



NEVADA LEGISLATURE
JOINT INTERIM STANDING COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS
(Section 6 of [Assembly Bill 443](#), Chapter 392, *Statutes of Nevada 2021*,
at page 2505)

DRAFT MINUTES

April 1, 2022

The first meeting of the Joint Interim Standing Committee on Legislative Operations and Elections for the 2021–2022 Interim was held on Friday, April 1, 2022, at 9:30 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Brittney Miller, Chair
Senator James Ohrenschall, Vice Chair
Senator Nicole J. Cannizzaro (Alternate for Senator Roberta Lange)
Assemblywoman Maggie Carlton
Assemblyman Andy Matthews

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Assemblywoman Jill Dickman

COMMITTEE MEMBERS ATTENDING VIA REMOTELY:

Senator Heidi Seevers Gansert
Assemblywoman Cecelia González

COMMITTEE MEMBER ABSENT:

Senator Roberta Lange (Excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Haley Proehl, Senior Policy Analyst/Geographic Information Specialist, Research Division

Nicolas C. Anthony, Research Director, Research Division

Lisa Creamer, Research Policy Assistant, Research Division

Erin Sturdivant, Principal Deputy Legislative Counsel, Legal Division

Karen Hoppe, Principal Deputy Fiscal Analyst, Fiscal Analysis Division

*Items taken out of sequence during the meeting have been placed in agenda order.
[Indicate a summary of comments.]*

AGENDA ITEM I—CALL TO ORDER AND OPENING REMARKS

Chair Miller:

Good morning. I would like to call this meeting to order. Welcome to the first meeting of the Joint Interim Standing Committee for Legislative Operations and Elections. It is the nature of the interim that we have a member in Carson City at the Legislative Building. We also have some members joining us virtually. You will see there are not many [members] physically here right now, but it appears we have a quorum.

I would like to take just a few minutes to introduce the members of the Committee. If everyone could just take a minute or two and introduce yourself, starting with our Vice Chair, Senator Ohrenschall.

Vice Chair Ohrenschall:

Good morning, Madam Chair. I represent State Senate District 21. I have been very fortunate in the past to represent Assembly District 12 in the Assembly. It has really been great getting to serve on the Elections and Legislative Operations Committee every session that I have been able to represent my constituents in southern Nevada. I am a former chair of the Assembly Committee on Legislative Operations and Elections and also former chair of the Senate Committee on Legislative Operations Elections. I look forward to working with you on this Committee and all the good work and help from the Legislative Counsel Bureau (LCB). I think we have a great team. It was a pleasure working with you last session, and I look forward to all the good work we will do this session.

Chair Miller:

Thank you, Vice Chair. Senator Gansert.

Senator SeEVERS Gansert:

Thank you, Madam Chair. Like Senator Ohrenschall, I had the honor of serving on Elections in both the Assembly and the Senate, so I am happy to be here today. My district is 15 in Washoe County. Thank you.

Chair Miller:

Thank you. Assemblywoman Carlton.

Assemblywoman Carlton:

Thank you, Madam Chair. It is a pleasure to be here. This is a Committee that I do not have a lot of background in. It just proves that no matter how long you serve in the Legislature, there is always something new to learn. I look forward to working with the Committee and its staff.

Chair Miller:

Welcome, Assemblywoman. With your breadth of knowledge and experience, I am sure there is a lot you can add. Thank you so much for joining us. Assemblywoman Dickman.

Assemblywoman Dickman:

Thank you, Madam Chair. It feels a little strange to be here by myself, but I am glad we have such fun staff members. Last session was my first time on Leg Ops. I served in 2015 but did not have the pleasure of serving on Leg Ops. I have learned a lot, and I look forward to what we will do with this Committee during this interim. I represent District 31, which is mostly Sparks and a little part of Reno. Thank you.

Chair Miller:

Thank you, and welcome. Assemblywoman González.

Assemblywoman González:

Thank you, Madam Chair. Hello. My name is Assemblywoman González, and this is my first legislative interim committee on Legislative Operations. I was honored to serve during the legislative session. I am looking forward to continuing the work that we did and learning more about this Committee. Thank you so much. I represent Assembly District 16.

Chair Miller:

Thank you, Assemblywoman. Assemblyman Matthews.

Assemblyman Matthews:

Thank you, Madam Chair. Good morning. I am Andy Matthews. I am a freshman assemblyman. I have the honor of representing District 37, which is in northwest Las Vegas. I had the pleasure of serving on the Committee on Legislative Operations and Elections during last year's regular session, and I am looking forward to serving on this interim committee as well. Thank you.

Chair Miller:

Thank you, Assemblyman.

Leader Cannizzaro is an alternate today for Senator Roberta Lange. Later, we will have a presentation on the new format of our interim committees. One of the things that comes with that is the ability to actually have alternates. So today, Leader Cannizzaro is filling in for Senator Lange who will be with us at the next meeting. Thank you so much for filling in.

Senator Cannizzaro:

Thank you, Madam Chair, and members of the Committee. I am glad to be here with you today, sitting as an alternate for Senator Lange. I chaired the Legislative Operations and Elections Committee in 2017 and have been a member of that Committee ever since. I am excited to be here. Thanks for letting me crash the party today.

Chair Miller:

Thank you for joining us. I am Assemblywoman Brittney Miller. I represent Assembly District 5 in the western Summerland Lakes area of Nevada. This is my second term serving on the Committee and my first term serving as chair of Legislative Operations and Elections. Also, I was able to partner with Vice Chair Ohrenschall during special session.

We know that during the regular session we all participated, and continue to prosper, in a culture of respect and listening, even though our ideas may be different—always making sure that we respect one another for those differences. We will keep that culture of professionalism and fairness as we go through this entire interim session.

I would also like to introduce our LCB staff who keep everything running that you see. First, we have Haley Proehl and Nicolas Anthony from the Research Division. They will be serving as our committee policy analysts. They help with all the background information, research, and everything else that keeps the Committee running. We have Erin Sturdivant from the Legal Division who is our legal counsel; Karen Hoppe from the Fiscal Analysis Division serves as our fiscal analyst; and Lisa Creamer, who is our committee secretary, is also from the Research Division.

We all know that during the interims, when we are split between Carson City and Las Vegas—but especially now that we have an additional component of virtual participation—we could not do any of this without our Broadcasting and Production Services (BPS). Thank you so much for all that you do for our committees.

A few other housekeeping announcements I want to make is that the agenda items, at any time, can be taken out of order, combined, or moved. Also, meeting materials for this Committee's agenda can be found on the legislative [website](#). We will have public comment at the beginning and the end of this meeting.

[Chair Miller discussed guidelines and procedures for providing public comment and explained, as noted on the agenda, public comment will be limited to two minutes per person.]

With our agenda today, we believe this will not run a full day—until 4 or 5 p.m.—as some of our interim committees run. We made the choice not to break for lunch. We will break for a 10- to 15-minute physical reprieve—get a snack break. Often when the ideas get out earlier than lunch, we choose to not have a lunch—just so everyone is aware of the pace of today's meeting. We ask that those who are participating virtually to please continue to leave your cameras on so that we know we are still maintaining a quorum. Of course, I am going to ask that everyone in each committee room make sure that you please turn off your cell phones and anything else that is going to make noise during our meeting.

AGENDA ITEM II—PUBLIC COMMENT

Chair Miller:

We will move on to Agenda Item II, which is public comment. I ask that comments be limited to two minutes per person. We will have public comment again at the end of the meeting. I will bounce between each different room and by telephone to ensure that everyone desiring to make public comment is heard. Let us begin here in Las Vegas. If there is anyone in the room that would like to approach and make public comment, please do so. Ms. Proehl will be timing everyone for the two minutes.

Bill Harenburg, Convention of States Nevada:

[Read from (Agenda Item II A)] I am Bill Harenburg, and I am here to testify in support of a resolution calling for a Convention of States. I encourage all the Committee members to learn more about the Convention of States and Article V of the *Constitution*. I have been with Convention of States for a little less than three years, and I will say that it is a very

professional group of volunteers. In the words of the *Constitution*—"We the People"—the group here in Nevada is growing very quickly and we are interested in seeing the federal government get tied back so that the states can do more. That was the founders' intent, that the states contain most of the power. Why do we have a Department of Education when we here in Nevada can see that our children get educated with a local school board and some encouragement from Carson City? That is all we really need. In addition to limiting overreach, we are looking for term limits and imposing fiscal constraints on the federal government. I am concerned that the federal government is not what I would like to leave my children and grandchildren. I would say that all of you on this Committee—Senate and Assembly members—are the most powerful people in the United States. You are closest to the people. It is much easier for me to contact someone here in Nevada rather than way off in Washington, D.C. I urge you to look at Convention of States in Article V of the *Constitution* and see that we have the means to do what we need to control the overreach of the federal government. All these unfunded liabilities and projects they give to the states to get done and then never fund them. That is not the way we should be doing business. Thank you for your time today. And thank you for your service to the people of Nevada. All of us together can move the state forward. Thank you. (Agenda Item II A)

Chair Miller:

Thank you. Thank you for reminding me that I need to ask everyone to please state your name and spell your name so that we can have it correct for the record. There is no one else here in Las Vegas. Is there anyone in Carson City who would like to come forward for public comment?

John Quandt, Legislative Liaison, Convention of States Nevada:

I would like to thank the Committee members and staff for this opportunity to provide testimony supporting the inclusion of a Convention of States, Article V resolution on the Joint Legislative Operations and Elections Committee agenda for 2022 (Agenda Item II B-1). I am John Quandt, the legislative liaison for the Convention of States Nevada. We are part of a National Convention of States grassroots organization working to save our country. I sent each Committee member and the research staff an email yesterday providing details about the Convention of States (Agenda Item II B-2). I am here to request that this Committee and the Nevada Legislature take action and stop one of the greatest threats to freedom our country has ever had to confront. That threat is a corrupt and out of control federal government actively and effectively eroding the liberty and freedoms we have sacrificed to secure and defend. It is doing so by creating debilitating debt, imposing draconian mandates, and distorting the constitutional rule of law—effectively creating an authoritarian regime designed to subjugate the states—keeping elitists in power, and most importantly, restricting individual citizens from exercising their inalienable rights. The fault for all of this is ours. Our generation fell asleep on duty. The sooner we admit that, the sooner that we can work towards a solution to those problems we allowed through our own neglect. It would be wonderful if we could ignore the federal government and live our lives in peace, but we are realizing the consequences of that unrealistic notion. A centralized, unwarranted control of the state's constitutionally granted authority was one of the most significant threats to freedom the founders had the foresight to anticipate. This is why they provided the people and their elected representatives the ultimate control over federal overreach and tyranny that inevitably accompanies it. An Article V resolution is the solution, which the *Constitution* affords the people in state legislatures, to peacefully reign in an overbearing and intrusive federal government. The Convention of States limits discussion specifically to responsible

Chair Miller:

Mr. Quandt, your two minutes are up.

John Quandt:

Okay, thank you once again for the opportunity. Can I . . .? I have about two paragraphs.

Chair Miller:

Thank you, Mr. Quandt. We keep it very consistent—two minutes—but I do want you to know that we all have the physical copies. They were printed for all of the members, and we do have the physical copies of your email.

John Quandt:

Thank you, Chair. Have a great day.

Chair Miller:

Thank you. You as well.

Is there anyone else in Carson City who would like to make public comment? Okay, not seeing anyone approaching Carson City, I would like to open the lines. Broadcasting, is there anyone on the telephone who would like to call in and make public comment?

BPS:

[BPS staff explained how callers can take their place in the queue.]

Tracey Thomas, Nevada resident:

Good morning. In consideration of the automatic voter registration process and the voter registration list maintenance, it is imperative to include processes for verification of all qualifications of a potential voter as well as providing adequate access to registration information for challenges allowed under [Nevada Revised Statutes \(NRS\) 293.303](#). [Nevada Administrative Code \(NAC\) 293.270](#), item [subsection] 3 states a provisional ballot is only to be counted if the clerk determines that all of several requirements are satisfied. There are several that are not currently verified through same-day registration. The primary one being citizenship. [Nevada Revised Statutes 293.675](#), item [subsection] 1(i) states that this must ensure integrity. [Nevada Administrative Code 293.458](#) states the clerk must certify that the information is accurate and complies with relevant state and federal law. [Nevada Revised Statutes 293.800](#) item [subsection] 2 states the penalty for a public officer who willfully neglects their duty or willfully performs in such a way as to hinder the objects and purposes of election law is guilty of a category E felony. During the Washoe County Registrar of Voters presentation to the Board of Commissioners on April 13, 2021, Mr. Wlaschin and Ms. Spikula stated they are not verifying citizenship. These statements can be found at the third hour in the video posted at the bottom of the Registrar's website. This is a vital concern for many residents and commissioners and must be addressed. One process improvement to assist clerks with their legal responsibility is to have the Department of Motor Vehicles (DMV) issue drivers' licenses of different colors, distinguishing between citizens and noncitizens. Another process improvement is to add two boxes next to Box 6 on the application, which is the box for state or country of birth. These two boxes should provide for date and state of naturalization, if applicable. These low hanging improvements can be

accomplished quickly with minimal impact and costs to current processes. Please consider implementing them immediately. Thank you.

