These are the organizations that are invited to participate on those committees. That has been in place as long as I have been here. The Hispanic Advisory Board is new. All of those organizations who participate are briefed on the sites. We have never had anyone complain with the final results. We take the comments and work with them. We go to great lengths to ensure that everyone considers us to be fair in the way that we allocate locations.

Perhaps the problem is our education process. We did have one small group of three individuals in the 2004 election come to us shortly before the election, claiming that we were underrepresenting a certain minority area. Perception is not always reality. Their specific contention was in Assembly District 28. They had half as many early voting sites as Assembly District 22. Assembly District 28 had 9,000 registered voters; Assembly District 22 had 60,000. The districts don't balance out. You can't just look at things such as that. When we lay out our sites, we look at all of the things that you would look at. We make sure that we are fair to everyone. Everything we do is totally public. You know where all the sites are. No one has ever come to us and pointed out any discrepancy.

We may need to do a better job educating people on how these sites are selected. Right now, the way we do it works very well. I am certainly open to improvements. It's much more complex than two people from each party picking sites. It is a nine-month process. We start with the sites that we have used in the past, because those are known locations. As you look for new areas, you have to negotiate with that facility to even let you in there. You have to convince them that it is worthwhile. I strongly advise you to keep the politicians at an arm's length. We do it in a fair and public way. We go to extreme lengths to make sure it is, because as I said, everything we do is public and everybody knows where it is. If we were unfair, it would be easy to point it out and improve it.

Sections 4 and 5 talk about putting all of this information on the Internet. It has already been mentioned that sample ballots probably ought to be pulled out of there. We had 288 versions of the sample ballot. We are trying to work with

that. We will do it when we can. You would be able to enter your address and it will pull up the sample ballot for that address. These are technological challenges. You can't really just legislate it; we have to solve it technologically. In Clark County, we are doing all that we can to get the information on there.

[Larry Lomax, continued.] I have no problem with the voter ID issue, except we got gamed in the last election. I want to point it out to you and get an exemption in this law. When someone registers to vote, we issue them a voter registration card. That is a government-issued ID, if you want to look at it that way. It doesn't mean that you have ever showed us an ID to register. If you registered by mail, we are going to make you show ID the first time you show up to vote. Some people figured out that they could get away with this, and so a bunch of candidates filed by showing us their voter registration card, which doesn't prove anything.

The Secretary of State has a bill that is being introduced in the Senate. Anywhere that you are talking about IDs, I would specifically insert in there that a voter registration card is not an acceptable ID.

Assemblywoman McClain:

It says that the filing officer shall retain a copy of proof of identity and residency. It says that such a copy may not be withheld from the public. I'm sorry, but I don't want my driver's license picture public.

Larry Lomax:

I have no comment.

There is a deletion in Section 8, which refers to the issue of confidential addresses. Legal staff may want to address this. I was not here, but in 1995, Clark County was sued because we did not provide the capability for people to keep their address confidential. The judge ruled that we had to do it. I think that probably had something to do with you guys changing the law here. I don't know how all of this would impact it. It doesn't cause me a problem one way or the other, unless this court decision has impact upon this.

Assemblywoman McClain:

This language is just for a candidate, right? You can't use a confidential address.

Assemblywoman Giunchigliani:

No. Right now you have a lot of people who put down confidential. Those records are public. Over a period of time, we have whittled down who can

request to have their address confidential. This would make it clear that unless you are under a stalking provision, your address would be public. We have language already in statute. I just need to pull it out. I think we need to return to that part.

Larry Lomax:

Right now there are two sections. One is the confidential address program for people under some sort of duress. The other is just a section that says that anyone who wants their telephone number or address kept confidential, they can just fill out a form, give it to us, and we will do it. There are lots of people who do that.

Assemblywoman Giunchigliani:

I have no problem with keeping telephone numbers, but the issue is the address, because it is a public record.

Larry Lomax:

Telephone number is no longer required and hardly anyone gives it to us anymore, so it's not that big of an issue.

