

**MINUTES OF THE 2023-2024 INTERIM
LEGISLATIVE COMMISSION**

September 28, 2023

The meeting of the Legislative Commission was called to order by Chair Cannizzaro at 10:19 a.m. at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and via videoconference at the Legislative Building, Room 4100, 401 South Carson Street, Carson City, Nevada. The meeting was adjourned at 1:37 p.m.

All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMISSION MEMBERS PRESENT IN LAS VEGAS:

Senator Nicole Cannizzaro, Senatorial District No. 6; Chair
Senator Melanie Scheible, Senatorial District No. 9 (Alternate for Senator Dallas Harris)
Senator Jeff Stone, Senatorial District No. 20
Assemblywoman Shea Backus, Assembly District No. 37
Assemblyman Rich DeLong, Assembly District No. 26
Assemblyman Ken Gray, Assembly District No. 39 (Alternate for Assemblywoman Alexis Hansen)
Assemblywoman Selena Torres, Assembly District No. 3 (Alternate for Assemblywoman Sandra Jauregui)
Assemblyman Howard Watts, Assembly District No. 15 (Alternate for Assemblyman Cameron (C.H.) Miller)
Assemblyman Steve Yeager, Assembly District No. 9

COMMISSION MEMBERS PRESENT IN CARSON CITY:

Senator Skip Daly, Senatorial District No. 13

COMMISSION MEMBERS PRESENT VIA VIDEOCONFERENCE:

Senator Scott Hammond, Senatorial District No. 18 (Alternate for Senator Ira Hansen)
Senator Lisa Krasner, Senatorial District No. 16

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Brenda Erdoes, Director
Roger Wilkerson, Deputy Director
Dan Rushin, Chief Financial Officer
Asher Killian, Legislative Counsel, Legal Division
Nicolas Anthony, Research Director, Research Division

Dan Crossman, Legislative Auditor, Audit Division
Sarah Coffman, Assembly Fiscal Analyst, Fiscal Analysis Division
Wayne Thorley, Senate Fiscal Analyst, Fiscal Analysis Division
Broadcast and Production Services Staff, Administrative Division
Angela Hartzler, Secretary, Legal Division
Jordan Haas, Secretary, Legal Division

OTHERS PRESENT:

Ginny Okawa
Sadmira Ramic, Voting Rights Attorney, ACLU of Nevada
Mathilda Guerrero, Government Relations Director, Native Voters Alliance Nevada
Guillermo Barahona, Civic Engagement Director, Chispa Nevada
Jonathan Bush, Silver State Voices
Marlon Anderson, Faith Organizing Alliance
Cassie Charles, Campaign Director, Progressive Leadership Alliance of Nevada
Amy Koo, Political Director, One API Nevada
Mary Janet Ramos, Nevada Campaign Manager, All Voting Is Local
Athar Haseebullah, Executive Director, ACLU of Nevada
Marcos Lopez
Virginia Valentine, Nevada Resort Association
Russell Rowe, Nevada Chapter, American Council of Engineering Companies
Yolanda Knaak, Legislative Chair, Nevada Federation of Republican Women
Joy Trushenski
Edmond "Buddy" Miller
Barbra Jones
Brian Harris, Organizer, Institute for a Progressive Nevada
Jen Howell
Candace Hunt
Ellen Gifford
Nichelle Hull
Carolene Logue
Jill Hubbard
Valerie Fiannaca
Davis Huskon, Office Coordinator, Las Vegas Indian Center
Alex Watson, Political Director, Nevada Republican Party
Tracey Thomas
Sandee Tibbett
Susan Bauman, Executive Director, Nevada Independent Insurance Agents
Mark Kampf, Nye County Clerk
Luke Bunting, Election Integrity Counsel, Republican National Committee
Jim DeGraffenreid, Republican National Committeeman
Susan Ruch
Teresa Hayes, Program Manager, Environmental Health Section, Division of Public and Behavioral Health, Department of Health and Human Services

Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State
Mark Wlaschin, Deputy Secretary of State for Elections, Office of the Secretary of State
Leslie Quinn
Helen Oseguera
Patty Downing
Lisa Partee

Senator Nicole Cannizzaro (Senatorial District No. 6; Chair):

Good morning and welcome to the September 28 meeting of the Legislative Commission. I appreciate everybody's patience as we get organized this morning. I had to chase down a two-year old, so I know we're running a few minutes late, but you'd be surprised how strong they can be. Good morning, everybody. Thank you for joining us. We will begin this morning's meeting with a roll call. We have eight members who are attending here at the Grant Sawyer Building in Las Vegas, two members with us in Carson City and two members who are attending virtually. Please mark Senators Hammond and Krasner present when they join us. They should be attending virtually, so we'll make sure that we have them connected.

We'll go over a few housekeeping items before we get started here. I'd like to ask anyone who plans on testifying today to please make sure that you state and spell your name for the record before testifying so that we have an accurate record of who has been before us. If anybody here would like to receive a copy of the Commission's agendas, minutes or reports, you may be added to the mailing list by following the links on the Legislature's website or by providing information to our staff. Contact information for staff is also listed on the Legislature's website. In addition, we accept written comments, which I know we have received several of, and those written comments even during and after the meeting may be emailed or mailed—of course, before, during or after. This information of where to send those written comments is also located on that website and listed on the agenda for this meeting, and we are happy to take any public comment via email or written comment as well.

We will move on to item II which is on our agenda, which is public comment. I'm sorry, before we get to item II, there is one thing I did want to make a note of. In case anybody is joining us for item VII on our agenda, we will be removing that, which is the amendment to rules and policies for the Legislative Counsel Bureau. We need to have some further discussions on that particular item before we would take any action. So, if you are here for that item, we will not be entertaining that later today.

Item II on our agenda is public comment. The public comment that we will be accepting at this time is from persons who are present here in Las Vegas with us and then from those in the Legislative Building in Carson City and then from persons who are wishing

to provide public comments by phone. If you prefer to wait and speak until later in the meeting, we will have a second period of public comment at the end of the meeting. Please remember that comments will be limited to not more than two minutes per person. If you have additional comments that exceed the two minutes that you are allotted for your public comment today, you can always submit those additional comments in writing. If there are people in our audience in Las Vegas who wish to provide public comment on any of the items that are on our agenda today, now is the time to do that. We're going to start here in Las Vegas, and then similarly we'll kind of go back and forth between here and Carson City, and then we'll go to the phones, but we'll take public comment in person first. If you are here in Las Vegas, we have three chairs up here at the dais. Please feel free to step up and fill those. If you are in Carson City, you can fill the chairs at the dais there and we will begin our public comment period. Before you speak, make sure that you identify yourself for the record every time you speak and ensure that you sign in on the clipboard by the door before you leave if you have not already so that we have your contact information if we should have to contact you and make sure that we have a clear record. We will start here in Las Vegas. I don't have anybody at these chairs. If you want to provide—I see maybe some movement in the audience. If you want to provide public comment, please come on up, and these three chairs up here, we will let you fill those chairs. Is there anyone filling the chairs up in Carson City? I think I see a few folks. We'll start here in Las Vegas. Feel free, any one of those chairs, and then that microphone that's right in front of you, you'll want to hit—there should be a speak or microphone button up there, and we'll go one, two, three. Make sure you identify yourself and state and spell your name for the record, and then you can go ahead and begin. Again, we will be checking for two minutes each speaker. Please, go ahead when you're ready.

Ginny Okawa:

Good morning. I'm Ginny Okawa, a resident of Pahrump, Nevada, and I have been a poll worker since 2020. I was also a hand count observer in Nye County during the 2022 midterm elections. I'm here to oppose the hand count regulation, R200-22. I can't begin to express my extreme disappointment that this ridiculous and totally uncalled for exercise was not outlawed after the last fiasco that we witnessed in 2022. Our Nye County Clerk is an admitted election denier and has previously promoted the conspiracy movie *2000 Mules* which falsely claims to prove voter fraud, claims that have been disproven in court over and over and over again. I was also an observer at the Valley Electric Convention Center in Pahrump for 4 days. During that time, I witnessed much confusion and chaos, as well as candidate Jim Marchant in attendance, taking pictures and videos, which I don't believe is allowed. I even had several people walking back and forth in front of me—strutting, even—their guns very visible and giving me looks as if trying to intimidate me. Our county commissioners have declared Nye County a Second Amendment sanctuary county, so guns are allowed just about everywhere. Yes, they are even allowed at the polls. A friend of mine who also worked the polls and was considering volunteering to be

a hand count observer as well until she asked Clerk Kampf if assault weapons would be allowed in the building. When he replied he wouldn't stop it, she declined. Our county is relatively small. People know each other. They know where we work, they know where we live. I implore the Secretary to reconsider this hand count regulation. Please protect our rights and allow us to vote privately and confidentially. At the very least, please include the proposed ACLU (American Civil Liberties Union) amendment which allows voters to opt out of having their ballots hand counted by people who are volunteers and have not been properly vetted. I fear that people will not vote in Nye County in this very polarized political environment.

Chair Cannizzaro:

If you could go ahead and wrap up, because we're right at the two minutes.

Ms. Okawa:

Okay, I'm sorry.

Chair Cannizzaro:

No, you're okay.

Ms. Okawa:

Thank you for your time and consideration.

Chair Cannizzaro:

Great, thank you. Please, go ahead.

Sadmira Ramic (Voting Rights Attorney, ACLU of Nevada):

Good morning, members of the Commission. My name is Sadmira Ramic and I am the voting rights attorney at the ACLU of Nevada. As Ms. Ginny was here today, I am here on behalf of my organization to oppose the authorization of the Secretary's regulation on hand counting, without at a minimum the inclusion of an amendment which would protect the privacy of the voter as well as the confidentiality of their ballots. We are deeply concerned about hand counting in general as it is rooted in unfounded claims about election fraud and it does undermine the integrity of our elections. But just as importantly, it erodes the ability for a voter to cast their votes confidentially. Random, un-vetted individuals having access to a voter's entire ballot, which includes personal information of that voter as well as who they voted for, is a big concern. We saw this during the last election cycle where a parallel process, which does include a full hand count of the ballots,

was conducted in Nye County and was alluded to in Ms. Ginny's testimony. As it currently stands, the regulation has no requirements in place as to who can be on the hand count tally teams. No vetting process is required for these individuals before they are appointed to the tally teams, and as such, anyone who volunteers to hand count ballots is granted access to a voter's sensitive information. Privacy and confidentiality is fundamental to our voting process, and that includes hand counting. Without it, opportunities are created for voters to be intimidated. It creates opportunities for them to be coerced.

Chair Cannizzaro:

If you could go ahead and wrap up. We're right about the two-minute mark, and any additional comments, of course, that we don't get to that you might have prepared, we can always accept in writing as well.

Ms. Ramic:

Sure. We did send a letter as well as our proposed amendment that would address our concerns ([Agenda Item II A](#)), and that proposed amendment would create the opt-out system that Ms. Ginny alluded to. We urge you to suggest approval of that amendment prior to the adoption of that regulation. Thank you.

Chair Cannizzaro:

Great, thank you.

Mathilda Guerrero (Government Relations Director, Native Voters Alliance Nevada):

Good morning, Chair Cannizzaro and Commission members. My name is Mathilda Guerrero and I'm the Government Relations Director at Native Voters Alliance Nevada. We're in unwavering opposition to the SOS's (Secretary of State) proposed regulation R200-22. While the intent of this regulation might be to ensure transparency and thoroughness, the reality is far from this ideal. Let's be clear, hand counting ballots introduces a vulnerability to our electoral process. Hand counting ballots is not a hallmark of diligence, but rather it's a Pandora's Box of vulnerabilities. Just 44 miles from the ground beneath our feet right now resulted in 3 painstaking hours of counting 50 mere ballots, resulting in mismatched counts and recount after recount. The human element, even with tally teams and verification clerks, inevitably breeds error and mis-consistency. The directive to recount at least twice when discrepancies arise is ambiguous at best. Where then is the line of reliability? More alarming still is the absence of stringent criteria dictating membership to these pivotal tally teams. As it stands, any volunteer, vetted or not, can potentially infringe upon the sacred confidentiality of a voter's choice. Such a scenario is especially perilous in smaller communities where personal ties can turn knowledge of one's vote into a weapon of intimidation or retaliation. In an era where the

specter of political violence looms larger than ever, this regulation rather than being a bulwark appears to be an inadvertent catalyst of our greatest concerns. The stakes are too high for ambiguity and the lack of oversight. Thank you.

Chair Cannizzaro:

Thank you. Please, go ahead.

Guillermo Barahona (Civic Engagement Director, Chispa Nevada):

Good morning, Chair. My name is Guillermo Barahona and I am the Civic Engagement Director for Chispa Nevada, a member of Let Nevadans Vote Coalition. Nevada has consistently been at the forefront of championing and upholding voting rights. We think R200-22 in its current form will set Nevada back. R200-22 is a return of the same ideas introduced last year. Just like our organization has built trust in our communities, so too has Nevada built trust in voters. From start to finish, the voting process must be trustworthy and transparent, but being transparent doesn't mean throwing caution and privacy out the window. When voters have the assurance that their votes are cast in secret without fear of reprisal and judgment, they are more likely to participate in the democratic process. Please rethink this regulation so we're taking steps forward and not backwards in our election system. Thank you for your time.

Chair Cannizzaro:

Thank you. Please, go ahead.

Jonathan Bush (Silver State Voices):

Good morning, Chair and honorable members. My name is Jonathan Bush with Silver State Voices, who leads the Let Nevadans Vote Coalition. I want to start by thanking the Secretary of State's Office for their efforts to update our state's election regulations. Having updated protocols that speak to the present-day landscape is critical for our hardworking election officials who administer elections throughout Nevada. Conducting hand counting in lieu of electronic tabulation is not only labor intensive but is also much more susceptible to human error. We are also concerned that in the hand counting method, the right to a confidential and secret ballot may not be fully realized if un-vetted individuals are reviewing ballots. To that end, we respectfully request that this body consider adopting additional language to implement stronger guardrails to protect voters' privacy and continue upholding the integrity of our elections. Thank you.

Chair Cannizzaro:

Thank you.

Marlon Anderson (Faith Organizing Alliance):

Hello, how y'all doing? My name is Pastor Marlon Anderson and I am here on behalf of Faith Organizing Alliance. We just simply want to say that we are in opposition of this and we just simply want to secure and protect the ballots. Thank you.