Chair Miller:

Thank you, ma'am.

Broadcasting, is there anyone else on the line?

BPS:

Thank you, Chair. The line is open and working; however, there are no other callers wishing to offer public comment at this time.

Chair Miller:

We always like to wait a few moments to ensure no one else is in the process of dialing in. Does there appear to be anyone dialing in?

BPS:

No, Chair, the line is still open, but no one is making public comment at this time.

Chair Miller:

Thank you. We will go ahead and close public comment. I want to remind everyone that we will have another opportunity for public comment at the end of the meeting.

AGENDA ITEM III—OVERVIEW OF THE COMMITTEE'S DUTIES AND RESPONSIBILITIES

Chair Miller:

We will go ahead and move on to Agenda Item III, which is an overview of the Committee's duties and responsibilities. The presentation will be by our own Senior Policy Analyst and GIS Specialist from the Research Division of LCB, Ms. Haley Proehl. Ms. Proehl—when you are ready.

Ms. Proehl:

Thank you, Madam Chair. Good morning. A short disclaimer before I begin—as LCB staff, I can neither advocate for nor against any legislative proposals that come before this Committee. I am here to assist the Committee with any questions concerning policies that may arise. In addition, the Research Division is available to provide information and assistance on a confidential basis to members on any topic, so please feel free to reach out to me or my colleagues at any time.

I will be going over the Committee's duties and responsibilities, which are outlined in the Committee Brief (Agenda Item III) that is included in your meeting packet and available online on the Committee's [meeting page](#). In addition to the Committee's duties and responsibilities, the Brief includes information about the Committee's membership, meeting dates, staff contact information, and related reports and publications that may be of interest to the Committee.

On the first page of the Brief, you will find a list of legislators and alternates appointed to the Joint Interim Standing Committee on Legislative Operations and Elections, followed by a section on the responsibilities of the Committee pursuant to [Assembly Bill 443](#), which passed during the 2021 Legislative Session. Assembly Bill 443 significantly changed the interim structure of the legislative interim, including newly creating this Committee. This Committee has jurisdiction over the same issues that fall under the purview of the Senate and Assembly standing Committees on Legislative Operations and Elections and, in addition, has jurisdiction over issues relating to governmental purchasing as mandated by AB 443. The Committee may request up to ten bill draft requests (BDRs) for the 2023 Legislative Session that address issues related to legislative operations and elections. Additionally, the Committee may vote to direct staff to draft letters to relevant stakeholders and to include policy statements in the final Committee report, which is a report drafted by staff after the work of this Committee concludes, that summarizes the Committee's activities, findings, and recommendations.

On page 2 of the Brief, you will find a list of priority issues of study that the Committee may choose to focus its time and attention on this interim. I would like to add that, in regard to constitutional amendments, LCB staff is currently drafting the condensations, explanations, arguments, and fiscal notes for the two joint resolutions that were approved in identical form by both the 2019 and 2021 Legislatures and will be placed on the 2022 General Election ballot. These resolutions include [Assembly Joint Resolution 10](#) (2019), which proposes to amend the *Nevada Constitution* to prospectively increase the minimum wage, and [Senate Joint Resolution 8](#) (2019), which proposes to amend the *Nevada Constitution* to guarantee equal rights. This ballot question language is anticipated to be presented and voted upon by the Legislative Commission in June before forwarding to the secretary of state for placement on the ballot—an update on that process for the Committee.

Next in the Brief, you will find a section on relevant publications and reports that may be of interest to this Committee. These include publications and reports produced by the LCB and also mandated by statute. The Research Division of the LCB prepares publications on many major policy areas including legislative operations and elections and, to date, has published a few publications relating to the 2022 election cycle. These include a [list of legislative candidates](#) for the 2022 Primary Election and a [publication on term limits](#) that was posted yesterday. These and more can be found through the link to the Division's [Research Content page](#), which is in the Brief. Additionally in the Brief, you will find a link to [reports](#) that must be submitted to the Legislature if you would like to dig deeper into certain issues.

On page 3 of the Brief, we have the meeting dates for the 2021–2022 Interim. The final meeting on August 12th will include a work session where the Committee will consider its BDRs for the 2023 Legislative Session. And finally, the Brief includes a list of the LCB staff who will provide support to the Committee during this interim. Again, please feel free to contact us at any time with questions relating to the Committee.

Chair Miller, this concludes my presentation and I would welcome any questions. Thank you.

Chair Miller:

Members, do we have any questions for Ms. Proehl? It does not look like we have any questions. Assemblywoman Dickman, if you have a question, please feel free to speak up.

Assemblywoman Dickman:

I do, but I do not know who the question is for. It might be for Legal. I received an email from someone this morning who insists that this Committee can pass regulations, such as—in my opinion—regulations that would go before the Legislative Commission, for example, [R080](#). Would that be a question for you, or would it be a legal question?

Chair Miller:

I think you are correct. Legal is there in Carson City, right?

Assemblywoman Dickman:

Yes.

Chair Miller:

Could you ask your question again?

Assemblywoman Dickman:

Does this Committee have the authority to pass regulations that would affect election law?

Ms. Sturdivant:

I would have to review the enabling legislation of the Committee to review the authority. Generally, it is not an issue during the interim. Because we have changed the interim structure, I have to review how this works. I will respond to you after the meeting and let you know.

Assemblywoman Dickman:

Thank you so much and thanks for the question, Madam Chair.

Chair Miller:

Yes, generally, the role of the interim committees is to review and hear updates and reports as well as possible things to take action on when we are in the full session because this is not the full body. I would be very surprised if it came back from Legal that we had any authority to actually pass any regulations or laws. But it is a very good question. Thank you so much for that.

Assemblywoman Dickman:

I appreciate your input and [that of] Legal.

Senator Seevers Gansert:

Madam Chair?

Chair Miller:

Yes, Senator Gansert.

Senator Seevers Gansert:

When looking at the agenda, all the items are listed "For Possible Action." I think that may be a little confusing because that almost suggests that we can "pass" or make proposals. Eventually, we may come up with some bill drafts, but it looks like there are things we will be passing, and I guess, we could still propose. But when I look at the actual items themselves, they talk about updates and overviews. I think part of the confusion is because of the "For Possible Action" on the agenda item for most of the items.

Mr. Anthony:

Thank you, Madam Chair. In preparing the agenda, along with the [Open Meeting Law](#), staff reviews various items, and it is consistent practice to mark "For Possible Action" on any item upon which this body may take a vote. I do not know that is the chair's intention today, but for conformance with the Open Meeting Law, they are properly noticed.

Senator Seevers Gansert:

Thank you.

Chair Miller:

Thank you, Senator.

Just for clarity—for everyone in the public as well—the last Committee meeting will be a work session. At that point, we will be voting to determine which bills we will move forward as Committee bills to present during the regular session. You will see us voting as members, but we are voting for consensus to see which items we will pick up to move forward as committee bills in the regular session. Thank you for those questions and the opportunity to clarify. Any other questions, members? [There were none.] We will close the agenda item.

AGENDA ITEM IV—UPDATE ON THE AUTOMATIC VOTER REGISTRATION PROCESS

Chair Miller:

We will move on to Agenda Item IV, which is an update on the automatic voter registration process. Our presenters today are Mr. Thomas Martin, the Manager of the Division of Research and Project Management from the DMV, and Ms. Heather Carmen, who is the Assistant Registrar of Voters for Washoe County. Mr. Martin and Ms. Carmen will be presenting on Zoom. Mr. Martin, I believe you are presenting first. Please proceed when you are ready.

Thomas Martin, Manager, Division of Research and Project Management, DMV:

Thank you, Madam Chair. I will be explaining the DMV's process. Today I will be providing a high-level overview of the current state of the automatic voter registration (AVR) program at the DMV and how it looks from both the customer and the DMV staff perspective; basically a start-to-finish process.

I will start with our in-office transactions. We have several transactions that we complete; they are in-office transactions at your technician windows as you know them today. We also have a MyDMV platform, which is an online services platform that we use for online

transactions to the most degree possible, and some back-office transactions for driver's license and identification (ID) issuances.

But first, we will speak about the in-office transactions—essentially start with the fact that a customer comes in and completes a driver's license or ID Card application. When called upon to a DMV services technician's window, they present the application and any applicable source documents. Those source documents can be a U.S. birth certificate, passport, immigration documents, Social Security card, et cetera—any documents that are required by federal Real ID regulations as well as state regulations to prove name, date of birth, social, name changes, and any other applicable, verifiable information for the issuances of credentials from the DMV.

When the technician receives this information, the technician must verify that the applicant has fully completed the application. Part of that process is a full review from the first part, which is first name, and making sure they check the boxes of what kind of credential they are looking to receive and that they also worked their way through the AVR section, which is on the first page of the application, about halfway down. That section has quite a few questions that are requirements to be answered, the first one being, "Are you a United States citizen?" This is just a question that is a testament by the customer. The DMV has no input on these questions whatsoever. We do not ask them if it is true or correct. They do sign the application at a later point where they attest to that information. We also ask, "Are you 18 years of age or older?" Then, if they are not 18, we ask, "Are you currently 17 and would like to preregister?" That preregistration was a law that passed last session with AVR when that came out. And basically, if they say "no" to the "Are you 18?" and they say "yes" to the preregistration question—and we will talk about the AVR process a little bit later—that puts them in this preregistration process, and we proceed with the AVR.

With the application, due to the fact there is federal law, there is a requirement that a driver's license or ID application shall also serve as an application to register to vote; that law has been in place for quite some time at the federal level. When the AVR program was implemented, it was an easy transition from the Office of the Secretary of State's (SOS) long form that the customer would fill out separately and it would all be included onto the one form. That form is a one-stop shop for driver's license credentialing, ID credentialing, AVR, and many other programs as well, such as selective service, et cetera. If one of those questions is not answered—the citizen, the 18, and the preregistration if they say they are not 18—the DMV actually rejects that application because that renders that application incomplete. We cannot take incomplete applications, so we have to ensure the customer answers all questions.

At this point, once we verify all the information and have source documents in front of us—the name, date of birth, social, et cetera, which are identified on the source documents—we verify the information on the actual driver's license application that is presented. At that point, it simply becomes data entry. We enter the information from the application into our computer system, from start to finish, to make sure it is a streamlined process and to ensure the accuracy of the information being entered; it is entered into our database, and that includes the AVR-specific information.

When we rolled out the AVR, from the DMV perspective, we created a separate window screen within our system that allows the staff technician to input information. That way, it is a separate piece of information that shows if it is accurate according to what is on the application in front of them. One of the key components that was built into our system was automatic filtering for, basically, eligibility requirements; those were discussed and defined as part of the initial planning stages of the AVR program. The filters are essentially built into

the system and allow the DMV to remove someone who is not necessarily eligible for the AVR process based on the information provided. Some of those filters are the transaction types for a credential, [including] the driver authorization card, which is an automatic filter, and if the applicant's birthday on record indicates they are 16 or younger. At the DMV, we do issue credentials to individuals who are anywhere from 10 years of age and up; those are ID Cards, driver's licenses, and permits for 15½; we do have quite a bit of credentials that are issued to those under 16, and [those individuals] are also removed from the AVR process. [A filter also occurs when] an applicant presents an immigration document that is not indicative of U.S. citizenship; that means we have naturalization certificates, U.S. citizenship certificates, all the way down to I-94s, et cetera, and the whole range in between. Filters have been placed on certain documents in the system that will remove an applicant from the AVR process if they present that document; those documents are defined in [Chapter 293](#) of NAC, and those are what we abided by when we built this filter into our system. Also, if the applicant's answer is "no" to any of those previous questions of, "Are you a citizen?", "Are you 18?", or "Do you want to preregister?"—our system is built to automatically filter them out based on that applicant's response.

Once the technicians are in the AVR tab, and they have entered all the information, they go back and they verify from the very first screen all the way through to make sure data entry is correct for date of birth, name, social, address, and any driver's license details as far as the driver record, et cetera. They verify all this information with a manual review of the paper application versus what they have received through electronic verifications on the back end. They consider the transaction complete at that point in time as far as the data entry goes, and then they will move forward with advancing the transaction to the payment screen.

The payment screen is truly where the data entry is done. We take that to the next step of the transaction. But there is a step in the process, before we collect payment, where the DMV will print out a confirmation receipt that we call the "DL/ID Confirmation Sheet" with the driver's license and ID information. One of the enhancements the DMV made after we went live with the AVR program the first time is, after a few months, to condense everything into one verification instead of having multiple pieces of paper. The customer is verifying, in one line, all the way down this form. They can see that the information we have entered into our system is accurate and correct. That is the opportunity for the customer and everyone that has had transactions at the DMV. Everyone is provided the same exact form. Some fields may be blank based on no information being present on the application. The customer verifies this information, and if they determine their last name is spelled incorrectly—or whatever the case may be—we can actually go back and update that information.

