



# **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 29, 2022**

The second meeting of the Joint Interim Standing Committee on Legislative Operations and Elections for the 2021–2022 Interim was held on Friday, April 29, 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](mailto: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  
Assemblywoman Daniele Monroe-Moreno (Alternate for Assemblywoman Cecelia González)

### **COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Assemblywoman Jill Dickman

### **COMMITTEE MEMBER ATTENDING VIA REMOTELY:**

Senator Heidi Seevers Gansert

**COMMITTEE MEMBER ABSENT:**

Senator Roberta Lange (Excused)  
Assemblywoman Cecelia González (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

*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 of the Joint Interim Standing Committee on Legislative Operations and Elections to order. We have Leader Cannizzaro attending as an alternate for Senator Lange and Assemblywoman Monroe-Moreno attending as an alternate for Assemblywoman González.

[Chair Miller discussed meeting guidelines, including procedures for providing public comment, and noted meeting materials have been uploaded to the Committee's [meeting page](#).]

Due to a few scheduling conflicts, we will be taking some of the agenda items out of order today. Once we get further down the agenda, I will let you know which items those will be. We will have a short, 15-minute break at some point this morning; however, we will not be breaking for lunch.

## **AGENDA ITEM II—PUBLIC COMMENT**

### ***Chair Miller:***

We can move into our first agenda item, which is public comment. Please keep your comments to no longer than two minutes.

Broadcasting, would you please open the lines for public comment?

If there is anyone here in Las Vegas or in Carson City that would like to approach to make public comment, please approach now. I am not seeing anyone here in Las Vegas to make public comment. Assemblywoman Dickman, is there anyone in Carson City approaching to make public comment?

### ***Assemblywoman Dickman:***

No, I do not think so.

### ***Chair Miller:***

Broadcasting, is there anyone on the line who would like to make public comment?

### ***Broadcast and Production Services (BPS):***

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

### ***Dora Martinez, Nevada Disability Peer Action Coalition:***

Good morning. I am here speaking on behalf of my Coalition, which mainly consists of people with disabilities. I want to thank the Legislature for passing [Assembly Bill 121](#) (2021) during the 81<sup>st</sup> Session. I cannot tell you how important that particular civil right is for seniors and people with disabilities. I have been doing public comment in counties because they want to eliminate accessible, equitable voting. I applaud you for passing AB 121 because it is really important for people with disabilities to be able to vote, especially with numerous barriers, such as public transportation—which is not as available as it was before

the Coronavirus Disease of 2019 (COVID)—and personal care attendants who cannot arrive on time to assist people with disabilities with the voting process.

***Beverly Harry, Progressive Leadership Alliance of Nevada (PLAN):***

My name is Beverly Harry, and I am the native community organizer with PLAN. We believe our democracy is most vibrant when more people are able to participate in it. Previously, many tribes in the state had to travel up to 150 miles to vote, but after prevailing in a 2016 lawsuit—that this was inequitable access to voting—the state passed legislation in 2017 to allow tribes to have their own polling locations. Over the last [few] election cycles, we have worked to support tribes in requesting polling sites, hosting culturally sensitive, “get out the vote” events, and registering voters. We have seen growing enthusiasm with the importance of voting and the political process, as it means a lot to address the issues that native people face. Because of community outreach and changes at the state level, we have seen a large increase in native voter turnout, yet there are a number of tribes who have not yet taken advantage of polling place requests or have faced pushback from the county election officials when doing so. It is important that the Office of the Secretary of State (SOS) increase outreach to tribal nations to ensure they all have knowledge of what the state is able to offer them and to develop the government-to-government relationship with the tribes.

***BPS:***

The public line is open and working; however, there are no additional callers at this time.

***Chair Miller:***

We will close public comment; there will be another public comment period at the end of the meeting.

**AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON  
APRIL 1, 2022**

***Chair Miller:***

Committee members have had time to review the minutes. Are there any questions? Not seeing any, I will entertain a motion to approve the minutes of the Committee meeting that occurred on April 1, 2022.

VICE CHAIR OHRENSCHALL MOVED TO APPROVE THE MINUTES OF THE  
APRIL 1, 2022, MEETING.

THE MOTION WAS SECONDED BY SENATOR SEEVERS GANSERT.

THE MOTION PASSED. ASSEMBLYWOMAN MONROE-MORENO WAS ABSENT  
FOR THE VOTE.

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## **AGENDA ITEM IV—PRESENTATION ON NATIVE AMERICAN VOTER ENGAGEMENT AND VOTING ON INDIAN RESERVATIONS AND COLONIES**

### ***Chair Miller:***

Our presenter, Stacey Montooth, is the Executive Director of the Nevada Indian Commission (NIC). She will be presenting in Carson City. Please approach when you are ready.

### ***Stacey Montooth, Executive Director, NIC:***

I am here to discuss Native American voting outreach procedures currently implemented by the Nevada Legislature (Agenda Item IV).

Because we live, play, and work on the ancestral homelands of the Numa, the Newe, and the Wa She Shu people who have lived in the Great Basin since time began, we hold the deepest respect and gratitude for the four major indigenous groups—the Northern Paiute, the Southern Paiute, the Western Shoshone, and the Washoe people—not just the original caretakers of the land that we now call Nevada—for their enduring stewardship and protection of our shared lands and waterways. Today, the NIC reconfirms its commitment to improve the quality of life for our 27 tribal nations, bands, and colonies, and the 60,000-plus “urban Indians” who choose to make Nevada their current home.

I am a citizen of the Walker River Paiute Nation. I would like to start by thanking this Committee for hearing from me and acknowledging Chair Miller. I appreciate your time. Moreover, I want to recognize the Washoe elders and their ancestors. As a Northern Paiute woman, I am on their tribal lands; I am a visitor, and I acknowledge and respect that.

A little about us—the mission of the NIC. We were created to improve the quality of life for the 27 tribal nations, bands, and colonies, and urban Indians who choose to make Nevada their second home. I am the liaison from those tribal governments to the Office of the Governor. In addition, I help to connect our constituents to all state services. The Commission was created in statute in 1965. My office operates out of the historic site of the Stewart Indian School. It was an Indian boarding school that operated for 90 years. The original intent was forced assimilation. It was actually set up—endorsed—by the federal government to “Kill the Indian, Save the Man.” And this includes my personal experience; my 96-year-old grandmother attended Stewart. Today, the State of Nevada legally owns half of the original campus; several offices are located there, including the NIC; the Department of Corrections; the State Fire Marshal Division, Department of Public Safety (DPS); the Capitol Police Division, DPS; and Nevada’s Peace Officers’ Standards and Training Commission (POST). The NIC is the coordinating agency for that property.

What we do—we respect the sovereignty of those 27 federally recognized tribal nations that I have the honor of working with. We support—sometimes drive—the educational efforts that are created at the state level for all native learners from early childhood to higher education. I provide educational programs for educators, civic groups, and elected officials—not only presentations but tours of our campus and cultural center. One of our missions is to preserve and protect the Stewart Indian School and the cultural revitalization and preservation of the Native American culture.

A little more about my office—we are small but mighty. The NIC serves 80,000 constituents. For those of you who are elected members, it is important to know that, with the exception of Washoe and Clark Counties, the Indian nations—tribal communities—have more potential

voters than any county. The NIC operates with a \$700,000 annual budget, and I have a staff of five. Since the pandemic and the fiscal year that began in July 2020 [Fiscal Year 2020–2021], we have been without one of those vital staff members. The NIC would not be half as successful as it has been—with voting rights and the essential services that our agency provides—without its public and private partners, including the Native American Rights Fund (NARF), All Voting is Local, the Native Voters Alliance Nevada, the Las Vegas Indian Center, the Inter-Tribal Council of Nevada, and PLAN.

I am excited to tell you about the results and the potential for our constituencies. In addition to those amazing organizations, Nevada's Indian country is so blessed to have civically minded citizens. You have already heard from Beverly Harry, a community member of the Pyramid Lake Paiute Nation. Elveda Martinez is from the Walker River Paiute Nation; that Nation has set the standard for all our tribal communities when it comes to voting. Michael Ondelacy, of the Sparks Indian Colony, helped establish offsite voting polling stations on tribal lands and at tribal enterprises that are just as convenient and important for other members of Washoe County as they are for the residents of Hungry Valley. Chair Janet Davis from the Pyramid Lake Paiute Nation—Ms. Harry referenced a lawsuit; it was Ms. Davis who helped our brave veterans take that lawsuit to the State of Nevada, through which they were successful in litigating better access to the ballot box. Tammi Tiger is an urban Indian who has chosen to live in Clark County for years. She is a huge community organizer with connections to the Las Vegas Indian Center. [Also, there is] Teresa Melendez and the SOS's Tribal Liaison, Scott Anderson. There are dozens and dozens more, but for time, I am going to move on.

Here is the exciting part; we are going to talk about trends. I am proud to tell you that Native American voters had the highest turnout of any demographic group in Nevada during the 2020 General Election. The Native American communities recorded a 15-point increase from 2016 voter turnout levels. Again, there are 60,000 people who identify as Native Americans who are eligible voters; that is huge, and I strongly believe it is going to get better. On the national level, the information is just as important. The past two election cycles have demonstrated the power of the Native American vote not only locally but in federal elections. Native American voters were recognized as consequential, electoral subgroups in many key races in 2018 and 2020. Those between 18 and 29 [years of age] were the most politically active of all Native American age groups. We have a very young median age in Indian country; specifically, 59 percent of young Native American voters encourage their friends or their families to register to vote. That is how it is done in Indian country. You have to have that credibility. It does not come through commercials and public announcements; those are important, but it is the reliable familial sources. Twenty-seven percent of this age group volunteered for a candidate or did voter outreach. Again, the median age in Nevada for our Native Americans is very young. There was a record-breaking 93 Native American and Alaska Native candidates who ran for political office in 2018. Although Native Americans vote, they tend to vote at lower rates than other ethnic groups. The published analysis suggest that American Indians and Alaskan Natives tend to vote in midterm and congressional years, which is approaching, at relatively high rates. We do not anticipate seeing a drop in voting rates for Native Americans in the 2020 midterms.

Native American voters may be energized by the great momentum generated by some positive outcomes for their collective interests during President Joe Biden's first term. We have the first Native American cabinet secretary in the history of this country. Native American citizen, Deb Haaland, holds a prominent position in the United States Department of the Interior; this is a part of the federal government that tribal nations deal with more than any other. She has used some creative ways to represent our Native Americans. As a role model, we believe that her position will encourage more voters,

not just with engagement, but with our citizens getting involved in elected official capacities. Here in the State of Nevada, we have two Native American citizens who are running for office: Shea Backus is trying to return to the Legislature as a representative in southern Nevada, and Mercedes Krause, a Native American in southern Nevada, is looking into national office. Currently, we have a Native American citizen, Candice Birchum, who serves on the Mineral County School District Board of Trustees. We also have a former community member from the Reno-Sparks Indian Colony, former Tribal Police Officer Joe Rodriguez, who serves on the Washoe County School District Board of Trustees. Native Americans are not just voting at the ballot box, they are getting their names on the ballot to run for office. The Walker River Paiute Nation had the highest turnout of any district in the last election in Mineral County.