I think I already mentioned with one of the previous bills the issue of voting a full provisional ballot. We just need to look at the full package about how we are going to deal with provisional ballots. Can anyone vote at any polling place? Do we throw it out if it is the wrong ballot? We want to make this work and make it clear to everybody as to how it is going to work. It's late now and I don't think you want to try to resolve it right this minute.

My next concern is with Section 12. It would require us to pay a reasonable amount for sites. Hopefully, this can be amended. Right now we don't pay anyone for sites, and I hope that we can keep it that way. I am perfectly willing for what I think was her intent that we could not have someone else pay for a site and get us there. We don't do that. We had always used the Fashion Show Mall as our Strip location, where we intended people who work on the Strip to vote. It was failing because no one who works on the Strip goes into the Fashion Show Mall. We were looking for another location where the 100,000 people who work down on the Strip could vote. We ended up finding a site in the MGM, and a bunch of other casino companies paid for the trailer. That caused us significant problems because a bunch of other people started calling up. They wanted sites too, and they were willing to pay for them. We explained that we do not let them buy a site. This came about a different way, but I have no problem with that. I agree with it.

Temporary sites are one of the keys to our success. We had 8 permanent sites and 55 temporary sites. Prohibiting temporary sites would just kill us. The success of early voting is to go where the people are going to be. Grocery stores and libraries are the greatest place you can go. They won't let us in there for 14 consecutive days; I can assure you of that. We are lucky to get in there for two or three. Eliminating temporary sites would defeat the purpose of getting in to the minority areas. The whole idea is to get out into the neighborhoods, but you can't spend the whole time there. The reason we have different hours for different sites is because I use one team to support two sites. They go set up one team and that site normally opens at 8:00 a.m. or 8:30 a.m. Then they drive to a second location and set that place up. It normally opens around 9:30 a.m. or 10:00 a.m. They shut them down the same way.

[Larry Lomax, continued.] The hours are staggered for a reason: to save the taxpayers money. I only have so many teams and this allows us to get to more places. Malls are open from 10:00 a.m. to 9:00 p.m. We don't want to be open from 8:00 a.m. to 8:00 p.m. Every location has different hours. You have to go with a facility and do what's best for the voters. That means you have to allow us flexibility.

Assemblywoman Giunchigliani:

Early vote sites are also established based on the volume of individuals that have gone there in the past. In some of our minority areas, because we have never had them there for any length of time, we didn't have the volume; therefore, that justified only having an early vote site for one or two days in some places. If you are going to have early vote sites in affluent areas for X number of days, we are going to put them in the minority areas for X number of days as well. It will show that the volume will increase, but it will never increase if we cut it off after a certain period of time. I will be happy to work with you, but I do think that there are some problems with how that occurred—although unintentional, I am sure.

Larry Lomax:

I will respectfully disagree with you. I am certainly willing to work on it, if we can make it work better. Right now, it's not based on affluence or minority; it is based strictly on the number of registered voters in the area. Minority areas have less registered voters, and that is the way we do it. If we believe that we need to spend more time in the minority areas because of the lack of transportation and any other problems that typically affect those areas, that is a legitimate way to go, but that is something we will have to discuss.

Assemblywoman Gansert:

Seeing the increase in use of the early voting from 1996 to 2004, I am thinking it is probably worthwhile to put some resources into that. I don't know how you project to expand early voting—in addition to the hours, maybe the locations too.

Larry Lomax:

I fully agree. In Clark County, with each one of these elections, the population has continued to grow. We have gone from four mobile teams to eight mobile teams. We went from five permanent locations to eight permanent locations. In each election we have been expanding to make it more available, especially as the county grows. Quite frankly, working with wireless technology might help us address Assemblywoman Giunchigliani's concerns. We could literally have the "ice cream truck" approach. You go in a van and drive it wherever you want, because the wireless technology is good enough to do that. You could say that we will be in this neighborhood for a day and run around ringing a bell. There are things like that we are thinking about trying to do if we can make it work. Wireless technology has come to the point where I think we could do something like that.

One of the areas in Clark County that is a big problem has been in the news recently because the one grocery store in that area has closed. There is nothing in that area. Everything is closed there. There is no place to put a site in. Those people are deprived and it is very difficult to get into those areas.