Another example is if we are in the AVR screen of our system and the customer selected, "No, I am not a U.S. citizen" to one of the AVR questions, and the system says "yes," that means they are actually in the AVR process. If that is the case, we can go back and update that as long as the customer lets us know we made a mistake entering the data. If, when we select "no" back in the screen, those automatic filters kick in, it does not matter at what point we do that; those filters are there regardless. We can do this as many times as necessary until the information is correct. Luckily, we are pretty good at that, and we are able to have that information verified on the spot in the system. The customer will initial each checkbox next to each data element, and they will sign the form attesting that all this information is accurate. When we provide that form to the customer, we let them know that the information on the form is associated with their driver record as well as the information for the voter registration process, as we are the conduit of information for the SOS and county clerks.

This confirmation sheet is retained for DMV records; it is not given to the customer to take with them. They do the verification, and we place that with their driver's license application and any scanned documents we have that we retain for the driver's license issuance. We hold on to that document—and it does get scanned into our system—to verify if ever asked “What was the situation here?” and “What is the information presented?” We can show that based on the name and date of birth documents, et cetera; we can cross-reference those documents.

Once the information is validated, the technician will validate that they observed the customer initial each box. The technician signs as well, and then we advance the transaction into the actual fee payment, and we collect the fees for the services rendered.

It is at this point, once we collect the fee, a voter application number is assigned to that specific record. If the record is not filtered out of the AVR process—we assign an affidavit number, or voter registration number, if you will, of application. We assign that to that specific record based on a set of sequence numbers provided by the SOS that are automatically assigned through a programming code. That record has now become part of queue status if you will. It is not actually transmitted on a real time basis right then and there because we do have a lot of the verifications—name, date of birth, et cetera—that we do go through. The queue status is placed on that record, and that record is put off to the side while we finish the rest of the driver's license transaction.

The SOS's Nevada Online Voter Access (NOVA) system is where we start talking about the actual electronic transmission of the record. Now that this record is queued up, it is in pending status to go to the NOVA system; that will be through an overnight pass transmission, which we will talk about here in a little bit. Once that record is queued, we proceed past payment. A series of documents are going to be automatically printed, and those are at the print queue of the transaction—at the very end of the transaction. We have actually completed the transaction, and depending on the customers' situation, they may go to the camera to take pictures, or they may be done if their transaction is just a duplicate. Whatever the case may be, that is in theory the end of the driver's license ID transaction.

We then start handing out credit card receipts and the interim document that is provided to them while they wait for the new card in the mail, et cetera. But we also provide them with some of the voter registration documents that we are required to provide, one of them being the AVR Confirmation Receipt. They have already verified the information using the DL/ID Confirmation Sheet during the transaction to make sure the information is accurate. However, the AVR Confirmation Receipt is the form that we provide them—no signature required. It is a form we slide across the counter, and we inform them that this is the information that is currently queued up and will be provided to the SOS through the electronic transmission AVR process.

The other form for AVR purposes is the AVR Options Form, and this is the customers' time to be able to indicate their preference. Those preferences are essentially to do nothing—they do not have to do anything with that form whatsoever. They can opt out of the AVR process, or they can select their party affiliation for the DMV to transmit as well. Let us talk about those three options. First, one being—do nothing. If someone is currently registered to vote in Nevada and, regardless of party preference or no party preference at all, they do absolutely nothing with this form and take it with them—that is totally okay. We are still going to transmit the information that is currently queued, as is, to the county clerk. The only update that will happen on the county side, as far as what the DMV provides, is if there is an address change or the name changed—something has changed with the personally identifiable information. There is no change to the customer's current party selection, as we

will not transmit that. What happens on the DMV side is, if we have no party affiliation attached to the AVR record that has been created, we submit a "registrant left blank," and that "registrant left blank" goes to the county clerk to indicate that the customer did not provide us with a party affiliation selection.

The second option is to opt out, and that is self-explanatory. The customer can take that AVR options form One of the requirements and provisions of the AVR petition was that we had to place these red boxes in all DMV field services offices. Most of these boxes are placed by the exits. A lot of offices have multiple doors that you can come in and out. Some offices, like the metro offices in Las Vegas, have multiple doors. The boxes are strategically placed in the common flow of traffic and where most traffic goes out the door; that way they are very visible. Every customer has the opportunity to provide these forms if they want to opt out of AVR or select the party. We want to capture that information. We want to make sure they see these boxes; I would say they are about your standard mailbox height, and it looks like a post office box right outside the post office if you have not seen one. They are obvious where they are, and the technicians are there for them as well, so they are aware that it exists.

We retrieve the forms on a daily basis; some offices do it hourly depending on the flow of customers. If we empty the red box and we have a stack of forms, there are barcodes on these particular forms. Those barcodes are associated to that record and that record only. I can scan this barcode two years from now and it will pull up that specific record in our system even though that transaction has already processed and is long gone; it has been archived in our system. Those barcodes are specific to that one record, that one applicant, for that specific transaction. If we scan that barcode and opt out is the preference that is selected on the options form, that barcode, once scanned in our system, will pull up the AVR screen the technician used to enter all the information previously. The technician will select an opt out checkbox inside that window. At that point, the queued record that we talked about a little while ago, will be removed from the queue and no transmission will take place. The affidavit number that was originally assigned to that record never gets transmitted; the information does not get transmitted; it just becomes an opt out process. We have no history of that in our system except showing we checked "opt out" on April 1, 2022.

On the other side of that—if the customer does say, "I want to select the party," and they drop the form into that box, we empty it, we scan the same exact bar code, and it does the same exact process electronically through our system; it pulls up that record. We have a drop-down in that window where we can select the customer's party affiliation based on what they put on the form. Once we select that party, we save it in our system. The queued record will then be updated to include that party affiliation. Now we have the total package ready to transmit to NOVA, which is through the SOS, and on to the county clerks with the party that the applicant selected.

Something to note on the AVR Options Form—one thing that was brought up when the working group was working to get AVR implemented is what do we do if we are unclear on what the customer's expectations are of the form; they make multiple selections; they chose the party and opt out; or they chose multiple parties. It was decided that the DMV is not to get involved in that conversation; chances are, the customer is long gone before we see that form and we retrieve it out of the red box. We are not able to have that conversation for clarification. We treat it as if the customer did nothing. We retain that form for our records like we do with the other driver's license and application documents. We retain that form for our records, and we still transmit the information with the same premise that the customer did nothing, as if they did not drop the form at all. We will transmit the information with no party attached; we will not opt them out if that was the preference—if

that is truly what they wanted—because we were not able to make a clear distinction of their choice. That is the AVR Options Form; is only provided to applicants who are considered eligible based on the programmatic filters.

If a customer has indicated they are not a U.S. citizen, we select that in our system. A programmatic filter kicks in that will automatically remove them from the AVR process. It has no bearing on their actual driver's license transaction whatsoever, but it will remove them from the AVR process, and no record gets queued. At the end of the transaction when the AVR Options Form and the AVR Confirmation Receipt actually print—those will not print. We print a document that we are required to provide in either English, Spanish, or Tagalog based on population percentages for those specific languages. We provide a receipt of noninclusion, if you will, into the AVR process. That is simply an informational document; there is nothing to sign, nothing that they have to do with the form or take action. It just informs them that they were not included in the AVR process based on the information provided. If they have questions regarding AVR eligibility and voter registration eligibility, in general, they can take that form. There is a generic contact number; or we provide the SOS's website for registration so they can get more information on how to become eligible, or why they may have been rejected.

That is essentially it for our in-office transactions. All of that information is archived in our system. Once we pull that AVR Options Form—if provided—out of the red box, we locate the driver's license application and the information provided during the transaction. We retrieve and marry those documents to make sure the information stays together at all times. For auditing purposes, or if ever asked for research purposes, we are able to say, "Here are all the documents presented," and "Here is the AVR information presented," et cetera.

As far as back-office and MyDMV portal transactions, those processes are a little bit different because we do not have a customer in front of us to provide an AVR Options Form and the receipts, et cetera. When the AVR was implemented with the DMV perspective, we built these transactions into our MyDMV portal and back-office transactions. The back office uses the same system but has slightly different workflows than the in-office DMV staff. The only real difference is the customers can indicate their party affiliation, if they choose, or select "opt out" at that point in time. It is part of the actual transaction in progress; they can take that action out at that specific point in time. Outside of that, the processing and the transactions are the same, like I mentioned. The windows are mostly the same. We do have a couple of different ones because of, obviously, the customer not being there. We have to verify the information, sometimes remotely by email or phone, but MyDMV portal transactions are completed solely by the customer. There is no DMV interaction with those like there are with the back-office and in-person transactions. Much like doing nothing with the AVR Options Form, if someone is on MyDMV and does not select a party affiliation or does not opt out, that record is queued up the same way with the shell information for the personal information; if they do opt out, it removes them from being placed in the queue for a voter registration application.

The last thing is, once the applicant finishes a MyDMV transaction, it gets queued and placed into the NOVA transmission batch process. That batch process generally runs the next day; it always runs daily. So that way, if we are having customers doing confirmations and transactions, et cetera, on the MyDMV portal over the weekend when offices are not open, we can still do that daily transmission. Those daily transmissions happen usually somewhere between 2 and 6 a.m. It just depends on NOVA downtime and DMV downtime; there is a schedule built into the system. When those transmissions happen, a transmittal report is generated on a website. We can work with the counties if records are missing—if they see transmissions but they are not on the transmittal report, or they are on the

transmittal report, but they do not see transmissions. We can work together to find out whether NOVA was down or the DMV system was down, et cetera. We want to make sure we are having that collaborative communication.

Since AVR is only done during the DL/ID transactions, the DMV is unable to update a voter registration record. This is something to note because the DMV does get this question a lot, "Can I just update my voter registration record with you guys and you guys transmit it?" Well, based on AVR and the federal law with the driver's license application serving as a voter registration application, those processes are one in the same; it has to be done during a driver's license/ID application transaction. If we do get customers in the office who ask, "Can I just register to vote?", we do have paper applications, or we can refer them to the SOS's website to get the most updated information. They can even register online with them. We make sure to communicate the expectations for those who we are not able to assist because they are not doing a DL/ID transaction.

Lastly, I think it is worth noting that, because of everything we just discussed and everything that is currently in place today, [AB 432](#) passed during the 2021 Legislative Session. It has provisions that go into effect in January of 2024 that remove a lot of those processes I just mentioned—one of the main ones being the red box that is in each office. Essentially, AB 432 removes the AVR Options Form and the AVR Confirmation Receipt—those processes that require having to take action in the DMV office. This is forward thinking, and we are still waiting to work with the SOS—waiting for that day to come—and we will work with the counties, et cetera. We will still give them a receipt to verify information; every record gets transmitted if they are not automatically filtered out. These are high-level discussions that we are already having. Every record will be transmitted as is, and then the county clerks will handle the party affiliation or the opt-out process, et cetera. There is still a lot of work to be done and lots of conversations to be had, but the provisions in AB 432 that are currently pending are geared towards changing the DMV's perspective of the AVR process.

That is the end of my presentation, Madam Chair. I am available for any questions the members of the Committee may have regarding the DMV's perspective.

Chair Miller:

Thank you, Mr. Martin. We are going to ask that you stay with us for a little bit because part of this agenda item is also Ms. Carmen presenting. Ms. Carmen is the Assistant Registrar of Voters from Washoe County, also presenting on Zoom. Mr. Martin, if you could just stay with us, and at the end of this agenda item, we will ask questions for either or both presenters. Ms. Carmen, when you are ready, please proceed.

Heather Carmen, Assistant Registrar of Voters, Washoe County:

Thank you, Chair Miller. I am here to discuss the AVR process as it reflects on the clerks on the county side. Prior to the launching of AVR, there was a working group and steering group that formed and met for several months along with the DMV, the SOS, various other counties and clerks, and other stakeholders to make sure that we were going to get this process launched on January 1, 2020, with as few issues as possible.

In Washoe County, during Calendar Year 2020, the county processed a total of 73,782 AVR records. Of that, 48,507 were existing voters who either had some updates to their addresses or we received confirmation of their current information on the voter registration rolls. We received 25,275 new voters in that year, and 12,991 were individuals where we

received information that the registrant left blank; they did not pick a party. In 2021, we received a total of 93,354 AVR records. We received 69,312 updates, so we already had these registered voters on the rolls; these were for updates. New voters for that year were 27,042. For the "registrant left blank," it was 15,944 for our county alone.

In Washoe County, we receive approximately 5,000 AVR transactions in a month that we processed. Through a dedicated Internet portal, we obtain daily transmission sheets of our voter registration applications to ensure what is being transmitted from the DMV to the state and down to the county level is received—all those applications that were pushed through the system. When you complete a covered transaction with the DMV and do not opt out of being a registered voter, the following day is when we receive that information in our import table on our election management database software. In the beginning, this was a very manual process for our county, having to manually crosscheck each individual import into our table across the transmission sheets. We learned that we had to get with our technology services to better it and make it quicker for us. They made an Excel spreadsheet in a Sequel program to go through and verify that we did receive what is on the transmission versus our import table. That way, we did not have to have somebody physically look at each and every record. It helps us to double check afterwards to confirm that no records disappeared from being imported or [placed] into our voter registration rolls or that did not get transmitted from the DMV.