Let us talk about the efforts; this is exciting news. Although the NIC has the privilege of testifying today, we are not doing this in a silo. With the guidance of the NIC, all voting is local, and NARF has developed the [Native Nevada Tribal Leaders Guide, Request Voter Services for Your Reservation or Colony](#). This helps our leadership request voter services for their tribal lands. This deals directly with all the legislation you passed that enables our leadership to request either an election day polling place, early voting, a drop-off site, and voter registration on election day. During the last year, we had a successful event despite the pandemic. It was referred to as the "Rez Tour." On this tour, there were over seven stops on tribal land. Native American elected officials, tribal councils, and over 100 community members participated. We had sponsors that included Tribal Minds, the NIC, All Voting is Local, and Four Directions. Assembly Members Natha C. Anderson and Sarah Peters and former Assembly Member Shea Backus attended. These were open forums to talk to tribal citizens and community members about the importance of the voting process, the way to register, and polling locations. We emphasized that, despite the generations—the decades—of marginalization, when Native Americans vote, that is the day when we are all truly equal.

I would like to talk about the process, which Ms. Harry mentioned. I agree with her that we have not done enough, but I want to make sure you understand the long way we have come. In 2019, there were no election services on tribal lands. In 2020, we had 11 polling places and ballot drop-off boxes. As Ms. Harry alluded, in 2020, we still had four tribal nations with citizens who were required to drive at least 30 minutes to exercise their right to vote. For six of our tribal nations, they had to drive at least 30 minutes for early voting. Registration can now be done online, and that is a huge coup; however, over 50 percent of our households in these rural areas lack stable Internet access. As you know, it was the federal government's intent to put my relatives and our ancestors in isolated areas. Today, 24 of the 27 tribal nations are in very remote areas—more than one hour from a community of 10,000 or more. There are few physical places for our tribal citizens to register to vote in person. Those who do have Wi-Fi and could take advantage of Nevada's opportunity to register to vote online, our tribal IDs do not work with the system yet; that is another important part that we need to work towards. Native Americans comprise 1.3 percent of Nevada's eligible voter population; however, we only have 14 percent of our people registered. We have some work to do. With the pandemic dissipating, there will be more opportunities to register people in public gatherings, including the Stewart Father's Day Pow Wow and other big community gatherings such as basketball tournaments, graduation celebrations, and more.

Before I move on to AB 432, I want to give you an update on the outreach that has been conducted for our urban Indians. I want to clarify that urban Indians are those tribal citizens who are not indigenous to the state of Nevada. They are connected with the tribal nation but not one of the 27 that originates in Nevada. Clark County has, according to the last

census, at least 62,000 persons who identified as Native American from other nations who are not indigenous to Nevada—the Navajo, Crow, Cree, and Blackfeet. There has been tremendous voter outreach in the urban areas. It has been driven and led by many of our partners, including the Las Vegas Indian Center; they have done outreach in high schools, specifically to our American Indian populations. There have been all kinds of tabling—Pow Wow events—and pledged collections to identify Native Americans; we get their commitment in writing to register to vote when applicable. We work with our different tribal nations so they understand the process for volunteers, for poll workers. If our people are able to vote in their neighborhood—which most Nevadans enjoy—and they cast a ballot and see a neighbor or auntie working at the polling place—another brown face—it elevates their entire experience. We have professionals with the Las Vegas Indian Center who are connecting civic-minded tribal members with their local county registrar's office so they can become poll workers as well. There has been a lot of work done, but we have a lot to do.

I am going to talk about recommendations. We think that it would be terrific to have an appointment by the NIC to work specifically with the SOS on developing and implementing AB 422. A top-down voter database would include tribal affiliations. Currently, the State of Nevada is not required to keep track of ethnicity. We know from our community data and the census what powerful numbers we have. Data is so important; to have another source would be tremendous. We also would like to look into requiring all voter systems to accept tribal IDs on same-day registration; that is happening in some of our counties. Unfortunately, we have some poll workers and county registrars who are not even familiar that the State of Nevada allows our tribal citizens to use their tribal IDs. It is coming, but not fast enough. The NIC is dedicated to working with those respective registrars to make sure that their poll workers are familiar with all those tribal IDs. The Inter-Tribal Council of Nevada passed a resolution that unanimously supported all of the enrollment offices at each respective tribal nation to work with my agency to ensure we have copies of what tribal IDs look like before the poll workers open the polls for voting.

I also want to talk about the elected officials from the SOS and the 17 county clerks and registrars. The administration of the new law is so valuable and vital. There has been quite a bit of turnover with the administrators of the registrars at our respective counties. That requires our tribal leaders and tribal citizens who are engaged in voter outreach to rebuild relationships. It is important that we continue these collaborations. While [AB 321](#) (2021) does not mandate election administrators to reach out to our tribal chairs or our tribal elected officials, it really should be encouraged; it is a part of meaningful consultation and engagement, to which other Nevada legislation refers. [Assembly Bill 432](#) (2021) is the new bill that allows a tribal agency to submit a request to the governor to become an automatic voter registration agency by 2024. I was asked in advance of today's hearing if any of our tribal agencies—specifically, our tribal governments—have submitted a request for this. To date, I am unaware of any; however, it is important to keep in mind the issues with stable Internet access and registering with our tribal IDs, as that is the most frequent form of identification that our tribal citizens have. I believe it will not be long before our tribal governments take advantage of AB 432.

Regarding oversight, we need more help from our respective county registrars; that has to be implemented and driven by the SOS. Some of the registrars are not familiar with the services that are available to our tribal nations per Nevada law. The turnover of registrars impacts the preexisting relationships that our tribal nations have. Per federal guidelines, we have enough native speakers in Nye County to require that election materials be offered—printed—in the Western Shoshone native language. Today, you are going to hear from a lot of your constituents who will talk about the barriers for voting for all subsects of Nevadans, but there may be a need to provide all the voting materials to Nye County citizens in our

native language. As legislators, you are probably first thinking about implementation and all the steps that would bring. For a person who works at a former boarding school, in which the mission was to destroy native language, I am tickled pink that this could be an issue for the State of Nevada. I want to describe this last picture to you all. I think this reflects the spirit of our indigenous communities and their commitment to being civically engaged and participating in both the Nevada system to vote and in federal elections. This is a photo of three tribal citizens on the Yomba Shoshone Reservation. You cannot get to their land base without traveling on a dirt road for at least 50 miles. To say that their constituents think out of the box is a huge understatement. In the last election, their community members found it was much easier for them to collect completed ballots from households by riding horses and going door-to-door, having a tribal leader collect those ballots at the tribal administration building—their city hall—and then driving those completed ballots to the county seat. I think this is such a huge reflection of the cooperation and commitment our people have to ensuring they are able to participate in the process. I want to make sure that you all are aware of that.

I have provided my information. I know I often think of great questions the next day. I am always available to speak to not only elected leaders, but any citizen in Nevada about our tribal nations, their contemporary lifestyles, the history, and anything related to voting, food distribution, and health care. I am here to help improve the quality of life, and that includes being an advocate and helping to educate all citizens about our tribal nations.

I want to thank the Committee members for their time today, specifically Madam Chair. I would be remiss if I did not acknowledge all the hard work of Haley Proehl from the LCB. I stand ready to answer any questions.

***Chair Miller:***

Members, do we have any questions?

***Vice Chair Ohrenschall:***

I had the honor of serving in the Assembly with former Assemblyman John Oseguera, when he served as Speaker of the Nevada Assembly. He is an enrolled member of the Walker River Paiute Tribe, and I believe he was our first and only Native American Speaker of the Assembly. A lot of great things come out of your tribe—a lot of great people. One thing you mentioned during your presentation that caused me concern is that the tribal IDs are being honored by some county registrars but not by others. Which county registrars have not accepted the tribal IDs, and what do you think is the solution?

***Ms. Montooth:***

Thank you, sir, for those kind words. I appreciate you recognizing our Native American leadership in this amazing body, specifically, former Speaker John Oseguera. He is a huge friend and advocate in Indian country. As a citizen of the Walker River Paiute Nation, I also believe there are great things coming from Schurz, Nevada.

Regarding issues with voter IDs at respective counties, I request that I be able to share that information with the Committee via email. I do not have that information with me currently, but I can tell you one of the solutions. During my presentation, I mentioned the Inter-Tribal Council of Nevada, which I sometimes call “the United Nations of our tribes.” This is a not-for-profit group that has membership from the leadership of our 27 tribal nations, bands, and colonies. As a collective body, this organization voted earlier this year to direct

every nation's enrollment office to work with the NIC in providing a xerox copy of that tribal ID. One of the things that has happened with our tribal nations—it happens at Nevada's Department of Motor Vehicles (DMV) and in the DMV in every state in our nation—is there are different looks to ID cards, which is the case for my nation. I have a different looking ID card than that of my sister, my elderly mother, and former Speaker Oseguera. However, they are all valid. If you are not familiar with Indian country, it could be a bit overwhelming if you are a volunteer poll worker. In addition to a Nevada driver's license—which most people are familiar with—and the Nevada ID, there are six additional IDs that need to be accepted. One of the solutions is that the Nevada Indian can provide the looks—again, just a xerox piece of paper—to the SOS who provides that information, that documentation, to each respective county registrar who then shares that documentation with their poll workers in advance. It is basically a cheat sheet. I really appreciate your question.

***Vice Chair Ohrenschall:***

Could you clarify when those tribal identification cards are being requested?

***Ms. Montooth:***

Those have been requested from the NIC, and we are collecting them. It is my understanding that most county registrars want to have all their volunteers lined up by May. I expect that my agency will not have any issue accommodating that deadline.

***Vice Chair Ohrenschall:***

I am probably dating myself, but while growing up in Las Vegas in the 1970s, we had a close family friend who was a kid up at the Stewart Indian School.

***Chair Miller:***

Members, any additional questions? [There were none.]

I have two brief questions. I want to follow up on what the Vice Chair asked. When you are referring to individuals being asked for their ID, are you referring to when they are registering to vote? [Ms. Montooth nodded in confirmation.] Okay, I just wanted to clarify that we are not talking about when they go in to vote; it is when a person is registering to vote. [Ms. Montooth nodded in confirmation.]

My next question is for my own personal edification. I have always had the assumption that the term *urban Indians* refers to individuals who are not living on the reservations or tribal-designated land. You defined it as “people who are not part of tribal communities indigenous to Nevada.” I want to make sure I am understanding terms and definitions correctly. I thought it was referring to people like Tammi Tiger. With this new definition, is there a term or terminology for us to understand that reflects those who are living in Summerland, Green Valley, or Reno? I think it is important to ensure we are always counting and including everyone who is officially of a tribal or indigenous nation.