Section 17 addresses felons. I don't have any problem with what we do as far as allowing felons or not allowing felons to vote. We have had several meetings. Assemblywoman Giunchigliani attended one of these meetings. It is extremely difficult for us to comply with the felon law, because we can't get all of the information that we need to comply with it. We are talking about different categories of felonies, when the felonies were committed, and those types of things. A scenario I dread is a close race like Washington, where somebody goes in and pours through everybody that voted, starts identifying felons that voted, and then we find out that some of them voted that should not have. We just can't ferret them out. We don't have a way to deal with it.

Assemblywoman Giunchigliani:

If my bill had not been tinkered with last session, it would have been easier because it was automatic registration, which is what they do in just about every other state. Because of the changes that were made, I know that Senator Horsford has a bill that will be up tomorrow that tries to return to that to make it easier for the clerks. We created two classes of ex-felons by accident

with that bill too. Everybody prior to July 1 is automatic, and the rest is insane. I know that Mr. Munford has a bill in Judiciary as well. We will try to work on rectifying that problem, because it is a problem for your clerks, and I know that they are working very hard to make sure that they don't disenfranchise anyone.

Larry Lomax:

I need to make sure that I understand Section 34 correctly. I think it says that the clerks are going to have to compile all of these expense reports and forms into some report. We do a lot of accounting; that's what it really comes down to. We are not capable of doing this, let alone staffed or equipped. Are you implying that we are going to do that? We already make the forms available to everybody, if that is all that is intended.

Assemblywoman Giunchigliani:

I don't know where Sections 34 and 35 are from. No, I would not expect you to compile them. The only compilations that I was looking at are for actual election result issues, not for campaign issues. I will have check with Drafting to find out where that came from or what those two sections are for.

Dan Burk, Registrar of Voters, Washoe County, Nevada:

I have a comment on Section 5. It states that if we maintain a website, the website must contain all public information maintained, collected, or compiled by the county clerk that relates to elections, including, without limitations. That is a huge order. We are talking about every single individual that we paid to work for us at the polls, or every email we sent. I know that is not the intention. It is just not discerning in the way that it is laid out. I don't mind doing it. Larry and I have been working really hard to put more and more things out there. We just can't be asked to put every single thing out there; it is just an impossible task. The more we get, the better.

I really appreciate what Ms. Giunchigliani did for us on Section 17 by defining for us what they do in case of a felony. This really helps to clarify something for us.

Santana Garcia, Intergovernmental Relations Specialist, representing City of Henderson, Nevada:

Mr. Lomax focused a lot of his testimony on the first half of the bill, which affects county clerks. We would like to echo his comments on the parallel sections that affect city clerks. I just wanted to get that on the record.

Nancy Howard, Assistant Executive Director, Nevada League of Cities and Municipalities:

I have some comments and questions concerning Sections 46 and 47 where you talk about special districts. I would imagine that those would include GIDs [general improvement districts]. GIDs have elected boards, and the term used here is "chief administrative officer." Would that be a district manager? [Assemblywoman Giunchigliani answered in the affirmative.]

There is an exemption in this bill from NRS 354.599. That is the unfunded mandate exemption. If we could find a way to help fund some of these things, it would make it much more appealing.

Pam Wilcox, Administrator, Division of State Lands, Department of Conservation and Natural Resources; and Administrator, Division of Conservation Districts and State Conservation Commission, State of Nevada:

I am personally not happy to appear in opposition to this bill, because I strongly support our ethics and government laws and commend Assemblywoman Giunchigliani on her efforts to clarify and strengthen them. On behalf of our Conservation District program, I do have to point out that they are a fairly unique program. We have 28 conservation districts. Each has a board made up of five elected officials and one or two appointed officials. They are unpaid volunteers. Most of them have a small part-time staff. Typically, these are people in the neighborhood who come in once or twice a week to take care of correspondence, minutes, agendas, and to keep the books. These people would typically make more than \$6,000. I think they would be considered district chief administrative officers, even though they are part-time employees with very little responsibility.