We do have the ability—if we are missing something off that transmission sheet—to ask the DMV, through a dedicated email through the SOS, "We need a transmission of this application number, this person's name," and we get it the very next day. For AVR purposes—our database, our import table, and our voter registration rolls—are very strict. Only the street index is in there; it only allows for precincts, residential addresses. For AVR purposes, we loosened that, but only at the import table level, not with the time that they hit the voter registration rolls. This way, some unconventional addresses for individuals do come in; however, they get stopped before they get imported and become an actual registered voter. We do send them correspondence if their address is not a legitimate residential address—to get one—because individuals can get a driver's license and put a mail service address on there, and you cannot register with that. We do reach out to those individuals before they become active on our voting rolls.

We do occasionally receive AVR applications from other jurisdictions, such as Storey County, because of the addresses; they might have a Sparks address when living in Storey County. We have a secure means of being able to forward that information on to the correct county clerk. For Washoe County, that only happens a couple of times within a week; that is not a very frequent problem for us.

We did have a situation where parties were changed to "other," and we did send out correspondence to all those individuals letting them know, so they could make sure their party was correct. We also do that for individuals who leave the registrant blank. We send them correspondence saying, "You did not choose a party. If you do not choose one, you will be named nonpartisan." They respond to that, and then we go ahead and update their record.

The Data Information Management System (DIMS) is our election database system; we are the only county that uses it, and it is 30 years old. The top-down system that should be in place here—coming up soon—will make it a lot easier for our county when it comes to matching up existing voters. There are times when an individual will have duplicate voter registration applications in our system. We have two different processes to verify that we do not have duplicate voters on the voting rolls, and we make sure to merge them. But again,

with a lot of the things that we must do, there is significant human intervention with the process on our end at this point in time. If staff is not paying attention to the fact that this person is already existing and had a particular party affiliation, and we merged, we could potentially leave that person nonpartisan. It is very important that when our voters receive their voter notification card to verify their information is correct, including their party.

The “registrant left blank” is our highest volume of correspondence when it comes to AVR. We send out about 1,000 letters a month that need to be scanned and attached to the voter record; even the returns need to be scanned and attached to their record. With AVR, yes, we have had a few hiccups, but I believe overall, it has been a good process, and I can only see it getting better once we have our top-down system.

That is all that I have for my presentation today. Thank you.

Chair Miller:

Thank you, Ms. Carmen. We will open it up for questions. To remind members—and for the community that is watching—this is existing law. We are not retrying bills or replicating bill hearings but rather asking questions specific to the presentations that pertain to updates and processes of implementation. Members, do we have any questions? Assemblywoman Carlton.

Assemblywoman Carlton:

For the DMV—I appreciate the information, but without seeing the forms, it is difficult for me to understand what you were talking about. A number of us have not had to renew our licenses for a while; I have not seen those documents. If possible, Madam Chair, could the DMV provide some documents so that if a constituent calls me and says they are having a problem with something, I can actually see the form and understand where it is. We found in the past, that things look very user-friendly to those of us who do it every day, but they are not very intuitive for folks who only have to register, renew their driver's license, and in some cases, it is eight years now that you can have a driver's license. I would like to understand these forms better to make sure that if I have a senior call me and say they cannot navigate this, I can see what they are seeing.

Chair Miller:

If you could just provide that—yes, go ahead.

Mr. Martin:

I can get some redacted templates that are generated from our system directly and provide those to the Committee.

[Subsequent to the meeting, Mr. Martin submitted a packet of AVR forms from the DMV. (Agenda Item IV)]

Chair Miller:

Any additional questions, members? Senator Gansert.

Senator Seevers Gansert:

I have a couple of questions; the first is for the DMV. I have gone through the process with my kids getting drivers' licenses and so forth, and I do remember the verification. You are taking the information and then you provide a sheet that the tech sets on the counter so you can make sure it has the right address and other information. It sounds like we are not going to be doing that anymore, but I was thinking that form actually had information that was related to the driver's license—not just voter registration. Have you eliminated that check to verify that everything that was put into the database was correct?

Mr. Martin:

We have not eliminated that check in that process. Even with the potential changes coming from AB 432, that verification will still be in place for the customer to verify all that information. That form—high-level thinking off the top of my head—probably will not change much, if at all, with these changes coming up, to make sure we are providing the customer the opportunity to verify the data that is provided.

Senator Seevers Gansert:

I misunderstood that, so thank you for that answer. For Ms. Carmen—you talked about how you mail about 1,000 postcards or requests because people have not checked any box, so they automatically default to nonpartisan. Do they need to get back to you via mail, or can they go online and pull up their voter registration to register for a certain party if they defaulted to nonpartisan?

Ms. Carmen:

When we send out those letters—the “registrant left blank”—they have the opportunity to either reply to that or they may go ahead and reregister online through the SOS's NOVA system.

Senator Seevers Gansert:

Just to follow up—you said, “reregister” or update their registration. Are they not registered if they get that letter, or are they defaulting to nonpartisan?

Ms. Carmen:

They are a registered voter. They will be active in our system, even if they do not respond to the “registrant left blank” letter; they will be left “nonpartisan.” They are active, and if they do respond, they update their party or, if they want to, they can update their voter registration online. It basically puts them through the process of reregistering, but again, they are still active. There is never a point in time that they become inactive or a canceled registered voter.

Senator Seevers Gansert:

That synchronization, when they are updating it online—even though they are going through the reregistration process—do they put in a number or something to make sure it is not duplicated so those records are still one active voter registered?

Ms. Carmen:

That ends up happening on our end when it gets put into our import table. Our database needs to search for the existing record and then marry those two together. If our system does not find the existing record, which does happen occasionally, we run a report internally to look for duplicates to merge them. Plus, we also get a nightly report from the SOS that reports when we have duplicate, active registered voters in our database so that we can merge them immediately.

Senator Seevers Gansert:

Do you expect that when you have the top-down system that duplication may be eliminated? It seems like you are having to do a few things manually.

Ms. Carmen:

Yes, I do believe that once we have this centralized, top-down system, some of the issues that we experience will definitely be mitigated, and we will not have to deal with them.

Senator Seevers Gansert:

Thank you.

Chair Miller:

Members, any additional questions?

Assemblywoman Dickman:

My question is for probably both of you. How easy is it, or how possible is it, for someone's party affiliation to be changed through this process without their knowledge? I have heard so many anecdotal stories of people who say, "My registration was changed when I went to the DMV, and I did not know it until I checked online."

Ms. Carmen:

I figured I would take this question; seems how I feel that it is dealt with on our end. When the DMV sends us their AVR information, it becomes our responsibility to make sure that if the voter is already existing, active, or even inactive in our voter registration database—and if a duplicate is made on our end—when we merge them, we maintain their party affiliation. That is when potential issues come up—when we receive the duplicate record; we have to do our due diligence to make sure that we are maintaining their party affiliation. One of the benefits of our system is that we do have a transaction log so we can go back and see when we merged something, did we make a mistake and go, "Yes, this person—we should not have made them nonpartisan—should have been Republican." Then another voter notification card goes out. I cannot stress how important is to check your voter notification card; check online with your voter registration to make sure that if you have gone down to the DMV, it does cover a transaction that has been updated. I have not seen a significant amount of party changes, but it has not been really brought to my attention. I do know that it has happened occasionally. I know that when a person is at the DMV, it is their responsibility to check a party, but again, it is also our responsibility to make sure that if they are already existing, that we maintain that party affiliation for them.

Assemblywoman Dickman:

Thank you.

Chair Miller:

Any additional questions from members? I have a few quick brief questions for Mr. Martin related to what Assemblywoman Carlton brought up about the process when we are applying for our driver's license. Can you respond, just briefly? First, I believe it was extended, but what is the required date that everyone needs to have a Real ID driver's license? We know that it is a specific type of driver's license. When must everyone transition over to a Real ID?

Mr. Martin:

It is May of 2023; I want to say it is May 7th, but I cannot say that for certain.

Sean Sever, Legislative Liaison, DMV:

The date is May 3, 2023.

Chair Miller:

Wow, May 3, 2023. I got mine in 2017 when I had to renew my physical license. I learned about this new Real ID, and I had the option. I did not have to do the Real ID, but this would extend how long I needed to come back into the DMV and get a physical license. I, of course, opted to do the Real ID at that point. How many Nevadans who are coming in for a driver's license are doing the Real ID? Or are we at that time where, now that we are a year out, you literally have to? Do we have any idea of the percent of people that are getting the Real ID?

Mr. Martin:

Right now, I know our current percentage, and this is including existing [Real IDs] and also those who come in. It is hovering right about a 70 percent Real ID compliance rate. It is still not a requirement. Even moving forward with the Real ID federal date, that federal compliance is essentially for air commercial, air travel, et cetera. The DMV will still offer those standard licenses that are marked, "Not for Real ID Purposes," and like I said, right now that is about a 70 percent clip of compliant cards.

Chair Miller:

When people are getting their Real ID, that is when the AVR is kicking in, correct?

Mr. Martin:

That is correct.

Chair Miller:

Thank you. Assemblyman Matthews.

Assemblyman Matthews:

Quick question for Ms. Carmen. I think Assemblywoman Dickman asked how common it is for someone's registration to be changed without his or her knowledge. I think your response was along the lines that it does not happen that often; it happens occasionally. If one wanted to find out how often it has happened, and I am not expecting that you would necessarily know that answer today, is that something the Registrar of Voters Office catalogs? If someone wanted to find out—looking back, precisely how many times it has happened—is that information that could be ascertained if needed?

Ms. Carmen:

I can check to see if we catalog that. I am uncertain if we maintain that as a data point for AVR coming in. I can look into that and provide that information to you at a later time.

Assemblyman Matthews:

Thank you.

Chair Miller:

We will go ahead and close Agenda Item IV. Ms. Carmen will be presenting on another agenda item later, so we will see her again.

AGENDA ITEM V—OVERVIEW OF VOTER REGISTRATION LIST MAINTENANCE INCLUDING THE COMPARISON OF RECORDS BETWEEN THE SECRETARY OF STATE AND THE STATE REGISTRAR OF VITAL STATISTICS PURSUANT TO [ASSEMBLY BILL 321](#) (2021)

Chair Miller:

We will open up Agenda Item V, which is an overview of the voter registration list maintenance, including the comparison of records between the SOS and the State Registrar of Vital Statistics pursuant to [AB 321](#) (2021). We have Mr. Mark Wlaschin, Deputy Secretary of State for Elections from the SOS, and Stephanie Herrera, Program Officer III from the Office of Vital Records, Division of Public and Behavioral Health (DPBP), Department of Health and Human Services (DHHS). Mr. Wlaschin and Ms. Herrera will be presenting via Zoom (Agenda Item V). Mr. Wlaschin and Ms. Herrera, when you are ready, please proceed.

Mark A. Wlaschin, Deputy Secretary of State for Elections, Office of the Secretary of State:

Good morning, Madam Chair, and ladies and gentlemen of the Committee.

I will start with an overview of our statewide voter registration list maintenance processes (Agenda Item V) First and foremost, this is a process that is directed by federal and state law. This is not something that we have a lot of flexibility or options to do one way or the other. This is the process as intended so that there is uniformity and nondiscrimination throughout the voter registration process, specifically, to ensure that you are not disenfranchising anyone and to ensure that all eligible voters are able to take part in this important civic duty. The federal and state laws—I will talk about some of them here briefly—specify how and when the voter may be removed. I think that is the most important part. There is a lot of discussion nowadays about what could or should happen, but the simple fact of the matter is that from the state and county election official point of view,

there are strict requirements for certain actions to happen or not happen that are defined in federal and state law.

You may have heard of the 90-day blackout period. This is a federal requirement before a federal election. That 90-day blackout period is a period of time prior to the election where these sorts of list maintenance plans cannot occur, specifically, to risk or to not risk disenfranchising an individual who is about to update their voter registration prior to an election. There are still some activities that can occur, and one of them is something that we will talk about here in a few moments with the Office of Vital Records. With the federal requirements—the [National Voter Registration Act](#) (H.R.2 of the 103rd Congress) as well as the [Help America Vote Act](#) (HAVA) (H.R.3295 of the 107th Congress)—I specified the section, subsection, and those bills, specifically, [in case] individuals have any questions on them. They are echoed very closely in NRS [293.540](#) and [293.541](#), which talk about when a county official is allowed to conduct list maintenance and what activities must be taken; NRS [293.530](#) talks about the process. It is very heavily regulated and controlled to make sure there is uniformity across-the-board. Spoiler alert, by the way, the SOS and all 17 counties do comply with federal and state laws regarding list maintenance. Across all 17 counties, there is a full recognition that this is an important process for a number of reasons. First and foremost, no one is removed arbitrarily. The importance of not disenfranchising somebody cannot be understated. There is merit in conducting list maintenance. Again, every one of your county election officials recognizes the importance of keeping clean voter rolls. Everything from the fiscal side of it—a mail ballot, for example, that goes to a voter who is not part of the state anymore is wasted money for the county and state, and that is something we all take very seriously—all the way through to making sure that if an individual is out of state or is no longer an eligible Nevada voter, making sure they are off our list because, ultimately, that is going to result in a cleaner and more smoothly run election. This is something we all take very seriously and are in strict compliance with the federal and state laws.

