

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

**Eighty-Second Session
February 23, 2023**

The Committee on Legislative Operations and Elections was called to order by Chair Michelle Gorelow at 4:05 p.m. on Thursday, February 23, 2023, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Michelle Gorelow, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblyman Rich DeLong
Assemblywoman Jill Dickman
Assemblyman Reuben D'Silva
Assemblywoman Cecelia González
Assemblyman Brian Hibbetts
Assemblyman Cameron (C.H.) Miller
Assemblywoman Daniele Monroe-Moreno
Assemblyman Richard McArthur
Assemblywoman Sabra Newby

COMMITTEE MEMBERS ABSENT:

Assemblyman Steve Yeager (excused)

GUEST LEGISLATORS PRESENT:

Senator Robin L. Titus, Senate District No. 17
Assemblyman David Orentlicher, Assembly District No. 20



STAFF MEMBERS PRESENT:

Bryan Fernley, Committee Counsel
Haley Proehl, Committee Policy Analyst
Shuruk Ismail, Committee Manager
Kristi Howard, Committee Secretary
Garrett Kingen, Committee Assistant

OTHERS PRESENT:

Andrew Campbell, Teacher, Churchill County High School, Fallon, Nevada
Steven Cohen, Private Citizen, Las Vegas, Nevada
Dora Martinez, Private Citizen, Reno, Nevada
Sarah Hague, Chief Program Officer, Vote Mama Foundation
Janine Hansen, State Chairman, Independent American Party of Nevada
Emily Persaud-Zamora, Executive Director, Silver State Voices
Richard Nagel, Private Citizen, Carson City, Nevada
Joy Trushenski, Private Citizen, Carson City, Nevada
Betsy Strasburg, Private Citizen, Carson City, Nevada
Karen Stephens, Private Citizen, Carson City, Nevada
Vinson Guthreau, Executive Director, Nevada Association of Counties
Ashley Garza Kennedy, Principal Management Analyst, Department of
Administrative Services, Clark County
Kelly Crompton, Government Affairs Manager, City of Las Vegas
Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager,
City of Reno
Leonardo Benavides, Government Affairs Manager, City of North Las Vegas
Jamie Rodriguez, Registrar of Voters, Washoe County
Amy Burgans, Clerk-Treasurer, Douglas County
Adrienne O'Reilly, Private Citizen, Las Vegas, Nevada
Leslie Quinn, Private Citizen, Las Vegas, Nevada
Lisa Partee, Private Citizen, Carson City, Nevada
Jim DeGraffenreid, representing Nevada Republican Party
Lynn Chapman, Treasurer, Independent American Party of Nevada
Cindy Martinez, Private Citizen, Las Vegas, Nevada
Jim Hindle, Clerk-Treasurer, Storey County
Bruce Parks, Private Citizen, Sparks, Nevada
Norma Scurlock, Private Citizen, Las Vegas, Nevada
Bob Russo, Private Citizen, Gardnerville, Nevada
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

Chair Gorelow:

[Roll was called. Committee rules and protocols were explained.] I will open the hearing on Assembly Joint Resolution 1 of the 81st Session.

Assembly Joint Resolution 1 of the 81st Session: Proposes to amend the Nevada Constitution to add and revise terms relating to persons with certain conditions for whose benefit certain public entities are supported by the State. (BDR C-477)

Senator Robin L. Titus, Senate District No. 17:

I am introducing, again, Assembly Joint Resolution 1 of the 81st Session, which proposes to amend the *Nevada Constitution*. I originally introduced A.J.R. 1 of the 81st Session during the 81st Session; it passed both houses unanimously. As I am sure all of you know, to change our *Constitution* through the legislative process, a resolution must be introduced and passed with the same wording in two consecutive legislative sessions. Then it is put on the ballot for a vote of the people.

This resolution is straightforward; it is probably one of the simplest bills that you will see. It literally just changes four words in the *Nevada Constitution*. Some may wonder, why do a change in the *Constitution* to address four words? Well, let me tell you what those four words are: insane, blind, deaf, and dumb. These words are found in Article 13, Section 1 of our *Constitution*. The section requires a state to care for certain populations with disabilities or who suffer from mental illness. The whole section reads like this:

Section 1. Institutions for insane, blind, deaf and dumb to be fostered and supported by state. Institutions for the benefit of the Insane, Blind, Deaf and Dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

That is the portion in the *Nevada Constitution*. I am aware that when the *Nevada Constitution* was written, different terminologies were used to describe persons with disabilities or mental illness. However, more than 158 years after Nevada was admitted to the Union, it is time to give these words a critical look. We should change them to contemporary language that is not deemed to be discriminatory or narrow. I propose, in A.J.R. 1 of the 81st Session, that we revise this terminology in the following manner. We change the word "institution" to "entities." This was presented by the State of Nevada's Department of Health and Human Services last session to correct what we are now calling these folks. They are not institutionalized any longer. Another change in wording is from "the insane" to "persons with a significant mental illness"; from the "blind" to "persons who are blind or visually impaired"; and from the "deaf and dumb" to "persons who are deaf or hard of hearing."

The idea to change this language in our *Constitution* came from one of my constituents, Mr. Andrew Campbell, who is joining me via Zoom today. He works at Churchill County High School as an English teacher and has taught special education. When he brought the issue to my attention, most of his students had severe to profound disabilities. Mr. Campbell used to teach at the Washington State School for the Deaf. He also taught American Sign Language as an afterschool program, as well as a class at Western Nevada College. He is very much aware of the needs of persons who are deaf or hard of hearing. He describes them

as smart and dedicated people in our society who work in banks, are teachers, or engineers. His own grandfather belonged to the deaf community and worked in the field of aviation engineering as one of Boeing's first one hundred employees designing aircraft. I am grateful to Mr. Campbell, who brought this to my attention.