This bill would appear to affect the conservation districts and their part-time employees. I know that this was not your intent and there has been some talk of possibly changing the language in Section 46, but it still talks about political subdivisions. I would be happy to work with her on clarifying language. I appreciated your passage of A.B. 64, which took district elected officials out, and I know it was not the intent to include their part-time staff here.

Assemblywoman Giunchigliani:

I will work on that language, because I found this in another bill and it made better sense. I don't know who is included in the public political subdivision or municipal corporation. May be that might be a place where I can at least get a listing of that, which might help the Committee get an understanding of who we

are talking about. We still have the \$6,000 in here, but we took that out in A.B. 64, so we need to cleanup no matter what we do in there.

Sabra Smith-Newby, Legislative Lobbying Team, City of Las Vegas, Nevada:

We echo many of the comments that were said before. The only addition that I have is more of a question than anything else. On page 9, Section 9, it appears that provisional voting may be required for all municipal offices. We would like clarification on whether or not that would be required. If so, depending on the margin of the votes for a race, the determination of who wins an election could be delayed. If it were delayed, that would impact the number of days required in law to canvas when a recount could be requested. That is are only clarifying question on that issue.

Co-Chairwoman Koivisto:

We will work on that too. We will bring A.B. 500 back to the Committee and go to A.B. 541. This is another bill changing the primary election date. This is the county clerks' bill.

Assembly Bill 541: Changes date of primary election. (BDR 24-420)

Co-Chairwoman Koivisto:

Let's close the hearing on A.B. 541. I am going to give the gavel to Vice Chairman Conklin and do A.J.R. 15.

Co-Vice Chairman Conklin:

Let's open the hearing on A.J.R. 15.

Assembly Joint Resolution 15: Urges President and Congress of United States to support participation of Taiwan in World Health Organization. (BDR R-1413)

Assemblywoman Ellen Koivisto, Assembly District No. 14, Clark County:

This is a resolution that has been done by the Nevada Legislature in the past. We have a sister state relationship with Taiwan. Taiwan is currently not allowed to participate in the World Health Organization. A couple of years ago there was a big SARS [Severe Acute Respiratory Syndrome] outbreak, and Taiwan is one of the countries that was affected by it. Taiwan is a very high-tech country and they had a really good rapid response. There were a number of us that had the

opportunity to go to Taiwan. We saw how they used their technology and how they dealt with the SARS situation. When I was asked to do this resolution to ask Congress to support their participation in the World Health Organization, I thought it seemed like a good thing to do. They should be able to participate in health-related things that are going on and contribute to that agency. They should be able to take information away from that agency as well.

Assemblyman Seale:

You said that this has been done in that past. Is the language the same now as it has been in the past?

Assemblywoman Koivisto:

Very close to the same.

Assemblyman Seale:

What are the reasons why Taiwan has not been part of the World Health Organization? Does it have anything to do with the political situation between Taiwan and China?

Assemblywoman Koivisto:

I would say so, yes.

Assemblyman Seale:

So, we need to tread carefully here, because China, Taiwan, and Hong Kong are all large trading partners with us.

Assemblywoman Koivisto:

That is correct. One of the things that was requested to be in this bill was that we support their free trade. There were some other things with regard to China, and we took those out before the resolution was drafted. We were very careful to avoid anything that would be not good politically.

Assemblyman Seale:

That would be my biggest concern about this issue.

Assemblywoman Giunchigliani:

Yes, we have done this several sessions, but I notice that you did change that wording. Last session it became a little bit controversial because things had erupted. We did remove that language to make sure that we weren't encouraging our sister state. We wanted to tread carefully so as not to cause any international issues. I am sure we could probably pull the language from last session online and double-check to make sure it is clean.

Bruce Bommarito, Executive Director, Nevada Commission on Tourism:

I am in favor of world health and not opposed to Taiwan in any way. There is a very delicate situation between Taiwan and China, which I am sure that you are all aware of. Taiwan is not a member of the World Health Organization because they are not recognized by the United States, China, or the United Nations as a separate nation. I know China is watching. I will meet with the ambassador two nights from now. They were watching last time and it was a very bad response that we received. Since then, some things have happened with Nevada and China.