What exactly is our statewide voter registration list? It is a list maintained at the state and it is built daily. What do I mean by that? Each of our 17 county clerks and registrars have their own county database. Every night, through a secure system, those county clerks and registrars send information to us in the state. We aggregate that information and then immediately conduct certain validations and checks. Those checks include reviewing the DMV unmatched list. If someone who is registered does not appear on the DMV “matched,” it may be that their registration came in yesterday and lacks some of the required information, and that gets flagged by the clerk and registrar. We look for duplicates. It is not against the law to be registered to vote in multiple counties, but we check this every single day. What we do is we look to see the date of the registration. If somebody was registered to vote in Douglas County, say, on January of 2010, and then a new registration that is a duplicate for that individual appears in Carson City in January of 2022, we notify both clerks immediately when that pops up as part of this daily process. The clerks conduct that activity pursuant to NRS 293.530, which includes sending out a postcard notification to both addresses to confirm, “It appears that you are at this address now. Please let us know,” so that we are validating where they are at and can inactivate the older registration. The vital statistics information that we get from Vital Records—we will talk through that in detail here in a moment, so I will not go into that now—is also checked daily to ensure that any individual who has passed away is also removed in a timely manner.

There are other routine maintenance activities that occur as well at the county level, everything from information that we get from the post office, voters who come in or even contact the registrar or clerk's office and say, “I have moved from Carson to Storey. Please update my registration,” or someone who says, “I am moving overseas, please go ahead

and cancel my registration.” Those sorts of activities are also incorporated on a daily basis. As you can imagine, there is a disparity, and what exactly that looks like numbers wise—a county like Eureka, with about 1,100 registered voters, has significantly less of those sort of maintenance activities than, say, Clark County or Washoe County. The mailing of the National Voter Registration Act confirmation notices is sent out routinely to make sure we are validating if there is a question that comes up in regard to a voter's registration.

I mentioned other routine maintenance is needed. The Department of Corrections notifies the county clerks in the state when an individual has been convicted of a felony and has started their incarceration; then the clerk gets notified so that they can cancel that individual's registration as well.

Regarding the Electronic Registration Information Center (ERIC) project reports, we receive a number of reports every other month. These compare our information to 33 other states across the country and D. C. This is another opportunity to identify individuals who may have a need for list maintenance. Nothing is done; we do not receive a report—whether it is from ERIC or otherwise—and instantly act on it and inactivate a registered voter. We have to follow that federal and state process. But, in some cases with the ERIC reports, when it comes to deceased members, there might be redundancy. Frankly, I am fine with that. I would rather have some redundancy than risk missing anybody. They also identify duplicates, whether it is in state as well as duplicates in other states—any of the other state members of ERIC. For example, Louisiana has an individual who appears and is also registered to vote here in Nevada. This is very similar to the process I described earlier. Both states would send out a postcard notification to confirm—to give that voter an opportunity to say, “No, I am still here. That is not actually right. The Louisiana one was an accident or some sort of error,” so we can confirm if an individual is still here and eligible to vote or not.

The national change of address process is something similar. We receive a lot of notifications through the National Change of Address (NCOA) process as well. Nevada is a very transient state; there are many folks who move repeatedly throughout the year. This is another opportunity for us to review, examine, and consider updating individuals' registrations, but it is not something that we act on immediately.

Then there is a nonvoter notice that we send out across the state each odd-numbered year following an election cycle. These are mailed out to individuals who have no voter registration activity in the previous years or who have not taken part in updating their registration over two federal election cycles. An inactive voter here in our state cannot be canceled until they have not participated or updated the registration for two federal general elections.

Regarding what we do with the Office of Vital Records, which was specifically requested for part of this presentation, I will ask Ms. Herrera to join me. First and foremost, back in 2008, NAC [293.464](#) was established. It directed the comparison of the statewide voter registration lists with information maintained by the State Registrar of Vital Statistics. Since then, that collaboration has continued. When I was appointed as the deputy for elections in October of 2020, we recognized this collaboration between the SOS and the Office of Vital Records could be revisited, given the amount of turnover we had, and I suspected there as well. I reached out to Ms. Herrera and she confirmed they had a number of turnovers over the past few years. This is something that we both felt very seriously about and decided to make a priority.

Starting in early 2021, we began a process where we reviewed our processes and data—how we transfer information. What exactly are we transferring? How frequently are we transferring everything? This is part of the secretary’s holistic review of everything that we do to make sure it is being done as best as it can, and if there is room for improvement to identify that, and to act upon it. I will tell you, from the get-go, Ms. Herrera helped clarify a lot of my own misunderstandings in this process. I was under the impression that when an individual passed away, within about 24 to 48 hours perhaps, the death certificate would be signed, and maybe another 96 hours after that, it would be here to the SOS. We would be able to act on it, and that would be the extent of the process. She, quite frankly, opened my eyes to the process. Ms. Herrera, would you mind taking a moment to talk through the timelines and friction points that you come across?

Stephanie Herrera, Program Officer III, Office of Vital Records, DPBH, DHHS:

Yes, thank you. There are a lot of moving parts that go into the death record process. We deal with funeral homes, physicians, coroners, families, and then of course, our office. We have been striving to get better and provide a lot of assistance to our users and communities. In 2021, approximately 67 percent of the records were completed within 10 days; 94 percent of those were completed within 30 days. We continue to strive for those numbers to be better. We have been working closely with the SOS to ensure they are getting all of those records in a timely manner.

Mr. Wlaschin:

Thank you, Ms. Herrera. She highlights a very important point. Even with 90 percent being completed within that period of time—I believe she said 30 days—that is still 10 percent that maybe takes a little bit longer, where we are waiting for family members to provide Social Security numbers. Or there are multiple amendments, in some cases, to those death certificates before they are finalized. That is important for two reasons: (1) from an election official standpoint, we cannot act upon or cancel a voter’s registration unless we know for sure that we have certain information and that certified letter from the Registrar of Vital Records; and (2) 10 percent—even 1 percent of the number of individuals who passed annually—that is a lot of people, ultimately, and I know [family members of] those individuals will likely contact many of you expressing concern. Our goal at the SOS’s Office, and I know it is echoed by Vital Records, is to make that number as small as possible. [With] deceased individuals on our voter rolls—while unfortunate if they pass in the days leading up to the election—our goal is to keep it as absolutely clean as possible. To that effect, the 90-day blackout period that I mentioned earlier does not apply to deceased individuals. Of course, we have to be certain that it is the right individual we are going to cancel, and we cannot risk that, but that is an important part of the process.

Beginning in early January 2021, Ms. Herrera and I were part of this discussion, and recognizing the transience of not only our state but also of our staff, collectively, we decided to put it into writing and started developing “a zero-dollar contract.” That initiative was further solidified through AB 321. In July of 2021, we signed the zero-dollar contract, which we can provide. I want to reassure you that this was not something we signed and said, “All right, we are done. Let us go look at other things and try to find other things to do.” We have continued those discussions and continued our collaboration between the two agencies; in fact, we are continuing discussions about how we can improve this zero-dollar contract, possibly even with modifications or changes after this 2022 election cycle.

What exactly do I mean by that? We are going to continue looking at the process and what information is transmitted from the Office of Vital Records to the SOS. We have identified a

number of additional ways that we can continue to clean up and improve these processes that Ms. Herrera and I have been working on, even as recently as the last couple of weeks. In reference to the updates on the zero-dollar contract—potentially in January of 2023—you will notice when you see the contract, for example, that one of the stipulations called for a transfer of a “calendar year roll-up”—again, building additional redundancies. We want multiple opportunities to make sure that an individual has been properly removed from our statewide voter registration list. At the time when we presented it, I think it was a little bit ambitious. We said there would be, within, I think, the month of January, an annual roll-up of everyone who had passed in the previous 12 months and in the previous calendar year. But we have recognized some of the realities of what goes on, and it is probably more appropriate to extend that from January to something closer to about March, or April, or possibly even May. We are looking closely at that timeline to see if that can match reality, so that it is an achievable timeline and not just an unrealistic goal.

Lastly, we are talking about adding a process for incomplete records—when an individual passes. What is the process to ensure that if there are rare situations where it might take multiple months before a death certificate is finalized, how do we make sure that we are capturing that as well? Is there other information we can look at? Or maybe, other information that we can try to pull from to confirm the identity of the individual. I will tell you that many of the clerks, registrars, and their staffs look at obituaries and watch the news. If they hear about an unfortunate passing of an individual or a longtime community member, they look at their registration list to see if that individual is on there so they can possibly act upon it. We will pause there for the vital records.

This is the last part of the statewide voter registration list maintenance presentation. I do want to stress that the overall process, including the aspects I talked about with Vital Records, will continue to enhance, or be improved, rather, in the coming 24 to 48 months, which might seem odd. I said we are following federal and state law to the fullest extent possible, and the processes that we are following are not going to change. I will tell you that what is going to change is the cleanliness of our statewide voter registration list itself, for two specific reasons. One, the transition to a top-down registration system, which we will talk about here in a few moments, is going to continue to improve our process. Having 17 counties sending information to us daily takes time for us to compare; there is a turnaround to provide clerks with information; and then they provide the postcard notifications. A top-down voter registration list is going to be a centralized database. When someone moves from one county to another—or for a number of these other checks—it is going to expedite the process to identify those anomalies that need to be addressed in a much more efficient fashion. The first one is a top-down voter registration list, and the second is, quite frankly, due to AB 321.

Think about prior to the passage of AB 321, or really, prior to the 2020 election cycle. There was no requirement for an individual to vote to be an active registered voter; there was not. We had individuals who were active registered voters who had been on the rolls and had not voted in some cases for years, but there was no requirement for us to inactivate or cancel that individual's registration. In fact, if we sent them official elections mail, and they did not come back to us as undeliverable, then there was no reason for a clerk or registrar to even question that individual's registration. But now, because of AB 321, we are going to send official election mail, sample ballots, and actual mail ballots for every election that individual is eligible to vote in. For every primary, general, and special election, there will be a mail ballot. Previously, there might have been an occasional postcard notification. Someone maybe thought they got two of them accidentally and discarded them without thinking. Now, they are going to be getting ballots. Now, people are paying attention. Now, hopefully, they are aware the right answer is not to destroy or throw away a ballot that came for a

previous tenant or for a loved one who has passed away, but rather write "return to sender on it," and put it back into the mail. That is what goes back to the county election official; and that is what is going to start that clock pursuant to NRS 293.530, where they send out a postcard; that will result in the individuals being inactivated, and then, after two federal general elections, canceled. [In response to] issues that we are seeing in questions regarding the cleanliness of our statewide voter registration lists: (1) we have been following appropriate federal and state laws as required; and (2) it will continue to get cleaner in the years and months ahead.

I will stand by for questions.

Chair Miller:

Thank you, Mr. Wlaschin. Members, do we have any questions?

Assemblywoman Dickman:

I do.

Chair Miller:

Assemblywoman.

Assemblywoman Dickman:

A quick one on that ballot you talked about that goes to the house and the person is deceased or they no longer live there. If no one marks "return to sender" and lets someone know, how will you know to take them off the voter rolls or to try to notify them? How do you catch someone who votes that ballot?

Mr. Wlaschin:

There are two parts to it. The first—you are spot-on—if somebody does not let us know, there will be no action taken at the state or county level regarding that individual's voter registration. What do we do about those nefarious individuals who may receive a ballot and think they are pulling a fast one and try to vote it? Well, first and foremost, the signature verification process that the ballot will go through is the very first thing that happens when that ballot returns to the county election official. We have not only the most current ballots the individual has voted, but all their history regarding how long they have been in that county, voter registration forms, previous ballots, and maybe application forms filled out at the DMV with numerous examples of their signature. Those numerous examples of signatures are what gets compared to the ballot and the signature on the envelope of that ballot. That is really one of the most effective ways that we have to identify it. There are a number of other checks and balances that we look into. Going into future election cycles, we are going to compare and identify addresses; for example, where there may be a number of individuals registered to vote at the same household and a number of other factors. Some of these are not things that we are actually going to act on, but we are going to keep an eye on simply to increase our awareness to make sure that we are keeping our process as clean and secure as possible.

Chair Miller:

Any additional questions, members? Vice Chair Ohrenschall, please.

Vice Chair Ohrenschall:

Thank you, Deputy Secretary Wlaschin. That top-down voter registration system has really been the holy grail for many sessions now, and we have all had a belief that it will really solve a lot of problems. Maybe I missed it, but when do you think that system will be up and running?