Let me explain in a bit more detail what I propose to do with my amendment. First, I want the new terms to start with "persons." We must stop categorizing people who suffer from an illness or disability by putting an emphasis on their illness or that disability; for example, "the blind" or "the deaf." Instead, these are individuals who have an illness or a disability, but first and foremost they are "persons." Second, we are changing the term from "institutions" to "entities," per the recommendation of our Department of Health and Human Services' Aging and Disability Services Division. Third, calling a person who has a hearing loss "dumb" in our *Constitution* is plainly offensive. This term must go. Additionally, many people in our society are not completely deaf but may suffer from different degrees of hearing loss. The definition in the *Constitution* is too narrow; therefore, I think it should say "persons who are deaf or hard of hearing."

"Insane" is another one of those derogatory terms that I recommend replacing. We know that words matter, and when you stigmatize individuals with such a term, it may lead to negative results in the long run. Research has shown that stigmatizing persons with a significant mental illness may create barriers for them. They may face discrimination and prejudice when renting homes, applying for jobs, or accessing mental health services. Stigmatized people also are less likely to seek the help they need to treat their conditions, which may make their conditions worse. Using the term "insane" in our *Constitution* for people who suffer from a mental illness helps to perpetuate the stigma. Therefore, it needs to be replaced with "persons with a significant mental illness."

"Blind" is not necessarily a discriminatory term, but I think it is too narrow. If a person is blind, he or she may suffer a complete or nearly complete vision loss. However, this term does not include any people who have a visual impairment that causes difficulties with normal activities of daily living which cannot be fixed by simply wearing glasses or contact lenses. Persons with visual impairments may not be able to walk or read without adaptive training or the use of assistive technology. Contemporary training and assistive technology programs are for all people who have some kind of visual impairment. Therefore, this language should be updated as well, and I propose the term "persons who are blind or visually impaired."

With the Chair's permission, I will now give Mr. Campbell a chance to give a few remarks.

Andrew Campbell, Teacher, Churchill County High School, Fallon, Nevada:

Senator Titus, thank you for following through on this joyful task. As you introduced me, I was having a lot of memories come back. I have gone deaf twice from diving accidents, and I went blind completely about ten years ago. Miraculously, my sight was fully restored. I very much appreciate your following through on this. I do not have much to contribute beyond a thank you. I know this means a lot to many people throughout Nevada. There was

a group of people from the University of Nevada, Reno who attempted to make these changes, and I believe they thought this was done before. As I am now aware, the only way this can happen is the way you are doing it, by placing it on the ballot. I am so grateful for your considering this change.

Senator Titus:

In closing, I believe we must do a better job in making sure that we do not discriminate and stigmatize persons with disabilities or mental illnesses in our laws. A first step is to ensure that no discriminatory, stigmatizing, or derogatory language is in our *Nevada Constitution*. Assembly Joint Resolution 1 of the 81st Session will provide for that.

Please keep in mind that this resolution is just a first step. It will not apply to *Nevada Revised Statutes*. For example, if you do just a simple search in our law library on the legislative website, you can find 67 hits with the term "insane." I hope that there will be another opportunity soon to clean up our statutes after we get this out of our *Constitution*. I urge you to support A.J.R. 1 of the 81st Session, which will end the stigmatization of our citizens in the *Nevada Constitution*. I am happy to take any questions.

Chair Gorelow:

Are there any questions for Senator Titus? [There were none.] We will move on to hearing testimony in support of Assembly Joint Resolution 1 of the 81st Session. Would anyone like to come to the table in Carson City? [There was no one.] Las Vegas? [There was no one.] Do we have callers in support?

Steven Cohen, Private Citizen, Las Vegas, Nevada:

I am calling in support.

Dora Martinez, Private Citizen, Reno, Nevada:

I represent the Nevada Disability Peer Action Coalition. We wholeheartedly support this bill. We were here from the beginning with Senator Titus and Mr. Campbell. Thank you for bringing this again and I hope it passes.

[\[Exhibit C\]](#) was submitted but not discussed.]

Chair Gorelow:

Seeing no additional support, we will hear testimony in opposition to A.J.R. 1 of the 81st Session here in Carson City. [There was none.] Las Vegas? [There was none.] Are there callers in opposition? [There were none.]

We will now hear testimony in neutral on A.J.R. 1 of the 81st Session here in Carson City. [There was none.] In Las Vegas? [There was none.] Are there callers in neutral for A.J.R. 1 of the 81st Session? [There were none.] Senator Titus, would you like to make some final remarks?

Senator Titus:

First and foremost, thank you all. I appreciate your hearing the bill, and I appreciate your consideration for passage of this very important piece of legislation. I look forward to perhaps being back in front of you at some later date.

Chair Gorelow:

We will close the hearing on Assembly Joint Resolution 1 of the 81st Session. I will now open the hearing on Assembly Bill 95. This bill makes various changes relating to public office. I will open the hearing on A.B. 95.

Assembly Bill 95: Makes various changes relating to public office. (BDR 24-445)

Assemblyman David Orentlicher, Assembly District No. 20:

I am going to start with the "why" for Assembly Bill 95. Why did I request this bill, and why am I asking you to approve it? This bill is about promoting equity among candidates for elected office [page 1, Exhibit D], and we will do it in two ways. We will start with permitting candidates to use campaign funds for caregiving expenses. If you have a child or a parent or another family member who needs caregiving, and if spending time on the campaign trail takes up your time, this will allow you to use campaign funds for caregiving expenses.

Currently, 28 states allow candidates to use campaign funds for caregiving expenses. I would like to introduce Sarah Hague from the Vote Mama Foundation. She contacted me about this, and I think it is a great idea. I will let her talk more about the idea behind this bill.

