



May 17, 2017

Senator Cannizzaro and Members of the Committee,

For the record, Bill Chernock, Executive Director of the Carson Valley Chamber of Commerce. I am here today to comment on the absence of a much needed correction in our voting laws.

What is missing is a fix to what our organization considers a grievous error made in the last legislative session in the passing of Senate Bill 499. Titled an act revising certain deadlines related to elections, the bill contained language that had the effect of dramatically changing certain elections, particularly those that occur in the rural counties.

That effect was to make law that if, in a partisan election, there were only two candidates from a major party and no candidates from the other major party or independent or minor party candidates, the two candidates would appear on the primary ballot and the winner of the primary declared the winner of the office.

This is a change from the previous language, which in that same set of circumstances regarding the number and affiliation of candidates, would forego a primary election for that office and hold that contest as part of the general election. Obviously, the new language, in making the primary election the deciding election, prevents any voter that is not a member of the party with the candidates running unable to vote for that office.

The Nevada Legislature passed a law making it impossible for legally registered voters to cast a ballot in a deciding election for their representatives because they are not registered in a certain political party. Let me repeat that for emphasis. The Nevada Legislature passed a law making it impossible for legally registered voters to cast a ballot in a deciding election for their representatives because they are not registered in a certain political party.

Were there political implications? Of course. But that is not the issue. This is not about politics, it is about allowing all Nevadans to exercise one of their most basic rights. The problem is not, as some have concluded, that independent voters are not allowed to vote in partisan races in primary elections, the problem is that you have made the primary election, with its inherent restrictions and low voter turnouts, the deciding election and that is simply wrong.

There were several pieces of legislation introduced in this session dealing with this issue. Senate Bill 103, sometimes referred to as the Modified Open Primary bill, provided some possible relief to this issue. That bill seemed to never receive serious consideration and did not leave this committee.

Assembly Bill 226 was a bill that acknowledged the problem and provided a reasonable and logical fix to the problem. It was heard at the Assembly Legislative Operations and Elections Committee and deemed worthy of a recommendation of Amend and Do Pass as Amended, with bipartisan support in the Committee.

Despite that recommendation, the bill never made it off the desk of the Chief Clerk, and expired subject to Joint Standing Rule 14.3.2. So where does that leave us? You still have a law on the books that, in case you missed it the first two times, makes it impossible for legally registered voters to cast a ballot in a deciding election for their representatives because they are not registered in a certain political party.

This committee still has an opportunity to change that. An amendment incorporating the language in Section 3 of Assembly Bill 226 could be added to one of the pieces of election legislation remaining before this session concludes and that is the action we are asking you to take to bring an end to this episode.

I thank you for the opportunity to address the Committee and am more than willing to answer any questions related to this request.

Respectfully,



Bill Chernock

Executive Director

On behalf of the Carson Valley Chamber of Commerce Board of Directors