Mr. Wlaschin:

I did not mention it earlier. In the next agenda item, we will talk about it at length and some of the concerns of the timeline. To answer your question directly, the path that we are on right now, it does not appear that we will be able to effectively implement the top-down voter registration prior to January of 2024. The intent is not do it quickly, but to do it properly. As it currently stands, I estimate prior to January of 2026.

Vice Chair Ohrenschall:

Thank you, Mr. Wlaschin.

Chair Miller:

Mr. Wlaschin, I know that our number one goal is always to promote accuracy. Can you tell us, in 2020 specifically, how many registered voters died and how many of those—I think “nefarious” was the term you used—showed that they voted? I understand if you do not have the exact data with you today; if not, maybe you could provide that to the Committee at a later time because I know people are concerned about this issue.

Mr. Wlaschin:

I do have that information handy. Following the completion of the 2020 election cycle, we reviewed the documents provided by the Office of Vital Records. One of the questions I had was, first and foremost, regarding everyone who had died leading up to the 2020 election cycle—and even before that—I wanted to know if any of them had vote history. When we reviewed the numbers and identified, there were approximately 400 individuals who had died in the previous few years that had vote history. As you can imagine, the first thing I did after that was to identify the specific dates those individuals passed and looked very closely at the dates each individual county’s mail ballots hit the mail street. The idea being that if somebody mailed the ballot in and voted, or even voted in person during early voting and then unfortunately perished in a car accident on Election Day or leading up to Election Day, that would be perceived as being acceptable or at least understandable—rather—while it was still very unfortunate. Of those 400, there were approximately 50, and I can provide the specific numbers where the individuals had not perished after a reasonable amount of time where they could have received the ballot. In other words, an individual to whom the mail ballots were sent a day before they died or possibly even as many as a few days before they died.

Chair Miller:

I appreciate that consideration too, and like you said, it is very sensitive, but you could have mailed your ballot and then something happened.

Mr. Wlaschin:

Right. Yes, ma’am.

Chair Miller:

We will go ahead and close this agenda item.

AGENDA ITEM VI—UPDATE ON THE IMPLEMENTATION AND PLANNING OF A CENTRALIZED, STATEWIDE VOTER REGISTRATION DATABASE ([ASSEMBLY BILL 422](#) [2021])

Chair Miller:

Mr. Wlaschin, I know you are staying with us for Agenda Item VI, which is an update on the implementation and planning of centralized statewide voter registration database according to [AB 422](#) (2021). When you are ready, please proceed.

Mr. Wlaschin:

This agenda item specifically talks about the implementation and planning of the centralized, statewide voter registration database as directed by AB 422 of the 2021 Legislative Session (Agenda Item VI A-1). To start off, this is the mandate that, as Vice Chair Ohrenschall mentioned, has been in the works and there has been significant discussion. With the passage of AB 422 of the 2021 Legislative Session, it is a mandate and something that we are continuing to move forward on.

The first part of this process was the recognition that we needed to conduct an assessment. This assessment was a statewide assessment, not only of the SOS—everything from our processes, staff, resources, capabilities, and limitations—but also at the county levels. There is a significant difference, of course—as you can imagine—between the resources available in Washoe County or Clark County and some of our smaller rural counties. Every time I bring this up, I remind folks that the 15 elected officials in our counties are not appointed registrars; they have multiple hats to wear—multiple requirements due to their constituents—and elections is but a fraction of that. There was a great number of things we were asked to review, and a company was selected. Gartner was selected through the routine, state request for proposal (RFP) process, and they completed their six-month assessment in February of 2022.

What did that assessment look like? They interviewed folks from across the state and counties, not only the elected officials and our appointed registrars, but also numerous staff members—in many cases, as you can imagine, county IT staff who support the needs of an entire county and not just the elections department, or that individual clerk. Numerous interviews and discussions were held with the SOS and her staff—not only our Elections Division but also our IT [staff]—with the intent to create process maps and understand how things function. What does the “as is” look like? A significant number of requirements were gathered, and there was a lot of discussion about capabilities. It worked out well, frankly, that Gartner was selected because, in part, they have significant experience working with the elections here and have done this similar sort of assessment process in other states, which I believe is part of the reason why they were selected. Ultimately, they organized and documented a detailed approach and provided a potential roadmap looking forward.

Next are some of the “pain points.” I want to highlight some of the concerns that were raised by our county election officials and were items that Gartner identified as being not only worthy of note but significant risks that we have to be careful of and address going into the transition to a top-down registration system. I will not speak in detail to all of these, but I am certainly available for questions if there are any. You can see everything from identifying the existence of provisional ballots in that process and making sure that is incorporated into discussions about the inability, as it currently stands, for a voter's registration [to transfer between counties]. This was something that came up a moment ago in our discussion about AVR—about how the counties have independent voter registration databases. When you move from Carson to Douglas—it is not a long drive between the two counties—ultimately, those are entirely separate election registration databases because they are maintained by two separate clerks. We are trying to find a way to not only have it centralized, but to make sure that if an individual does move, that we are able to address them.

We talked about the timing—that 48-hour lag at times, often it is 24 [hours]—and reducing, as much as possible, the friction and time it takes to conduct a voter list maintenance or to even do routine actions. That would be an important thing to make sure is incorporated.

A lot of folks do not realize we have a strong confidential voter program that is set in place to make sure that individuals who want to maintain their confidentiality across the state are able to still cast their ballots in a legal manner without causing any confusion or exposing or risking their privacy. That is something that we take very seriously at the state and county levels—making sure that we incorporate this process going forward as well.

Questions about candidate certifications, petitions, and recalls—oftentimes, folks forget those are the responsibility of the SOS to oversee and administer but are certainly an integral part of [Title 24](#) of NRS. [We need to] make sure that we do not leave out this extremely important process of signature verifications with these activities that occur and are increasing—whether it is with petitions where folks become aware of the process for initiative and referendum and are getting involved or a number of other types of petitions.

We talked about the utilization of electronic pollbooks and making sure there are consistent processes. When you think about voting systems, oftentimes people picture the machine you stand in front of, or maybe in Carson and Lander where you put your ballot into it, and it enables you to vote properly that way. But there is so much more to it; there are the tabulations; there are the electronic pollbooks; there are the election management systems. There are all these different parts that connect into that system to make it run properly. As it stands now, many of the counties use different brands of electronic pollbooks. This system should ideally work with them, and it should not create an additional fiscal burden on the counties as we move into this transition.

Lastly, the election night reporting is the process to validate the information, to ensure that it is transmitted in a secure manner, aggregated appropriately, and of course, that there are no errors or issues there.

With the decision criteria framework that would be considered as part of this assessment, we wanted to make sure it had a functional fit based on our capabilities and limitations across the state. Whatever solution is identified, it has to meet our requirements. It is a unique challenge because, as you well know, every state's election laws are different. There is no ability to just pull something off the shelf and then use it instantly. It will have to be modified, no matter what it is; or if one was going to be created from scratch, it would have to match the nine chapters of Title 24 in our revised statutes. That was one of the biggest concerns and focuses.

Regarding the cost, there are some unique options out there. Some are very interesting custom fit type of solutions where individuals would program it from scratch and build a Nevada-specific voter registration system; but in many cases, those ideas were astronomically expensive, even with some of the initial discussions and review. Cost is something that we are keenly aware of as well. The goal is to make sure, as we talked about, that it is done right and not quickly but also not cheaply because this is a process and an implementation of a system that needs to be used, ideally, for at least a few decades.

State and county resources are also extremely important. As you are all keenly aware, there are a number of vacancies at county and state positions that have been fairly difficult to fill. There is not only a challenge with getting personnel, but as other vacancies and other state agencies and areas open up, there are opportunities for county and state employees to get promoted and move into these newer and different positions. As that rotation occurs—of vacancies being filled and new positions and new individuals moving on—there is certainly a concern regarding the state and county resources available to allocate to this process. It is extremely important—it is essential—that we get this right, but without having the right people in place or trying to select maybe a course of action or a possible solution, it requires a ton of time or people. The personnel and state resources and county resources are something we are also keenly aware of as part of this assessment.

With the time to market, there are some interesting ideas and options out there that would take 10 to 15 years to implement. That is simply not the case either. While we are going to be deliberate and make sure that we do this properly, we also are not going to be so slow and methodical that it is ready in time for the 2034 election process; that is simply untenable as well. We are cognizant and very thoughtful of the time to market.

There are other risks and considerations, including the implementation of the operational risks aligned with the SOS's IT Strategy and Operations. All of that is a fancy way to say we recognize that while this process is going on, we still have to conduct elections. We are still going to be inundated by, frankly, foreign and domestic cybersecurity attacks. I thought they would have peaked during or maybe after the 2020 election cycle, but many cases had not; they have continued to attempt to infiltrate and cause havoc on all state systems. These are key considerations, and they are things we are reminded of on just about a daily basis.

We stay in close contact with a number of other states that are going through similar processes or are going through similar transitions from bottom-up to top-down or from one form of top-down to another. These sorts of issues continue to come to the forefront of our attention. Incidentally, these are articles with hyperlinks for individuals who have questions, and certainly, you can reach out to our public information officer (PIO); we will provide those links to you if you are not able to find them. That second article from last month—a few weeks ago—is about an extremely competent secretary of state with an extremely competent staff who is still facing challenges as part of their transition. This is something that we are keenly aware of—the public perception. While it is very important, the goal is to make sure that it is done right. Our electorate deserves it to be done right first; it is something of which we are reminded. We reach out to other states and continue to discuss. We are very critical in thinking about how we can make this better, what we are seeing, whether other states are seeing friction points that we have not considered, and if so, let us talk to them so we can find out to ensure this process moves forward.

There were ultimately three options considered for a decision. To procure a commercial off-the-shelf voter registration and election management solution was one option. The second is to custom build. Picture two of these—the first one is buying a car that exists, and the second one is building a car from scratch where you kind of know what direction you are headed, but it is truly a custom-built solution. The third option is whether it is possible or feasible to build it in-house; we have a very capable IT staff and the SOS has been involved in our IT solutions for literally decades. After reviewing it—the decision paper was provided; if you do not have in front of you, I can certainly provide that afterwards—the decision ultimately was to pursue a commercial off-the-shelf solution instead of building one custom, which ultimately would have cost too much money, or building one in-house, which again, recognizing the aforementioned staff limitations, carried a significant amount of risk as well.

What is next? The way forward is to continue to confirm and prioritize the project scope. Again, we have a primary creeping up on us very quickly. We have a general election coming up in November. We have a presidential preference primary coming up on February 6, 2024—a third election that year as we go into a presidential election. Every election is extremely important, and everyone demands election officials' full focus, time, and effort. And that is not just the election in even-year cycles; certainly there will be some ballot question type, off-cycle, odd-numbered year special elections, as well, that will warrant attention. This, again, has to be done right and is getting our attention across the state. Part of our review and assessment ultimately concluded, as I mentioned to Vice Chair Ohrenschall a moment ago, in the next 12 months, it is unlikely that we are going to be able to push forward and rapidly implement a system without ending up in maybe an article, as I showed before. Based on that, I think discussion still needs to be had going forward.

Knowing that we are pursuing a commercial solution, what does that look like with very tangible needs? Right now, we are developing an RFP and gathering quotes prior to the 2023 Session. The initial look is that, likely, the HAVA grant that we have now will likely not meet the full fiscal requirement of this transition project. So ultimately, the RFP process that we are going through, again with the state, exactly as we are required to, will provide the information needed so that we can come to the 2023 Legislative Session and have further discussions about what exactly comes next to make sure that all appropriate stakeholders are involved in that process. Like I said, we are looking very critically, internally, at how we are doing this, what we are doing, and the staff requirements that we would need going forward because it is not just a matter of a light switch turning on and now we are a top-down system. It is going to need sustainment, maintenance, and additional integration with other legislative mandates, like [AB 432](#), for example. All of these things are being considered and wrapped into the process, not only looking at what solution we will get, but also what we at the Office of the SOS need to do to make sure that we are set up and the conditions are set for success.

That concludes my presentation, and I am available for questions.

Chair Miller:

Thank you, Mr. Wlaschin. Members, do we have any questions? Assemblywoman Carlton.

Assemblywoman Carlton:

Going back to summary of content, business practices, pain points to conduct elections, most counties are utilizing pollbooks. I am trying to remember what session it was—and I am going to put my Interim Finance Committee (IFC) hat on halfway here—that we provided funding to the different counties in order for them to be able to modernize their

pollbooks. Since then, I have heard there has been a number of changes, and I was wondering about those funds that were sent out to the different counties. Are they still using what was funded for them or are they reverting back to the more antiquated ways of trying to go back to paper ballots? If they are doing that, has that equipment been returned to the state? Where are we with that process?