Cassie Charles (Campaign Director, Progressive Leadership Alliance of Nevada):

Good morning, Chair and members of the Commission. My name is Cassie Charles and I am the Campaign Director with the Progressive Leadership Alliance of Nevada. I would like to echo the statements of those before me in opposition to the Secretary of State's new proposed regulation. Hand counting ballots places the fate of our democracy squarely in the hands of human error, and transition to hand counting will require more people power, resources, time—all of which will strain the election workers' resources. One of the pillars of a healthy democracy is the right of a voter to cast their ballot privately through a secret ballot. As currently drafted, it is essential to recognize the negative impacts this regulation will have, including the risks of human error, increased resource demands on election departments and the privacy of voters. By enhancing the safeguards that protect voters' privacy, we've taken significant steps towards ensuring that the promise of democracy remains embellished and enduring. Thank you.

Amy Koo (Political Director, One APIA Nevada):

Chair and honorable members, my name is Amy Koo and I'm the Political Director at One APIA Nevada, a grassroots nonprofit that advocates for the growing AANHPI Asian American, native Hawaiian and Pacific Islander community here. One APIA Nevada is also a member of the Let Nevadans Vote Coalition. One API Nevada strives to include and engage all of our AANHPI voices in the democratic process. In order to have a flourishing democracy, voters must know that their sensitive information will be protected. Voting choices are deeply personal and reflective of an individual's values, beliefs or even personal circumstances. The AANHPI umbrella is very diverse and includes peoples and cultures from over 75 countries. Many of our community members already feel like they are being targeted or singled out. Having unelected, uncertified people reviewing deeply personal information like a ballot will only further increase this fear. We urge this body to reconsider R200-22 as currently drafted. Thank you.

Chair Cannizzaro:

Thank you.

Mary Janet Ramos (Nevada Campaign Manager, All Voting Is Local):

Good morning, Chair and Committee members. My name is Mary Janet Ramos and I am the Nevada Campaign Manager at All Voting Is Local, an organization that works to safeguard the rights of voters at the state and local level, advancing fair, inclusive rules on voter registration, removing barriers at the ballot box and ensuring every vote counts. Over the past month, All Voting Is Local has provided comments and public testimony at the Secretary of State election regulation hearings expressing concerns over hand counting. We're here in strong opposition to the regulations being proposed today. By allowing hand counting, it will do nothing but diminish the accuracy, efficiency and security of elections. Unfortunately, a growing number of Nevada counties have considered adopting hand counting procedures for ballots due to the spread of disinformation about the unreliability of election machines and conspiracy theories about election fraud, but worth noting is that there's strong evidence rebutting these claims. Election experts have warned that hand counting may not only lead to a less accurate count, this method has proven to be more prone to error than machine counting, but overall it is time consuming and an expensive process. There's also no sufficient evidence that these regulations will ensure an accurate and timely count besides requiring counties to submit a contingency plan. It is no secret that hand counting goes against best practices and the recommendations of election experts. Once again, I am here to urge you to vote down these hand counting regulations. Thank you for your time and your consideration.

Chair Cannizzaro:

Thanks.

Athar Haseebullah (Executive Director, ACLU of Nevada):

Good morning, Chair Cannizzaro and members of the Commission. My name is Athar Haseebullah. I serve as the Executive Director for the American Civil Liberties Union of Nevada. I won't reiterate any of the points that were already made about the potential dangers and our opposition to hand counting—I think that's been well documented pretty consistently—but a couple of things I do want you to consider: first and foremost, I have already heard, and I'll say this on the record, I have heard from Democratic voters in Nye County that they will not vote in the next election if a parallel process or a hand count exists and their vote is subject to a review by a random and un-vetted person. That has a terrible, chilling consequence on the ability for voters in some of these counties to be able to engage. We gave and issued a proposal to the Secretary of State for an

amendment that would allow individuals to opt out of that system. That amendment was not accepted. I believe the Secretary operates in good faith and did so in that regard as well. I also know they have unique challenges. Our proposal would be to table that specific revision. Do not approve it today because, in effect, what that will do is will allow for hand counting and parallel processes to move forward. I'd encourage a couple members of the Commission to help try to facilitate some of these conversations. The chilling impact on votes will have dire consequences in this election, including the reality that there is a fear of political violence and retaliation for how votes are cast. I also recognize the Secretary's Office may say there's a privacy consideration or it may lead to individuals saying they want to opt out of tabulation. Tabulation does not pose the same privacy considerations. Perhaps for those that don't believe in the accuracy of tabulation, that's a separate argument, but privacy's not the same. For those that are also on this Committee that may not want anything besides a hand count, my encouragement to those individuals would be to allow for a system for an individual who does not want to be subject to this hand count to simply inform a clerk that they don't want their ballot hand counted. They want to protect their privacy and allow for individual privacy to carry the day. This is going to come back up, of course, during the course of the next year, but approving this regulation today will have a dire impact, so we're asking you table it and help facilitate the next conversation. Thanks very much.

Chair Cannizzaro:

Okay, we'll go one more here in Las Vegas and then we're going to go up to Carson City. If there is anybody else in Las Vegas who wants to give public comment, you can take these chairs. We'll do one here and then Carson, and then we'll come back here.

Marcos Lopez:

Thank you, Chair. Marcos Lopez, Nevada Policy. I've come here for a different matter just to bring to attention. We have two loopholes right now in NRS (Nevada Revised Statutes) that are in violation of *Tyler v. Hennepin County*, which was ruled 9-0 on May 25, 2023. This Supreme Court ruling ruled that the government can't collect more than what is owed in back taxes when it seizes a property due to tax delinquency. The Court ruled that the surplus values are protected by the Fifth Amendment's takings clause. The two loopholes—the first one is NRS 361.603, which allows any local government or the Nevada System of Higher Education to acquire a tax deed of properties held in trust for a public purpose at the cost equal to the amount of delinquent taxes, penalties and interest and costs, and the second loophole exists in NRS 361.604, which allows any Indian tribe to acquire a tax delinquent property with an expired redemption period held in trust by a county treasurer if it exists on Indian land without consideration. The Pacific Legal Foundation who litigated *Tyler v. Hennepin County* believes any property owners who are deprived of their excess equity under NRS 361.603 and NRS 361.604 would

have a takings claim against the government for damages. Nevada Policy respectfully asks the Legislature to close these loopholes and to protect both property owner and Nevada taxpayers. Thank you.

Chair Cannizzaro:

Great, thank you. Actually, we've got two more who joined us here, so we'll do these two, we'll go to Carson and then we'll take any additional public comment here in person, then in Carson and then we'll go to the phones.

Virginia Valentine (Nevada Resort Association):

Good morning, Chair and members of the Legislative Commission. My name is Virginia Valentine, and I'm here today on behalf of the Nevada Resort Association to speak in support of regulation R029-23, which adds clarifications to AB (Assembly Bill) 398. As amended, this will add additional clarity to make it define what is included and what is not included. We're very appreciative of the amendment and here to speak in support. Thank you.

Russell Rowe (Nevada Chapter, American Council of Engineering Companies):

Good morning, Madam Chair and members of the Commission. Russell Rowe here on behalf of the Nevada Chapter of the American Council of Engineering Companies. We want to speak in strong support of the Department of Insurance regulation that Ms. Valentine just spoke to. It's R029-23, dated September 27, 2023. Most engineering firms in Nevada are small businesses, and the way this legislation was crafted, we were told by our insurance brokers it could increase rates up to 80 percent for many small engineering firms. That's just not a viable option, so we're greatly appreciative to the Speaker for encouraging conversations among all the stakeholders and the Department of Insurance for really being very proactive and working with the businesses in Nevada in working on this regulation. We stand in strong support. Thank you.

Chair Cannizzaro:

Great, thank you. Okay, we will go to Carson City. I see we've got three of the four seats filled there. Whoever would like to go first, just make sure you hit that microphone button, state and spell your name for the record, and again, two minutes per speaker. When you're ready.

Yolanda Knaak (Legislative Chair, Nevada Federation of Republican Women):

I'm the Legislative Chair for the Nevada Federation of Republican Women, and I'm here with a letter from them ([Agenda Item II B](#)).

"Dear Legislative Commission, this letter is from the Nevada Federation of Republican Women. The Federation has 20 Republican clubs statewide and over 1,400 members. On May 1 of 2021, our organization voted and passed a resolution in favor of election integrity. This is important because voter confidence in the legitimacy of the last presidential election is lower than any other presidential election in modern history of our nation. There are multiple regulations being brought forth by our Secretary of State at your September 28 meeting, which is today. Many of them have the potential to allow election fraud. Just one example is R200-22. It appears to be brought forward to limit hand counting ballots. Please don't limit hand counting ballots. We are in favor of hand counting ballots. Remember names are not included on the actual ballot. Everyone is familiar with computer hacking of other sorts. Please do not allow election computer hacking. Please keep in mind that the State of Texas used voting machines in the past and found irregularities in the votes. We are opposed to your changing anything to do with our presidential primary or qualifications of presidential candidates. Ballots should be mailed only to people who request them. The law must require that all ballots be turned in before the polls close on election day except ballots submitted by deployed military. Every citizen who cares enough to take time to vote should also care enough to obtain the most basic form of identification or to request assistance to obtain some minimal identification to protect their integrity of a process for which others have laid down their lives. Nevada Republican women are aware that many elections here and elsewhere are often decided by a handful of votes and that therefore it is crucially important to do all that is reasonable to impart confidence to the legal voter that his or her vote does in fact count."

Chair Cannizzaro:

If you could go ahead and wrap up. We're right about the two minutes, and then you can submit the additional comments in writing, of course.

Ms. Knaak:

Sure, I'm actually done. "And makes a real difference in an election. Please take all this into consideration before changing any regulation. Thank you. Caroline Smith, President."

Chair Cannizzaro:

Great, thank you. Next in Carson City, when you're ready.

Joy Trushenski:

Good morning. During the 2020 Nevada Legislature, the Democrats controlled both houses and changed voting laws. They instilled universal mail-in ballots, extended voting days. There were same-day registration where people would not be vetted and other regulations which opened the door to fraud. The Democrats have never supported Voter ID. I supported Governor Lombardo's election reform bill, SB (Senate Bill) 405, and other bills in the 2023 Legislature, but the Democrats never allowed them to be heard. These bills would have increased election security. Machines by voting alone is dangerous as machines can be hacked, as the documentary *2000 Mules* shows. After the 2020 election, France changed from machine voting to paper ballots only. There was a reason for it, because they observed voter fraud in the 2020 election. I support hand counting and the people of Nye County who supported the use of paper ballots and hand counting. There was a bill, SB 215, concerning this matter and it was voted down. Please allow paper ballots. Thank you for your time.

Chair Cannizzaro:

Okay, thank you. Next in Carson City.

Edmond "Buddy" Miller:

Good morning, Madam Chair. My name's Edmond "Buddy" Miller. I'm here as a private citizen, although in the 2022 midterm election I was a Deputy Voter Protection Director for the Democrats. I'm asking the Commission to defer action on R200-22 until additional amendments can be made, as explained in my written public comment that I filed with the Commission yesterday ([Agenda Item II C](#)). As I point out, we need much better guidance from the Secretary of State on managing vote tally mismatches. We also need better disclosures from the county and city clerks and their 90-day plans on hiring and training standards for the tally teams and also for how to monitor—monitoring their ongoing performance. We also need cost estimates for any new tally team staffs that have to be hired. That's especially true in the event of a possible recount. The biggest change that I am asking is in the definition of hand count. In my written comments I explained that the goal was to eliminate secondary hand counts, what's been referred to by some of the other folks who've testified here as a parallel hand count or as a 100 percent audit. When Nye County did the hand count, paper ballots had already been officially counted by an electronic tabulator. Nye County then proceeded to attempt what they called a 100 percent audit and managed to count 85 percent of the votes of the ballots, but the reality

is you only need a small percentage to actually do an audit. So, a parallel hand count that was done in Nye County was completely unnecessary and the paper ballots were still in play. The vote had not yet been certified and the candidates had not yet had an opportunity to exercise their rights for a recount or for an election contest. During this entire time, the security of the paper ballots were at serious risk.

Chair Cannizzaro:

If you could go ahead and wrap up, and then any additional comments that you might have, you can always submit in writing, but we're right at that two minutes.

Mr. Miller:

Sure. Observers have submitted their comment discussing the issue of the paper ballots. I'm happy to answer any questions at any time. Other than that, I thank the Commission.

Chair Cannizzaro:

Thank you. Do we have anyone else in Carson City wishing to give public comment? I don't see anybody else at the table. I don't see anybody moving.

Senator Skip Daly (Senatorial District No. 13):

There's one person coming up.

Chair Cannizzaro:

There's someone coming. All right. Once you get seated and you are ready, go ahead and hit that microphone button and identify yourself for the record and you can proceed.

Barbra Jones:

Is that me? I'm sorry, I'm having trouble hearing.

Chair Cannizzaro:

Yes. No, you're good.

Ms. Jones:

I just want to ditto what's been testified in these three seats this morning. They've said it very well. I did testify in the Legislature's legislative session on most of the bills, and I was

against all of them, so I am very thankful that there is oversight now. I ask that you do what you can, pray you do the right thing to stop implementation of a lot of these bills, because they are connected in implementation of the VREMS (Voter Registration and Election Management Solution) project, which is on the Secretary of State website, and basically it takes away power from the counties, getting us into a unified—which is also connected to national and international groups, and I thank you very much for oversight that you're giving. Thank you very much.

Chair Cannizzaro:

Thank you. We will now move to our phone lines. BPS (Broadcast and Production Services), if you could connect us with any callers who are wishing to give public comment via phone? We will still be monitoring for that two-minute mark, and of course, any additional comments you might have above the two minutes can always be submitted in writing. I will turn it over to our BPS.

Brian Harris (Organizer, Institute for a Progressive Nevada):

Hi, good morning. Dear Chair and honorable members, my name is Brian Harris and I'm an organizer at the Institute for a Progressive Nevada (IPN). IPN believes civic education must have its foundation in vetted and fact-based research. We're also a member of the Let Nevadans Vote Coalition. As an organization that focuses on communications, we understand the importance of vetted and fact-based information, especially when it comes to the topic of civic education. Hand counting ballots is one such example of how manipulation and distortion of information can influence public opinion. This is being framed in a—way. This is not about compromising accuracy but rather safeguarding Nevada from tyranny. If voters are subject to having their ballots examined by un-vetted individuals, Nevada will enter a phase where privacy is no longer respected, and at this point, voters may become hesitant to express dissenting opinions or engage in free expression for fear of becoming targets. The stifling of open discourse will lead to an erosion of other fundamental rights. Nevadans need guard rails in place to protect our election from conspiracy theorists, election deniers and others seeking to create chaos in our democratic process. Thank you so much for your time.