Sarah Hague, Chief Program Officer, Vote Mama Foundation:

I am here to speak in support of this bill, specifically the allowance of candidates to use campaign funds on dependent care. As you know, child care obligations are one of the major factors families consider when weighing their run for office. In many states, it costs more to send an infant to child care than to pay a mortgage payment. This is just not an expense that working families can take on, especially while campaigning. In 2018, the Federal Election Commission approved federal candidates' option to spend campaign funds on child care through unanimous, bipartisan vote.

However, this ruling does not apply to state and local candidates. Vote Mama Foundation is working to gain approval for the use of campaign funds for dependent care by state and local candidates in all 50 states. As of today, 28 states, both Democratic and Republican, have brought their state statutes in line with federal regulations. States like Arkansas, Colorado, Illinois, Montana, Vermont, Washington, and West Virginia all allow candidates to use their campaign funds on extended caregiver expenses. This includes caregiving for any dependent.

This legislation is a bipartisan initiative for moms and dads alike. As with any other campaign finance allowance, the bill creates an option for use and is not a mandate; candidates do not have to use their campaign funds on caregiving expenses if they do not

want to. Even better, this commonsense solution is at no cost to taxpayers. Every political candidate in the state of Nevada should be able to use the campaign funds they raise for the caregiver services they need to run for office.

Thank you for your time and consideration. We urge the Committee to support this bill and make Nevada the twenty-ninth state to allow candidates to use campaign funds on child care. I am happy to answer any questions you have.

Assemblyman Orentlicher:

We will come back to questions in a little bit. The first proposed changes I would like to address are in A.B. 95, section 43, section 44, and section 45 [page 1, [Exhibit D](#)]. These changes address removing the barriers from potential candidates who have caregiving obligations so they will not be deterred from running for office.

The second proposal I would like to address refers to changes in A.B. 95, section 3, section 4, and section 28 [page 1]. These apply to signature requirements to major party candidates and nonpartisan candidates as filed. Currently in Nevada, only independent candidates need signature petitions. Now I am proposing to address equity in two ways: if we require independent candidates to get signatures, I think major party and nonpartisan candidates should have to as well. There should be a level playing field for all candidates.

The second equity issue I am concerned about is that we have filing fees which base our candidate requirements on wealth. A \$100 filing fee is not a huge amount, but for some candidates, \$100 can be too much. I want to make our requirements less about money and more about willingness to put in the work to run. I am not applying this to minor party candidates because they are selected and vetted by their party.

Regarding the issue of gathering signatures and what it would mean for us and other candidates in 2024, I duplicated the existing timeline [page 2, [Exhibit D](#)] which applies to independent candidates. Starting on January 2, 2024, through February 15, 2024, before seeking signatures, candidates must file a petition that will be circulated for the signatures. By February 15, 2024, candidates can file their petitions with signatures for verification. Signatures must be gathered from at least 1 percent of ballots cast in the previous election, 250 signatures from statewide candidates, and 100 signatures for other candidates. In 2022, this was greater than 680,000 votes in Clark County compared to less than 500 votes in Esmeralda County. From March 4, 2024, to March 15, 2024, the candidate can then file for candidacy with signature petitions included.

I just duplicated what we require for independent candidates and candidates who do not have a party label and applied this across the board to keep it simple, but we may want to do some variations. Starting on January 2, 2024, through February 15, 2024, before you go out and start getting your signatures, you need to file a petition that you will circulate. Once you file that, you are able to go out and get signatures. By February 15, 2024, you would need to file the signatures for verification. Once you have acquired your 10, 20, 50, or 100 signatures, you must file them with your county election clerk or registrar so they can verify the

signatures. To determine how many signatures you need, you have to follow the statute. You need signatures from at least 1 percent of ballots cast in the previous election, or 250 if you are running statewide, but 100 if you are running for other offices.

For example, if you live in Clark County where over 680,000 ballots were cast in 2022, and you want to run countywide, you would need over 6,800 signatures if you decided upon 1 percent. Not surprisingly, most candidates choose the 100-signature requirement. Smaller rural counties, on the other hand, usually choose 1 percent. If you live in Esmeralda County and you want to run, you will need a petition with 5 signatures; if you live in Mineral or Pershing Counties, you will need about 20 signatures. Thankfully, if you live in a smaller rural county where it is harder to go door to door, you do not need nearly as many signatures. Finally, March 4, 2024, through March 15, 2024, is when you would follow your candidacy with your signature petitions.

As I was developing this proposal, I reached out to election officials across the state to see how they felt about these changes. The impression I received was that it would increase their workload but would be manageable. I was comfortable with that information. However, in the past 24 hours I have received additional concerns from county election officials. Since these new concerns came within the past 24 hours, I have not had a chance to sit down and follow up on these concerns. Of course, I am going to follow up to see how these concerns can be worked out. I am confident we can make this proposal work because what I am suggesting here is what is currently being done in two-thirds of the United States. There are variations in specific signature requirements, so that is certainly something to discuss. The question is, What is the right number of signatures to require? But as I say, we are currently already seeing these requirements met by independent candidates in Nevada. That ends my presentation and I look forward to your questions.

Chair Gorelow:

I think we have some questions from the Committee. First, we will go to Assemblywoman González.

Assemblywoman González:

Could you pay your family member if your family member is your caretaker? Is there anything in the bill that talks about the prevailing wage for that? What consequences would there be if a candidate was paying their family member above the prevailing wage for this service?

Assemblyman Orentlicher:

First, there would not be any barrier to paying a family member as a caregiver. If you paid more than the fair market wage, that could raise concerns. You have to be doing it in a proper way.

Assemblywoman González:

What would the process be for ensuring this would be done correctly? Who would provide the oversight on this?

Assemblyman Orentlicher:

These are very good questions that perhaps committee counsel would be able to answer.

Bryan Fernley, Committee Counsel:

The provisions governing campaign finance are administered and enforced by the Secretary of State. Any issues regarding the use of campaign funds would be referred to the Secretary of State, and the Office of the Secretary of State would be responsible for investigating and enforcing those provisions.