Mr. Wlaschin:

The 2018 Legislative Session was the one that identified the funds that went to the counties, specifically for the modernization of their voting systems and equipment. There has been a lot of discussion, exactly like you said. There is one county in particular—Lander County—that has transitioned from the voting system that was purchased using the funds from that legislative session and has gone to a different one. With those systems themselves, the software gets returned to the vendor; the machines remain in Lander County. I do not believe that transition is done yet with Lander County. There certainly has been a lot of discussion across other counties about transitions to and from other voting systems. That is the information I have right now.

Assemblywoman Carlton:

Thank you. I think this Committee should probably have a conversation on this. If we provided equipment—when the counties came and asked for help, we helped them—and now they have decided they do not want it, I believe those funds need to be returned to the state if they are not going to be used. I think that is probably something that we would like to have a future conversation about, Madam Chair. It is a waste of state dollars that could have gone to other issues. Moving further into the presentation, you listed a couple of articles from other secretaries of state who are having issues. It seems to me—and I am not as familiar with this Committee, so if I am off base, please let me know—top-down is probably being done somewhere correctly. So what states are doing it? Should we be talking about those states, along with the states that are having problems—not just the ones that are having problems?

Mr. Wlaschin:

Yes, ma'am. The intention with highlighting those was simply to identify the risks. Believe me, we absolutely are in close contact with the numerous other states who have transitioned to a top-down system. In fact, while there is certainly merit in discussing lessons learned from states and other secretaries of state who maybe identified some friction points, we have spent equal, if not more time, talking to those individuals who did have success—what it looked like, what items they found, and discussion points about considerations. So yes, ma'am, absolutely, we do talk and have talked to a number of other states that have done it to some level of success.

Assemblywoman Carlton:

I would like to learn more about that. I would like to know exactly how it is working. We do not have to recreate the wheel. Pointing out the hazards without pointing out the positives on the other side, to me, is a bit disingenuous in giving us all the information we need as far as making decisions moving forward—especially for those of us that are a little bit newer to this. I mean, I am familiar with the issue, but not as intimately as those who have served on this Committee numerous times. So not putting that information in the presentation does not make it as complete as I believe it should be. I would like to have the information on the states where it is working so that I understand, exactly, the process moving forward. Thank you, Mr. Wlaschin.

Chair Miller:

Mr. Wlaschin, can you respond in a direct, concise way to the Assemblywoman? You mentioned there are multiple states that you are in contact with that are doing it well. How many and which states are doing well? How many of them are you in contact with?

Mr. Wlaschin:

I can summarize that in a document provided to the Committee on petitions.

Chair Miller:

You do not have that present with you right now? Last time, I did not expect—and was pleasantly surprised—that you actually had that data right there accessible with you. I was wondering if you had this data with you.

Mr. Wlaschin:

We talked to Colorado, Texas, Washington State, and two or three others that I cannot recall right now. Yes ma'am.

Chair Miller:

So you would say about six are doing it well—that it is working?

Mr. Wlaschin:

Yes, ma'am. Across the country, everyone does it differently. Everyone has different requirements, but yes, states that we identified that we are close enough to—with their systems and their models of the before and after—we can identify some positives from those. I apologize if I did not cover the merits of the system and the transition to the “top-down.” It will absolutely benefit every one of our 1.8 million registered voters without a fraction of a doubt.

Chair Miller:

Thank you for that. Vice Chair Ohrenschall.

Vice Chair Ohrenschall:

Thank you Deputy Secretary Wlaschin. I was looking back at the [minutes](#) from May 25 on [AB 422](#) (2021) for the Assembly Ways and Means Committee, and there was testimony provided by Speaker Frierson that Nevada was one of six states that still has the bottom-to-top voter registration system. It seemed like most of the country is “top-down,” but there was also testimony that there was funding from a HAVA grant that could be used towards that. I am wondering, has that funding been exhausted, or is it still something that the SOS's Office will be able to use with implementing that top-down voter registration system?

Mr. Wlaschin:

The bottom line is “yes.” We intend to use the HAVA grant to fulfill, as much as possible, the fiscal requirements from the transition to the top-down system.

Vice Chair Ohrenschall:

A brief follow-up, Madam Chair?

Chair Miller:

Yes, please.

Vice Chair Ohrenschall:

Is that grant still there waiting to be used?

Mr. Wlaschin:

Yes, sir.

Vice Chair Ohrenschall:

Thank you.

Chair Miller:

Mr. Wlaschin, what is the amount of that grant? Often grants have specific dates they must be utilized within. So, could you give us the parameters of the grant please?

Mr. Wlaschin:

Yes ma'am, approximately \$6 million is about what we have remaining. Because of the pandemic and budget cuts, we ended up transitioning some individuals who had been covered under the General Fund into the grant to make sure we maintained our staffing levels appropriately during the 2020–2021 cycle. But yes, ma'am—approximately \$6 million. I do not believe there is a deadline for it. The intent for the use of the HAVA grant is to focus on the improvements to the administration of federal elections. To that end, a transition to the top-down system absolutely falls within its boundaries.

Chair Miller:

So that was \$6 million dollars, and I do hope the transition of staff was permitted for the grant. Coming from someone in the grant world—both federal and state—I know there are often very specific requirements on that.

Mr. Wlaschin:

Yes, ma'am, absolutely.

Chair Miller:

Members, any additional questions? [There were none.] I just have one other question, Mr. Wlaschin. I know the bill specifically says this is supposed to be implemented by January 1, 2024. Yet in your presentation, it got a little fuzzy when it came to dates and possibilities. In any type of strengths, weaknesses, opportunities, and threats (SWOT) analysis, we often talk about the strengths—the [ability of the] SOS's Office to implement this effectively. The bill says that it should be implemented by January 1, 2024, which is still almost two years away. And yet, we did not really hear an actual concrete date. Will this be implemented as required by law by January 1, 2024?

Mr. Wlaschin:

That is certainly the goal. Absolutely. If it is within the realm of the possible, that will occur. The concern is that the RFP process we are going through now is going to identify the quotes. We have already identified that is going to exceed the funds available in the HAVA grant. Therefore, we are going to come to the 2023 Legislative Session to identify that delta between the HAVA grant and whatever else is required. That would put us at eight to ten months for implementation to meet the statutory deadline. If that is possible, it will occur. If it does not seem to be within the realm of the possible—again, this is not something that we will consider lightly—based on the risk and based on the resources available. If there are questions, we will bring that to the Legislature during the 2023 Session as well.

Chair Miller:

I know that, also required by the bill, a report is to be made to the IFC, and we have an IFC meeting coming up shortly—actually next week. We will be able to dig in deeper at that point. Thank you, Mr. Wlaschin, for your presentation and for answering the questions.

I will go ahead and close Agenda Item VI. We only have one more agenda item before going into our public comment.

[Subsequent to the meeting, Mr. Wlaschin submitted a memo regarding the decision of the SOS to procure a commercial, off-the-shelf solution for the top-down voter registration system (Agenda Item VI A-2)].

[Chair Miller called for a ten-minute recess.]

AGENDA ITEM VII—OVERVIEW OF THE DAILY OPERATIONS AND PERMITTED ACTIVITIES AT VOTE CENTERS AND POLLING PLACES

Chair Miller:

[Chair Miller called the Committee back to order.]

Next, we have Agenda Item VII, which is an overview of the daily operations and permitted activities at vote centers and polling places. Our presenters are Ms. Heather Carmen, Assistant Registrar of Voters for Washoe County—who we welcome back—and Sandra Merlino, County Clerk for Nye County. Both will be presenting on Zoom. Ms. Carmen, I believe you asked to present first. Please proceed when you are ready.

Heather Carmen, Assistant Registrar of Voters, Washoe County:

Thank you for having me here today to give a presentation on polling locations. For the primary election, Washoe County will have 58 vote centers on Election Day that will be in person and ballot drop-off locations. We will add a few more when the general election is upon us. We will have 24 in-person early voting sites that will also be ballot drop-off locations. We will have one ballot drop-off [location] only during early voting. We are going to be promoting more of the vote center option so that individuals know that on Election Day, they do not have to go to their prior precinct-specific area, and that gives them the opportunity to go somewhere closer. Another thing that we deployed in 2020, was a wait time portal application so that our voters could go online to see what location was closest to them and approximately how long the wait was. That is going to be available for early voting and Election Day, so that hopefully, we do not have overcrowding at a particular location and people can get in and get out quickly.

As far as election workers to man our polling locations, we received numerous applications during the 2020 cycle, and we are continuing to receive applications. Our staff is diligently going through them to see who we can place and where they are going to go through training. Since our current election management system is, as I said before, almost 30 years old, managing such large volumes has been a task for our internal staff. Responding to numerous applications has taken us a lot longer than anticipated. However, we have a program that we are going to be using for the first time called [inaudible] to help us manage the numerous election workers for which we have applications. It also helps us manage our polling location sites and our inventory that goes out to those sites. We must hire numerous on-call workers as well, as we typically have a 25 percent drop-out rate. It is not just individuals who are going to be assigned; we also assign on-call workers to those locations in case someone falls ill and cannot do it. The manager or assistant manager can then call upon someone from their sheet to get them out to the polling location.

I believe one of the things that you wanted to hear about was the “day in the life” of an election worker. This does not necessarily encompass all the things they do; it is a brief overview. Some of the things they are required to do is contact the manager, assistant manager, and the other team members to set up a date and time to do a presetup. That is very critical because you want to make sure you have all the necessary equipment, all the cords, paperwork, checking the seals on the voting equipment, making sure it has not been tampered with. You want to do this the day before and not wait until the day of, so that we can be contacted immediately to rectify that situation. We have a dedicated election-worker hotline that is open to our election workers who can call in immediately for any issues to make sure that we are responding to them quickly. They also have the facility contact information for their polling location in case they need to call someone on staff at the location for any issues—like lights going out, things of that nature.

On the first day of early voting, we ask them to show up two hours before voting actually starts, and this is when they put out all the signs, get all the pollbooks set up, test connectivity, open up the polls, do chain of custody paperwork, and then everyone helps to get the signage up to make sure there is flow and the voting point location is smooth. Everybody takes the oath of office; the polls open; and they process voters throughout the day. Same-day registration has slowed down the intake process because now we are also registering individuals who want to do the same-day registration and then conducting the part where they are signing the roster books to issue them their card. That has added a little bit of time to the process. There are the times where the election workers may have to answer questions of the voters or they are dealing with observers and the media. They are doing that throughout the day. Hopefully, it is a nice calm, smooth day—no issues.

At the end of the night, once the last voter has cast their ballot on the tablet, the process of closing the polls starts to happen. They do a close-out report on the ICX Primes to get the total number of ballots that have been cast on each of the voting tablets, and then they compare it against the numbers in the roster book of all the signatures; it should be a one-for-one. Then they fill out their close-up paperwork, and they must reseal all the equipment. No equipment is left unsealed, and no mail-in ballot is left behind at any of the polling locations. We ensure they are brought back to our office every night, and there is a chain of custody process with that as well. They get scanned in as received at our office the very day that we do get them, so the election equipment is secure.

On the last day of early voting or the end of the night for election night, two election workers come into our office with the critical supplies that we verify we have received; we go ahead and check that in. If it is early voting, we have to leave the items secured until election night where we can actually start pulling out the USB sticks and tallying this up.

As far as electioneering, it is the responsibility of the manager and the assistant manager to keep tabs of what is happening around their polling location. We give them this fancy piece of twine to measure the 100-foot distance marker, and that is where they put their signage up that says, "No electioneering beyond this point." They are asked to periodically go out and make sure that none of that is happening—that no signs have been put in within that area—and if so, they are allowed to remove it. They may have to deal with someone who is just not listening to them and says, "This is my right. I can be here if I want to. This is private property." In that case, the private property owner can ask them to leave. The school grounds have different rules. It really depends on where this activity is happening on the parameters of electioneering, but we do ask our managers and assistant managers to act upon it. If they are unable to resolve the issue, we ask them to call that election-worker hotline so that we can see what more we can do. Do we need to send out a staff member? Does the situation need to be escalated to law enforcement? If it does, the election worker has a specific sheet for their polling location that has their address and whether it is the sheriff or the city they should be calling. It also gives them other tips on what to do to make sure that the polling location is secure. We provide them with a video on what to do in case of an emergency at a polling location and something were to happen—how to power down, and if we need to reset and redirect voters to another location. We make sure to assign extra voting tablets—our ICX Prime voting tablets; in case something happens, we can deploy extra ones in the field and set up an alternative polling location. We have backup pollbooks in case something goes wrong with them. It seems like we always have a plan B and a plan C, and if an extreme disaster happens, we also have our [inaudible] plan to make sure that everything runs smoothly. We talk to our head of security and law enforcement well in advance of the election to make sure they are in place and know the hours, times, and locations for voting.

That is the end of my presentation. Hopefully, I have covered everything that you are wishing to learn about. If not, I will be happy to take some of your questions after Sam.

Chair Miller:

Thank you. Ms. Merlino, please proceed when you are ready.