Jen Howell:

Good morning, Chair Cannizzaro and members of the Commission. My name is Jen Howell and I am representing the 2021 and 2022 Governor's Task Force on HIV (human immunodeficiency virus) Modernization, as well as Northern Nevada Public Health to support regulation R002-22. Offering HIV and STI (sexually transmitted infection) testing within primary care, women's health services and emergency departments not only normalizes sexual health conversations with providers but also creates opportunities for

earlier intervention of infections and prevention interventions. Health care providers are important touchpoints to the health care system, and often patients rely on providers to suggest which screenings would be important for their health. Sexual health is a part of overall health and wellness, yet providers often miss opportunities to open conversations with patients regarding sexual health. Also, emergency departments are sometimes the only access point to health care that an individual has for any services as they were without a medical home. Nevada is experiencing rising STI cases, including congenital syphilis, as well as being fifth in the nation for new HIV diagnoses. Many new HIV diagnoses in Nevada have already progressed to advanced HIV disease or AIDS (Acquired immunodeficiency syndrome) and a person is very ill when they are diagnosed. This is costly for the health care systems and the community. With direct medical costs for STIs reaching \$15 billion in the US, awareness and early intervention and prevention are critical. Passage of these regulations support individual health and wellness as well as overall preventative community health through increased access to sexual health services. Thank you.

Candace Hunt:

Hello, this is Candace Hunt, and I am here to discuss the regulation R200-22, and this is about the hand counting of votes. I am in Pahrump, Nevada and I participated in the training and was on the hand count team for the last election. I wanted to just express my extraordinary concern with just the general population having access to votes. In particular, the quality of the people that were doing the hand counts, in my experience, personal experience, was poor. They all seemed to know each other. There was a very big camaraderie going on in the room I was in, and I definitely felt like an outsider. The professionalism that was displayed during the hand count process was poor. I didn't feel the quality of the people that were counting the votes really had any type of—there was no vetting if somebody could even hear or could count. It was very frustrating, and people were very much sharing their personal views and it felt like a very unprofessional, biased process. I would certainly please encourage the state to not allow a hand counting of votes. It's ineffective. It is a huge time sink and it's just not accurate. The amount of times—we had to recount our votes three times with every single vote that we took, and there was five of us in the room. It took us a tremendous amount of time to get through our ballots and we were not able to complete our assigned goals and our count in our time allowed. Thank you so much.

Ellen Gifford:

Good morning. My name is Ellen Gifford and I am addressing regulation R014-23P. My concern with this regulation is that it puts forth the very same language regarding surrendered ballots that went to Nevada counties in a memorandum from the Secretary of State for the 2022 elections. We already know that this language proved to be unclear

and confusing to poll workers and created grave problems both in how to mark a surrendered ballot and where the surrendered ballot should be kept before being picked up for delivery. In many instances, the memorandum was misinterpreted which resulted in voters being alarmed about how their ballots were being processed and frustrated election board officers refusing to handle surrendered ballots, one of them even walking off the job in frustration. NRS 293.269917 is specific and clear. It states that a person who receives a surrendered mail ballot shall mark it canceled. Section 9 of R014-23 states that the election board officer can stamp the envelope with a rubber stamp, write the word canceled on the ballot, tear a small corner off the mail ballot, use a hole punch to punch a hole in the mail ballot or make the ballot unreadable when using a mechanical tabulation machine. It also states that the election board officer can, in addition to the surrendered ballot, stamp the return envelope with a rubber stamp or write the word canceled on the return envelope. For the sake of the poll workers who are responsible for this process, it is suggested that this regulation should state at the very most that they shall stamp the surrendered ballot and the return envelope canceled. Thank you.

Nichelle Hull:

Good morning. I'm just wanting everybody to pause for a moment and contemplate why members of this body would take the lead and devise a so-called set of policies that are just aimed at moving against long accepted and used safety mechanisms for our safe elections. Why would Democrats want to take the lead and take away the ability for us to ensure an accurate count of the vote if the machines go down or the machines are tampered with or they're manipulated? Why would Democrats want to take the lead and put forth these numerous legislative items that are clearly attempting to remove human beings completely out of the equation of verifying the accuracy of the count? As to the comment that an earlier lobbyist made, Nevada has not been building trust with the voters, okay? Nevada has been blocking evidence of algorithm manipulation in our state courts and in our register of voters at the county level here in Washoe County. We have judges at the state court who are unwilling to do their job, unwilling to even hear a case, unwilling to even examine evidence of algorithm tampering in the machines. Why is that? Washoe County register of voters obscures the witnessing of the voting machine area. The tabulation process is placed 30 feet at least away from election—you know, witnesses, the folks that go and view the process. It's made darn near impossible to actually view what's happening, and as far as all these young people who were—

Chair Cannizzaro:

You're right at the two-minute mark, so if you could go ahead and wrap up and then submit any additional comments that you have in writing.

Ms. Hull:

Surely folks that are used to machines don't remember when there weren't machines, when things were accomplished in 1 day as opposed to 4 weeks. Thank you so much.

Carolene Logue:

Hello, this is Carolene Logue. I'd like to testify against having hand counting in Nye County in particular. It was a fiasco and it was not necessary to process ballots that way. For 20 years our previous county clerk, Sam Merlino, was able to have accurate counts through the machines that were used and it was an easy process for anyone to vote, that being somebody being handicapped, aged—there was ability for everyone to do a ballot. Now with mail-in ballots, it's going to be even easier. As drafted, this new legislation regulation would permit election board officers who are part of hand count tally teams to handle and review a voter's entire ballot. We would not have any privacy, and in a community so small as Pahrump or in the other small communities in Nye County, that would open people up to possible malice procedures against them. There's no requirements in place as to who can be on these tally teams. No vetting process is required before someone is appointed to a tally team. As such, anyone who wishes to volunteer to hand count ballots is granted access to a voter's information, including who and what they voted for. This is particularly concerning in our smaller counties with tight-knit communities. We would like to have the process not be allowed for hand counting. Please do not permit that. Make sure that there is—

Chair Cannizzaro:

If you could go ahead and wrap up, we're right at that two-minute mark. Thanks.

Ms. Logue:

Yes, there should be an entirely parallel process should be barred outright outside of the legislatively authorized circumstances. This Committee should at the least ensure a voter has some ability to opt out of having their confidential voter information reviewed in this fashion. Thank you for taking my testimony.

Jill Hubbard:

Hi, my name is Jill Hubbard. I live in Henderson, Nevada and I'm calling today to oppose the changes that you are making for our voting. Anybody who says they don't want somebody to see their ballot that has no name on it or read their signature must be trying to cheat. I think in the interest of safety, we go back to pre-COVID voting measures. That means throw out all this massive mailing of votes and go ahead and go back to pre-

COVID measures. When I tried to vote in the 2020 election, she refused. She said my signature wasn't right three times. I asked if I could show her my ID. She said no. I finally did get it right and was able to vote, but I'm not really sure why we're going by a signature on a little tiny machine instead of my ID card. I am hoping that Nevada goes to showing an ID card, voting in person and making sure that everyone is qualified to vote. I don't care who looks at my ballot and I don't care if my name's on it because I want my ballot to be counted. I don't want fake people and fake names being able to vote in our state. It is very important that we understand that people have the right to vote and that it will be counted and it will be good. Election integrity is a very good project and I hope more people sign up to be trained by it because we need to make sure our elections are secure, especially while 15 million foreigners are coming across our border very quickly. Thank you very much.

Valerie Fiannaca:

My name is Valerie Fiannaca. I'd like to make a couple corrections. We're not a democracy but a republic, and the Pandora's Box in this whole equation is the machines. There's no way to audit them. After reading these regulations, I believe lawyers and state employees need justifications to stay employed. My husband was an exploration geologist heading up a very large group in Canada, Western US and Mexico. We are now self-employed for 30-plus years in Nevada. His comment after reading this, this regulation, was not repeatable in this setting. Needless to say, our worst-in-the-nation elections will not be made better by these rules, just more complex. Since we're stuck with the all-mail-out ballot, it should be one-day voting in person with small precincts, hand counts in the precincts with secure transport of ballots and count totals to the ROV (Registrar of Voters). Seventy percent of our population does not trust the veracity of our elections. Return what we own to we the people and restore trust in our elections. It's the only way. The machines are not verifiable. We can't audit them. There's no way to see their internal workings. We must return to respect for our elections on the part of all of us, Democrat, Republican, Independent. It's the only way. Thank you.

Davis Huskon (Office Coordinator, Las Vegas Indian Center):

Good morning, Chair and honorable members. My name is Davis Huskon. I am the Office Coordinator at the Las Vegas Indian Center. The Las Vegas Indian Center promotes the rich culture of Native Americans and to provide services that improve the social and economic self-sufficiency of the diverse populations living in the Greater Las Vegas area. Additionally, the Las Vegas Indian Center is a member of the Let Nevadans Vote Coalition. Ninety-seven percent of Nevada's tribal nations are rural. In rural areas, the fear of being ostracized is very real and many voters may choose to not vote if they know their ballot, how and who they voted for, will be seen by their neighbors. Furthermore, the excessive surveillance of our communities has led to inequality and discrimination.

Indigenous voting and autonomy are intertwined, contributing to the broader objectives of indigenous self-determination, cultural preservation and the safeguarding of our rights and heritage. Native voters already face barriers to cast a ballot. Allowing unverified individuals to see their ballots will lead to further suppression. I urge this Commission to revisit this regulation so it does not have an unintended and chilling impact on Nevada's tribal nations. Such dedication to improvement demonstrates a profound respect for the original inhabitants of this land. Thank you.

Alex Watson (Political Director, Nevada Republican Party):

This is Alex Watson, Political Director for the Nevada Republican Party. Members of the NV GOP previously weighed in with their concerns regarding the proposed language relating to these regulations. Unfortunately, it does not appear that many of our proposed changes were implemented by the NV SOS. As such, the NV GOP would like to reiterate its concerns and proposals for changes to R008, R009, R011, R012, R013 and R014 as outlined in our written testimony that we have submitted and would request that the proposed amendments not be adopted without modification to ensure regulations in Nevada meet a free and fair election criteria within the constraints of Nevada law. The most blatant areas of concerns include R011, which would remove chain of custody safeguards on mail-in ballots and add restrictions to poll watchers; R012, which eliminates the basic chain of custody requirements for tracking ballots and mechanical voting devices; R013, which provides an exemption to crime of voting twice for voters that are voting electronically; and R014, which allows candidates who accidentally register with the wrong party to be allowed to run for their intended party. The NV GOP is appreciative of all efforts undertaken and request that the modifications and comments identified in our written testimony be considered and adopted—as such are an essential step in ensuring election integrity and transparency in Nevada elections. Thank you.

Tracey Thomas:

Good morning. This is Tracey Thomas, and as a 20-year election employee of Washoe County, I would just like to clarify some disinformation that some previous speakers are pushing out there ([Agenda Item II D](#)). Volunteers performing hand counts are vetted and hired employees of the county just like any other election employee. The speakers against hand counts exhibit their lack of knowledge of them when they don't even understand the purpose of this meeting and these regulations. It is not creating new laws. It is simply setting procedures for the laws already in place. Ballots are viewed by employees when they are separated from the envelopes, not when they're being counted. When they're counted, there is no identifying information on that ballot that would link it back to a voter, so whoever is counting it isn't going to know, oh, this person voted for this and this. No, they don't know any of that. There's no name or anything like that on the ballots for

anybody to know that. I would just like people to maybe educate themselves before they make some of these outlandish statements. Thank you.

Sandee Tibbett:

Hi, this is Sandee Tibbett. I want to say that I agree with Nichelle Hull, Valerie Fiannaca, Tracey Thomas and everyone else who has spoke with discernment and common sense. Removing basic chain of custody requirements, adding restrictions to poll watchers, providing exemptions to voters who break the law by voting twice electronically, eliminating the requirement to include a unique identification number for each ballot ordered by and issued to a registered voter with a disability, these are a sample of how they want to upgrade the rigging to our election. It is completely transparent. The corrupt people want to implement these proposed changes to streamline the cheating process. It is common knowledge that the counting of ballots being centralized with a handful of people to oversee it is a form of control and a means to cheat. As stated before, ballots do not contain any identified voter information on them, only the envelope. The envelope is separated from the ballot, so there is no way to track who voted for what or who. That is a hollow argument. Privacy is a hollow argument. I would love to be able to see my ballot, but I can't. Why is that? These proposed changes are clearly written to enhance the level of cheating to another extreme because it is known, if they don't, they will lose the next election and all the corruption will be exposed. These are desperate political criminals who are frantic to remain in control to keep their criminal activities hidden. I oppose the proposed changes to our election process outlined here today and demand our election process go back to the basics, please. It's been done before and it can be done again. Voter ID with paper ballots casted and counted at the precinct level, all on the same day. It can be done simple, transparent and the avenue to build trust in our election process. Please, oppose these changes. Vote them down—and for the record, I will be participating in the caucus and not in the meaningless state-mandated primary. Thank you.

Susan Bauman (Executive Director, Nevada Independent Insurance Agents):

Good morning. This is Susan Bauman, Executive Director for the Nevada Independent Insurance Agents. I am calling on behalf of our association that I represent, independent property and casualty agents in the state, as well as the independent insurance agents and brokers of America, representing all independent agents across the country ([Agenda Item II E](#)). We appreciate your time and consideration regarding R029-23 regarding the AB 398 law that was passed this last session. We would like you to know that we strongly support the regulation provided by the Division and we hope that you will pass this regulation as it provides much needed clarity to our members and it's essential to help them with their clients and to procure coverage for their insurance needs. Again, this is

Susan with the Nevada Independent Insurance Agents and Brokers of America and we hope that you will approve R029-23. Thank you.

Mark Kampf (Nye County Clerk):

Hello, this is Mark Kampf. I'm the Nye County Clerk. First off, there is no indication of anybody who voted on a ballot. If there was any indication on a ballot, it would not have been counted and it would've been put aside. Let's just get that straight. Number two, although I think this is an attempt by the Secretary of State to codify hand count processes, I believe this is a bit of an overreach in its specificity of how to do it. It should establish the basic principles on what should be done and what controls should be in place. In addition, the procedure, although it is great in how you count an individual packet of 25 ballots, it is silent as to how you summarize that information, which can be just as critical as the process of counting the ballots themselves. In addition, the people who were involved in the hand count process were quality individuals who had good experience, and anybody who may have been there on the first day of the hand count did not see the true process that was put in place by the Nye County Clerk. I believe that we had master's degree people, people with higher education in all of our processes. In fact, an observer from the DNC (Democratic National Committee) in Washington, DC was complimentary as to how we ran our process. However, I do believe that this hand count process is a bit of overreach, especially when it talks about what kinds—that you need to wear gloves and you have to have short-sleeve shirts to handle a ballot where there are millions of ballots being handled by election workers who have access to pens and pencils and all kinds of ability to implement and modify a ballot, so I believe this singles out any of the people that are working on the hand count. That's all I have to say. Thank you.