Chair Gorelow:

Committee members, are there any other questions?

Assemblywoman Dickman:

First of all, does this bill replace the filing fee?

Assemblyman Orentlicher:

As I indicated, one of my concerns is that I do not want financial barriers to prevent candidates from being able to file. That would be a nice thing to aspire to. For now, I am concerned that would cause problems for the entities depending on the filing fees. I think phasing out filing fees would be a long-term goal. My proposal is only based on the signature requirement with the hope that we would not continue to have financial barriers to candidacy.

Assemblywoman Dickman:

A lot of people whom I have talked to about A.B. 95 feel like this is an incumbent protection bill because people who are incumbents have a lot more connections. It would be much easier for them to get those signatures than someone new. What would your response be to that?

Assemblyman Orentlicher:

As I indicated, my hope is to level the playing field. Right now, those of us who run as major party candidates do not have to meet the requirements that independent candidates do. I am doing this to level the playing field and make it fair, and as I said, make it less about financial barriers. I do not think incumbents have an easier time. We all have the same obligation to go and meet people and ask for them to sign our petition.

Assemblywoman Newby:

I had a question about the current law regarding filing the petition and getting the signatures. Do you know what the public policy reason was for that being put in state law in the beginning? I have to say, until your bill, I was never aware that was a requirement for only some of the candidates.

Assemblyman Orentlicher:

We are not the only state that applies the signature requirements just to independent candidates, so there has to be a historical reason. I am not sure what it is, and as I say, I think it is unfair to single them out.

Assemblywoman Monroe-Moreno:

Currently as I understand it, a candidate cannot pay a family member for working on their campaign. How would we go about paying a family member for child care? I have a few other questions, but that would be my first question.

Assemblyman Orentlicher:

I am not sure where the line is drawn, but I did run this through the Legislative Counsel Bureau, and they said it would not be a problem unless we are trying to pay them more than was appropriate for this kind of service.

Brian Fernley:

If a family member was providing that service, under this bill the campaign funds could be used to pay for that. I think the issue would be if it was an amount well above or not the usual value for those services. If it was more than what would usually be paid for those services, then it would be seen as giving money to your relative out of your campaign account. While family members could be paid for the services out of the campaign account, the amount rendered for the service would have to be in some relation to the accepted value of the services.

Assemblywoman Monroe-Moreno:

Would that be a contract with that family member so there would be a record of the expenses? If I take my child to daycare, I have a receipt for that daycare cost. If I was taking care of an elderly family member, I would have a receipt for that expense from a licensed elder caregiver's invoice. Is that something that you would anticipate happening if this bill were to pass? Would there have to be a contractual relationship?

Assemblyman Orentlicher:

While I am a lawyer, I am reluctant to give legal advice. I would say that documenting how you determined what you were paying would be a prudent thing to do. If questions were raised, you would have an agreement showing the amount you agreed to pay. For example, you could have inquired what the cost was for these services and picked an amount that was an average of three bids. I think that would be a prudent thing to do.

Brian Fernley:

As campaign expenses, they would have to be reported on the contribution and expenditure report. That would be another reason to document things, knowing that you would have to provide documentation of what was paid.

Assemblywoman Monroe-Moreno:

When you look at our filing fees in the state of Nevada, how does that compare to other states? As you were saying about other states' signature requirements, do our filing fees fall in line with other states?

Assemblyman Orentlicher:

I am sorry, I only have information regarding the signature requirements. I have seen some fees similar to what we charge, and I have seen some fees that were higher.

Assemblywoman Brittney Miller:

My concern with this is we are talking about paying for child care, and there is this idea that "electeds" and the legislators are making hundreds of thousands of dollars. The reality is our compensation for a two-year term is less than \$10,000. Most of us who come up here take a financial hit every time we come to Carson City for the actual session unless we are retired or own our own businesses. Many of us take a leave of absence without pay. I even have to pay for my own medical insurance since medical insurance is not an allowable expense through my campaign funds. Unless we serve from or live in Carson City and the surrounding areas, we are all paying for two households and driving 50 miles to get here. While some people may understand the sacrifice, others will feel that getting elected and serving the state was a choice. My question is, Where does it end?

How do we decide what, for elected state officials, qualifies as legitimate financial burdens? I think a better solution would be to professionalize elected service in the Legislature by going to a full-time Legislature. This would enable us to better meet the needs of our constituents and attract more people to participate.

Ultimately, I am concerned with opening the door to these types of expenses and having to answer the questions about paying family members, friends, licensed babysitters, or unlicensed babysitters. We have to know that, if "electeds" go awry when it comes to financial expenditures, those issues are dealt with and taken care of. Could you speak to that?

Assemblyman Orentlicher:

Ideally we would do some of the things you suggested. There are a lot of financial barriers to running, and there are a lot of people who cannot run because of the salary and cost of having to maintain a second home. Ideally we could do more, but I felt this was a good place to start because this is a particularly important kind of obligation. Family caregiving really does present an important and significant obstacle to a lot of people's thoughts of candidacy.

Sarah Hague:

Vote Mama Foundation sees caregiver expenses as allowable expenses only if they are directly incurred because of campaign activities such as door-knocking, call time, and the things that you have to do to get elected to office. Some states have gone so far as adding legislative duties as well as campaign duties. I do not believe that this bill does that, but I will leave that to counsel. We see caregiver expenses as allowable campaign expenses in

the state of Nevada, just like paid political advertisements or hiring staff to get a campaign off the ground. While I absolutely agree that there is more that can be done to support legislators with the financial aspect of serving as a state legislator, we see this bill as part of a campaign finance package. This is an expense that you can only put on your campaign finance report and seek reimbursement for, or seek to pay with campaign funds, if you are directly needing it because of campaign activity. It would not be reimbursable for a year-round daycare, for example.