China is now the fastest-growing and highest-spending international travel market in the world. They had 100,000,000 people travel overseas last year, compared to 240,000 from Taiwan. It's not that we don't go after both markets, because we do. I have been to Taiwan and China. Until June of last year, China had granted 12 outbound destination marketing licenses to 12 different countries. The U.S. was not one of them. The thirteenth license that was granted was granted in an unusual fashion to the state of Nevada. We sit in an amazingly unusual situation, with the distinct advantage over all other states in the U.S. to market to China and to virtually own that market before anyone else has a chance to get into it. We are very pleased and excited about that license. That license did not come easy, but it came nonetheless.

I have concerns that even though the wording is much different than it was last time, this will be looked at as a political action, because the World Health Organization only allows countries in. This is a statement that we view Taiwan as a country. China is a member of the World Health Organization. The U.S. State Department deems Taiwan as part of China. Therefore, they are represented in the World Health Organization. My fear is that this could potentially have some unintended negative ramifications. It could jeopardize our license, which could be worth \$1,000,000,000 a year in two or three years from now.

I am in favor of health.

Assemblyman Seale:

What kind of comments are you getting from the ambassador?

Bruce Bommarito:

Two years after this happened, we had a trip planned to China and had not secured the license at that point in time. I got a call from his office politely saying that we probably shouldn't come to their country. We explained it away

and went on to build a great relationship with them. We have a license that I know Hawaii has been trying to get for seven years and has not been able to. We are in such a unique situation, and I know they do watch.

Assemblyman Seale:

Do you think there is a relatively good chance that they could pull the license? The license is issued in such a way that it is at will?

Bruce Bommarito:

Yes, it is at will. I don't want to use that as a scare tactic, but it is certainly possible, and we are the only ones in the U.S. with that license.

Co-Vice Chairman Conklin:

Has the federal government intervened in any way or had anything to say to you about this particular policy that might be contrary to the foreign policy currently.

Bruce Bommarito:

We work very closely with the federal government when it comes to foreign things because we don't want to go askew, and they make foreign policy. I had a meeting recently with the Deputy Secretary of Commerce. The U.S. has signed an MOU [memorandum of understanding] to expedite travel between China and the U.S. He met with my office and with me prior to that to discuss issues. I believe that we are in line with the U.S. Government's foreign affairs policy on China.

Co-Vice Chairman Conklin:

Let's close the hearing on A.J.R. 15. We will open the hearing on A.B. 541.

Assembly Bill 541: Changes date of primary election. (BDR 24-420)

Larry Lomax, Registrar of Voters, Clark County, Nevada; and President, Nevada Association of County Clerks:

This is a bill presented by the clerks. The only thing this bill would do is move the primary election up to the first Tuesday in May. All of the date changes in this bill move the various dates the exact same distance they are away from the primary election right now. Candidate filing would move up to January. All of the other dates would have the same time between whatever you had to do and the primary election. The clerks have asked for many sessions to get the primary election moved up, especially in Clark County. As we get bigger and

bigger, we cannot comply with all of the laws in that two-month period between the September primary and the general election. I will give you an excellent example. There were eight weeks between the two elections this time. The federal guidelines say that we have to get the out-of-state and overseas ballots out 45 days prior to the election. Out of eight weeks, one week is the canvassing period, and one week is for contests. Someone can contest the election, so we can't start printing the ballots in that particular case until the sixth week before the election. That is 42 days. We can't even start printing until after the time when the ballots are supposed to have been in the mail. We are hoping for some relief.

[Larry Lomax, continued.] We have tried to move it to August. Nobody wanted it in the summer, because it is too hot for campaigning and they thought people would be on vacation. Now we are trying to move it back when they are not on vacation and the kids are here. The reason we didn't pick the first week in June is because it is the last week of school. They are doing their testing and having parties. Currently, we hold the municipal elections, but the schools don't like us in there. They fight us and try to move us around because it causes them problems.

Assemblywoman Angle:

I am just wondering how this might affect the last filing of petitions. They are not related, but right now your last filing is in June. The primary is in September. Would that have any effect on the last filing? Would we still have petitions' last filing in June, or would that have to be moved back as well?