Luke Bunting (Election Integrity Counsel, Republican National Committee):

Good morning. My name is Luke Bunting, and I am an Election Integrity Counsel with the Republican National Committee (RNC). I'm speaking with you today due to the grave concerns we have with the proposed election regulations up for consideration during today's meeting. First, several of these proposals would do away with existing safeguards that keep ballots safe and secure. These changes include removing the unique identification number on mail ballots sent to voters with disabilities and doing away with chain of custody requirements for ballots on election day. The results of these changes are as predictable as they are destructive, less transparency, more public concern and a greater chance of lost or compromised ballots. Second, Nevada statute requires the counting of ballots to be public, but several of these proposals would greatly expand election workers' discretion to remove observers from counting locations based on vague and entirely subjective criteria. Since these regulations are not clear on what conduct could lead to removal from a counting location, these changes will undoubtedly hamper election transparency and dissuade law-abiding Nevadans from exercising their right to

observe ballot counting. Nevada stands at a critical juncture. With public concerns over election integrity and administration at an all-time high, the state can either work towards transparency and civic engagement or it can breed distrust by eliminating access and common sense safeguards. Too many of the proposed election regulations considered today would result in the latter, which is why the RNC urges the rejection of any such proposed regulation and specifically the rejection of proposals R011-23, R012-23 and R014-23. Thank you.

Jim DeGraffenreid (Republican National Committeeman):

Good afternoon, Chair and Committee. My name is Jim DeGraffenreid. I am Nevada's Republican National Committeeman calling in opposition to the election regulations that were enumerated by Mr. Watson earlier and by the prior caller. On behalf of the RNC, we have submitted detailed written information to our counsel at the Republican National Committee Counsel which I hope the members of the Committee will review prior to taking action on these regulations. In addition, we have had over 376 individuals submit over 1,100 comments on these regulations pointing out issues with the lack of transparency and lowering the integrity of our elections, and we would hope that the members of the Committee would review that information as well. Thank you for your service today. Have a good day.

Broadcast and Production Services Staff (Administrative Division, Legislative Counsel Bureau):

Chair, the public line is open and working but we have no additional callers at this time.

Chair Cannizzaro:

Great. I believe we had one more person join us, and if they're still at the dais in Carson City or at the hearing table, I think there was one more person in person who had joined us at some point. We'll take your public comment in Carson City, and that will be our last public comment at this time. We of course have a second period of public comment at the end of the meeting, so for those of you who didn't get to join us for public comment at this juncture, we will be taking a second period of public comment, but I think we went through everyone who was here in person, in Carson in person and who was with us on the phones at this point. So, our last public comment in Carson City, please hit that microphone button, identify yourself and spell your name for the record.

Susan Ruch:

Thank you very much. My name is Susan Ruch. I'm just making my own closing comments on the election process. Since the 2020 election, many voters have deep

concerns about universal mail-in ballot and electronic voting equipment. We must return to in-person voting, demand voter ID and discontinue all mail-in ballots. We must move away from electronic voting equipment. In 1976, France banned all mail-in ballots due to massive amount of fraud that occurred in Corsica where postal ballots were stolen or bought and voters voted—cast vote multiple times. Mail-in ballots were used to cast the votes of dead people, which sounds very familiar. In 1991, Mexico's election mandated voter ID and banned absentee ballots. Leading up to that year, the Revolutionary Party used mail-in ballots as a method of fraud and also intimidation to win elections. In 2006, absentee ballots are allowed again but only for those living abroad and who requested a ballot 6 months in advance. Among 27 countries in the European Union, 63 percent ban mail-in ballot unless living abroad, 22 percent require a photo ID to obtain this mail-in ballot, 22 percent ban the practice even for those who live abroad. There are 16 countries in the rest of Europe that have even more restrictive voter laws. Every single one banned mail-in ballot voting for those living in the country and all require voter ID. Sixty-three percent don't allow mail-in ballots even for citizens who live outside of the country, but the important part, everyone requires voter ID. Japan and Poland have limited mail-in ballot voting certificates for those who have severe health issues. Canada has a specific voter ID document.

Chair Cannizzaro:

We are right at that two minutes, so if you could go ahead and wrap up, and those additional comments you have in writing, we're always happy to take those in writing.

Ms. Ruch:

I will be happy to. The Heritage Foundation has rated us fiftieth in the world, or in the country, rather, for the most corrupt elections. Governor Lombardo had a bill that you wouldn't even give a hearing to and that would've started to bring us back to some kind of normalcy and hopefully more trust in our election process. Please, fix our election process and let's move away from all of this chaos that you're causing. Thank you very much.

Chair Cannizzaro:

Thank you, and that will conclude our item II on our agenda, which is our first period of public comment. The next item on our agenda for Committee members and possible action is item III. That is the approval of our minutes. Committee members, you will have found in your packet the draft minutes for the August 21, 2023 Legislative Commission meeting ([Agenda Item III](#)). These draft minutes are also available on our Legislature's website for anybody who is joining us virtually. I know everybody has received previous copies of this and has this in front of them to take a look at. At this point in time, is there

any discussion on these minutes? I am not seeing any discussion on the minutes. At this time, I would accept a motion to approve the minutes of the Legislative Commission meeting that was held on August 21, 2023.

ASSEMBLYMAN YEAGER MOVED TO APPROVE THE DRAFT MINUTES OF THE MEETING HELD ON AUGUST 21, 2023.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Chair Cannizzaro:

Any discussion on the motion? Seeing none, we will go ahead and do a voice vote on this and the other items that we have on today. I find that that helps the meeting go a little more quickly than doing a full roll call, and we'll of course record everybody's votes accordingly.

THE MOTION PASSED UNANIMOUSLY.

Chair Cannizzaro:

The minutes for the August 21, 2023 Legislative Commission meeting are approved. That brings us to the next item on our agenda. It is item number IV, which is the review of administrative regulations. We are especially lucky to be joined here in Las Vegas by our new Legislative Counsel, Asher Killian, who is with us to assist with this particular item. Members of the Committee, you will note that there are 15 regulations for consideration under item IV today. The first 14 regulations on the list were submitted for approval pursuant to NRS 233B.067 ([Agenda Item IV-A](#)), and the last regulation that you see was submitted for early review pursuant to NRS 233B.0681 ([Agenda Item IV-B](#)). We are going to take that particular regulation out of order. We will consider that regulation first, and that is R029-23 from the Commissioner of Insurance. This regulation is a request for early review, again pursuant to NRS 233B.0681. That section provides for the early review of a proposed permanent regulation after the agency has given notice of a hearing on the regulation but before the hearing is held. If the Legislative Commission approves the regulation under this early review section and the permanent regulation adopted after the agency's hearing is identical to the regulation submitted for early review, the Legislative

Counsel is required to promptly file the regulation with the Secretary of State and notify the agency of the filing. If the regulation as adopted by the agency is not identical to the one submitted for early review, then that regulation must come back to the Legislative Commission for approval in the same manner as if the early review had not occurred.

The Commissioner of Insurance submitted regulation R029-23 for early review at this meeting. A copy of R029-23 is posted on the Nevada Legislature's website under the tab for this meeting ([Agenda Item IV-B](#)), which you will find by hitting the button in the upper right-hand corner of the home page which says "View Events." I believe that we also have Nick Stosic from the Nevada Division of Insurance, and I am sorry because I think I might have butchered your last name. As somebody with a tricky last name, I try to do that right, but I think I might have mispronounced that, but he is at the Carson City end of this teleconference to answer any questions that you might have regarding R029-23, and so we'll invite him to come join us and we'll let the two of you get situated there in Carson City. Members of the Committee, we have individuals from the Division of Insurance with us for this particular regulation, and at this time we'll go and ask any questions that members of the Commission may have regarding this particular regulation. I'll start here in Las Vegas. Anyone here have questions on this particular regulation? Not seeing anybody jump up immediately, so we'll go to Carson City. If there's anyone there who has questions, please feel free to let us know.

Senator Daly:

Not in the north.

Chair Cannizzaro:

Okay, and then we have two members joining virtually. Senator Hammond or Senator Krasner, if you have questions on this regulation, we'll go to you. I'm seeing a no from Senator Krasner and a no from Senator Hammond. All right, we'll let everybody think on that for just a moment. Okay, then we will thank you for joining us in Carson City. At this point in time, do I have a motion to approve proposed permanent regulation R029-23 under the early review section pursuant to NRS 233B.0681?

SENATOR STONE MOVED TO APPROVE THE EARLY REVIEW OF
REGULATION R029-23.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

Chair Cannizzaro:

Any discussion on the motion? Yes, Speaker Yeager.

Assemblyman Steve Yeager (Assembly District No. 9):

Thank you so much, Madam Chair. I just wanted to thank those involved in crafting this regulation. It's been a work in progress since the bill became effective after session, and I won't call those folks out, but you know who you are, and just know that I appreciate your willingness to work together to make sure that AB 398 will be applied in a way that is consistent with legislative intent. I think that we've gotten there, and so appreciate those who worked on it and would appreciate the Commission's support. Thank you, Madam Chair.

Chair Cannizzaro:

Great, thank you. Then just as a reminder, obviously, if this is approved by the agency in the identical form, it will be filed, and if not, then we will see this back before the Legislative Commission. I see no further discussion.

THE MOTION PASSED UNANIMOUSLY.

Chair Cannizzaro:

We will now move on to the remaining 14 regulations. Those are also contained in the notebook that has been provided to members and posted on the Nevada Legislature's website under the tab for this meeting ([Agenda Item IV-A](#)), which you will find by hitting the "View Events" button again in that upper right-hand corner of the Legislature's website homepage. At this point in time, I have a few regulations that I had Commission members reach out and ask for us to pull for further discussion. What my plan to do is to take these sort of in order. We'll deal with the Secretary of State regulations at the end, but we'll do that as one sort of ability to talk about each of those particular regulations with the Secretary of State. I have currently items that have been requested to be pulled: R035-22, R200-22, R011-23 and R014-23. I will now ask Commission members if—and we'll start here in Las Vegas and then we'll go to Carson City, and then I see Senator Krasner's hand up. Anyone here in Las Vegas have additional regulations that they would like pulled for further discussion? Yes, Assemblyman.

Assemblyman Rich DeLong (Assembly District No. 26):

I'd like to pull 008-23, 009-23, 012-23, 013-23, 014-23.

Chair Cannizzaro:

Okay, I have added R008-23, R009-23, R012-23 and R013-23. Any additional? I don't see anybody else here in Las Vegas. We'll go to Carson City. Are there additional regulations that any members attending in Carson City would like to have pulled for further discussion?

Senator Daly:

No.

Chair Cannizzaro:

Okay. Senator Krasner, we'll go to you next.

Senator Lisa Krasner (Senatorial District No. 16):

Thank you, Madam Chair. Yeah, I have several: R200-22A, R200-22S, R200-22B, R008-23A, R008-23S, R008-23B, R009-23A, R009-23S, R009-23B, R011-23A, R011-23S, R011-23B, R012-23A, R012-23S, R012-23B, R013-23A, R013-23S, R013-23B, R014-23A, R014-23S, R014-23B and R010-23. Thank you.

Chair Cannizzaro:

Okay, so I think the only addition that I heard was R010-23, so we will go ahead and pull that one as well for the Secretary of State.

Senator Krasner:

I wasn't sure if I needed to—sorry, I apologize, Madam Chair.

Chair Cannizzaro:

That's okay.

Senator Krasner:

I wasn't sure, because the regulations are listed separately as A, as S, as B. I wanted to make sure to include all of that.

Chair Cannizzaro:

It'll include all of it. We'll go off of just the table that says "State Agency Regulations to Be Reviewed by the Legislative Commission," which is sort of the template that we'll use for which regulations we are pulling ([Agenda Item IV-A](#)), and then any questions under those particular regulations we will take. Anything additional, Senator Hammond, that you would like to have pulled?

Senator Scott Hammond (Senatorial District No. 18):

That'd be no.

Chair Cannizzaro:

Okay. To make sure that I have everything correct and that we are all on the same page, we have pulled for further discussion R035-22, R200-22, R008-23, R009-23, R010-23, R011-23, R012-23, R013-23, R014-23. Anything I missed? I'm not seeing anyone jumping up and raising their hand. Okay, so that then leaves us with the remainder of these particular regulations to be approved. We'll start—I would accept a motion to approve R002-22, R097-22, R105-22, R196-22 and R015-23.

ASSEMBLYMAN YEAGER MOVED TO APPROVE REGULATIONS R002-22, R097-22, R105-22, R196-22 AND R015-23.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Cannizzaro:

If you were here for any of those regulations, you're free to go. My sense is that probably folks are here for some of these other ones, so we'll spend a little more time together.

We'll start with R035-22, which is a regulation that's been requested to be pulled for some further discussion. It is the Department of Health and Human Services. If you are joining us, probably in Carson City would be my guess. All right, and I'm going to turn this over—I believe this was a request from Senator Daly, and we'll sort of do the same for the rest of the regulations as well. Why don't you go ahead and you can ask your questions, and we'll go from there.

Senator Daly:

Thank you, Madam Chair, and a couple of questions. When I read—and try to follow with me, I'll get to my question, I promise—in section 4, we have the definition of process, which I assume would apply wherever it takes place. In 5—you have section 5, definition of processor means a person or entity who processes a hemp product, and then when we get to the language in section 6 regarding the requirements for testing for adulterated products or tampered-with products, etc., it appears to me when I read it—and tell me if there's something in federal regulation that I'm not aware of that's not in this, because it does say except as applied under federal regulation. It says that the requirements for section 6 would apply—a person shall not sell or offer for sale a hemp product that is processed in this state. So, if the product is not processed here, the way I read it, section 6 would not apply, versus the language if you look at it in section 7 regarding testing for the THC (tetrahydrocannabinol), as I read it, a hemp product that is processed, sold or offered for sale in this state must be tested, and then when you get to section 8, all of this together implies that you can file a complaint for a product that's sold or offered for sale or processed in this state for noncompliance with section 6, which then takes you back to section 6 that says it only applies and has to be tested for those things if it is processed in Nevada. Am I reading it wrong? Is that intentional? Is that a loophole? If I was an attorney, I'd say if a complaint was filed, it says it doesn't apply to me as long as I didn't process that product in Nevada. It's not packaged, repackaged or stored for distribution, stored for sale. You can make a bunch of different arguments, but stored for distribution—so am I reading that incorrectly or is there some other federal rule that applies?