Sandra (Sam) L. Merlino, County Clerk, Nye County:

Good afternoon. Heather has already provided a lot of detail on the procedures we all follow, so I will not go over those again. But if you have questions later, that is great. I am going to talk a little bit about Nye County. We have two county facilities, one in Pahrump and one in Tonopah. We conduct our elections mainly out of the Tonopah Clerk's Office. It is where all the election equipment is stored, voter registration administration takes place, and all the mail ballots are processed. We have three early voting locations—the Tonopah Clerk's Office, the Duckwater Indian Reservation, and the community center in Pahrump. We also have drop boxes at those locations during early voting. We have five Election Day polling locations—Round Mountain, Tonopah, Beatty, Amargosa, and Pahrump; same thing—we have drop boxes at those locations on Election Day.

As you all know, Nye County is large, so our polling locations are over 200 miles apart. That does pose a bit of a challenge for us. We have designated both Tonopah and Pahrump as vote centers, so anyone in the county can go to either of those locations to vote, which has really been helpful. We have drop boxes in both offices in Pahrump and Tonopah for those voters who want to drop them off in the office. We do utilize the ICX voting machines at all polling locations as well as the Welcome Voter Kiosks for our electronic rosters. We set up about 4 to 7 voting machines at our smaller polling locations and up to 50 in Pahrump as

well as the electronic rosters. Each polling location is equipped with one or two accessible machines for the disabled.

As with everyone, we have limited staff, and as clerks, we have other duties besides elections. So at least during the primary, we try to hire college kids who are home for the summer. We hire in-office or at the polls—wherever we can get them—and that is helpful. We do experience worker shortages at smaller polling locations. We get a lot of applications to work in Pahrump, too many in fact; unfortunately, retaining those same workers for each election is difficult. They might work one and then they do not want to work again. Training poll workers is a bit of a challenge. It would be great if I could hold a centralized training with videos and “hands on” and everyone could attend. But the way things are, I travel to each community to hold the training. We have a two- to three-hour session. It works, but it could be better.

As far as the actual election—Election Day—we transport all the election equipment and supplies by truck and U-Haul to the polling locations the day before the election. We set up the machines at each stop and do a quick test to check power, date, time, et cetera; we make sure everything is working. On Election Day and during early voting, the workers arrive early and go through the process of checking their supplies, logging into the kiosks, opening the polls, doing their balancing—making sure everything is ready to go. Once all the checks and balances are done, they are ready to open the polls for the day. And truthfully, I let out a large sigh of relief once I hear everything is open and the first voter has gone through the process. Not that anything ever happens; we are always prepared for something. Either me or my chief remains at the largest polling location in Pahrump at all times to handle complaints and other issues that arise, but we are also in close contact with the chairmen at our outlying locations. They have my direct cell number as well as the number to my office. We can generally walk them through any issues they have. If we must travel out there, we will, but most of those locations are at least an hour to two hours out of our offices. Sometimes that is a little difficult.

As far as the polls, the issues we encounter are mostly campaigning complaints and sometimes cell phone use. People try to take pictures of themselves voting—the ballots and everything else. We had some instances of voter intimidation in the poll lines outside, and we have always had exit poll complaints. Everyone likes to test the limits of what they can and cannot do, but it is always manageable. Like I said, I am always there or my chief is there, so usually, we can control things pretty well. We always welcome observers at our polling locations. They have to sign and acknowledge they understand the rules. We place them in an area where they can observe everything, but they are not close enough to see voter information or anyone's ballot. We do welcome them.

Once the polls are closed on Election Day, the workers go back through all their checks and balances and pack up the supplies and equipment for transport. First thing early Wednesday morning, we get that U-Haul and we pick up the equipment at all polling locations and transport it all back to Tonopah. All of the results—anything that is sensitive—the printers and everything else—are transported that night. They are never left in the polling locations. The actual election equipment is sealed and left in the smaller locations. But in Pahrump, we pack up everything and put it in the U-Haul that night—lock it up and put it in the Sheriff's Office sally port so no one can get to any of that.

As far as emergency preparation, we have had only minor things like power outages. What we normally do is shut down a couple of machines and allow voters to vote on those that are open, and then once those run out of power, we power up the other ones. We have only been out of power maybe half an hour at one of our outlying areas. As far as a major

emergency, unfortunately, we are not able to send voters to another polling location because, unless they want to travel three hours, that is not going to happen. Our measures would be to shut down while there is an issue or allow people to wait in line; let them come back once the issue is resolved; or go directly to the courts to get an emergency order to extend the hours. Luckily, we have not had to do that at all.

I am going to talk a little bit about tabulation results. I know this is more about polling locations, but I feel this is important as well. Hopefully, I am not going off subject. Because we have Tonopah and Pahrump, we actually tabulate in both areas. In the northern area—Round Mountain and Tonopah—everything is transported to the Tonopah Clerk's Office by sheriff's deputies right after the polls close. The rest of the locations—Beatty and Amargosa—those are all transported to Pahrump, so we tabulate there as well. Mail ballots are all tabulated in the Tonopah office. We do allow observers; we have had them very close—sitting right in on the process—as close as can be without bothering anyone or disrupting the process.

That is about it other than, due to the size of the county, there are not a lot of ways to solve our issues. Funding always helps. Some of our supplies only last for so many years without having to be replaced. Recently, I thought about something that I wish I had asked for funding for. We travel with a U-Haul and a forklift at all of our locations because those U-Hauls do not have lift gates. If I would have thought about it, I would have asked for funding for a county election truck that has a little lift gate. That is something I want to think about for the future that would make my life a lot easier.

I hope you have some questions for me.

Chair Miller:

Thank you. Members, do we have any questions? Assemblywoman Dickman, do you have a question?

Assemblywoman Dickman:

I do not. Thank you.

Chair Miller:

Thank you. I have a brief question. You mentioned some of the activities that should not be done in a polling place, but the activities you mentioned were things that voters do without realizing—they want to take pictures of their ballot, all this kind of stuff to promote excitement. We do not expect that voters are reading all of the rules before they come into the polling places; however, I am thinking the actual campaigns should be doing their due diligence with that. What should occur if there is something happening that should not happen at a polling place, where the people running the polling place are allowing it to happen? What can Nevadans do to address that? The first thing people do is—I believe you used the term “chairman”—go to the chairman of that polling place. If the chairman does not address it, what can voters do at that point?

Ms. Merlino:

Is that a question for Heather or myself?

Chair Miller:

Either one.

Ms. Merlino:

Heather, I will let you go first.

Ms. Carmen:

If a polling place manager is not resolving the issue that a voter is reporting, I would hope the voter would contact us directly. We do have supplies with our phone number on it that are given to the voter to take with them. We sometimes get reports from observers who might observe some sort of not normal activity, and it gets reported directly to our office—either by calling us or going through Washoe311. Depending on the severity of it, we handle it immediately because if there is an individual in the polling location who is making a scene or trying to take pictures of everyone voting in there—and the manager is not able to get them out—they call us, or maybe they have to escalate it to law enforcement. Our office needs to know what is going on so we can support them and help them with the situation and resolve it in a way that individuals are still being able to vote in a nonadversarial environment. If that did not answer your question, I would be more than happy to clarify. Thank you, Chair.

Chair Miller:

Thank you.

Ms. Merlino:

I want to add to that a little bit. In Nye County, most of our smaller polling locations do not have issues. Ours is mostly in Pahrump, and I am always there, especially on Election Day. Most voters or observers report directly to me, and I usually try to take care of things immediately. I usually warn a person or a group, and if I have warned them once and they do it again, many times I will kick them out, remove them—whatever I have to do—or I will bring in the sheriff's deputies. I do have deputies that roam the area on an hourly basis; they are on-call if there is something we really cannot handle.

Chair Miller:

Is there a way that we, as the Committee, could receive what is covered in the training—whether it is for the poll captains or the managers; I know you were using different terms—so we can see what is in the training they receive? Ms. Merlino, you mentioned you drive out physically to them, and Ms. Carmen, yours may be delivered a little differently.

Ms. Merlino:

Absolutely.

[Subsequent to the meeting, Ms. Merlino submitted a document containing instructions for poll workers in Nye County (Agenda Item VII).]

Chair Miller:

Thank you. Any additional questions? Not seeing any questions, I will go ahead and close Agenda Item VII.

AGENDA ITEM VIII—PUBLIC COMMENT

Chair Miller:

Our next agenda item is public comment.

Anyone wishing to make public comment will have up to two minutes to speak.

[Chair Miller provided call-in information for the public.]

We do not have anyone physically here in Las Vegas approaching for public comment. Do we have anyone approaching for public comment in Carson City?

Assemblywoman Dickman:

No, it does not appear so, Madam Chair.

Chair Miller:

Thank you, Assemblywoman. Broadcasting, do we have anyone calling in right now?

BPS:

[BPS staff explained how callers can take their place in the queue.]

Tracey Thomas, Nevada resident:

Good afternoon. Contrary to Mr. Wlaschin's assertions, counties in the state are not in full compliance with all qualifications not being verified. When citizenship is not verified, integrity cannot be ensured. The information cannot be assured to be accurate. Nor is it complying with state and federal laws requiring citizenship to participate in the voting process. The counting of any provisional ballot when all the requirements have not been verified, is not in compliance with [NRS 293.270](#). Same-day registrations at polling locations do not have the resources to verify citizenship, continuous residency, or accurate residential property, felony status, et cetera. I have worked as a polling place manager for Washoe County since 2000, served as an election-worker trainer in 2020, and assisted in the election-worker call center. Ms. Carmen failed to include the chaos managers must also address from observers battling with each other for space within polling locations, the dissension and interference within waiting lines, and the electioneering at the 100 mark that often encroaches inside that mark. There is a nonemergency number that can be called, but that does nothing to discourage the behavior to begin with. The issue may have been paused by the time deputies may arrive, but it quickly resumes as soon as they leave. This has escalated every election. There is a huge issue with the usage of cell phones in polling places despite the signage at intake stations notifying voters that they are not allowed except for looking at their ballots. We can ask them to hang up on calls they may be on, but we cannot be expected to get physical with the voter to force them to hang up or delete any picture they may have taken. I have warned them, however, that if the picture is found online, they could be prosecuted [through] NRS, but other than that, I am not sure what

else we can do. But yes, much training and assistance in this area is definitely needed. Thank you.

Chair Miller:

Thank you. Broadcasting, do we have anyone else on the line?

BPS:

Yes, Chair—one moment.

Dora Martinez, Nevada Disability Peer Action Coalition:

Good afternoon. I would like to thank all of you for passing [AB 121](#) (2021). Now people with disability can vote at their home or wherever they are with an accessible NV EASE format, thanks to the SOS's Office. And Mark—I am not going to attempt to say your last name—we appreciate you. You included people with disabilities in that process, which is why it is 100 percent accessible and Americans with Disabilities Act (ADA) compliant. I do want to just remind the Registrar, with early voting in general elections and the primary, please have the ADA voting machines ready to go for people with disability to get on them and do their thing. I know that last time, some people with disability were sitting there for a half hour to one hour to turn on the machine and get it ready. If you guys need help, please call the Center for Independent Living. We can definitely help you get those ADA machines ready to go. With that, I want to thank all of you and especially the Chair, Ms. Brittney Miller.

Chair Miller:

Thank you.

BPS:

There are no other callers wishing to offer public comment at this time.

Chair Miller:

Thank you. We will go ahead and close public comment.

Thank you for coming, members, and actively participating in our first Committee meeting on Legislative Operations and Elections. Our next meeting is scheduled for Friday, April 29 at 9:30 a.m.

The following written public comment was received:

- Oscar Williams, Director, The Gadsden Group, submitted a letter for the record (Agenda Item VIII).

AGENDA ITEM IX—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:34 p.m.

Respectfully submitted,

Lisa Creamer
Research Policy Assistant

Haley Proehl
Senior Policy Analyst/Geographic
Information Systems Specialist

APPROVED BY:

Assemblywoman Brittney Miller, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II A	Bill Harenburg, Convention of States Nevada	Written Testimony
Agenda Item II B-1	John Quandt, Legislative Liaison, Convention of States Nevada	Written Testimony
Agenda Item II B-2	John Quandt, Legislative Liaison, Convention of States Nevada	Email
Agenda Item III	Haley Proehl, Senior Policy Analyst/GIS Specialist, Research Division, Legislative Counsel Bureau	Committee Brief
Agenda Item IV	Thomas Martin, Manager, Division of Research and Project Management, Department of Motor Vehicles (DMV)	Packet of DMV forms
Agenda Item V	Mark A. Wlaschin, Deputy Secretary of State for Elections, Office of the Secretary of State (SOS)	Microsoft PowerPoint Presentation
Agenda Item VI A-1	Mark A. Wlaschin, Deputy Secretary of State for Elections, SOS	Microsoft PowerPoint Presentation
Agenda Item VI A-2	Mark A. Wlaschin, Deputy Secretary of State for Elections, SOS	Memo
Agenda Item VII	Sandra (Sam) L. Merlino, County Clerk, Nye County	Poll Worker Instructions
Agenda Item VIII	Oscar Williams, Director, The Gadsden Group	Letter

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