***Ms. Montooth:***

I would like to refer back to the Vice Chair's comments. It is important for everyone to know that the Stewart Indian Boarding School closed in 1980.

Let me make sure that I am clear on what information you are seeking. For the record, my reference to tribal IDs and their use in the process of voting is specific to registering.

Regarding the definition of an *urban Indian*, you are correct; it is important, but like most things in Indian country, it is complicated. Madam Chair, you are absolutely correct, Tammi Tiger is an urban Indian; she is a tribal citizen from the Cree Nation who has chosen to make Las Vegas her home. Technically, I am a Walker River Indian Paiute, and my town hall—my administrative building—is in Schurz, Nevada, but I have a Reno address. However, I refer to myself as a community member of the Reno-Sparks Indian Colony. Although I am indigenous to this land, some might think of me as an urban Indian because I do not live on tribal lands. I personally always introduce and identify myself as a citizen of the Walker River Paiute Nation. I hardly ever use the term *indigenous*. It is likely because, in our traditions—prior to contact—Native Americans in the Great Basin did not homestead. In 2022, we still consider this is all the indigenous territories to the Numa, the Newe, and the Wa She Shu. This is my home. As important as it is to be transparent and as succinct as possible, tribal citizenship and tribal identity is extremely complex. It is very personal; it is an intimate identification. My guidance would always be to respectfully inquire from the Native American to whom you are talking.

***Chair Miller:***

That helps my personal understanding of the different terminologies and definitions and what is valued by individuals and our communities. Sometimes it is important to know where people are living and who may have moved into bigger cities and communities. We still have much to learn and connect.

I will close this agenda item.

As I stated before, we will be taking a few agenda items out of order.

**AGENDA ITEM V—PRESENTATION ON UNIFORMED MILITARY AND OVERSEAS VOTING**

[This agenda item was taken out of order.]

***Chair Miller:***

We will now open the next agenda item, which is a presentation on uniformed military and overseas voting. Our presenters are Scott Wiedmann, Deputy Director, Federal Voting Assistance Program (FVAP), United States Department of Defense (DOD); and Heather Eudy, State Legislative Affairs Specialist, FVAP, DOD. They will be presenting via Zoom, and they have a Microsoft PowerPoint presentation (Agenda Item V). Thank you for making yourselves available to present to us here in Nevada today. Whenever you are ready, please proceed.

***Heather Eudy, State Legislative Affairs Specialist, FVAP, DOD:***

We are going to be talking about the FVAP and the [Uniformed Overseas Citizens Absentee Voting Act of 1986](#) (UOCAVA) (H.R.4393 of the 99<sup>th</sup> Congress). We will talk about our voting process for UOCAVA voters and will look at UOCAVA voter statistics, specifically with Nevada. Our Deputy Director will give an overview of the state of the overseas voter as well as the state of the military voter.

The UOCAVA requires all 50 states, the U.S. territories, and the District of Columbia (D.C.) to allow protected voters to register and vote absentee in federal elections. A couple of amendments to be aware are the [Help America Vote Act of 2002](#) (HAVA) (H.R.3295 of the

107<sup>th</sup> Congress), which amended UOCAVA to require states to notify voters of the reason for rejecting a registration application for absentee ballot requests. In 2009, the Military and Overseas Voter Empowerment Act (MOVE Act) ([H.R.2647](#) of the 111<sup>th</sup> Congress), amended UOCAVA to require states to send requested absentee ballots 45 days prior to an election for federal office as well as to provide those ballots electronically if requested. A few presenters mentioned that 45-day deadline, and this is where it comes from.

A few of the federal protections for UOCAVA voters include requiring all states to: (1) allow a citizen covered under UOCAVA to register to vote and request an absentee ballot using a single form—the Federal Post Card Application (FPCA); (2) send absentee ballots to UOCAVA voters no later than 45 days prior to the federal election; and (3) offer voters a way to receive their blank ballot electronically upon request. It also allows citizens covered by UOCAVA to use another form that we prescribed—the Federal Write-In Absentee Ballot (FWAB), which is a backup ballot to vote in any election for federal office if the requested state ballot is not received in time to return it before the deadline.

Here are a few examples of citizens whose voting rights are protected under UOCAVA. We have our active-duty members of the United States Armed Forces, the Merchant Marine, the Public Health Service, and the National Oceanic and Atmospheric Administration Commissioned Officer Corps. We also have their eligible family members and the dependents of uniformed service personnel. And finally, we have U.S. citizens residing outside the United States; these may include contract workers, DOD civilian workers, and humanitarian aid workers, to name a few.

A few of FVAP's responsibilities—we ensure service members, their eligible family members, and overseas citizens are aware that they do have a right to vote and they have what they need to do so successfully from anywhere around the world. The director of FVAP administers UOCAVA on behalf of the Secretary of Defense. We provide training for those who give assistance to UOCAVA voters. We maintain our various forms; I mentioned the FPCA and the FWAB. And we have a [Voting Assistance Guide](#) that we work on every other nonelection year to assist our voters as well. We maintain our website, work on various reports to the U.S. Congress, ensure we are complying with federal codes/regulations, DOD instructions, collect data through surveys—we work with our states as well on that—and work with states on waiver requests as needed. Finally, we ensure that state and local election officials are aware of their duties and responsibilities for these UOCAVA voters.

The absentee voting process for a UOCAVA voter often begins when the voter completes the FPCA to register and request their ballot. Again, federal protections require states to offer voters a way to receive their ballots electronically upon request. From there, two things may happen: (1) the voter will receive, complete, and return the ballot to that individual's election office; or (2) the voter will receive the FWAB, which is used as that backup ballot in the event a voter does not receive the ballot in time. If a UOCAVA voter receives the FWAB, the form must be completed and returned to that person's elections office.

To reiterate, the first step is for a UOCAVA voter to complete the FPCA. It can be found at [fvap.gov](#), which allows them to both register and request a ballot. Nevada does have specific deadlines and submission procedures; these vary from state-to-state. Voters are able to find that at our website as well. We also list various dates and deadlines that they need to know.

The second step is to complete and return the ballot after it arrives. We have recommended due dates for these UOCAVA voters to make sure their ballots are sent on time. I have provided an example of the FWAB, which is the backup ballot that I have mentioned earlier.

I would like to talk about Nevada and UOCAVA statistics. We submit a report to Congress after elections, so these numbers are from 2020. In 2020, Nevada had 8,847 registered and eligible UOCAVA voters—40 percent of them were service members and 60 percent were overseas citizens. For the 2020 General Election, Nevada transmitted 8,850 ballots to UOCAVA voters, and 7,258 ballots were returned. Nevada rejected a total of 34 returned UOCAVA ballots in the 2020 General Election. This gives you a quick overview of what those numbers looked like across the nation and our territories as well.

I would like to turn it over to our Deputy Director, Scott Wiedmann.

***Scott Weidmann, Deputy Director, FVAP, DOD:***

I will follow up on Heather's discussion of the 2020 statistics. Those stats came from the postelection surveillance survey conducted by the U.S. Election Assistance Commission (EAC). That information comes directly from the states. That survey showed that in 2020 there were 1.2 million UOCAVA voter absentee ballots sent out nationwide. Of those, 900,000 were returned and 890,000 were counted. With the FWAB—that backup ballot—33,000 were sent in by voters nationwide in 2020, and 24,000 were counted. With that ballot, voters can also send in their state ballot if they get it before the election deadline. They can submit both ballots and only one is counted; the localities have procedures in place so that only one of those ballots will be counted. That backup ballot is only there as a fail-safe. Most folks get their ballots in plenty of time and are able to return them; however, there were 24,000 folks who were able to cast a ballot using that backup ballot in 2020.

I am going to talk about some of the survey instruments and their results. Federal law covers military members on active duty and their family members who are absent from their local jurisdiction—both stateside and overseas—and all U.S. citizens outside the United States. Here, we are only talking about the citizens who are outside the United States, not the military or their family members. We use a two-part method to gather information. We have been required by Congress to report to them on the voting rates for overseas citizens. For many years there was no way to determine what that denominator was—only how many U.S. citizens were out there around the world. We worked very closely with some statistical folks and figured out a way to estimate the number of U.S. citizens in various countries around the world using both U.S. federal government resources such as the Internal Revenue (IRS), the Census, and other government sources. For instance, the United Kingdom might have a census of the number of U.S. citizens living in that country. By gathering all that information together, we pulled together an estimate of the number of U.S. citizens in various countries—living in various parts of the world. The top 10 locations where U.S. citizens resided is no big surprise. One thing to point out is that Mexico shows 80,000; however, we do know that the number of U.S. citizens in Mexico is well above that. These numbers reflect the folks who are actually eligible to vote, meaning they are 18 years of age or older. We know that in Mexico, there are many U.S. citizens who are below the age of 18, some of whom may have been born in the United States and then returned with their families back to Mexico. We expect that, in the coming years and the coming cycle, many of those folks may decide to vote absentee. I am not sure whether they are from Nevada, but you might be hearing from them.

The other half of the of the survey information that we utilize is directly from that EAC survey. The states reported they sent out over 1 million ballots in 2020. We couple those with the estimates in each country to figure out the turnout from the U.S. citizens in each country. Overall, worldwide, we had approximately 7.8 percent turnout. Remember, this is not military, this is only the overseas citizens. United States citizens in Germany voted at a higher rate than most other places in the world, and there is a combination of factors as to

why they may or may not have voted. The good news is that of those who showed interest and requested and got a ballot, 95 percent of them returned a ballot. So, folks who are active are returning ballots and voting; for those who did not return a ballot, there are many reasons why. A lot of times it comes to the infrastructure of the country they are living in and the ability to mail ballots out or use that local country's mail system; [if the infrastructure is there] they do not have to go to an embassy or consulate or some other source or use or pay for a private courier to have that ballot returned. In 2020, that was further complicated by the shutdowns and restrictions that occurred due to COVID; planes were not flying and the ability to walk out one's front door in many countries was curtailed for periods of time.

We look at the domestic voting rate in 2020, which was 79.2 percent, and the overseas estimated rate of 7.8 percent. We see a gap of 71 percent. We know there is a certain number of that residual gap at the top that is not going to vote; they do not have ties to the United States, and they do not have an interest in remaining active in politics or in sending in ballots. We also have that obstacle gap—approximately 40 percent of folks that, based upon our survey, may have wanted to vote, or at least had an inclination to vote, but for either real or perceived reasons, did not vote or were not able to vote. In 2020, some of those reasons were stronger than they might have been in the past. Our goal at FVAP is to communicate—through embassies and consulates, social media, and American citizen groups or organizations overseas that have outlets and resources for American citizens—so they are aware of their right to vote. Once they leave the United States, many people may think they cannot vote anymore, but at least for federal offices, they are able to participate, and we want them to know about that. We do what we can to allow them to work around obstacles wherever they might be.