Teresa Hayes (Program Manager, Environmental Health Section, Division of Public and Behavioral Health, Department of Health and Human Services):

Good morning, Chair. My name is Teresa Hayes. I'm with the Division of Public and Behavioral Health with the Environmental Health Section. I am the Program Manager. The intent of this rule is to ensure that food that is processed within the State of Nevada is not adulterated. So, any food that was processed in another state would be regulated under that state and federal regulation. You could make a complaint, and then any complaints will be turned over to the FDA (Food and Drug Administration) or to the state where it was processed.

Senator Daly:

That was probably the missing piece that is not clear in there on how that would actually happen, the way I read it. If it wasn't processed in this state, our state wouldn't be able to take any action, so the complaint then would go to another state and whatever they may do, or to the federal government?

Ms. Hayes:

Right.

Senator Daly:

Understood. That was the only question I had. Just wanted to make sure that was clear on what it actually said and that there were still the safeguards in place regardless of where it was processed. That's it, Madam Chair. Thank you.

Ms. Hayes:

Sure, thank you.

Chair Cannizzaro:

Thank you. Any additional questions from members of the Commission on R035-22? I would accept a motion.

SENATOR DALY MOVED TO APPROVE REGULATION R035-22.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Cannizzaro:

All right, we will move then to the next set of regulations that we have. We will invite—I believe we should be joined by some folks from the Secretary of State's Office in Carson City, so we will invite them to take a seat at the table, and we are going to—well, they will

be joining us, I believe, for some time with the remainder of our questions. We are going to start with regulation R200-22 ([Agenda Item IV-A](#)). If you have questions on this particular regulation—and we'll go individually through them. If you have questions on this particular regulation—because we will have to sort of move all of these regulations individually—please let me know. I believe I did have a request on this particular one from Senator Daly initially, so we'll go with Senator Daly. I know Assemblyman DeLong has some questions as well. Senator Daly, why don't you go ahead?

Senator Daly:

Thank you, Madam Chair, and I just—on this one, just a general question. I know we're going to hear some other questions and testimony, and some we already heard on a variety of things. My understanding is counties can choose to do hand ballot counting if they want to. This regulation will put some guidelines and uniformity rules, counties, cities throughout the state. So, my general question is if one of the county commissioners, county clerks, city clerk, whoever, deviates from that or just says, "I'm not going to do it," who's in charge of the enforcement and what's the mechanism for that to happen? If it's not strong enough, maybe we need to look at some legislation or something along those lines. I just want to make sure we can have a rule, but if there's no way to enforce it or there's no penalty, it's not really worth having a rule. That was my just general question. It would apply to all of the ones that we're going to hear.

Gabriel Di Chiara (Chief Deputy Secretary of State, Office of the Secretary of State):

Thank you, Senator Daly. Gabriel Di Chiara, Chief Deputy Secretary of State. I'm going to allow Deputy Wlaschin to answer that question momentarily. I just wanted to say that, due to the level of scrutiny that has been placed on this particular regulation, I also have a statement from the Secretary of State that I would like to read at some point, but the Senator asked a very direct question and Deputy Wlaschin will answer it presently.

Mark Wlaschin (Deputy Secretary of State for Elections, Office of the Secretary of State):

Thank you, Chief Deputy Di Chiara. Madam Chair, Mark Wlaschin, Deputy Secretary of State for Elections. Senator, excellent question about not only the enforcement but also the process relating specifically to the conduct of a hand count tabulation as it relates to Nevada's elections, as we look to the three elections, of course, that are coming up in calendar year 2024. You are correct, of course, that the county clerks are able to discuss and decide if appropriate. You are absolutely right that this is a process that is allowed by Nevada law and this regulation simply provides some clarification. I will state up front that this regulation defines when the regulation essentially becomes applicable, and that's timed specifically—that trigger, if you will, is that if a county decides to only conduct

tabulation not using a mechanical tabulation device—as they may be allowed to under NRS 293B.050, to be clear. But if they do the hand count alone, then that triggers this regulation, with the understanding that if they do use a mechanical tabulation, then this regulation does not apply. Does that answer your question?

Senator Daly:

Sort of, and it was one that probably can't be completely answered. Just to follow up if I can, Madam Chair. In the county, if they elect to do this and they have to submit the plan, what oversight and how is it done if the plan is not up to standards or they left loopholes or something is unclear that's maybe not 100 percent in the regulation? Do you have the right to reject their plan and say, "No, you can't do it?" Where's the bottom line on this process? If the regulation is there that says you have to submit a plan for your review, does the Secretary of State have the right to approve or disapprove the plan?

Mr. Wlaschin:

Thank you, Senator, and I apologize for not catching that. Yes, you're right. In regards to the enforcement mechanisms in place, if a county decides to conduct a hand count tabulation pursuant to these regulations, assuming they're passed, and then deviates or submits a plan that there's some requirements outlined in the regulation and it is lacking, first and foremost, the next step is a discussion between the county election official or city election official as appropriate and the Office of the Secretary of State. We work very closely with our 17 county election officials in understanding that compliance with Title 24 is of the utmost imperative. If there was a problem, concerns, discrepancies or maybe even a potential issue, that's something that absolutely we would bring to their attention immediately upon submission of that plan. If a county election official said, "No, I think I'm good. I think we are going to continue to proceed," there are certain levels of escalation discussion that would go on following that. But again, ultimately, and this is something I think that, based purely on the public comment we heard earlier, that there's a little bit of an assumption that I know you don't have, that a regulation can otherwise make a statutorily approved process illegal. These regulations do not make hand counting illegal because that is a process that is in our laws, and unless that's changed through legislation, it would be unethical and improper for us to try to make a regulation that otherwise made this process impossible to conduct.

Senator Daly:

Final question, Madam Chair. You mentioned one thing there. In addition to these regulations on what's required, you do have the state law, you do have the federal regulations and various things that must also be applied for secrecy of the ballot, security of the ballots, etc., etc., so it's not just these. The plan that's submitted has to comply with

not only these regulations, the state law, federal law and other applicable provisions and regulations, so it's not just these requirements. If there was a process where they said, "Now we're going to count the ballots with not using the secrecy envelope," which I know there was a bunch of concerns. You have to maintain the secrecy. It's what the secrecy envelope's for. We have other regulations on if somebody sends in their ballot without the secrecy envelope, then it's not counted, etc., etc. So, all of those safeguards would apply, even though it may not be specifically in this regulation?

Mr. Wlaschin:

Thank you for the question, Senator. That is correct. The regulations must comply with federal and state laws.

Senator Daly:

That's it for me. Thank you, Madam Chair.

Chair Cannizzaro:

Okay. Assemblyman DeLong, you are next.

Assemblyman DeLong:

Thank you, Chair, appreciate it. This to me is somewhat unique. This regulation, we've heard testimony from both Democrats and Republicans. I have never seen such unanimity since I have been in the Legislature on a reg and not being in favor of it, so just a comment. A question is, it appears from what you said, Mr. Wlaschin, and my read of the regs is that there's a different standard for how a hand count is done between a county that wants to just do a hand count without the mechanical votes versus a hand count that's done in conjunction with the mechanical votes. Is that correct?

Mr. Wlaschin:

Thank you for the question, Assemblyman. That is correct. Again, these are optional. If a county does decide to, the regulation goes into effect once they determine that they are not intending to use a mechanical tabulation.

Assemblyman DeLong:

No other questions.

Chair Cannizzaro:

Members of the Commission, additional questions on R200-22? Senator Krasner, please. We'll go to you.

Senator Krasner:

Thank you, Madam Chair. My question is just that I've received multiple emails stating that they have concerns regarding the fact that any delay in the hand count and the release of ballots or results will delay the results. There are concerns that our state is already a laughing stock in regarding slow results. Do you find that that's true, Mr. Wlaschin?

Mr. Wlaschin:

Thank you, Senator. I want to be perfectly clear that, again, the standard—and this is an important standard to recognize—the use of mechanical tabulation has only improved, and when we look over the last couple decades, certainly past the *Bush v. Gore* and the passage of the Help America Vote Act in 2002, the use of mechanical tabulating devices exponentially increases the accuracy and timeliness of results. To that effect, the use of a hand counting process purely, absolutely creates an opportunity for delays and results to be submitted, and that's part of the reason I think you've probably recognized in the proposed regulation that one of the elements of the plan that must be submitted speaks directly to that concern. What happens if a county says they're only going to use hand count tabulation gets close to the statutorily required stopping point for tabulation, no later than the seventh day, but is not yet done? The night of the sixth day after the election is the wrong time to have that conversation with county leadership, so there are certainly concerns about exactly what you identified.

Mr. Di Chiara:

Madam Chair, if you don't mind, if I could read a statement on behalf of the Secretary, because I believe it speaks to the concerns of several of the members?

Chair Cannizzaro:

Please.

Mr. Di Chiara:

Thank you very much. Thank you to the members of this Committee. I am here to speak on behalf of Secretary of State Francisco Aguilar. The Secretary understands that the

hand counting of ballots is a contentious issue with a variety of opinions and passion running high on all sides. During the course of his campaign, the Secretary was clear that he was opposed to the hand counting of ballots. This past legislative session, he instructed our office to offer an amendment to Assembly Bill 242 which would have mandated mechanical tabulation of ballots. We presented on this amendment, it was accepted and the bill was passed. It was ultimately vetoed. Also, throughout his campaign, Secretary Aguilar made clear how he sees the role of this office. He is a regulator calling balls and strikes whose job is to ensure that the law is followed. At present, there is nothing in statute that would prevent the hand counting of ballots.

This regulation is a slight modification of the previous temporary regulations put forward by Secretary Barbara Cegavske. Deputy Wlaschin, with patience and commitment that anyone would find commendable, has met with a number of groups. In addition to the hearings on these regulations that he was required by law to hold, Deputy Wlaschin also had a series of meetings with private citizens, organizations and elected officials on this issue specifically, let alone all the other election regulations that we are here to present. The Nevada State Supreme Court issued a decision on the hand counting procedure, and these regulations have been modified to be consistent with that decision. These regulations have also been modified with suggestions from both proponents and opponents of hand counting. Again, the Secretary firmly believes in his role as a regulator. He does not believe that the regulatory process is the proper avenue for furthering any personal political beliefs. He is more focused, as Senator Krasner brought up, on ensuring that we are able to accurately, securely and timely tabulate and report the results of our elections so that Nevada can once again be seen as a leader for election administration across the country.

Hand counting is allowed by Nevada law. If regulations are not passed, then hand counting will go unregulated. Again, there is no PII, personally identifying information, on ballots, only on envelopes, and hand count teams will not have access to those envelopes. They do not take them out of the envelope and then begin the counting process. That happens well in advance. Additionally, no county has indicated that hand counting will be the primary method of tabulation. Nye County has come up numerous times so far in this hearing, so I would use them as an example. We do have a commitment from the Nye County Clerk, Mark Kampf, that the primary method of tabulation and the official election results will come from a mechanical tabulation, and although again, the Clerk does not have to comply with these regulations since hand counting will not be the primary method, he has agreed to, which we very much appreciate.

So again, thank you to all the members for hearing this, and we would also like to thank the county clerks for their feedback, as well as all of the members of organizations that provided feedback here today. We understand that democracy is very important and we

are always glad to work with anyone who wants to help improve our elections process. Thank you very much.

Chair Cannizzaro:

Thank you, and I see Senator Krasner has her hand up, so we will go to you, Senator Krasner, next.

Senator Krasner:

Thank you, Chair Cannizzaro. I appreciate it very much, and as I listed, multiple—there are multiple regulations that are in regards to voting in the electoral process, and with the greatest respect to our Secretary of State, government derives its power from the consent of the governed. Government has no power except that which it derives from the people, and I have heard from many, many people here today on this call, as all of you have. The people are concerned about these election integrity regulations. I've also received numerous emails. So, rather than make this same statement every single regulation, I'm making it now, expressing my concerns with all of these election integrity regulations. Thank you for this time, Chair.

Mr. Di Chiara:

Thank you, Senator Krasner. I would like to—while absolutely understanding and agreeing with you that government comes from the consent of the governed, it is also our office's role to apply regulations as necessary based on statute. The statute says that we have to have regulations in place in advance of the presidential preference primary by the last business day in September. Deputy Wlaschin has worked very hard to ensure that we can deliver these regulations to you so that—again, the law is very clear across the board. Regulations cannot make anything that is legal illegal or vice versa. I understand that a number of people have concerns. Deputy Wlaschin has devoted a significant amount of his time to answering those concerns. I think the fact of the matter is though that the possibility exists that some of these people have a misinterpretation of the law itself which has affected their opinion of our office and the regulations that we are choosing to bring forward. Regarding their applicability, Deputy Wlaschin, is there anything you want to add? Okay, thank you very much.

Chair Cannizzaro:

Thank you. Additional questions from members of the Commission? I don't know if there's anyone else in Carson City who has questions. I'm not seeing any. I wanted to just, if you could, because I think one of the concerns that we had heard—and then I know we, or at least I, did get some correspondence on was when there is a hand count that takes place,

whether those particular ballots that are being hand counted can be identified to a specific voter. I think we've sort of touched on it a little bit, but I wanted to directly sort of ask that question, and if you could just explain for us so that we sort of understand what that process actually looks like logistically with respect to the hand counting and whether you'd be able to sort of identify this particular voter with this particular ballot, and so on and so forth.

Mr. Wlaschin:

Thank you for the question, Chair. To answer directly, absolutely not. There is no identifiable information located on the ballot by the time it is going through a hand counting procedure, or any tabulation, for that matter. I do want to start with that, just to be very blunt and very clear up front. The process when a mail ballot is received at the county election official's office—again, the very first step that it takes is that there's a scanning of the envelope. There's a barcode on the envelope that associates that ballot with the registered voter. That process, that very first step, is what prevents—you may have heard stories of ballots being duplicated or printed out of state and then brought in and dumped into the state mail system pipeline, but the simple fact of the matter is that the barcode is associated with an active, registered voter, and once that one singular registered voter has a ballot associated with them, there will not be duplicates for that voter. Once that barcode has been scanned and the voter has been affiliated initially as being basically having vote history, at that point the next step is the signature verification on the back of the envelope as well. The mail ballot envelope itself, when it goes through that signature verification process, the signatures are compared to what is on file with that voter's record to validate, and then, only then, once it's good, does the ballot get separated from the envelope itself. After that process, when the ballot is separated from the mail ballot envelope, it is no longer affiliated with the voter and it is impossible to reconstruct or put back together in any way, shape or form. These steps in the process are deliberately kept separate. It is not the same person who receives the mail ballot who then scans it, who then looks at the signature, who then walks it over to conduct tabulation. There are different groups of people across the state in different counties—of course, with different resources have different ways of going about it specifically given their resource loads and number of mail ballots received, but ultimately, again, there is a very clear demarcation between these steps to ensure that by the time a ballot goes to tabulation, be it through a mechanical tabulation device or as in Nye County's case, again recently discussed. But again, as it relates to this process in R200, by the time that tabulation occurs, no one knows whose ballot that is. Again, those processes, the steps that I just described, of course are required by statute, so again, it's not at the whim of the county election official or of the state or identified somewhere in a regulation otherwise.

