



April 1, 2022

Brittney Miller, Chair
Interim Standing Legislative Operations & Elections Committee
Grant Sawyer State Office building, room 4401
555 East Washington Avenue
Las Vegas, Nevada 89101

Subject: Agenda items IV, V, VI, VII - Elections

Dear Chair Miller and Committee Members,

The Gadsden Group and I, Oscar Williams, have a strong interest in fair, accurate, and transparent elections to which we believe certain laws and regulations that are before the Operations & Elections Committee are deleterious.

Each of the potential actions being discussed today has serious implications for the 17 counties by reducing local governance over elections and voter registrations. We object to this power grab by the State.

We ask that the Committee members discuss the points offered below this message and adopt them or based on them propose legislation and/or changes to legislation for the upcoming 2023 Legislature.

Thank you for the opportunity to let our voices be heard and have input on these important matters that affect all Nevadans.

Sincerely, Oscar Williams, director

About The Gadsden Group: TGG is a nonpartisan grassroots organization dedicated to ensuring election accuracy, transparency, and excellence for all Nevadans.

Item IV. Update on the Automatic Voter Registration Process

1. Forcing someone to opt-out of registration is unconstitutional as people have a right to say, no, to not be counted, and to not vote.
2. Making every public agency a registration location is imposing a mission onto workers outside the normal scope of their duties. If the purpose of their office is marriage licenses, why should they also handle the responsibilities of voter registration and citizenship verification? What is the added time consumption and related costs? How long will it slow down the obtaining of a marriage license?
3. Counties should remain responsible for the maintenance of local voter rolls.
4. Counties should be mandated to request of DMV the registrant's citizenship.
5. Registrar must verify all information, including citizenship, before adding or updating the information to county voter rolls.
 - a. The Washoe County Registrar of Voters stated at the April 13, 2021 Board of County Commissioners meeting that citizenship is not being verified.
6. A free voter ID should be given to anyone who requests one to be funded by state grants pursuant to NVRA and HAVA. The registration form can have a check box added for this request, along with one for permanent opt-out of mailed ballot preference.

Item V. Overview of Voter Registration List Maintenance Including Comparison of Records Between the Secretary of State and the State Registrar of Vital Statistics Pursuant to Assembly Bill 321

1. Counties should not be forced to rely on ERIC to verify voters to print and mail ballots.
2. Just as SSA is used to remove dead people, USCIS SAVE is used to remove unregistered and registered non-U.S. citizens from voter rolls, but state and Washoe County have refused public suggestions that SAVE be used.
 - a. Other states use SAVE. (Arizona, Colorado, Florida, Georgia, N. Carolina, Virginia) And in fact, Nevada and Washoe County use it too, just not for voter verification.
3. State Vital Records is a superior source for dead people than SSA. See Item VI, point 2.

4. County Assessor is a great source to weed out bogus addresses and voters who are registered at a business or government office. (There are twenty-six persons registered to vote at the Sasquatch Tavern & Grill in Verdi.)
5. List maintenance has proven to be insufficient when tens of thousands of bogus voters casted ballots in the 2020 general. See Item VI, point 4.
6. List maintenance has proven to be insufficient when thousands of bogus voters were on the rolls as of December. See Item VI, point 5.
7. Revise legislation to require counties to verify voter residency and term of residency in state and county 30-days before each election or every 90-days, whichever is sooner.
8. Revise legislation to allow voter challenges to be made at any time.

Item VI. Update on the Implementation and Planning of a Centralized, Statewide Voter Registration Database (AB 422)

1. Washoe County citizens are negatively impacted by the state's membership in the Electronic Registration Information Center (ERIC) because it enables the inflation of voter rolls.

"The ERIC system is not performing as is advertised. In several states the ERIC system has not cleaned up voter rolls. The largest US counties removed only zero to two ineligible voters from their voter rolls in the last 4 years. This is fraud. The ERIC system is a sham. Democrats know this and that is why they use the ERIC system."
<https://www.thegatewaypundit.com/2022/01/breaking-news-louisiana-decides-suspend-use-soros-open-societys-voter-registration-system-eric/>
2. ERIC connects to the subscription-based Social Security Master Death Index File. According to the Social Security Advisory Board:

"By spending significant amounts of its limited administrative budget to make its data collection more efficient and accurate, SSA has sought to protect the public from the adverse outcomes of reporting errors. Unfortunately, it has been unable to guarantee accuracy in the deaths that it records, in part because of limitations on activities outside its mission of payment of benefits."
<https://www.ssab.gov/research/social-security-and-the-death-master-file/>
3. Press Release of Louisiana SOS Kyle Ardoin, Jan. 27, 2022: FINAL VERSION-1.27.22 ERIC PR.pdf:

BATON ROUGE, La. — Secretary of State Kyle Ardoin has announced that Louisiana will suspend its participation in the Electronic Registration Information Center (ERIC), effective immediately. The announcement comes amid concerns raised by citizens, government watchdog organizations and media reports about potential questionable funding sources and that possibly

partisan actors may have access to ERIC network data for political purposes, potentially undermining voter confidence.