Chair Gorelow:

Can you just clarify because I thought I understood that you said that this would only be for candidates who are running for election. I just want to doublecheck because in section 43 it says, "candidate or public officer."

Sarah Hague:

Yes, A.B. 95 would allow for engaging in campaign activity or official duties of the office. Therefore in addition to call time, in addition to door-knocking, if there is a late-night vote at the Capitol, child care expenses are allowable if you need to be able to engage in your legislative duties.

Bryan Fernley:

Yes, that reading is correct. Under the bill as drafted, the campaign money could be used for expenses incurred because of the public office. If the caregiving was necessary because of the duties of the public office, then the campaign funds could be used under this bill.

Chair Gorelow:

I believe we have a question from Assemblyman DeLong.

Assemblyman DeLong:

I am taking your desires to try to create equity in the filing process. Did you think about just eliminating all signature requirements rather than adding more, if your idea is to create equity?

Assemblyman Orentlicher:

If that were the only equity issue, then that might make sense, but there are two parts to my equity concern. One is treating candidates the same by requiring them to fulfill the same requirements. The other is to make wealth less of a factor. Right now, it focuses on being able to pay the filing fee. If we add the signature requirements, it is also about something else. It levels the playing field for people who do not have the same wealth as others. As I said, over time, hopefully, we could remove the filing fee.

Assemblyman DeLong:

My understanding is the filing fee is not really part of this bill. It is really just about signatures. From an equity perspective, I think we are just talking signatures, not filing fees. Was there a reason not to eliminate the signatures rather than adding more?

Assemblyman Orentlicher:

If you are thinking about the filing fees, right now it is just about who can afford to pay the filing fee. By adding in signatures, it makes it less about wealth. It is also about going out and meeting people and getting their signatures. We are diluting the importance of wealth and your ability to run for office. Over time, I would like to dilute it further so that we do not have any financial barriers. This is a start.

Chair Gorelow:

Are there any other questions from the Committee members?

Assemblywoman Dickman:

Collecting signatures is a real expenditure of time and money. People who have money can certainly do that a lot easier than people who do not.

Assemblyman Orentlicher:

Certainly, if you are working full-time, you may not have time, but people who have lower incomes may have more time than money. I think overall, it does make it less of a financial barrier.

Chair Gorelow:

This is the last call for questions, Committee. Seeing none, we will now hear testimony in support, in opposition, and in neutral. Because of the weather, I will offer each group 30 minutes for testimony. I want you all to be safe going home in the snowstorm.

If you are ready to testify in support of Assembly Bill 95, please come to the table. Here in Carson City, we have no one. In Las Vegas we have no one. Are there any callers who would like to testify in support of A.B. 95? [There were none.]

Next, we will move to testimony in opposition here in Carson City.

Janine Hansen, State Chairman, Independent American Party of Nevada:

Although this bill does not directly affect us, we are very concerned about it. I have gathered signatures in every county of this state several times, so I know how hard it is to gather signatures. It is not a simple thing. If people have money, they can hire somebody to do it. If they do not have money or resources, it is very difficult to gather signatures, especially with the parameters of this bill that require you to do it gathering only signatures within the district you are running in. This is one of the great problems with this bill: it creates additional barriers, especially for local people running. The major parties, Republicans and Democrats, have never had this requirement for their candidates. What is the purpose of this legislation? Are we trying to suppress democracy? Are we trying weed to out candidates who find it difficult to obtain enough signatures? Are we trying to eliminate competition for well-funded and anointed candidates who have plenty of money? Assembly Bill 95 should be called the incumbent protection and the suppressed democracy bill. We oppose it.

Emily Persaud-Zamora, Executive Director, Silver State Voices:

I am testifying today on behalf of Let Nevadans Vote. We are only in opposition because we are concerned about the county registrars' ability to be able to process this with all of the additional timelines that they have in January and February, especially considering that the presidential preference primary (PPP) is now going to be a reality. We do really love the idea of the child care portion, but because of the notion that we do not like every aspect of it, we have to testify in the negative. We look forward to working with the bill's sponsor.

Richard Nagel, Private Citizen, Carson City, Nevada:

I am in opposition to this bill because of the signature verification process. I worked for the elections department the past two elections as a volunteer. They really run hard and work hard to get things done and done right, at least in Carson City. I can vouch for that. I think it places an undue burden on them with an unfunded mandate. It really does seem to favor the incumbent. I would appreciate people thinking about all the pluses and minuses of this. If we are going to give money to relatives, is that another nepotism project coming up?

Joy Trushenski, Private Citizen, Carson City, Nevada:

I strongly oppose A.B. 95, which would require state and local office seekers to use campaign contributions to pay for circulating a petition to run for office. This is totally elitist and would stop many qualified people from running for office with this added burden. Running for office is hard enough. This gives advantage to current officeholders and stifles competition. This is totally un-American and is advantageous to the rich. This would infringe on the time a candidate could campaign. This would also be an extra burden on county clerks who would have to verify the signatures on the petitions. It would add to the cost of elections. It will add to the money candidates must raise in order to run, allowing only the rich to run for office. This is unnecessary, discriminatory, and rather communistic in my estimation. Please vote no on A.B. 95.

Bepsy Strasburg, Private Citizen, Carson City, Nevada:

More regulation is not good in all cases. If the objective is to do a leveling of the field and make candidate eligibility the same as the independent candidates, please eliminate the signature requirement for all candidates. That would make it a more classically leveled field and get rid of additional burden on the county clerks. Think about the logistics of how this will be done. I have done some precinct walking for county elections over the last couple of years. Some people are concerned about even opening their doors, let alone signing a petition for somebody whom they have not met before. In these days of identity theft, they will not sign something that they do not have prior familiarity with. It would be burdensome for nonpartisans and for first-time candidates to qualify because they would have to do it in their spare time, on evenings and weekends. We want more candidates to run, since running a campaign takes organization, people skills, and critical thinking. Elections are a filter to get the best candidate on a chair. What we need to do is improve the pool of candidates.