Chair Cannizzaro:

Great, thank you. I think there was one other thing, and this might be more of a question for our Legislative Counsel staff. As I understand this process, having been on the Legislative Commission for some time, we are charged with either approving or not approving a regulation. There's not an opportunity, because of the administrative procedure process, for this Commission to amend or change a regulation?

Asher Killian (Legislative Counsel, Legal Division, Legislative Counsel Bureau):

Thank you, Madam Chair. That's correct. Under 233B, the only power the Legislative Commission has is to approve or object to a regulation. It has no power to amend a regulation. For there to be an amendment, the Commission would either have to decline to act or object and send it back to the agency itself for the agency to then amend it and send a revised adopted regulation to the Commission to approve.

Chair Cannizzaro:

Great. Thank you, Mr. Killian, for clarifying that, because I think that this process is a little different, even though sometimes it feels very similar, to the legislative process, but the review by the Legislative Commission is a little bit of a different—I lost my word that I was going to say—a different process, thank you, and so I wanted to just make sure that we were all kind of on the same page, because I think that's something that we've heard a lot of today is the possibility of amendments, and as I understood it, that was not an option.

I have one more question, probably for you, Mr. Wlaschin. With respect to these particular regulations, and I know that someone, I can't remember if it was you or not, who answered another question and alluded to this, but these particular regulations have to be in place by the last business day this month. Can you just talk about that as a deadline?

Mr. Wlaschin:

Thank you for the question, Chair. You're absolutely right. Again, I believe it was actually mentioned just a moment ago, but there's a statute—it's 293.247, as I recall—that requires the regulations established by the Secretary of State—it defines the deadlines. Any regulation that touches upon the presidential preference primary must be in place no later than the last business day of September, which is tomorrow. There is another deadline rapidly approaching as well that relates to regulations that impact or govern the conduct of a general or primary election. Those must be in place no later than the last business day of February of an election year, which is February 29 actually, next year, given that it's a leap year. Just to be clear, if this regulation is not approved now, there

still may be another chance, but that would mean that the conduct of the presidential preference primary as it relates to tabulation is essentially ungoverned.

Mr. Di Chiara:

I would just like to add, Madam Chair, regarding amendments specifically, I believe there was an amendment that was brought forward by the ACLU that was provided to members as well as to our office. It's our understanding that this amendment came in too late for us to add it to these regulations even if we'd like to, considering when this meeting was and when the regulations had to be approved, and we did not have time to have it vetted by our counsel, by LCB (Legislative Counsel Bureau), etc. Thank you.

Chair Cannizzaro:

Additional questions from members of the Commission? I'm not seeing any. Okay, with respect to R200-22, pleasure of the Committee? Do I have a motion to approve?

ASSEMBLYWOMAN TORRES MOVED TO APPROVE REGULATION R200-22.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

Chair Cannizzaro:

Any discussion on the motion? I just wanted to sort of—one, I appreciate that there is obviously a lot of hard work that goes into trying to craft regulations any time they are before us from any agency or state office, so we appreciate you being here with us, Mr. Di Chiara and Mr. Wlaschin. I appreciate that very much, and thank you for answering all of our questions. We have a lot of regulations to get through still, so don't worry, you're not going to go anywhere, but I think that this is always a difficult place to be in when we have amendments that could be considered. As a Legislative Commission we don't have the authority to adopt amendments or to change regulations. I think that's a situation that we often find ourselves in, to either adopt or not, and I think with pending deadlines, it's tough when we don't have that ability to also either adopt regulations or not, and from my standpoint, given that hand counting is currently legal in the State of Nevada, it gives me a little more confidence that there are regulations in place that will help to govern that process in a way that is both reliable and assured. I appreciate the work that has gone on, and I know we don't always get to 100 percent consensus on things, but I know that there was a lot of work to try to meet some of the concerns that were raised across the board with this particular regulation. I have comfort in supporting the regulation and will be supporting it with my vote as well, given that I think it does set forth a process which

is always, I think, preferable to have some standards to guide us when we're talking about how we're going to conduct these elections, so I will be supporting the motion. Any additional discussion on the motion? Assemblyman DeLong, please.

Assemblyman DeLong:

Thank you, Chair. I also appreciate all the work that the Secretary of State's Office has gone through in trying to craft this regulation, but I'll just bring up the point I brought up earlier, both from Democrats and Republicans, they both have problems with the regulations for various different reasons. The other thing that concerns me is the fact that there are two different standards for hand counts depending on whether or not machines are used. For those reasons, I can't support this regulation.

Chair Cannizzaro:

Speaker Yeager, please.

Assemblyman Yeager:

Thank you, Madam Chair, and I just want to echo your comments. I think as we heard from the Secretary of State's Office and as those who were at the Legislature will remember, there was a bill that was advanced to get rid of hand counting. Ultimately, that was vetoed by the Governor. That's obviously his right, but as the law stands now, hand counting is something that's available to county clerks. Now, some of us might not like that, but that's the fact of life. It's available, and I think to your point, Madam Chair, it's better to have some guidance in place than no guidance in place. It gives me comfort to know that there is a judicial process if something is not working right. If Google is accurate, I think the presidential preference primary is February 6 of the coming year. That's the actual voting date with two weeks of early voting. I think I heard the Secretary of State's Office say that regulations have to be in place for the ordinary primary by the end of February, so the way I see that, there is a three-week gap there where if something goes wrong with hand counting in the presidential preference primary that I think the Secretary of State's Office would have the ability to come back with additional, probably emergency regulations of some sort or temporary regulations of some sort to be able to address that in time for the regular primary. All things considered, recognize that this is a controversial issue and seems to be opposed by mostly everybody, but I think it is the right thing to do as leaders of the state to make sure we have guidance in place so that there's some process to be followed, should a county choose to do hand counting. Thank you, Madam Chair.

Chair Cannizzaro:

Thank you. Please, Assemblyman, go ahead.

Assemblyman Ken Gray (Assembly District No. 39):

Thank you, Madam Chair. Just to echo the sentiments that've already been brought up, it is pretty much uniformly opposed by everybody so I just don't understand or know how we can support something that's uniformly opposed by everybody. I think it needs to go back to the drawing board and clear up some stuff. I know we're under a deadline, but why make a bad situation worse by forcing it by the deadline? Is there any penalty for blowing the deadline? Nobody's going to jail, but we could come back with a better product, I think.

Chair Cannizzaro:

We'll go to—and I see you raising your hand, but we are procedurally in discussion on the motion. I think that one of the things, at least inasmuch as I had heard it during some of the testimony, and then I'll get to you, Assemblyman, was that this particular deadline has to be met in order for those regulations to be in place. There's not an option to come back, and that's guided by statutes in Nevada and that's in—if you look at the regulation itself and within that digest, there is some mention I believe of that as well, that it has to be done within that statutory time frame, so we would be in violation of the law and the statutes if we didn't approve them or tried to come back and do that. Yes, please.

Assemblyman Gray:

Just to clarify, Madam Chair, I understand that. That's why I had my little comment that nobody's going to jail, but it was purely a rhetorical question. I think we still need to do better, and the way I look at it and from what I've heard, we're probably looking at just still one county. I think there was a lot learned from the last election and I think they will have been able to, come the primary time, they'll be able to have implemented best practices by then and that will give us much more time to come up with something better in the long run for everybody.

Chair Cannizzaro:

Assemblyman DeLong.

Assemblyman DeLong:

Thank you, Madam Chair. There's a lot of discussion about the end of September deadline for regulations that relate to the presidential preference primary. I know we have a couple other regs that are specific to that. I'm not sure this reg has that standard applied to it. Maybe counsel can weigh in on that, but I'm not sure we're under that deadline, but I could be corrected.

Mr. Killian:

Thank you, Madam Chair. There are a set of elections that are coming up, and this regulation is agnostic as to particular elections, so if this regulation were not approved before the last day of September, under NRS 293.247 it could not be applied to the presidential primary, but it would be applied, assuming it's approved, after that date to all other elections that occur in this cycle, so the result would be that two different sets of rules apply to those elections during this cycle.

Chair Cannizzaro:

Thank you. Additional discussion on the motion? Anyone in Carson City or joining us virtually? I don't see or hear any. Okay, so the motion before the Commission is to approve R200-22.

THE MOTION PASSED (SENATORS KRASNER AND STONE AND
ASSEMBLYMEN DELONG AND GRAY VOTED NO).

Chair Cannizzaro:

We will move to the next regulation for consideration, and again, Commission members, questions as to this particular regulation at this time is R008-23, again from the Secretary of State ([Agenda Item IV-A](#)). I believe that Senator Krasner and also Assemblyman DeLong had requested this one to be pulled but, Senator Krasner, we'll start with you. Go ahead and ask your questions.

Senator Krasner:

Thank you, Madam Chair. Once again my same comments that government has no power except that which it derives from the governed, and the governed are the people, and I have received numerous emails from the people in opposition to this regulation as well as all of the people who took the time out of their day to call in in opposition to this regulation and many other election integrity regulations that they have concerns with. They don't want this regulation and I will be voting in opposition to it. Thank you.

Assemblyman Yeager:

Thank you, Assemblywoman Krasner. I'm going to be taking over the meeting for just a moment. I didn't hear a question there, I heard a statement, but appreciate the statement. We'll go next to Assemblyman DeLong, I think, with a question.

Assemblyman DeLong:

Thank you. Comment and question, Speaker. Thank you. We've got a unique situation where we've got a caucus vote coming up in February as well as this state-imposed presidential preference primary. My read—and I'm concerned about the fact that we're doing two different things. I think it's going to confuse the electorate no matter how well informed they are. My question, though, is it appears that the counties are going to have to pay for the presidential preference primary based on the language that's being added. Is that correct?

Mr. Di Chiara:

Thank you for the question, Mr. Assemblyman. This element of the regulation, like many elements of the regulations that are about to follow, is simply clarifying that all of the statutes and regulations, etc., that apply to other elections also apply to the presidential preference primary. For example, a county's expenses for their primary election in June and general election in November, everything that they have to pay for for those, they will also have to pay for for the presidential preference primary. If I could put in one small plug for a bill that we were very happy that passed, AB 192; it allowed counties to opt in to a statewide mail ballot contract wherein the state would pay for all costs above and beyond the costs that they are already required to pay for. Currently, I believe the state for all elections for mail ballots is required to pay for paper stock as well as postage, and one other thing that Deputy Wlaschin will correct me on shortly, I am sure, but if they opt into the mail ballot contract with the state, the state will pay for the printing, the—entire process. So while yes, this clarifies that the counties do have to pay for the presidential preference primary in some respects, it is only to line up with what they have to pay for with other elections. Also, they do have an option to opt in to a statewide contract and

have the state cover all of the expenses related to mail ballots. Deputy Wlaschin, please correct my inaccuracies. He says there's nothing to add and I want that on the record. Thank you very much.

Assemblyman Yeager:

Thank you. Do we have any additional questions on R008-23? Assemblywoman Backus, please.

Assemblywoman Shea Backus (Assembly District No. 37):

Thank you so much, Chair. I just wanted to clarify, because I think it wasn't really clear what the response was. With respect to the counties maybe going ahead and fronting the costs for the ballot, it seems that in part though the Secretary of State is still reimbursing those counties for the cost of the basic ballot stock, so there is some sort of a reimbursement process in place. There are exceptions of requirements for the counties, but that's just being consistent now for the presidential preference primary like it is for the primary and general?

Mr. Di Chiara:

Thank you for the question, Assemblywoman. Yes, that's absolutely correct. This regulation is simply adding the presidential preference primary to existing regulations specifying what the state pays for and what counties pay for. There is no difference in the pay-fors between the types of elections should this regulation be approved. Thank you.

Assemblyman Yeager:

Any additional questions on R008-23? I don't see any here in Las Vegas. I don't see any in Carson City or on videoconference, so at this point, I would be looking for a motion to approve R008-23.

ASSEMBLYMAN WATTS MOVED TO APPROVE REGULATION R008-23.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

THE MOTION PASSED (SENATORS KRASNER AND STONE AND ASSEMBLYMEN DELONG AND GRAY VOTED NO).

Chair Cannizzaro:

Thank you, Speaker Yeager, for stepping in for just a moment for me. That will bring us to the next regulation we have for consideration. That's R009-23, the Secretary of State ([Agenda Item IV-A](#)). Assemblyman DeLong, why don't we start with you? I think both you and Senator Krasner had requested this one be pulled, so we'll go to Senator Krasner next.

Senator Krasner:

Thank you, Madam Chair. Again, government has no power except that which it derives from the consent of the governed. The people are the governed, and I have heard from numerous people today in front of this Commission during public comment in opposition to these election integrity regulations, as well as numerous emails that I have received. Because of that, I will be voting no. I am in opposition. Thank you.

Assemblyman DeLong:

Thank you, Madam Chair. I too have received an extensive number of emails from members in my district about the presidential preference primary and not wanting to see it happen. I am also personally not in favor of having this primary. I would rather have a caucus, and for those reasons, I'm voting no.

Chair Cannizzaro:

Are there questions on this regulation from any members of the Commission?

Mr. Di Chiara:

Madam Chair, if you don't mind, may I respond?

Chair Cannizzaro:

Yes. Please, go ahead.

Mr. Di Chiara:

Thank you very much. Understanding completely the comments from the Senator and the Assemblyman, Madam Chair, I understand that there has been a lot of opposition to several of these regulations. I would like to clarify, however, that a lot of this opposition is in diametric opposition to each other. There are individuals who want us to interpret the law in one way and individuals who want us to interpret the law in an entirely separate

way. It is very difficult to bring together two groups that disagree with each other completely, and these regulations are again the product of not just the last year of hard work but a much longer regulatory review process that Deputy Wlaschin and his elections team have undertaken. I would also like to say, regarding the presidential preference primary, this is not a thing that the Secretary of State's Office is conducting on a whim. We're required by law to conduct a presidential preference primary (PPP) due to statutes, bills that were passed by this body. If two or more individuals from either major party file for the PPP election—and again, the Secretary sees his job as a regulator calling balls and strikes. These regs, we—it is not within our authority to change the law that the Legislature has passed and the Governor has approved. Thank you very much.

Chair Cannizzaro:

Thank you. I would accept a motion to approve R009-23.

ASSEMBLYWOMAN TORRES MOVED TO APPROVE REGULATION R009-23.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED (SENATORS KRASNER AND STONE AND ASSEMBLYMEN DELONG AND GRAY VOTED NO).