The folks who were able to get their ballot electronically were almost two times more likely to get their ballot returned than those who requested their ballot be sent to them by mail because [electronic ballots] are a quicker and more reliable way in many places in the world, depending on the infrastructure available for them to get their ballots. We know that not everyone has access to the Internet around the world, but there are many places where they can get it. As you know, it is still a bottom, underlying paper process in most states; they have to print the ballot, fill it out, sign it, photograph or scan it, and then send it back to the state. Having an electronic option to receive the blank ballot increased the likelihood that they returned it successfully. Also, the electronic ballot return reduces obstacles, but only for voters in the states—like Nevada—that have that option available. In 2020, the mail process was the only way to return the voted ballot in 20 states.

That was all about the overseas citizens. Now we are going to talk about military voters. Approximately two-thirds of the military were registered to vote in 2020, which is lower than the civilian rate but tracks over time as to the relative numbers. Almost half of the military voted in 2020, which was lower than the general population. Thirty percent did not want to vote; in our surveys of active-duty military members, they reported the reason they did not vote was they did not want to. Similar to the overseas citizens, 21 percent said they could not complete the process; the major reasons being they had difficulty requesting their ballot, their absentee ballot did not get to them, and they had difficulty when they were attempting to register. The laws are in place, and we work very closely with the SOS and the counties in Nevada to ensure that the information is out there and folks are able to do that. We appreciate the cooperation of the SOS as well as the counties when these calls come into us from voters overseas who are having difficulties; we are able to call that county and often work to a resolution on that. Also, the counties and the state will call us if they have specific issues that come up during an election year that may need a resolution as well.

Even though the voting participation rate was low relative to the general population, the trend continues that where the interest is higher, the voting rate is higher; that happened in 2020. Another thing to mention is that folks in the U.S. Armed Forces did avail themselves of any available assistance—meaning they went to the [fvap.gov](https://fvap.gov) website to use the forms or assistance there, or they utilized the service or installation, or the unit voting assistance officer network of assistance that is available to them at a much higher propensity to register and vote in the election successfully.

I will give a quick breakdown of the various methods used by military members to cast their ballots in 2020. Folks who were absent from their jurisdiction would have voted absentee. Twenty-five percent of them were in person, but 75 percent were stationed away from their home where they would register and vote locally if they were not in the military. Many of them requested and received their ballots and voted by mail there. There are still a good number of folks in the world who are just not comfortable using any electronic processes when it comes to voting. That is why the federal law only requires that the blank ballot be sent to the voter electronically upon request. Because that is a blank ballot, there is nothing secret there; it is public information. There are folks who are not comfortable returning it online or using email. We know Nevada has the Effective Absentee System for Elections (EASE) program that allows military voters to use their Common Access Card to sign their registration form. All military members have a Common Access Card, which has this little chip on it, and they are able to use that on a day-to-day basis in their regular work to sign documents and emails, and it allows them to have some level of confidence about who sent it. Nevada allows military voters to use the signature on that Common Access Card for that purpose. I do not believe it is widely known or widely used at this point, but the SOS has put that process in place.

We are trying to work on some of the overall issues that the voters may face through our communications programs. One is that, in this day and age with purchasing things online, as soon as you press that button to purchase something, you get emails and notifications on your phone saying, "It is been purchased," "It is in a box," "It is on a truck," "It is on a plane," and "It is at your door." People are getting used to having every little bit of a process known to them, but when it comes to voting, they may only get one email saying, "Okay, you are registered," and another one saying, "Okay, we got your ballot." We always suggest for state and local authorities to give as much information as possible throughout that process; Nevada is good with that from the electronic perspective, and overseas voters rely heavily on email and other electronic communications to stay connected. They appreciate anything they hear from the states so they know things are out there. In the old days, when it was all by mail, they would send off their request card and then months later a ballot might show up or not show up. We talked about the Common Access Card as well as the underlying process still being a paper process for UOCAVA absentee voting. There is still that requirement to print things off and sign it and then scan it back, which can be confusing. We appreciate the states and localities that do accommodate that and reach out to the voters for curing as need be. The other thing we work on is that, at the time of in-processing or out-processing on any installation, the new recruits or those being deployed are all given a voting brief and the FPCA so they are able to fill that out, get it in, and keep their local election office up to speed with where they currently are and how to get information to them. We have a mandatory distribution, and we suggest that every member of the military and his or her family members send in an FPCA every January. That way, in every state, the card is good for at least that calendar year, and they will get all the election ballots for federal offices. Additionally, we send out an email at the 90<sup>th</sup>, 60<sup>th</sup>, and 30<sup>th</sup> day; basically, it is once a month. We send an email to every active-duty military member to provide notification of the elections that are occurring in the next 90 days so that they will

be able to have the opportunity to register and vote and then get the ballot in enough time to successfully vote it and return it.

I think that is all we have. Madam Chair, we would be happy to take any questions.

**Chair Miller:**

Members, do we have any questions?

**Vice Chair Ohrenschall:**

You mentioned earlier that some of the uniformed or overseas voters could vote only in federal races and some could vote in the state and local races. Can you explain which overseas or uniform voters can vote in which races and why?

**Mr. Weidmann:**

I am not 100 percent certain what the rules are with that in Nevada. On our FPCA, we have the ability for voters to notate whether they are permanently or temporarily overseas. In many states, the more permanent folks overseas may only get the ballot for federal offices. Folks who are planning to return, such as a student overseas for a short period of time, will be able to get the ballot for full offices. I do not know offhand; I am sure that somebody from the SOS would be able to answer that. Some states do provide a full ballot for every voter, regardless.

**Chair Miller:**

Any additional questions? I do not see any coming from Carson City, virtually, or here in the Grant Sawyer Building.

I would just like to clarify something. Nevada has a population of over 10 percent military, veterans, and military families, for which we have a lot of regard. The summary page says most active-duty members and overseas DOD civilians are not aware that Nevada accepts the DOD Common Access Card on the voting forms. Would that card pertain to active-duty members who have been stationed here in Nevada and may not be getting a Nevada driver's license but are choosing to register and vote in state or local elections? Can they register to vote using the Common Access Card; will that serve as verification?

**Mr. Weidmann:**

That card is simply a token to allow a level of assurance about their identity when they are filling out or submitting the voter registration form. Before any of that would happen, however, a voter would have to make a conscious decision to change their voting residency to the state of Nevada and no longer be a resident of Florida, Virginia, or wherever else they may have lived beforehand. Once they make that decision, they would have all the other processes, which may include getting a driver's license or having property, wherever that may be. And then they would send in that FPCA form to the Nevada county where they are residing, and the county would process the form. One of the ways military voters can sign the form without having to print it out, physically sign it, scan it back in, and then resend it is through an SOS process where they can digitally sign it with the Common Access Card. That is different than a digitized signature, which is one where a human eye can look at it and see that it is a signature. A digital signature, which is what this process is, has your name and the date and time that you signed it. That is used by the locality to verify that that was the voter that signed it.

***Chair Miller:***

So, it is not necessarily in lieu of, but in addition to. It is another accepted form of [identification].

***Mr. Weidmann:***

Correct.

***Chair Miller:***

Thank you for that clarification. Members, any questions? I am not seeing any questions coming from members.

I would like to thank both of you for taking the time to present to us. I appreciate this information coming from the federal level.

We will close this agenda item.

**AGENDA ITEM VI—PRESENTATION ON VOTING FOR PERSONS WITH DISABILITIES**

[This agenda item was taken out of order.]

***Chair Miller:***

We will now hear a presentation on voting for persons with disabilities. Our presenters are Catherine Nielsen, the Executive Director of the Nevada Governor's Council on Developmental Disabilities; and Carissa Tashiro, Supervising Attorney and Policy Director with the Nevada Disability Advocacy and Law Center. They are both in Carson City.

When you are ready, please begin your presentation.

***Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:***

We want to start with thanking you for allowing us to be here today. In brief, the Council engages in systemic change, capacity building, and self-advocacy for people with intellectual and developmental disabilities and their families here in the state of Nevada.

***Carrisa Tashiro, Supervising Attorney and Policy Director, Nevada Disability Advocacy and Law Center:***

Thank you for the opportunity to present today. The Nevada Disability and Advocacy Law Center (NDALC) is the designated protection and advocacy agency dedicated to promoting, protecting, and expanding the rights of individuals with disabilities in Nevada.

***Ms. Nielsen:***

We will be using a Microsoft PowerPoint presentation (Agenda Item VI). There are an estimated 775,830 adults in Nevada who have a disability. This is equal to one in three, or 32 percent, of Nevada's population. If you look around this room, on the screen, or the room that you are sitting in, that is roughly six people. For Nevada, a little over three-quarters of a million people can potentially be impacted by a change to the current

voting laws, switching us from electronic to paper voting. In the 2020 Election, roughly 59.7 percent of people with disabilities in our state exercised their right to vote. Nationally, about one in nine voters with disabilities encountered difficulties voting in 2020. This is double the rate of people without disabilities. Among the people with disabilities who chose to vote in person, 18 percent reported difficulties compared to 10 percent of the people without disabilities who chose to vote in person.

We are going to start by talking about accessibility; it involves much more than providing ramps. It is the key element of inclusion and the baseline of equal service. Accessibility refers to the design of environments, products, services, and is facilitating access for people with disabilities to the same level of access, independence, and privacy as anyone else. Ensuring effective access to information and services is not only about meeting legal requirements or satisfying a policy checklist; it is about constantly striving to expand meaningful participation for all. Universal accessibility creates a world that does not separate anyone based on their abilities. The fundamental approach to the problem is that voters with disabilities are being offered a “separate but equal” approach to voting, and as such, separate is not equal. What does this mean for people with disabilities when it comes time to vote? Providing equal access to all individuals with disabilities is the key elements of the [Rehabilitation Act of 1973](#) (H.R.8070 of the 93<sup>rd</sup> Congress), and the [Americans with Disabilities Act \(Amendments\) of 1992](#)—or the ADA—(H.R.4993 of the 102<sup>nd</sup> Congress). The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities and requires state and local governments to communicate as effectively with people who have disabilities as those without. When you create a universal polling place, you must design it in such a way that people with disabilities can independently vote in privacy. This is the foundation to the freedoms in America as stated in the 1st and 14th Amendments.