Karen Stephens, Private Citizen, Carson City, Nevada:

I am in opposition and will keep it short because I agree with all the prior speakers. I do really believe that if we are going to remove barriers, we do need to eliminate the signature

requirement for all candidates. That would be the fair thing to do. Having knocked on doors, I agree that people are afraid to answer the door, so this is not a good way to remove barriers. It is just adding to them.

Vinson Guthreau, Executive Director, Nevada Association of Counties:

I want to thank the sponsor for reaching out to our organization. In the interim, our concerns remain mostly around the actual ability to deliver on these promises. We are only talking about the signature verification process; we do not have a position on the child care funds. There are workforce challenges across the state at all levels of government that this would not improve. In our smaller counties, the workforce issue and the timing would be problematic. There is also a huge fiscal impact due to the time it will take our smaller counties to process two elections. We stand in opposition at this time

Ashley Garza Kennedy, Principal Management Analyst, Department of Administrative Services, Clark County:

Our position remains in opposition for the similar reasons cited by the Nevada Association of Counties. Our opposition, to be very clear, is not to the policy decision. If somebody should collect signatures to be a viable candidate, that is for this body to decide. Our opposition is to the procedure and our ability to run a PPP and our primary election based on the time constraints that we are already under. As the bill is written, for Clark County we can expect that at least every person who files for office will have to collect 100 signatures. For this last election, we had 349 people who filed for office, which would mean verifying over 34,000 signatures. Using the 2024 election calendar as an example of the time constraints that we are under, our PPP is on February 6, 2024. Mail-in ballots will be sent out by January 17, 2024; early voting will be from January 27, 2024, through February 2, 2024; and our deadline to complete signature curing for the PPP is on February 12, 2024. Additionally, our primary election is going to be on June 11, 2024. Our deadline to start mailing ballots for individuals who are living overseas, including military personnel, is April 27, 2024. One week after candidate filing, we have to get our ballots ready for printing in time for the election. In the interest of my response time, I will not go into the other deadlines we face related to voter registration, sample ballots, and how we handle possible challenges to someone's petition of candidacy. Assembly Bill 95 will require our election department to undertake an extensive overhaul of how we do candidate filing. We simply do not have the significant amount of time, energy, and resources while in the midst of our 2024 election calendar.

Kelly Crompton, Government Affairs Manager, City of Las Vegas:

We are in opposition and would like to support the testimony presented by the Clark County Registrar's office. They are the entity we contract with to run our elections. For the sake of time, I will just say this bill has added requirements for the filing of a petition of candidacy for all candidates running for nonpartisan office. This would include every seat that is at the City of Las Vegas currently. All of our elected officials are nonpartisan, so we think this could be a deterrent to finding candidates who are willing to participate in the local democratic process. Again, we support the testimony from Clark County.

**Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager,
City of Reno:**

I would like to ditto the comments made by my colleagues from Las Vegas.

Leonardo Benavides, Government Affairs Manager, City of North Las Vegas:

I want to echo the sentiments from my colleagues from the counties and from the cities as well. Assembly Bill 95 will be an undue burden for our city clerks. I am here in opposition to the bill today.

Jamie Rodriguez, Registrar of Voters, Washoe County:

I am here in opposition based on the ability of my department to implement A.B. 95. I have had conversations with Assemblyman Orentlicher on the fiscal impact issue. There is a large fiscal impact to this that is based on my being able to get enough people to fill those positions. As I discussed in my presentation to this Committee previously, we had a large variation of temporary employees between the last two elections because we simply could not get enough temporary employees to conduct the election. If I cannot get enough temporary employees to do enough of the petitions, I have to pull staff from other responsibilities to be able to do these candidate petitions. It is not like checking a petition based on a number of signatures; it is checking every petition individually, which is quite a bit more work. There are conflicting timelines due to the regular challenges for candidates, and I have had difficulty understanding the language of the bill regarding the correct number of signatures required. With so many changes coming up regarding the next election cycle, I see this as an insurmountable burden. We really do not have time to actually be able to address that and put candidates back on the ballot if they are unverified. There are several issues with our ability to actually build a ballot that are very concerning for us.

Amy Burgans, Clerk-Treasurer, Douglas County:

I am here in opposition of A.B. 95. I am not going to go through everything that has already been stated, but Douglas County has the same concerns. Even though we are a smaller county, we have similar concerns about meeting the requirements and time frame of verifying signatures prior to the 2024 elections. We could possibly be looking at petitions and signature verifications for up to 75 candidates. We do not necessarily have full-time election staff. We have a clerk-treasurer and clerk recorders who must be pulled from other tasks to address the requirements of this bill. For the sake of time, we are opposed, as are all of the previous counties and cities that spoke prior to me.

Chair Gorelow:

Is there anyone else to testify in opposition in Carson City? Seeing no one, we will move to opposition testimony in Las Vegas.

Adrienne O'Reilly, Private Citizen, Las Vegas, Nevada:

Title 24, Chapter 293 of *Nevada Revised Statutes* (NRS) currently only requires petitions of candidacy for independent candidates as per NRS 293.200. All candidates are required to submit a declaration of candidacy. I respectfully oppose A.B. 95 as proposed, as it would extend the requirement for a petition of candidacy to other types of candidates for public

office. As per the current legislation and as stated in the proposed A.B. 95, the county clerk's office would be responsible for verifying and processing these petitions of candidacy. This is an unnecessary expenditure of taxpayer money and inefficient use of the county's time. We should revise Chapter 293 of the NRS to remove the requirement for a petition of candidacy and only require candidates file a declaration of candidacy. This will level the playing field. Therefore, please consider voting no on A.B. 95, which proposes to extend the requirements of petitions of candidacy.