Chair Cannizzaro:

We will move to the next regulation, R010-23, the Secretary of State ([Agenda Item IV-A](#)). Senator Krasner, I believe this one was on your list, so we will let you go ahead with your questions.

Senator Krasner:

Thank you, Madam Chair, and my comments are similar to those I've made before that government has no power except that which it derives from the consent of the governed. The governed are the people and the people have been speaking very loudly in opposition to these election integrity regulations. I've received numerous emails and we've received in person and over the phone comment here today. For these reasons, I will be voting no. I'm in opposition. Thank you.

Chair Cannizzaro:

Okay. Any questions from members of the Commission? I am seeing none. I would then accept a motion from the Commission to approve R010-23.

ASSEMBLYMAN WATTS MOVED TO APPROVE REGULATION R010-23.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

THE MOTION PASSED (SENATORS KRASNER AND STONE VOTED NO; ASSEMBLYMAN GRAY WAS NOT PRESENT FOR THE VOTE).

Chair Cannizzaro:

Assemblyman Gray had stepped out, but we will record his vote—we'll record his vote when he comes back. I believe by my count that motion does carry, so we will note that with the secretary and let Assemblyman Gray register his vote when he joins us back again. R010-23 is approved.

We will go to R011-23 ([Agenda Item IV-A](#)). I think I had a couple of folks who requested this one to be pulled. Assemblyman DeLong, I think you had a question on this particular one, and Senator Krasner, and I also think Senator Daly may have had a question on this one as well. But, Assemblyman DeLong, if you want to go ahead and we'll start with you, and then we'll go to Senator Krasner and then Senator Daly in Carson City.

Assemblyman DeLong:

My concern—in this case, it's really just opposition to this one is based on all of the input I've received from my constituents, and I plan on voting no.

Chair Cannizzaro:

Senator Krasner, please go ahead.

Senator Krasner:

Thank you, Madam Chair. Again, government derives its power from the consent of the governed, and the governed are the people. The people have been very vocal in their opposition to this election integrity regulation, as well as numerous others that I have asked to have pulled. For that reason, I will be voting no. I am in opposition. Thank you.

Chair Cannizzaro:

Okay, thank you. We'll go Senator Daly then Senator Stone.

Senator Daly:

Thank you, Madam Chair, and my question real quick is just a consistency question. If there's a timeline or anything like that, maybe it can be addressed or looked at later. But in section 12, in several places—actually in 12 and a couple other places, I believe you remove the word facsimile and put telephone as far as the reporting. Section 12 is on each day of early voting when they report to the Secretary of State, but then in section 13—and I don't know if it's an oversight, on election day of each election other than a city election, the word facsimile is left in, so apparently they can still use the fax on election day but they can't for the early voting. I don't know if that was an error. There is additional language in that section, subsection 1 where it says or other means approved by the Secretary of State, but that still allows for the facsimile if you approve something else besides that, so I don't know if that was—there's just a consistency question on when we drafted.

Mr. Wlaschin:

Thank you for the question, Senator. Excellent catch. My fault alone to not have caught that earlier. We will mark it down as the very first item for our next regulatory review that begins January of 2025.

Senator Daly:

Happy to be of service.

Mr. Di Chiara:

Thank you, Senator. Deputy Wlaschin will be dealt with immediately after this meeting for his oversight.

Senator Daly:

I have no other questions.

Chair Cannizzaro:

Okay. We will go to Senator Stone, please.

Senator Jeff Stone (Senatorial District No. 20):

Thank you, Madam Chair, Committee members and staff. Like many of my colleagues, we've received a lot of emails from quite a diverse group of interests. I'd like to have the Secretary of State refute or confirm that this regulation in some ways removes the chain of custody safeguards with our mail-in ballots, and this also does not allow for the reporting of polls that open late, which may be in conflict to some Clark County court actions in 2018, 2020 and 2022. I wonder if you could respond to those concerns.

Mr. Wlaschin:

Thank you for the question, Senator. Two elements—and I was trying to pull it up, but I apologize, in order to answer your question, I won't be able to cite it specifically. I do recognize it's 119 pages of proposed regulations which makes it a little bit cumbersome, but first and foremost, the concern about chain of custody. I believe what you were referencing was a concern that was identified specific to a requirement that actually is in the plan that the county election officials have to submit to the Secretary of State. You'll notice in the proposed regulation that there was a striking of the language where it must identify the individuals who are going to transmit and carry the mail ballots from the polling location to the place for central counting in that plan. That's a concern that came up previously because, again, 90 days prior to the election is when that plan is required to be submitted, and very routinely, frankly, there are changes in the staffing, the temporary poll workers who are going to be assigned to that task as we close in on early voting and then even on election day. What you'll notice though—and I think you're right in identifying that chain of custody is of the utmost importance to the Secretary and to all of us at the state and county levels given the security that that supports, but instead of having it required as part of the 90-day plan, we've simply moved it up into subsection 1, as I recall, from the proposed regulation so that that information still will be tracked and identified by the county election officials. They also again recognize that that's extremely important to know who is physically transmitting ballots from ballot drop boxes across the county to the county seat, or wherever it will be ultimately processed, but is simply again struck from one location, requiring it in the plan and moving it above.

Then I apologize, your second part of the question about reporting? Again, understanding the times that polling locations are open during early voting, of course, which is not required by statute—there's flexible hours that early voting can be conducted across our state, but because there's the statutory requirement for the polls to be open from 7 a.m. to 7 p.m. on election day, the proposed regulation does not negate any reporting requirement but simply clarifies that again, we want to get that information from the counties. We will get it from the counties because of the requirements, but albeit not as I recall in a facsimile method. The reality is when you picture election day—and understand that this is the culmination of months of work by your county election officials and their staffs. By the time that 7 a.m. doors are opening for polling locations, as the county clerks are receiving from their voting location managers, “Yes, we’re good, we're ready to go 15 minutes prior. Somebody over here’s got a concern, can't find the key. Oh wait, I found it,” all these sort of last minute urgent things, very routinely that notification comes to the Secretary of State's Office via phone call or a quick message, otherwise an email sent, but it does not eliminate that requirement to notify the Secretary of a polling location that is delayed specifically so that we can ensure that we are in compliance across our state with the requirements of Title 24 so that voters can make their votes cast appropriately and timely on election day.

Senator Stone:

Thank you for answering those questions.

Chair Cannizzaro:

Any additional questions? Okay, I am not seeing any. I would accept—one moment. I would accept a motion to approve this regulation, R011-23. That's right, R011-23.

ASSEMBLYMAN YEAGER MOVED TO APPROVE REGULATION R011-23.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED (SENATORS KRASNER AND STONE AND ASSEMBLYMEN DELONG AND GRAY VOTED NO).

Chair Cannizzaro:

We will now move on to the next regulation on our agenda for consideration, R012-23 from the Secretary of State ([Agenda Item IV-A](#)), and Senator Krasner, why don't we start with you?

Senator Krasner:

Thank you, Madam Chair. As I've said before, government derives its power from the consent of the governed. The governed are the people, and the people have been quite vocal in their emails stating their opposition to this election integrity regulation, as well as several others. Additionally, so many people have come forward today and stated their opposition to this regulation and several others on the record. For those reasons, I am voting no and I am in opposition as well. Thank you.

Chair Cannizzaro:

Anyone else have questions on R012-23? Seeing none, I would accept a motion to approve.

ASSEMBLYMAN YEAGER MOVED TO APPROVE REGULATION R012-23.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED (SENATORS KRASNER AND STONE AND ASSEMBLYMEN DELONG AND GRAY VOTED NO).

Chair Cannizzaro:

We will move on to the next regulation for our consideration today, which is R013-23, also from the Secretary of State ([Agenda Item IV-A](#)). Senator Krasner, why don't you go ahead, because I know you had requested for this one to be pulled, and then we'll go for further questions with the Commission.

Senator Krasner:

Thank you, Madam Chair. Again, government derives its power from the consent of the governed, and the governed are the people. The people have been quite vocal in their opposition to this election integrity regulation, as well as several others. They have called in in opposition and they have sent numerous emails to the members of this Commission. For those reasons, I will be voting no. Thank you.

Chair Cannizzaro:

Okay. Assemblyman Gray, please.

Assemblyman Gray:

Thank you, Madam Chair. Reading through this regulation, the first sentence, the first paragraph, inadvertently submits more than one ballot—it just boggles my mind how anybody could inadvertently submit more than one ballot, especially being a military member for 26 years. I don't think I'd ever missed an election, but I would either mail in my absentee ballot or I would—at the end of my career we had the EASE (Effective Absentee System for Elections) system. You cast one ballot, you know you cast one ballot. There should be no exemption, and like I said, I speak this on behalf of all of my brothers and sisters in arms and 26 years of service. This just makes absolutely zero sense to me and it opens up a whole wide range of issues, I feel. Thank you.

Mr. Di Chiara:

Thank you for the question, Assemblyman. Deputy Wlaschin is going to give the technical answer momentarily, but I'm just going to give a very quick summary. It's like how when you are checking out paying your power bill and a little pop-up says please do not click twice because you will be charged twice. That is the type of inadvertent double vote we are discussing. As you cited, again—first of all, thank you for your service. But if a member of the military was voting using the EASE system and they were to attempt to submit their vote, and let's say that they are in a location that does not have the most secure internet connection, and that vote—they weren't sure if that vote was cast and they clicked again to submit their vote again, we would not want to charge that member of the military with a felony as we might otherwise be required to do. But for the technical answer, I'll turn it over to Deputy Wlaschin.

Mr. Wlaschin:

Thank you for the question, Assemblyman. Mr. Assemblyman, you're absolutely right as well, and again, the number of individuals who this does apply to, just like the Chief

Deputy suggested, very miniscule. But I will tell you, I personally have been involved in the process where I have talked to fellow Marines—I also served for 20 years in the United States Marine Corps, and I’ve talked to individuals who were like, “I think this went through, but I can’t tell. I’m here at the embassy or a consulate, Azerbaijan or wherever. I keep hitting it, is it going through?” Then we suddenly see the three or four of them pop up. It is an exceptionally low number. Again, this is not even in most elections a double digit, in part because again, the Effective Absentee System for Elections was only turned on for federal elections previously. Now, of course, pursuant to the passage of Assembly Bill 121 in 2021, it is now an accessibility tool for voters with a disability as well as voters on a colony or reservation. But it is a very small number, and again, the way we can tell, and I’ll be blunt, there are differences between a voter who attempts to nefariously cast two ballots and a voter who inadvertently submits. The inadvertent submissions—again, I won’t go into the details for security’s sake, but suffice to say that we can tell, and if there’s anything even remotely worthy of questioning or review, we certainly refer that to criminal investigation.

Chair Cannizzaro:

Go ahead.

Assemblyman Gray:

Thank you, Mr. Wlaschin. I appreciate the explanation. I still don’t think it covers it though. I think those cases—I don’t know why we would need regulation to cover this if there’s a law to cover it. Those would need to be referred to the DA’s (District Attorney) Office and they would decide whether or not to pursue prosecution or not, and I would say even the JAG would probably have—the JAG’s Office—would have the opportunity to prosecute if they felt there was something nefarious. I think giving a blanket answer like this takes it out of their hands and could open it up for fraud for the one-offs out there that may want to do that, so I think you’re removing jurisprudence out of this and I think that’s wrong any time you do that. Thank you

Mr. Di Chiara:

Quick follow up, Madam Chair, if you don’t mind?

Chair Cannizzaro:

Yes, please go ahead.

Mr. Wlaschin:

Thank you, Madam Chair. Assemblyman, I understand your point and do see where you're coming from. It may help also to understand that on the back end of EASE when a voter submits that military overseas ballot through the Effective Absentee System for Elections, it does not go right to tabulation. It does pop up in a queue that only the county election officials have access to, so they will see those duplicate attempts, but that along with other checks and balances are in place to ensure that, again, the security of the process overall. Though I do understand your concerns and certainly open to discussion, again, future regulations may address this as well, and we'll certainly keep a close eye on this so we can discuss it potentially during the upcoming legislative session.

Assemblyman Gray:

Thank you again, Madam Chair, and thank you again, Mark. I just, like I said, I appreciate your attempt at this, but I think this is one that I think I would encourage—I know that I would encourage everybody on this Commission to vote no on. I think there's just—it fixes a problem that's truly not there. You just said yourself, if they try and attempt to do it twice at EASE, or EASE, wherever—I forget what it's called, but that would immediately raise a flag in the clerk's office. But what you steered clear from is what if they do it electronically and they send in a mail-in ballot? I just think we're just going down a road I don't think we need to go to. It's covered by law, it's covered by regulation already and I just think we're opening it up to something that doesn't need to be opened, and I would highly encourage my fellow Commission members to vote no on this one.

Chair Cannizzaro:

Senator Stone, please.

Senator Stone:

Thank you, Madam Chair. I agree a lot with my fellow colleague, Assemblyman Gray, and to the Secretary of State, when these brave men and women are voting, they're sometimes in some very challenging areas. They could've, like you said, hit the button twice or they could've maybe voted wrong and sent a second transmission. You mentioned it's in the double digits. Is there any effective way for you to reach out to that voter and say, "Listen, you sent us two emails. You can only vote once. We can only tabulate once. Is it email number one or email number two?" and deleting the one that isn't supposed to be there? Did that make any sense?

Mr. Wlaschin:

Yes, Senator, it does, and thank you for the question. Two parts to your question, I think. One, how do we communicate with voters, especially those that are overseas? I'll tell you that this is something that again, having experience myself living overseas. I lived in Japan for 4 years with my family before moving back to the United States. That particular issue is one that was concerning to me because you're right that there needs to be clarity in that communication pipeline, not just because of the potential for a vote or a double vote, but if an active duty service member, their dependent, a spouse or child of a voting age or an overseas citizen for that matter, has questions about how to update their registration, there has historically been a challenge communicating with those individuals. We've updated phones in the Office of the Secretary of State to allow for international calls, and having experience again with a—like a 40-digit phone number to call overseas. That is a process that we've put in place. I will tell you that we've also realized that there's a little bit more effectiveness in communicating with voters overseas using products like Teams or Zoom, for example. We found that when you call somebody and are able to navigate the phone system right off the bat, they're very suspicious. "Someone's calling from Carson City, really, to where I'm at overseas?" But with a Zoom call, you can start it and very clearly have your credentials on the screen and explain very quickly who you are and why you're trying to communicate with that individual to support their right to vote. That is something that is extremely important.