Now we are going to address the topic of voting access. When people with disabilities vote in person, they are supposed to be provided options such as an ADA voting machine. However, when a voting place has a separate accessible voting machine, it is not used as frequently as the primary method of voting. Therefore, poll workers do not spend as much time using the accessible voting equipment. As a result of this minimal use, poll workers often forget how to set up the equipment and how to instruct somebody with a disability on how to use it—if they have been trained on how to use it at all. Wait times to use the ADA machines can be extensive, leading to many people with disabilities choosing not to vote at all or, at times, using the non-ADA machines. In order to use these machines, many people with disabilities may need assistance in reading the ballot and entering their vote. The experience is often that representatives who are assisting them in the polling locations are not conscious of their volume, and they read the ballot and answers loud enough for others to hear. Many in-person voting practices currently promote the removal of access, independence, and privacy. Many people with disabilities have expressed frustration when trying to vote by mail. Paper ballots often cannot be read by screen readers and thus, people may need assistance in reading their options and filling out their choices. As many people with disabilities take pride in their independence, this can create a barrier to those wishing to vote privately on their own. Those needing to use touch screens in order to select their votes now have to rely on someone else to assist them when filling out their ballot. There are many benefits of voting electronically for people with disabilities, and as I have discussed already today, access, independence, and privacy are vital to protecting the rights of people with disabilities when it comes to the right to vote. When working ADA-accessible machines are provided at polling places and staff is fully trained on how to assist, people with varying disabilities are able to vote independently and privately. While federal law may dictate many decisions, this Council recommends that you provide equal access to services and environments by encouraging the adoption of universal design practices and

implementing accessible, inclusive practices into all aspects of public engagement, specifically voting.

**Ms. Tashiro:**

You may have heard in the news recently about proposals to change the way elections are administered in many of Nevada's counties—particularly in our rural counties. I would like to talk about that and concerns with respect to individuals with disabilities. In the last month or so, county commissions in Washoe, Nye, Lander, Esmeralda, Lyon, and Elko Counties have all heard proposals about various changes to election administration. What they have in common is an effort to move away from accessible electronic voting machines. Nye and Esmeralda Counties have already voted in favor of recommending their county clerks use only hand-counted paper ballots, and other counties have not yet gone that route. Part of the reason may be that we are so rapidly approaching the primaries, but there is a risk they could consider moving toward a paper ballot system in the future.

That is problematic for individuals with disabilities because, as Ms. Nielsen described, paper ballots are not accessible. Individuals with a visual impairment or a disability that implicates dexterity or reading would require assistance from a poll worker or another individual to use a paper ballot, and that compromises their right to cast their vote privately and independently. Even if an accommodation is made by having, for example, a single electronic voting machine at each polling place, there is still that risk that poll workers will not be trained or familiar with the machine or that technical difficulties could make that one machine unavailable. If having only one machine creates excessive wait times, there could be an equal access issue. There is also the problem of who would determine whether a person has a disability sufficient to allow them to use that machine. The last issue I want to highlight with a paper ballot only system is that electronic machines produce a ballot that is visually different than a paper ballot. If individuals with disabilities are the only ones using those machines, then it would be easy to identify their votes.

Under existing federal law, an all-paper ballot system is already prohibited. Title 2 of the ADA requires that state and local governments provide full and equal opportunity to vote and access to the elections process. The [Help America Vote Act of 2002](#) (HAVA) (H.R.3295 of the 107<sup>th</sup> Congress) requires that an entity conducting a federal election must have at least one accessible voting system at each polling location. That system has to provide the same opportunity for participation for individuals with disabilities as is provided to everyone else. So there is some existing federal law and accessibility and elections.

It seems that much of what is driving the push towards paper ballots is concern around election security, but Nevada already has a safe, accessible voting system in place. A Democracy Initiative Education Fund report ([Storming State Capitols: Voting rights, election integrity, and voter confidence in 2022](#)) found that Nevada ranked highly in metrics involving voter registration, safe voting, security, and auditing. We have equipment tests and oversight processes that limit risk and comport with federal standards. Our elections are secure.

Nevada has gone above and beyond to make sure that voting is more accessible to all. Last year, the Legislature passed [AB 321](#) (2021), which requires a ballot to be mailed to all registered voters, and that is helpful to many voters with disabilities who may have concerns about mobility, medical fragility, or transportation concerns. [Assembly Bill 121](#) (2021) specifically allows voters with disabilities to use the online Effective Absentee System for Elections to cast their votes. Both of these provisions are incredibly important for

protecting access to voting for individuals with disabilities, and we should preserve those in Nevada law.

Lastly, in light of recent paper ballot proposals, we must ensure that each polling site has sufficient numbers of accessible electronic voting systems for people with disabilities. As I described earlier, federal law protects this right, but state law can always mandate more specific or heightened protections. Electronic voting machines are essential for ensuring that individuals with disabilities have equal access to the polls; that is critical to the function of our democracy.

We have provided our contact information, and I am happy to answer any questions.

***Chair Miller:***

Members, do we have any questions? [There were none.] We are always glad to hear about the needs of individual groups and how we can help with service. We will close this agenda item and move on to Agenda Item VII.

## **AGENDA ITEM VII—OVERVIEW OF THE EFFECTIVE ABSENTEE SYSTEM FOR ELECTIONS FOR UNIFORMED MILITARY VOTERS, OVERSEAS CITIZENS, AND VOTERS WITH DISABILITIES**

[This agenda item was taken out of order.]

***Chair Miller:***

We will move onto an overview of the effective absentee system for elections for uniformed military voters, overseas citizens, and voters with disabilities. We have Mark Wlaschin, Deputy Secretary of State for Elections with the SOS. Please proceed when you are ready.

***Mark A. Wlaschin, Deputy Secretary of State for Elections, SOS:***

Today, I will be discussing the Effective Absentee System for Elections, also known as EASE (Agenda Item VII). This is a tool used by our uniformed military voters, overseas citizens, and now, voters with disabilities. To start, I would like to cover a little bit about the statutory authority that directs the use of EASE. It starts with [Nevada Revised Statutes 293D.200](#), which talks about and references a system of approved, electronic transmission for uniformed military and overseas voters. This system is proprietary. It is our state solution to satisfy requirements to support our voters under UOCAVA, which is a federal act that was later augmented by the MOVE Act. Other states have similar versions of the EASE system. In many cases, there are vendors that provide a similar service, but EASE is our state's specific, proprietary version. [Assembly Bill 121](#) (2021) requires the secretary of state to allow the system to be used by registered voters with a disability to both register and cast their ballots. There is an additional regulation that we adopted in 2022; one of the roughly 147 pages of newly adopted or modified regulations pertains specifically to the implementation of [AB 121](#) as it relates to EASE. I will speak to some of that in a moment.

We updated the EASE system between the 2020 and the 2022 election cycles. As it is proprietary, we were able to address, in a more efficient manner, everything from legislative changes to ideas by advocacy groups on how to improve it. That is certainly something that we talked to advocacy groups about. We are able to turn around and quickly improve and update the system. Most recently, some of these improvements include modifying the affirmations. I will show you what that looks like in a few moments. We

noticed there was a trend where a previous method of electronic transmission used through the EASE system created an encrypted pdf; when a voter was done, it would email that encrypted pdf to the county election official. There were some concerns about the security of it. The goal is to continuously find improvements, so we improved that system; it now transmits through a secure server. That will be a more secure process and will eliminate some of the concerns that voters have expressed related to the creation of an encrypted pdf that is saved to the computer. They had to track down where it was on their computer to send it, and I heard from a couple of voters that it was a bit of a challenge. This process will further enhance and make that easier, not only for our military and overseas voters, but for voters who have a disability. I would like to draw your attention to EASE because it was specifically related to the military and overseas voters. Previously, it was only turned on for the federal elections. With the passage of AB 121, EASE is viewed as an ADA tool. Going forward, EASE will be turned on for all county and state elections to ensure that voters with a disability are able to continuously use it and get comfortable with the system—not only for a primary and general election, but also for any special election across the state.

The new regulation that I referenced earlier is [LCB File R081-21](#). If anyone has questions about it, I can provide that text. This regulation, first and foremost, provides clarity regarding who, exactly, can use EASE. I also want to state that the regulations were developed not only with our staff in the Elections Division, but also in close coordination with the Office of the Attorney General; the LCB legal staff were helpful with the development. It defines the voter who is able to use EASE pursuant to AB 121. It identifies exactly what needs to be explained and directs the SOS to provide some additional information and to update the affirmations. We wanted to make sure that was in regulation so that it was very clear why and what those affirmations are. Lastly, there was a reporting requirement. We view the use of EASE by voters with disabilities to be a great opportunity for those members of the electorate. We want to capture that so we can report back to this body and the Legislature on the effectiveness of our outreach campaigns and how many individuals are using it going forward.

The existing affirmation is specific to the military, dependents, family members, and overseas citizens residing outside the United States. The regulation that I referenced earlier added another part, which simply states that, under penalty of perjury, the individual who is going to be using the EASE system truly qualifies. Instructions include how to return the ballot with the approved electronic transmission, which is through a secure server. It puts that document directly onto our server, which enables the county election officials to download it, so it is not being emailed back and forth or getting lost anywhere on someone's hard drive—increasing security and the ease for the individual who is attempting to return that ballot. Of course, there is also an option to mail it in. We provide an explanation there as well, and of course, they are postage-paid.

Our outreach efforts—since the end of the legislative session, we have, to the best of our ability, tried to communicate with individuals—not only across the military and overseas citizens sphere, but also to members of the disabled community—to notify them of this change. These voters who are otherwise focused on their day-to-day lives—work and families and those sorts of things—are aware of this opportunity as we approach the 2022 cycle. That outreach effort has not stopped; it will not stop with either the primary or the general elections. That is going to be a sustained and continuous part of our outreach effort going forward. We have gotten pretty good at setting up and coordinating Zoom calls in many cases, so we can reach out to individuals across the state and in other parts of the world who this may apply to. I share the screen as I did during the legislative session to do a demo of EASE to show folks exactly how it works and how easy it can be to use; this

eliminates any sort of concern or question about the system. It also enables us to answer questions directly with voters. Again, those outreach efforts will continue going forward.

Today is coincidentally the “go live” date for the primary election. We finished the implementation; the set-up is a fairly in-depth and lengthy process. While we have had a significant amount of turnover in the Election Division, we have some incredible staff members now. I think you would be proud to see them working diligently to make sure that this System is set up properly and on time to meet federal deadlines so that the voters who are eligible to use it are able to do so. The “go live” date of April 29 is important because there is a federal requirement for UOCAVA mail ballots. Uniform and overseas citizen mail ballots must be mailed no later than the 45<sup>th</sup> day before an election, which is tomorrow. It must be turned on today. The mail ballots are sent out today, and EASE will be turned on as well so that those voters are able to use this System going forward.

We talked a little bit about the collection of statistics across all categories. The way we have EASE set up with the analytics, it is able to track not only the individuals who vote, but their contact information, such as email addresses and phone numbers. Of course, it does not capture who an individual votes for using the System. The secrecy of the ballot is extremely important and that is not captured or maintained, but we do capture information about the individuals who use the System. It is so in depth, in fact, that we can tell if an individual gets two or three pages into it and then stops. For example, if there were a series of individuals who stopped using the System on page 4—maybe after clicking a certain spot—we can identify a bit of a problem there; we could address that and make sure we figure out what was going on and improve the System. It does track return methods; we can identify these statistics, and of course, that will be provided back to this body so you can see the effectiveness and are aware of it.