Larry Lomax:

It would not have to be moved back. In fact, it would give us a lot more time to focus on those petitions. Right now we are trying to put on a primary election at the same time those petitions are coming in. We are trying to process those petitions. I don't see why that would affect the current deadlines for petitions.

Assemblywoman Angle:

In fact, it might be better.

Larry Lomax:

For us, it would.

Co-Vice Chairman Conklin:

Mr. Lomax, we recognize that you testified on this particular issue previously, and we will pull all that testimony together as we evaluate one or the other.

Assemblywoman Angle:

Assemblyman Denis and I want to know about these conventions that were mentioned. There is a convention that has to happen before the filing. How do you see that affecting the minor party conventions?

Larry Lomax:

The minor parties would obvious have to adjust their convention. Everything would have to be adjusted correspondingly.

Assemblyman Denis:

I think the concern was that they would have to hold the convention in December. Would this do that?

Larry Lomax:

Ms. [Janine] Hansen mentioned to me that if the primary were in May, they would have to do their convention in December. I don't know if that is statutorily required, or habitually they do it a certain number of months prior to the primary. It would seem to me that if they wanted to do it sooner, they could do it in November, unless there is some statute that says when they have to conduct their convention. I honestly don't know the answer to that. I do know that she objected because she said they would have to hold their convention in December.

Co-Vice Chairman Conklin:

I am going to call on Ms. Giunchigliani, who has extensive experience on this Committee, and I think she has dealt with this issue before.

Assemblywoman Giunchigliani:

It is a very valid issue. It took me three sessions working with the minority parties to make sure that they had their voice counted. The trade-off was to make sure that there was a close, because it used to be that their conventions were later and they could add a name two weeks before an election. We really worked very hard. The Hansens worked a great deal with us on that legislation. So, whatever we do on primary dates, we have to be very sensitive to make sure that we don't blow up that opportunity. Their conventions are a different time. You will open us up to challenge legally, which defeats the whole purpose of having a ballot where you know who your opponents are. Whatever we do, we just need to tread carefully on that part of it.

Co-Vice Chairman Conklin:

I think it was our interpretation based on what she said, that is actually a statutory requirement. Is that correct?

Assemblywoman Giunchigliani:

Yes, I think so. I would be happy to talk with Janine again and find out, because this was eight years ago that we did that. We can talk about whether there are some other changes that we can make in statute that won't bind them with their convention timeline. I would be happy to talk to them about that.

Lynn Chapman, Vice President, Nevada Eagle Forum:

We could work on that with Assemblywoman Giunchigliani. One of our concerns with A.B. 541 is the primary change, because that would make us hold our convention in December. That is impossible to do. I know that we would have to have a presidential candidate and everything else. It would really be very difficult to do. That was our opposition to this bill.

Co-Vice Chairman Conklin:

We will close the hearing on A.B. 541. Seeing no other business to come before the Committee we are adjourned [at 7:35 p.m.].

RESPECTFULLY SUBMITTED:

James S. Cassimus
Transcribing Attaché

APPROVED BY:

Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Elections, Procedures, Ethics, and Constitutional Amendments

Date: April 12, 2005

Time of Meeting: 03:10p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
A.B. 455	B	Assemblyman Marcus Conklin	Amendment
A.B. 455	C	Janine Hansen, Executive Director, Independent American Party of Nevada	Letter in support of A.B. 455
A.B. 455	D	Janine Hansen, Executive Director, Independent American Party of Nevada	List of fines provided by Secretary of State
A.B. 497	E	Alan Glover, Carson City Clerk-Recorder	Informal Amendment
A.B. 455 and 499	F	Frankie Sue Del Papa, Washoe County Election Reform Committee	Comparison of A.B. 499 and A.B. 455
A.B. 499	G	Frankie Sue Del Papa, Washoe County Election Reform Committee	Election Reform Legislation Summary
A.B. 499	H	Mary Lee, League of Women Voters of Nevada	Letter in support of A.B. 499
A.B. 500	I	Larry Lomax, Clark County Registrar of Voters	Chart of early voting trends
A.B. 500	J	Larry Lomax, Clark County Registrar of Voters	Early Voting Advisory Board list