Leslie Quinn, Private Citizen, Las Vegas, Nevada:

I oppose A.B. 95, and encourage my Assembly District No. 5 Assemblywoman, Brittney Miller, and all legislators to oppose A.B. 95 as well. At a minimum, it will put an undue burden on constituents, potential candidates, and election officials. It also widens the unfair advantage of incumbents or candidates financially supported by donors or resources that have their own political agendas. If this is a matter of how contributions are spent, as some of the A.B. 95 verbiage implies, then address that but also address the fact that candidates can only get donations from their perspective district constituents instead of groups with special interests in and outside of the state of Nevada. The constituents have the right to vote without being intimidated, threatened, or coerced. They have already been inundated with the minutiae of mailers and commercials. I am a mother and grandmother, so I understand having to pay for child care, but we should not be wasting taxpayers' money on what we donate to candidates. When you run, it is an honor and a privilege to do so. Sometimes you just have to pull up your bootstraps and figure that out. Any money we get, we should be utilizing correctly. Again, I oppose A.B. 95 and would appreciate if all the legislators would do the same or change the wording of the bill significantly. This wording is only going to leave a lot of loopholes open in the future.

Chair Gorelow:

I wanted to remind those of you in the audience that conditions are getting dangerous outside, and they are recommending not going anywhere. Obviously, if you have a public comment, we do invite you to stay, but your safety is our utmost concern. We will now go to callers in opposition.

Lisa Partee, Private Citizen, Carson City, Nevada:

Number one, I just want to say how very disappointed I was about the short notice for this hearing. I think it is kind of unfair to the public and your constituents to know about what is going on and have time to show up for a hearing such as today. Number two, I want to say no on child care funding via campaign donations. This is not for legislators already elected. They are indicating it is for people running for campaigns. Everybody who works has this hardship of child care. That is just a problem families deal with in everyday life. Number three, I just want to say no on A.B. 95 as to collect signatures in order to be able to run for office. I feel it is suppression at the very least. It is burdensome and unnecessary. It will discourage people to run for office. It stops competition and supports incumbents.

Jim DeGraffenreid, representing Nevada Republican Party:

One of the hallmarks of the Nevada government is a citizen legislature. Legislators are specifically banned from dual service by the *Nevada Constitution* and meet only once every two years to conduct the business of the state. This bill seeks to impose restrictions and barriers to entry on our citizen legislature, making it harder for individuals to place their names on the ballot. There is no reason to require candidates for any political party to fulfill this extra ballot access step. Independent candidates are required to provide petitions for valid access in order to indicate a minimum level of support for their candidacy since they proceed directly to the general election. Major party candidates are selected in primary elections by the voters of their party and minor party candidates are selected by their party. Party-affiliated candidates, therefore, have a proven base of support. Our inability to produce timely election results makes us a national laughingstock. Do we need to put another burden on our hardworking county clerks and registrars who will be tasked with the verification and challenges of petition signatures for every candidate? Our clerks and registrars have already been tasked to administer an extra election every four years via the ill-conceived presidential preference primary, forcing them to do a significant amount of work that has historically been done by political parties to select our own nominees. Let us not add more unnecessary work and unfunded mandates to our clerks' already heavy workload. I echo the comments made earlier by a Committee member regarding the slippery slope of allowing personal family expenses to be paid from campaign funds. Although the language in A.B. 95, section 45 specifies that expenses must be campaign-related, this is a difficult line to draw and virtually impossible to enforce. Today it is family caregiving. Next will it be car payments, utilities, rent, et cetera? Allowable expenses should continue to be directly campaign-related. Assembly Bill 95 is nothing more than undue government interference in the process of putting candidates before voters and presents unnecessary barriers to those who wish to serve in public office. We urge you to vote no on A.B. 95.

Lynn Chapman, Treasurer, Independent American Party of Nevada:

We are opposed to A.B. 95. After reading this bill, I asked myself what is the reason for this bill? Does it help people of Nevada in any way? Does it help make life easier for the people of Nevada? The answer is no to both questions. I have twice been a candidate in the past and it is a scary decision to make. As a candidate, you spend a lot of time away from your family, campaigning and working for the betterment of society. There was a lot of paperwork to read and to sign. There were laws to learn and rules to follow. You are also trying to put together a team to help with the campaigning and reporting. There are things to consider to be a part of the process. Now there is yet another layer of hoops to jump through. I do not see the positive in doing a petition just to run for office. Who does this benefit, the incumbent? Why waste the candidate's precious time? We should be encouraging people to run for office, not discouraging them before they can even begin the process. Why not remove petitioning for nonpartisan candidates? I have heard talk of voter suppression. In my opinion, this is candidate suppression. Vote no on A.B. 95.

Cindy Martinez, Private Citizen, Las Vegas, Nevada:

I respectfully request the Committee vote no on A.B. 95. The text of the bill proposes to add another layer of burdensome statutory compliance, not only on the citizenry already

overwhelmed by changed election processes in Nevada. It also imposes extra burdensome duties on 15 county clerks and 2 registrars of voters to verify signatures and registration on petitions of candidacy. Constitutional self-governance is fraught with dynamic tension and was designed for vigorous and thoughtful debate on the matters of the government. The decision on who is a suitable candidate should be left in the hands of the people, and this Legislature should not establish obstacles to citizens wishing to serve, seemingly to protect one's incumbency. Having participated in gathering petition signatures in the past, I know how difficult it is to accomplish that in a very short period of time. I am also opposed to permitting campaign funds being used for personal child care expenses, but I am glad that you brought this up for discussion because Assemblywoman Brittney Miller swept back the curtain on what a goal may be of injecting this into the legislation. I do not support a full-time legislature. I do not support professionalizing the job that you folks sacrifice your personal and family time to do for the business of the state. Do not California our Nevada. I agree with Assemblyman DeLong about eliminating the petition requirement for all candidates.