Following the primary, continuous work will need to be done. In the Elections Division, there are a number of things that we are pleased with but not satisfied. One of them, in particular, is there are a lot of requirements that we were working on to make it more secure and to modify the affirmations as I mentioned before. But there are some continuous process improvements that we are looking at and a number of other things moving forward that we will implement prior to the general election. There are also a couple of larger processes that we are going to anticipate moving forward on following the general before the next election cycle. The “go live” for the general election is September 23.

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

***Chair Miller:***

Members, do we have any questions?

***Assemblywoman Carlton:***

That was a good presentation. I learn something every time we have these conversations. My question is not exactly on the presentation itself; it is more about a process. I am sure you are going to have to get back to me with the answer. A number of counties are having debates about not using the machines that were funded, and we have been doing some research into that. I would like to know if those counties decide not to use those machines, does the SOS have a way to recall them and place them in other counties or parts of Indian country so there is more access to voting in other places that do want the machines?

***Mr. Wlaschin:***

If it is okay, I will get back to you with the answer to your question.

***Assemblywoman Carlton:***

I hated to sideswipe you this way; I apologize. I should have called you a couple of days ago to give you a heads-up, but during the earlier presentations, we heard about access and people having to drive 30 minutes to get to a drop box and not being able to get registration done in different counties. If those machines are not going to be used—they were paid for and the state invested the money in those machines, granted it was only 50 percent—I would hope you can figure out a way to get them back and put them someplace else. They do not need to be sitting in a storage room not serving the people of the State of Nevada when it comes to this next election. I look forward to getting a response. It would be great if you would send it to the Chair and staff so they can share it with everyone. Thank you so much.

***Chair Miller:***

Members, any additional questions? Not seeing any, we will close this agenda item and move on to our next presentation.

**AGENDA ITEM VIII—UPDATE FROM CLARK COUNTY ON PREPARATIONS FOR THE 2022 PRIMARY ELECTION**

[This agenda item was taken out of order.]

This presentation is an update from Clark County on preparations for the 2022 Primary Election.

***Joe P. Gloria, Registrar of Voters, Clark County:***

I want to talk about changes we have been working on with mail ballot processing in Clark County, which have been considerable. One of the main goals for us was to make sure that all of our mail ballot processing is taking place within one facility; we were both supported and instructed by our county management and the Clark County Board of Commissioners [to implement this]. Because of the speed in which we moved to going with the all-mail ballots in the 2020 General Election, we had to find more square footage so that we have room for the increased counting board. All of the processes are necessary when there are approximately 500,000 mail ballots coming in. With support from the County, we have been working since at least October to add about 15,000 square feet of working area within the warehouse so that our counting board will be in one room. We were challenged in the 2020 General Election in that we were using a facility that had multiple rooms; it was not easy for supervisors and observers to see the entire process as things were going on. We wanted to ensure observers had an opportunity to watch what was occurring and provide them with explanations of what was happening in the process. Now that we have a big area, it will be easy for the observers to watch what is going on and for those we call “ambassadors”—who we hire and educate on exactly what those processes are—to explain to them exactly what is occurring. We also created another area where we are able to have redundancy in our mail ballot processing machine system, which is our Agilis machine; we have two of them now, and they increase the efficiency of what we do and give us the ability to process a large number of ballots in a short period of time. Our training has moved across the street to a new facility, so we have all of these processes going on. There are dedicated rooms where we deal with our manual signature review, and the teams and

bipartisan groups are working on doing that. Long story short—there was a tremendous amount of work and financial support that was put forward by the County to make sure we could do that. It looks like we are going to finish just on time for the primary; the facility is ready and will be used for this election cycle.

Another change occurring this year is that cities are being supported in the even years. A couple of years ago, the Legislature moved those to the even years, so cities will start to enjoy higher turnout in the municipal elections. There is no cost to support those elections as it does not really cost us anything to add those offices onto our ballots since we are already serving all of our voters for all the other races that are included in the even years; we are excited about that and have been working directly with the cities to get that taken care of.

Going back to the mail ballot process, my staff has been busy in the off-season. We have benefited from a network of election officials and nonpartisan groups that sponsored our observation of election activity in the State of Colorado; the way that state processes mail ballots is considered one of the gold standards. I was able to take my staff at no cost as a result of support from the National Conference of State Legislatures (NCSL), the Vote at Home Institute, and some other groups. Amber McReynolds communicated with us and encouraged us to go. As a result, we were able to go to Denver County, Weld County, Jefferson County, and Arapahoe County and observe how they go about processing ballots. It was a great experience for us, and we learned a lot. As a result of what we saw in October and early November, we immediately came home and began work to identify funding for some additional equipment that we have also brought in. It was a tight timeline; however, thanks to the support from Clark County, we were able to purchase some high-speed mail ballot readers that read ballots at a rate that is nearly ten times faster than our previous system, which was not designed for reading mail ballots at the large number that we were receiving them in 2020. We have also included the use of extractors, which basically is an automated system; it adds another level of privacy to all of the voters for my counting board because the mail ballot envelopes go into this machine and slides across without giving the worker any ability to see the voter's name, party, or anything along those lines on that return envelope. Then, in an automated fashion, it opens up that envelope and they will pull it out, so that is another important piece of equipment that we have added. We also brought in some equipment for Ballot on Demand and a ballot duplication system, which will allow us to efficiently do that in an automated fashion. We want to thank those groups for sponsoring and giving us the ability to go to Colorado and learn and also for the support from Clark County management to allow us to do that.

Mail ballots—the election is upon us. Our overseas ballots are going to go out effective today, as the deadline is tomorrow. Our out-of-state ballots will start going out no later than May 5. Our local ballots will go out no later than May 25. And all those ballots that go out are postage-paid; any voter can vote their ballot with the postage-paid envelope, and we are confident the United States Postal Service (USPS) will get those ballots back to us. However, if it is postmarked by Election Day, June 14, we are going to accept those ballots until the fourth day after that, which is Saturday, June 18. All early voting and Election Day vote center sites are mail ballot drop-off locations as well. You can look into a lot of jurisdictions, and you will not find many that are offering that type of service to the voters as we do here in Clark County. For Election Day, there are 125 sites plus the clerks and the election center for a total of 131 locations throughout the Las Vegas Valley where any voter can come and securely drop off their mail ballot. We will have staff trained there. The security boxes will be chained to something to secure them, and there will be bipartisan workers who are there; all they will do is check to make sure that the voter has signed their envelope, and they will accept that and bring it in to be processed.

Following that June 18 deadline for the postmarked envelopes coming in from the USPS, we also have the [signature] cure running through June 20; we are statutorily required to communicate with those voters whose signatures do not match in our system. If we have an email address or phone number, we will contact them by both of those means and also through the mail to let them know that they are in the cure process. We are also going to continue the use of a tool that was put in place by the SOS that is called “text-to-cure,” which brings an automated process in for these folks who are in the cure process to take care of that simply using their telephone. We are setting that up for the primary, and I believe the SOS we be doing it statewide for the November [2022] General Election.

We are excited that with early voting we will go back to what we consider “normal coverage.” The challenge that we dealt with in 2020 with the COVID pandemic—my staff did tremendous work to deal with that and provide a safe environment for voters to come out during the November election, whether they chose to vote by mail or in person. We had a safe environment for them to get out and cast their ballot. This year, we will be going back to the malls, which is what we did for many years; it has always been our policy that we want to go where voters shop, play, get a bite to eat. High traffic areas are good areas for us, and we try to set up as many locations in those types of areas as we possibly can. The grocery stores are also a popular site with the voters in Clark County; often, they wait for their sample ballot and then find where they normally shop for groceries—they find out where we are going to go and when we will be there, and they take advantage of knocking out two birds with one stone. All of that is coming back. There will be over 30 sites daily for the primary. For the general, we will also add our college team. The colleges are out of session during the primary election, so we do not support that team in the primary. However, for the general, as we have done for many years in the past, we have a mobile team that will travel to the University of Nevada, Las Vegas (UNLV). There are three campuses that the College of Southern Nevada (CSN) allows us to come onto and provide voting, and Nevada State College as well. We have supported that program for many years; it shows great turnout and gives students an opportunity, as they are busy trying to get their schoolwork done. That is a great opportunity to reach out to them, and turnout has only increased since we have started the use of those teams.

For Election Day, we are still going to have the 125 vote centers that we provide throughout Clark County. It is important to mention that none of the rural areas lost any of their voting locations. In fact, all the rural locations used for voting when we were precinct based still have a vote center. Whether you are in Sandy Valley, Indian Springs, Mesquite, Las Vegas, Laughlin, Boulder City, or Searchlight, you still have your Election Day vote center with a drop box.

We have been working hard to get everything proofed and prepared. We are federally required to provide all of our information in Spanish and Filipino [as well as English]. Staff has to proof, [in all three languages], over 270 ballot styles, information and brochures related to early voting, and vote center documentation that is provided to the public and our local advocates who share that information in their communities. All of that is coming out really soon. Despite the paper shortage, we have secured the ability to print these documents; however, due to the shortage, we are not printing as many as we have in the past. The sample ballot will come out the week before early voting starts. We always like to encourage the Legislature to put in the ability for people to request an electronic sample ballot. When you sign up for an electronic sample ballot through the registered voter services on our website, you actually receive that information prior to any of the voters who received the paper sample ballot because we are able to send that when those images are ready to go. We were excited when that opportunity came out as a result of the law that passed. I would like to promote it; I hope the Committee will share this—for those of you

who live in Clark County—with your neighbors, colleagues, friends, and family. We should consider going electronic with that, especially with the paper shortage. It is the same information, but make sure to keep the email address that you provide to us is current, or you will not receive your information.

The redistricting that we had to complete was a tremendous amount of work that my staff completed. As a result of getting that information late because of COVID, and the census release coming late, we were unable to provide that information through the voter registration card that we send out leading into every even-year election. Beginning in mid-February, that information has been available for all voters through our registered voter services portal on the website. However, it will be printed on each voter's individual sample ballot. On the back page where you see your address—and you normally have your party there for the primary and your precinct number—your new districts will also be listed there. It was through no fault of our own that we were unable to send out that information the way we normally do; it [redistricting] only occurs every ten years.

We try to encourage anyone in the community who is interested to work the polls, especially if they speak Spanish or Filipino. It is very important that we meet those federal requirements to have translators out in the field for early voting and for the Election Day vote centers. I have been told that our numbers are good; however, things happen on Election Day and during early voting—people get sick or for some reason cannot come—so we like to have a long list of alternates. Please encourage your colleagues, friends, and all of your neighbors who are interested in working to call (702) 455-VOTE to get the information and find out how they can sign up.