4. If ERIC is so great, how could there be so many bogus voters in Washoe County?

2020

Voters: 252,563

True Voters: 212,126

5. Washoe County Voter Roll analysis of December 22, 2021:

Deceased voters: 9,029

Non-existent address: 7,917

No address: 4,937

No precinct assigned: 3,114

Registered at PO Box: 1,982

Moved out of Washoe: 1,453

Item VII. Overview of the Daily Operations and Permitted Activities at Vote Centers and Polling Places

1. Effort should be given to providing adequate space for workers and observers. For example, Washoe County can utilize the Reno Livestock Events Center to allow the public more meaningful observation of ballot intake, counting, etc.;
2. R098-21A oddly does not mention "board rooms" such as an adjudication board that is sequestered or an Accuracy Certification Board, as another example. There are many boards and so "boards" should be adopted in the conduct of our elections with respect to any restrictions on public viewing;
3. There is a distinction to be made between John Q. Public from off the street and one that is a known, background-checked, bona fide party rep that is best referred to as a credentialed observer. A higher level of trust and respect should be provided these individuals. And since they are not the average public, R098-21A does not apply;
4. Each political party must submit a list of their Observers and alternates within seven (7) days before the 2022 Primary Election and again for the 2020 General;
5. Observers must have unobstructed direct view of every step of the election process to ensure that ballots are handled with transparency, integrity, and lawfully;

6. Observers must be able to visually and audibly oversee all staff, including but not limited to all ballot counters, duplicators, scanners, adjudicators, tallying workers, etc., at such proximity as to be able to identify a provisional ballot from a mailed ballot, or stand off to the side of the staff to ensure each ballot is processed legally;
7. Observers must be present at the Registrar's headquarters and any remote or central counting location throughout the entire election process;
8. Two (2) Observers to be present at each drop box location from each political party to ensure there are no unauthorized dumping of ballots or illegal ballots processed;
9. Two (2) Observers from each political party to be present at the EMS machine or any machine in where electronic votes are being tabulated or uploaded;
10. If any of the Two (2) Observers from each political party address any issue and cannot resolve the issue, he or she may notify the Registrar's staff of a formal challenge or complaint. The Observer must then address his/her challenge to the manager, supervisor, or lead who shall make a written notation of the situation and immediately bring it to the attention of the Registrar;
11. Should an Observer be expelled or has a personal reason to leave and is removed from the list of Observers, Registrar's staff should immediately notify the Registrar;
12. If, for any reason, an Observer from either political party is forced to be removed, they must be immediately replaced with another Observer from their respective political party to ensure each party is properly represented;
13. Any independent political party shall be entitled to the aforementioned:
 - a. Each party is defined as the chair of the respected parties central committee (ex: Bruce Parks of the Washoe County Republican Central Committee would be responsible for the Republican observers),
 - b. The Registrar's staff will issue a badge to Observers, which they must wear while observing. Observers must return their badges each day before leaving the polling or counting location,
 - c. The Registrar will accommodate requests for observation and requests to enter and leave subject to the availability of county staff;
14. R098-21A rests partly upon other recently enacted laws that favor vote centers over precinct polling. U.S. Supreme Court has ruled out-of-precinct polling is discriminatory (<https://www.westernjournal.com/supreme-court-rules-favor-election-integrity-upholds-az-election-laws/>):

- a. R098 forces an unconstitutional restriction on observance because vote centers dissuade the public from outside precincts from attendance which is just as discriminatory as having to vote in an out-of-precinct vote center. The solution is decentralized polling and counting;

15. Problematic issues with meaningful observation:

- a. QR codes on a VVPAT tape are not readable by humans and should not be used;
- b. PDF ballots are not tangible and require electronic viewing on a large screen with unstated time limits. Time limits should be stated and adequate equipment installed;
- c. Data on flash drives is not even presented to Observers and should be;

16. Observers should not be required to sign a Code of Conduct or any such restriction on their rights.