Jim Hindle, Clerk-Treasurer, Storey County:

Ditto to my colleagues, Clerk-Treasurer Burgans from Douglas County and Registrar Rodriguez from Washoe County. They highlighted many of the barriers and many of the obstacles that we, as the clerks implementing election regulations, have to go through. Assembly Bill 95 would come after the presidential primary as we have talked about, but also as we are right now in the middle of county budgets; of accounting and providing information to the Department of Taxation for state budgeting; in the middle of boards of equalization; in the middle of property tax collection; and we have the ongoing activity of being the clerk of the district court in 15 of the 17 counties in this state. The county clerks have many duties to do, elections being just one. This bill is raising obstacles to our ability to do a quality job by putting more burden on our daily activities. I would also like to highlight that the language of this bill is not very clear, as has been mentioned today. If we look at section 3, subsection 1, paragraph (b), subparagraph (2) and section 4, subsection 1, paragraph (b), subparagraph (2), it is unclear what the signature requirements for local and county candidates would be. One percent is an absurd number to try to do five signatures for. If it is not 1 percent, would it be a minimum of 100 signatures? As I put the bill to people, it is unclear what they think they would have to do. For that reason, I think this bill needs to be reworked. Certainly, from the standpoint of the Storey County Clerk-Treasurer's Office, we are in opposition for it moving forward.

Bruce Parks, Private Citizen, Sparks, Nevada:

I am speaking in opposition to A.B. 95. After reading all 72 pages, I have found nothing in this bill that would be good for Nevada. I agree with the previous sentiments about this creating an undue burden on candidates to run for office. It also completely ignores the burdens placed on the county clerks and voter registrars. This bill is actually going to suppress the ability of the average common man to run for office. Our founding fathers never envisioned professional politicians. This bill has the potential to create exactly that condition. Additionally, I am in opposition to the language in the bill that pertains to campaign finance being spent on other than campaign functions. This is a slippery slope that

you do not want to get into. Eventually you will reach a point where any money spent is perfectly acceptable no matter what you spend it on. Creating language in this bill specifying how campaign finances can be spent would further erode the ability for the common man to run for office.

Chair Gorelow:

We have two more callers.

Norma Scurlock, Private Citizen, Las Vegas, Nevada:

I am in opposition to A.B. 95 and would like to say, Vote no. I would like you to vote no against it because there is nothing good in it for the state or the people of Nevada. I say ditto to the rest of the comments in opposition.

Bob Russo, Private Citizen, Gardnerville, Nevada:

I oppose Assembly Bill 95. Much has been covered in opposition to this bill that I agree with. I believe this bill serves no practical or useful purpose for the people of Nevada. It only creates more red tape and complicates the lives of those wishing to run for office, especially those running against incumbents or those candidates with big money donors. This bill gives them a significant edge in an election. Please vote against this bill that favors big money over fair and equal elections. This bill will reduce the number of candidates who are able to throw their hats in the ring to run for office. Election competition is a good thing, and this bill will shut that down. Please oppose A.B. 95.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

I would like to ditto the comments made by everybody. I know child care is such an issue, and I am glad that issue has been brought up. I agree with everybody else's comments.

[[Exhibit E](#) was submitted but not discussed.]

Chair Gorelow:

With that we will end the testimony in opposition to Assembly Bill 95 and move on to neutral. Is there anybody in Carson City who would like to testify in neutral? Seeing no one, is there anyone in Las Vegas who would like to testify in neutral? Seeing no one, are there any callers to testify in neutral? [There were none.] Assemblyman Orentlicher, would you like to make some final remarks?

Assemblyman Orentlicher:

It was very helpful to hear the testimony, but I am puzzled by a lot of it. As I indicated, when I reached out for feedback, the impression I got from the Clark County election clerk was that this was definitely manageable. Other people did not respond at all. But I am confident we can fix Assembly Bill 95. For example, one of the clerks raised the concern that if the clerk's office received 1,000 signatures, they would have to verify all 1,000, even if the candidate only needed to file 20 signatures. What California does to address that is set a minimum and a maximum number for signature verification, so election offices are not flooded with the task of verifying unnecessary signatures. I am confident we can find

answers to many of the concerns raised here today. The reason I remain confident is that two-thirds of states are currently using this. I have not heard that people do not run in those states. This leads me to believe that this works.

One of the reasons why I think it works well is because getting the signatures is exactly the kind of thing you want to be doing when you are running for office. You need to be going out and meeting voters. What this does is actually jump-start your campaign and get you to make sure you do the things you ought to be doing, which is meeting and speaking to your constituents. The requirements are pretty minimal. If 100 signatures as a minimum is too much, some states require only 50. We can certainly be flexible.

Once I understand the concerns raised here today, I am confident that we can work through them. I wish I had heard some of these concerns earlier, as I would have been happy to bring a conceptual amendment, but we can do that later. Thank you all for your time.

Chair Gorelow:

With that I will close the hearing on Assembly Bill 95. We will move on to our next agenda item, public comment. Is there anyone in Carson City who would like to make public comment? Seeing no one, is there anyone in Las Vegas? Seeing no one, I would like to ask if there are callers for public comment. [There were none.]

With that I will close public comment. Are there any more comments from our Committee? Seeing none, this meeting is adjourned [at 5:36 p.m.].

RESPECTFULLY SUBMITTED:

Kristi Howard
Committee Secretary

APPROVED BY:

Assemblywoman Michelle Gorelow, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a packet of letters in support of Assembly Joint Resolution 1 of the 81st Session.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "AB 95," presented by Assemblyman David Orentlicher, Assembly District No. 20.

[Exhibit E](#) is a packet of letters submitted in opposition to Assembly Bill 95.