Despite all of the work we had to do to with implementing the mail ballot process, we are not only ready but have made improvements to the operation. I cannot say enough about my staff and the work they have done to make all of these changes come to fruition as well as the support we received from the Clark County Board of County Commissioners and my county management; they are always behind us and make sure we have what we need.

I am happy to answer any questions the Committee may have for me.

***Chair Miller:***

Thank you, Registrar Gloria. I see a question coming from Assemblyman Matthews.

***Assemblyman Matthews:***

I want to make sure I heard you correctly. You said local ballots will go out no later than May 25?

***Mr. Gloria:***

That is correct.

***Assemblyman Matthews:***

Do you know whether there is a precise date within that time span when you anticipate they will likely go out? Is there a target date, or will there be a multiday span? Or is that a little up in the air?

**Mr. Gloria:**

We do not like to make predictions because sometimes things go wrong. It is a tremendous job when you have to print 1.3 million ballots to get ready for a jurisdiction. I can tell you about the performance from the vendor we lined up with the 2020 General Election. It is hard to believe they are able to do that, but I have toured the facility and they have a very secure setup. They can get those ballots out once they are printed and stuffed in one day . Although the facility is in Phoenix, when they drop, the majority of voters in Clark County usually get them the next day. The 25<sup>th</sup> is my statutory deadline, so I guarantee we will follow and make sure that we meet that deadline. If the printer is ready, we are not going to delay getting ballots out to voters. But I do not like to predict because you just never know what might happen. There could be a malfunction in the system; although they have redundancy, it might run really close to the 25<sup>th</sup>, but it could be a little earlier if they are ready.

**Chair Miller:**

Members, any additional questions?

**Vice Chair Ohrenschall:**

I [remember] when I turned 18 and first voted here in Clark County. The only option was Election Day voting—that was it. You would stand in line for hours if it was a busy general election. Many obstacles have been removed with early voting and the mail ballots. I want to thank you and all the staff—the Election Department—who worked so hard to provide those different avenues for people to participate in the democracy. With the switch to vote centers, one concern was that a lot of folks who waited to vote until Election Day were confused as to the old, traditional polling place versus a vote center. Are you finding that people are getting used to the vote centers, or are some folks looking for their old polling place? How are you seeing that switch to vote centers on Election Day?

**Mr. Gloria:**

Back then, polling centers were precinct-based. You had to go to the correct polling place and [it was a burden if] you worked across town—those challenges are gone. In the years since we implemented the vote center, it has been an easy adjustment to make because you cannot go to the wrong site. There is a map with a key on the sample ballot to help you find it, but it does not matter what site you go to; your ballot will be available. It is similar to early voting. It is very difficult for the voter to make a mistake as long as they are going to any one of those sites that we list as a vote center; they are going to be get processed and vote their ballots. It just makes it that much easier for them on Election Day. In the urban area, we designed the layout of those sites so they would not be more than about 2½ miles apart. We try to stick to that, and again, we did not remove a single site in the rural areas; they are vote centers now. If you are the Pepsi or the Frito-Lay delivery person, and you deliver in Mesquite or Laughlin, you can still go over there and vote that day on your break. It has been a big convenience for voters, and I think they have adjusted well and enjoy the flexibility.

**Chair Miller:**

Assemblywoman Dickman, your question please.

***Assemblywoman Dickman:***

Can you explain, exactly, how your text-to-cure process works?

***Mr. Gloria:***

It is a very simple process; it is basically an app that you go through for text-to-cure. Voters verify their identity by providing a picture of their ID taken with their phone and then attach it to that record. They must sign in that text to cure to affirm [their identity], and then they send that electronically to us. That goes to a secure file that is checked by my office three to four times daily to ensure they are keeping up with those as they come in; they verify the information. As long as they provided exactly what they are required to provide through the text to cure, then their ballot moves from the cure process and is ready to be counted and put in the stacks to go to the counting board.

***Chair Miller:***

Yes, Senator Gansert.

***Senator Seevers Gansert:***

Following up on that question, drivers' licenses and IDs now have a digital mark that is scannable on the back. Do you only take the picture of the front, or do you use some sort of technology by scanning the reverse?

***Mr. Gloria:***

I am going to have to get back to you on that. I do not think they take a picture of both sides, but the application is pretty straightforward and gives the instructions. I think it is just the front side of that, but I would have to get back to you. I would be happy to get that information to you.

***Senator Seevers Gansert:***

Thank you. I know you cannot really duplicate the digital side, so there is no way to modify it.

***Chair Miller:***

Can you submit that information to the entire Committee as well?

***Mr. Gloria:***

I will take care of that, Madam Chair. I will get it to Ms. Proehl, so she can distribute it.

***Chair Miller:***

I have a follow-up question to this. Did you say the text-to-cure process was established through the SOS?

***Mr. Gloria:***

Yes, Madam Chair; that is correct. The SOS started the use of the text-to-cure. It is actually an application that came from the State of Colorado in Denver County. There was a tremendous amount of work that came out of that County when they moved to all mail

[ballots], and Amber McReynolds has been a leader with everything that has to do with mail ballots for a long time. A team of programmers that used to work for Denver County broke out, and they are building tools for jurisdictions to use throughout the country. It is not a free service, so the SOS led the way with that and provided it in 2020. For some reason, they could not get that funded for the primary, so we are taking it on in Clark County to make sure we still have that process available for our voters. They have assured us they will have it available for the entire state for the general election.

***Chair Miller:***

Thank you, Register Gloria, for your presentation and all that you do for our voters. Not seeing any additional questions, I will close this agenda item.

**AGENDA ITEM IX—UPDATE ON THE PILOT PROGRAM FOR CONDUCTING RISK-LIMITING AUDITS OF ELECTIONS ([ASSEMBLY BILL 422 \[2021\]](#) AND [SENATE BILL 123 \[2019\]](#))**

[This agenda item was taken out of order.]

***Chair Miller:***

This agenda item is an update on the pilot program for conducting risk-limiting audits (RLAs) of elections per AB 422 (2021) and SB 123 (2019). We have Deputy Secretary of State for Elections, Mark Wlaschin, again. He will be presenting via Zoom and has a PowerPoint presentation (Agenda Item IX). Deputy Secretary, when you are ready, please begin.

***Mr. Wlaschin:***

I will start with the mandate, which was initiated with SB 123 in the 2019 Session and was modified during the 2021 Session in AB 422. The big change that came from the modification in AB 422 was to move the date of the full implementation. Originally, it was going to be implemented on January 1, 2022. Assembly Bill 422 shifted that date to January 1, 2024. This is a pilot program that started in 2019 and has continued on. We will talk about what we have been doing since its initial direction a little later.

What is an RLA? This is something worth addressing upfront. It is another postelection audit to help reassure voters and specifically the commissioners before they certify an election. Specifically, it limits the risk—hence the name, “risk-limiting”—of certifying a contest with the wrong winner. The process by which we do that is interesting, and we will talk through that in a few moments as well. The idea is to conduct it after the election, but before certification; that is certainly the goal. I will talk through some of the challenges with that timeline and what, exactly, that means. It requires a software program that is fairly in-depth in the use of algorithms and statistics to identify how this process occurs. Essentially, after an election, once all the ballots have been received, the software identifies a number of the ballots and we conduct this audit on them. There are a couple of ways that that can be done.

There are a couple of terms to be aware of. The first is *cast vote record*, which is an extremely important term. I want you to be aware that each county has an election management system, and each system can export a cast vote record. It is a spreadsheet without any personally identifiable information (PII) and nothing attributing that ballot back to the voter; it is a spreadsheet of who the voters casted their ballots for. I have an

example that I can show if there is any interest in it. The counties have these publicly available documents. It is a spreadsheet that goes across. For example, with a general election, under the office of president, it will show, "Candidate A," "Candidate B," and "Candidate C"; if a voter in that horizontal row cast a ballot for one of those individuals, it will just show "1." The next race would have another indication of who that individual cast a ballot for. Again, nothing is tied back to the voter. It is a very important part of this process that comes from election management software. Of note, there has been a lot of discussion about transitioning away from mechanical devices, tabulators, and voting machines. Those counties that transitioned to a hand count will not create a cast vote record, so that process would invalidate the ability to conduct an RLA. We are looking closely at that to see if there is another way we can do it; that is just for your awareness.

A *ballot manifest* is another spreadsheet that ties into the physical storage of ballots, which is also extremely important. For example, in Clark County's warehouse and secure facility, there is a location where the ballots are stored in rows and rows of boxes. This is important because the information on that digital cast vote record has to be compared physically to the actual ballot. In Clark County, where there are 1.3 million registered voters, it is a more complex process. Even in the counties with [fewer registered voters]—if they have 20,000 ballots from an election or a series of ballots—they are required by federal and state law to maintain them for 22 months for both the primary and the general elections. It is important that the ballot manifests identify where those actual ballots are located—and there is some pretty crisp, tight organization to that—so you are able to retrieve those ballots as part of this audit process.

There is a *random seed* that is used to identify against part of the algorithm and the statistical basis of the software. To randomly select a number, we use a 10-sided die and throw it 20 times. It gives you a seed, which leads to the random number of ballots based on the statistics that you end up identifying for the audit.

I am going to cover three types of RLAs and the methods we use here. The first is ballot comparison. In this method, a mail ballot, for example, is imprinted with that unique identifier during the tabulation. The software or the voting machines themselves do something similar using the VD path that I believe you are familiar with as well. The idea is by having this imprint on the ballot itself, the mail ballots are tabulated and then they are stored. When the cast vote record, as part of that audit software, identifies, "You need to go to this box, this batch to identify a ballot," you can retrieve it appropriately. When you take that ballot, you confirm the imprint ID on that ballot matches what is in the cast vote record. You are looking for discrepancies between what is on that digital cast vote record and what is on that physical ballot to verify the machine had done exactly what it was supposed to and that no votes have been flipped or anything like that.

Ballot polling is another method that we use. This one looks to compare the margin of victory. It does not require the unique identifier; it is not used. The location "Container 42, Batch 15," for example, is similar in the process of looking to see there was a 5-point margin in a certain race. Statistically you do not have to pull every single ballot that was cast. Part of what the software does is to identify a number of those, and then you retrieve that number of ballots using the magic of statistics. For example, if it says to pull 90 ballots—or whatever the number the software comes up with—you will notice that as you get close to that 90<sup>th</sup> ballot, the exact margin of the race is reflected in that sampling you selected. When in doubt, you can continue to take more of that sampling, and the margins will be reaffirmed. Again, the intent is to validate the margin of victory.

There is a hybrid option as well. There was some discussion about doing ballot comparison and ballot polling. We originally thought that we were not going to be able to use imprinters with Election Systems & Software (ES&S). The bottom line is we worked through this and now understand that we will be able to do a ballot comparison RLA following the 2022 Primary Election.

What have we done so far? Since this was implemented, we have done a number of pilots. Not only has this been done at the state [level], but the county clerks and registrars have eagerly jumped on every opportunity to do an RLA to learn more about the process, get better with our organization, work through questions about the software, and understand how it works and what we are looking at. We have a list of the counties that have conducted RLAs. One was done in January 2021; others were conducted in April and July of 2021 [related to] the Boulder City primary elections and general elections. Not only are we doing RLAs at every possible opportunity, but numerous county clerks and their staff are eagerly attending RLAs in other counties. Again, this is to ensure we are aware of the process, comfortable with how it works, and can work through any questions or challenges well in advance of the full implementation day in January 2024.

Going forward for 2022—specifically related to the primary RLA pilot, we are going to do a statewide audit in July, in addition to county-specific RLAs. The idea is you identify a statewide contest, and the software identifies the location. In this case, it would not just be on certain rows of one warehouse, but across the state; that way, there is a statewide audit as well as countywide contests to ensure additional opportunities for practice. There are two things I want to comment on with this. First, someone is probably thinking, “Wait a minute, a statewide audit in July, which is after the primary election and certainly, after the 10-day requirement by statute to certify. Why would that not be done beforehand if the intent with an RLA is to ensure that there is not a false or improper certification?” Well, part of it is, these are pilot programs, and it is certainly something that we are working on in part because it is extremely time-intensive. As you all know, following Election Day, the clerks and registrars have four additional days to receive mail ballots that are datemarked appropriately and two additional days after that to conduct their signature verifications—a total of six days of signature verifications after Election Day. On that seventh day, we do the provisional ballot comparison across the state. Everyone's provisional ballots will be provided to the SOS, and we will compare them to make sure no one is trying to pull a fast one; for example, doing same-day registration and casting a provisional ballot in Storey, Lyon, Douglas, Carson, and Washoe Counties—trying to bounce around an area like that.

While that is going on, concurrently, the clerks and their staff are working hard to draft paperwork for the county commissioners to make sure they can meet the certification timelines, along with addressing the number of public records requests, legal challenges, requests for recounts, or election challenges. This is on top of the fact that, by that point, they will have been working about 12-hour days for the better part of a month. This is something that, as we do these pilot RLAs, we are keenly aware of the fact that it is a tight window to actually do this prior to the county certification. When we did some of these early on, during the pilots in 2021, they took almost a week to conduct in some cases, and that was with the small, county-specific election—in many cases, without other distractions or extensive requirements outside of the normal day-to-day requirements that many of our clerks have on top of their election-related duties. The plan for July is to not interrupt or otherwise degrade the requirements leading up to that tenth day—or the postelection requirements—and to hone our processes to make them better, save time, and increase efficiencies with organization and storage so we can meet that timeline as we move towards 2024.

The next steps—we continue to learn from these processes; we are not learning in a vacuum. We are talking to a number of other states who are doing RLAs and doing them well. We are asking for opportunities and trying to identify what we can adapt and adopt to make the process more efficient. We are going to continue learning lessons and capturing them through the primary and the general election. In 2023, every single opportunity that the clerks and registrars in the state have to conduct an RLA will be taken advantage of, and we will certainly continue to refine these processes moving forward. When we begin our postelection regulatory review in January of 2023, we will have some draft regulations relating to RLAs; we are continuing to modify and enhance the draft versions that we have. As we move through the 2022 election cycle, we will continue to learn and adapt those [draft regulations] as we move through the appropriate regulatory process—including workshops, adoption hearings, et cetera—so those are fully in place prior to the 2024 implementation date.

That concludes my presentation, and I am available to answer any questions.

***Chair Miller:***

Members do we have any questions? I am not seeing any. Thank you for your presentation, Deputy Secretary Wlaschin. I will go ahead and close this agenda item.

**AGENDA ITEM X-PUBLIC COMMENT**

***Chair Miller:***

We will move on to our last agenda item, which is public comment. As a reminder, please keep your comments to two minutes and state and spell your first and last name for the record.

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

We will begin here in Las Vegas, and then move to anyone wishing to make public comment in Carson City, and then to the phone lines. We have someone here wishing to make public comment. Please proceed.

***Tammi Tiger:***

I am here today speaking in my capacity as a native vote organizer. I am a citizen of the Choctaw Nation of Oklahoma, and I am descended from three tribes that are commonly known as the “Five Civilized Tribes” who had a treaty with the United States in 1830 and were removed from our homelands on the Trail of Tears to Oklahoma, which was called “Indian Territory.” I wanted to add that in the 1950s, my family was part of the Bureau of Indian Affairs’ (BIA) Indian Relocation Act of 1956 ([Pub. L. 959, 70 Stat. 986](#)), which relocated my family from Oklahoma to Los Angeles; that is part of the history and the education that we share with our families to explain who we are . It came up in previous comments, so I just wanted to share that. I grew up as an urban native in Los Angeles. My family was very active in urban Indian centers, which are traditionally set up to support the Native Americans living away from their homelands. I work today—and have over the last 20 years—with the Las Vegas Indian Center and a lot of the outreach work that happens with our urban communities. I want to thank you first for the agenda item and asking the important questions that you all had earlier today with Director Montooth’s presentation. Due to the systemic policies of erasure that our people have endured over the years, educating our audience is always a part of what we do and what is necessary to do because it has not been done in the school systems all the way up to now. I wanted to share the

definitions of *treaties* and *tribes* with you all today. For the record, Indian *tribes* are “distinct political entities whose inherent sovereignty predates the United States.” The sovereignty is reflected in the government-to-government relationship between federally recognized tribes and the U.S. Government. As Director Montooth mentioned, her office has a direct relationship with the state, the governor, and Nevada's tribal nations, and also serves the urban native population.

**Chair Miller:**

Ms. Tiger, it went by quickly. I just want to let you know that your two minutes are up. Can you please finish up with some points and then email us so that we can still have those on the record?

**Ms. Tiger:**

I wanted to speak in support of [AB 422](#) (2021) and the top-down database to have a disaggregated data field that accounts for tribal affiliation as our nation-to-nation status of citizens of tribes, not just a racial group. Secondly, with [AB 321](#) (2021)—that we empower our counties to be able to provide more access to the polls.

**Chair Miller:**

Is there anyone in Carson City wishing to make public comment? Please proceed when you are ready.

**Terri Huffman, Convention of States:**

I am on the state director's team with the Convention of States. I would like to make a quick statement because I know there are only two minutes:

The framers provided means for the people to amend the *Constitution*—means which virtually circumvent federal officials. This president and the federal courts are given no role whatsoever in the amendment process. Congress is authorized to propose constitutional amendments. If it pleases, it is obligated to call a special convention to propose constitutional amendments if two-thirds of all state's legislators demand it so. But Congress is given no hand in the actual ratifying or rejecting of the proposed amendments. The amendment process is slow and it was made this way so deliberately in making changes to our organic law. People should not be stampeded by demagoguery, mob philosophy, or false promises. The public should have ample time to think, study, debate, and reflect before making constitutional changes which affect them and their prosperity. As James Madison put it, the amendment process was designed specifically to guard against any extreme faculty which would render the *Constitution* mutable.

This is an excerpt from a book called *We Hold These Truths*, written in 1976 by Larry McDonald, the past president of the John Birch Society in 1983. Thank you for your time.

**John D. Quandt, Legislative Liaison, Convention of States:**

I am here to speak in favor of a Convention of States resolution. I submitted an email earlier with a link to the speech made by Senator Rick Santorum on Monday, which was in support of a Convention of States (Agenda Item X A). It also included an [article](#) authored by

Professor Robert G. Natelson and published in the *Marquette Law Review* that provides details supporting the Convention of States. I want to spend the rest of my time here pointing out one of the many issues with the federal government's tyranny and overreach and not doing what they are responsible for. Referencing our southern border—I think Nevada has its highest percentage of undocumented aliens per capita in the United States. We are one of the 30 states where Fentanyl deaths have doubled in the last 18 months. The Fentanyl crisis has gotten out of control. It is not just the drug addicts either. They have ways of dispersing this through aerosol in ventilation systems; it can be put in your liquid and sprayed on your food. It can be in their counterfeit pills for Xanax and Adderall, and it is now showing up in over-the-counter drugs. This is all because we have a government that, instead of focusing on what they are responsible to do to protect citizens at the border, they are focusing on creating a misinformation czar. We need to get this under control, and the states must get it under control with the Convention of States; the states have to get it under control. It is not going to be Congress that is going to do it; it is not going to be our Executive Branch that is going to do it. We need to sit down, take responsibility, and pass this resolution like 19 other states already have and the twentieth is just about to; we only need 14 more after that.

Thank you very much, Madam Chair, and Committee members.

**Chair Miller:**

Thank you. Let us move to our phone lines. Broadcasting, do we have anyone on the phones?

**BPS:**

The public comment line is open and working; however, there are no callers at this time.

**Chair Miller:**

[Chair Miller confirmed no other individuals were coming forward to provide public comment in Las Vegas, Carson City, or on the phone line.]

We will go ahead and close the agenda item for public comment. I want to thank everyone, including the members, for participating and engaging in an efficient Committee meeting. We will go ahead and adjourn.

[Subsequent to the meeting, Karen Serink, Nevada resident, submitted public comment for the record (Agenda Item X B).]

[Subsequent to the meeting, Maximillian Lowe, Nevada resident, submitted public comment for the record (Agenda Item X C).]

## **AGENDA ITEM XI—ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 12:38 p.m.

Respectfully submitted,

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Lisa Creamer  
Research Policy Assistant

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Haley Proehl  
Senior Policy Analyst/Geographic  
Information Systems Specialist

APPROVED BY:

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Assemblywoman Brittney Miller, Chair

Date: \_\_\_\_\_

## MEETING MATERIALS

| AGENDA ITEM     | PRESENTER/ENTITY                                                                                                                                                                                         | DESCRIPTION    |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Agenda Item IV  | Stacey Montooth, Executive Director, Nevada Indian Commission                                                                                                                                            | Presentation   |
| Agenda Item V   | Scott Wiedmann, Deputy Director, Federal Voting Assistance Program (FVAP), United States Department of Defense (DOD); and Heather Eudy, State Legislative Affairs Specialist, FVAP, DOD                  | Presentation   |
| Agenda Item VI  | Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities; and Carrisa Tashiro, Supervising Attorney and Policy Director, Nevada Disability Advocacy and Law Center | Presentation   |
| Agenda Item VII | Mark A. Wlaschin, Deputy Secretary of State for Elections, Office of the Secretary of State (SOS)                                                                                                        | Presentation   |
| Agenda Item IX  | Mark A. Wlaschin, Deputy Secretary of State for Elections, SOS                                                                                                                                           | Presentation   |
| Agenda Item X A | John D. Quandt, Legislative Liaison, Convention of States                                                                                                                                                | Public Comment |
| Agenda Item X B | Karen Serink, Nevada resident                                                                                                                                                                            | Public Comment |
| Agenda Item X C | Maximillian Lowe, Nevada resident                                                                                                                                                                        | Public Comment |

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