The second part, I just do want to clarify, they don't submit that through—when it's done through the EASE system, necessarily through email, that process as they go through—email is one of the federally accepted processes for submitting an overseas ballot for a uniformed and overseas citizen covered by the Uniformed and Overseas Citizens Absentee Voting Act. But generally speaking, when they use EASE, the preferred method is a secure server, so that way again, just like I identified before, the clerk or registrar identifies it, immediately gives them vote history so that if somebody did try to vote that voter's name in person or tried to submit a mail ballot, that also would prevent the tabulation of those as part of the additional security incorporated into the system.

Chair Cannizzaro:

Assemblywoman Torres.

Assemblywoman Selena Torres (Assembly District No. 3):

Thank you, and thank you so much for the detail you've been giving us on several of these regulations today. My question is just—I just wanted it to be very clear on the record that there still are consequences if there was the assumption that there was somebody

that was intentionally trying to submit multiple ballots, right? This is only applicable to those that are inadvertently submitting those ballots?

Mr. Di Chiara:

Thank you for the question, Assemblywoman. Yes, Assemblywoman, that's absolutely correct, and actually one additional point of clarification, it is not only a felony to vote twice, it is a felony to attempt to vote twice. Deputy Wlaschin I'm sure can rattle off the language, but there is an intent question there, and again, what we are trying to clarify is that an inadvertent double vote using the EASE system should not be pursued for potential civil or criminal investigation. Deputy Wlaschin, anything to add? No? Thank you.

Chair Cannizzaro:

Thank you. Senator Krasner, please.

Senator Krasner:

Thank you, Madam Chair. How is intent determined then when voting using the EASE system, please?

Mr. Di Chiara:

Thank you for the question, Senator. Intent utilizing the EASE system, I would defer to Deputy Wlaschin on that. I will say that, to Assemblyman Gray's point, I believe, the question for the Secretary of State's Office as an agency that conducts criminal investigations into potential violations of Title 24 is whether or not an individual did vote twice or did attempt to vote twice. The question of intent and the prosecutorial sort of—there's a word for it and I don't remember it, and I apologize, but that is absolutely a question for the District Attorney, for the Attorney General, for whoever would be prosecuting that case. It's our job to try and figure out if someone attempted to vote twice, and we can absolutely try and speak to intent, and I think Deputy Wlaschin will have a little more there.

Mr. Wlaschin:

Thank you for the question, Senator. One of the ways that we've identified intent in somebody that was trying to cast two ballots through the Effective Absentee System for Election, or EASE—if an individual submits one ballot using their maiden name and then the next one shortly later using their married name, that for example identifies kind of a flag that that individual is not trying to accidentally click the button twice but instead lacks

the integrity and sound judgment to recognize they have but one vote to cast in any election.

Chair Cannizzaro:

Any additional questions from members of the Commission? I am not seeing any.

ASSEMBLYMAN YEAGER MOVED TO APPROVE REGULATION R013-23.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED (SENATORS KRASNER AND STONE AND ASSEMBLYMEN DELONG AND GRAY VOTED NO).

Chair Cannizzaro:

That brings us to R014-23, which is our final regulation for today's consideration from the Secretary of State ([Agenda Item IV-A](#)), and I believe that this was a request from both Senator Krasner and also I think from Senator Daly. Senator Krasner, why don't we start with you and then we'll go to Senator Daly in Carson City.

Senator Krasner:

Thank you, Chair Cannizzaro. As I've stated before, government derives its power from the consent of the governed. The governed are the people, and in this instance the people have been quite clear in their opposition to this election integrity regulation, as well as numerous others. I've received many emails in opposition as well as so many people taking time out of their day to come here in person or on the phone to state their opposition to this regulation and numerous others that they feel violate election integrity, so I am in opposition and I will be voting no. Thank you.

Chair Cannizzaro:

Senator Daly, I think you had a question on this one.

Senator Daly:

Thank you. Thank you, Madam Chair, and I do. It's more just pointing out what I hope is an error. On page 5, section 2(2) near the end, there appears to be a symbol there that looks like an eight, but it could be some other symbol with a different meaning, so I'm assuming it's a typo. It's my understanding that LCB can make such a correction without an amendment, various things, and then get the rest of that sentence up on the same line and everything. If it's not just a typo, this is my concern—a little levity today, Madam Chair. My concern is that if that is left there and if you're into the sci-fi conspiracy genre or whatever, right, that sometime in the not-too-distant future, perhaps for a program that's as yet unwritten, an artificial intelligence algorithm will read that and instigate the protocol to eliminate the human race from the planet, right? So for those of you, and to quote the words of Barney Fife, for those of you old enough to remember, we should nip it in the bud. That way, we can eliminate the whole conspiracy theory and instigate time travel to come back and make the correction. We should do it now, unless of course we're already in the time travel loop. But I'm assuming LCB can correct that typo without too much more fanfare. Thank you.

Mr. Wlaschin:

Thank you for the question, Senator. That was—inadvertent.

Mr. Di Chiara:

Madam Chair, I can state that Deputy Wlaschin made it through the metal detector outside of LCB clearly, but if we need to conduct a further review, we can.

Chair Cannizzaro:

Yes. We just want to make sure and validate that he's not a time travel future robot here with us, but I'm sure we can correct that typo. Anyone else have questions on this particular regulation? Assemblyman DeLong, you get to follow that one up.

Assemblyman DeLong:

Thank you. Back to reality, I'm just trying to understand why do we need to create a regulation because a potential candidate wasn't smart enough to check their registration before December 31.

Mr. Wlaschin:

Thank you for the question, Senator. The proposed regulation, the provision you're speaking to, directly addresses a requirement for candidates before filing. There's a statutory requirement that any individual who wishes to represent a major party in a partisan office must be identified and affiliated with that political party not later than December 31 of the year prior to the presidential—or the general election, excuse me, or the filing period. What we found is that, given the current nature of our bottom-up system, a system that we are transitioning from to a top-down system pursuant to the provisions of Assembly Bill 422 in the 2021 Legislative Session, because of our bottom-up system now, what ends up happening and what we have seen happen is that when an individual moves from one county to the other, their voter registration is essentially inactivated in one county and started anew, brand new in that new county. This proposed regulation addresses that. We've had candidates who have moved from one county to the other towards the end of a calendar year, gone through the automatic voter registration (AVR) process when they got their new driver's license as required and was unaware, having said, "Well, I've been this party, this party affiliation my entire life. I'm just going to leave the automatic voter registration party affiliation blank," not realizing the technical nuances of our system, that in fact that new county that the individual lives in simply doesn't know that they have been affiliated with a major political party for their entire life. As a result, they are instantly identified as being other or nonpartisan, and that designation has in some cases caused a slight issue with some of these candidates. This doesn't allow a deviation from the statute, of course. In fact, the impetus for this proposed regulation was a candidate who moved to a different county, received—after going through the DMV (Department of Motor Vehicles) automatic voter registration process received the notification from the county election official that always follows any AVR transaction identifying that the political party for that individual had been designated as other or nonpartisan. The individual immediately went to the county election official and changed it back to their party affiliation of that major party. So, this regulation simply clarifies that in those cases and because the statute identifies that the candidate had to have changed their party affiliation, they must have acted to change it from major party to something else after December 31, or retained prior to December 31 a party affiliation that was not one of those two major parties, they get to January, late February, start to think about filing for office and then realize at that point that they are still affiliated with a party other than the major party they want to represent. This does not cover them. Those individuals who do not check, just like you said, prior to December 31 and then only realized it later, and I'll tell you, we've had a number of candidates who have identified that as well, those individuals are not covered by this regulation. This simply addresses the nuances of our bottom-up system, and I will tell you that this is a regulation that we will eagerly recommend repealing once we have transitioned successfully to our top-down system later in 2024. This will likely be null and void and moot for the 2026 candidate filing period that is just around the corner.

Chair Cannizzaro:

Any additional questions, comments from members of the Committee? Okay, seeing none, I would accept a motion to approve.

ASSEMBLYMAN WATTS MOVED TO APPROVE REGULATION R014-23.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED (SENATORS KRASNER AND STONE AND ASSEMBLYMEN DELONG AND GRAY VOTED NO).

Chair Cannizzaro:

That does take us through the end of our regulations to be reviewed and considered by the Legislative Commission.

Mr. Di Chiara:

If you wouldn't mind a quick closing comment, Madam Chair, before we head out?

Chair Cannizzaro:

Since we're not in a regulation review period, we don't usually do—because again, Legislative Commission operates a little differently than the Legislature itself, but thank you both very much for your time and answering all of our questions, even those that are a little futuristic in nature or farfetched. We appreciate you being here and your time and dedication to bringing us these regulations and also indulging us today. So, thank you both very much, and that does conclude that item on our agenda.

Members of the Commission, we do have just, I think, a few more items of business, so I'd like to try to get through most of those, because I don't believe that many of those are going to take too much time. We're going to actually go to the next item on our agenda, which is item V. It is the appointment of members to the interim legislative committees and similar entities and designation of chairs and vice chairs of committees ([Agenda Item V](#)). Members, at your desk you should have two items, two documents for item V. One is

for item V-A and one is for item V-B. We have the Director of the Research Division with us, Nick Anthony, here to present this item, and so I'm going to turn it over to him.

Nicolas Anthony (Research Director, Research Division, Legislative Counsel Bureau):

Thank you, Madam Chair, pleasure to be with the Commission today. Before you for item V, there is one handout included in your materials ([Agenda Item V](#)) and it's labeled at the top "Designation of Chairs and Vice Chairs of the Joint Interim Standing Committees Pursuant to NRS 218E.320." These are the so-called AB 443 committees, and as you'll see, that document lays out the recommended chairs and vice chairs for the Commission to consider action upon. I'd be pleased to answer any questions, Madam Chair.

Chair Cannizzaro:

Okay. Thank you, Mr. Anthony. I apologize, because I think it is just V-A that should be before you. I think I'm getting a little ahead of myself on the agenda. Any members of the Commission have questions on item V-A? Speaker Yeager, not a question but a comment.

Assemblyman Yeager:

Thank you, Madam Chair. Just a quick comment, because I know I will probably get asked, as will you. The item today is just to designate the chair and vice chair so they can start planning, but the additional appointments of the committee members will be made directly by respective legislative leadership, the four leaders of the caucus. Those appointments are coming but don't need to be approved by the Legislative Commission, so if you are looking at this document and wondering who the other members are going to be and whether you're going to be one of those members, stay tuned. That will happen in due course, and just wanted to make sure that was clear on the record to hopefully avoid some questions, and I would move to approve if there are no other questions.

Chair Cannizzaro:

I do not see any other questions or comments from members of the Commission, so I will accept that motion.

ASSEMBLYMAN YEAGER MOVED TO APPROVE THE DESIGNATION OF CHAIRS AND VICE CHAIRS OF THE JOINT INTERIM STANDING COMMITTEES.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Cannizzaro:

We will move on then to item VI. Members of the Commission, we will move on to the next item, which is item VI. It is the appointment of members to non-legislative committees and similar entities. You should have two items at your desk for consideration. I am going to turn it over to our Director of the Legislative Counsel Bureau, Ms. Brenda Erdoes, who will assist us with this item.

Brenda Erdoes (Director, Legislative Counsel Bureau):

Thank you, Madam Chair. I believe the first appointment under this part is the appointment of members to the Commission on Minority Affairs ([Agenda Item VI-A](#)). The Commission recommended Demetrius Ware to fill the unexpired term of Yette Martell-De Luca through June 30, 2024.

Chair Cannizzaro:

Do I have a motion then to approve item VI-A?

ASSEMBLYMAN YEAGER MOVED TO APPROVE THE APPOINTMENT OF
DEMETRIUS WARE TO THE COMMISSION ON MINORITY AFFAIRS.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Cannizzaro:

Ms. Erdoes, please.

Ms. Erdoes:

Thank you, Madam Chair. The second appointment item today is the appointment of two members to the Advisory Council on Mortgage Investments and Mortgage Lending ([Agenda Item VI-B](#)). The Council has requested that you reappoint Fred Grant Jr. for a second term and to appoint Kevin Cordell as a new member. There's informational materials regarding Mr. Cordell on your desks.

Chair Cannizzaro:

Okay, and with that, I do have a motion then from Speaker Yeager to approve the two appointments.

ASSEMBLYMAN YEAGER MOVED TO APPROVE THE APPOINTMENT OF FRED GRANT JR. AND KEVIN CORDELL TO THE ADVISORY COUNCIL ON MORTGAGE INVESTMENTS AND MORTGAGE LENDING.

ASSEMBLYMAN GRAY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Cannizzaro:

That concludes item VI on our agenda. Item VII we discussed at the beginning of the meeting was pulled. We have some more work to do on that particular item. That brings us to item VIII. Just one moment. There was a request—we were going to entertain an appointment to the Commission on Ethics, but that one we have to have some further discussion on as well, so we are not considering that particular appointment today, and that had been previously under item VI.

We're now on item VIII, which is our final period of public comment. If there is anyone in person here in Las Vegas who would like to give public comment, please go ahead and take a seat at the chairs here. If there's anyone in Carson City, and I am not seeing anyone, but if there is anyone outside the view of the cameras, please go ahead and fill those seats up there at the table and then we will go to those joining us by telephone. Again, as some reminders, please make sure that you identify yourself for the record every time you speak. Please state and spell your name. We will continue to limit this to

two minutes per person, and we can of course always take additional comments in writing if there are additional comments to be given. We will start here in Las Vegas. Please, go ahead and hit that microphone button, identify yourself and spell your name for the record.

Leslie Quinn:

My name is Leslie Quinn. I oppose R008-23 because it removes voter election and gives a certain party the edge to select a presidential candidate. I oppose R009-23, R011-23. I oppose R012-23. Military personnel working with advanced warfare equipment should have the foresight to ask for help before voting twice. I oppose R013-23, R014-23. I support hand counting but I oppose R200-22 because of the many holes in it. Since when are machines 100 percent accurate? A machine is only as accurate as it is programmed and any environmental conditions it's placed in. Just as we have HIPPA (Health Insurance Portability and Accountability Act) regulations, safeguards can be put in place such as cameras when hand counting is in process. This will help support voter privacy and transparency. Earlier someone said he spoke with Democrats that wouldn't vote if their vote was subject to being hand counted. I query if those same people still go to a doctor when their medical records are passed to different doctors. Of course they would. We must restore transparency and trust in the vote. Let's all remember, we are the same kind, human kind. We are not droids or bots. I believe many Nevadan US citizens would appreciate voting on one single day. It would save taxpayer money, time and heartache. The absentee ballots for military and those that they apply to would be given a specific window of time to have them in to be counted. Please be a proponent for restoring trust in the vote, and just because something is law doesn't make it right. Laws don't make morals, morals make laws. Thank you.

Helen Oseguera:

First of all, I want to say thank you to Senator Krasner and all of you that voted or opposed these motions for these regulations for our voting process. As we have stated before and as Senator Krasner had said, we the people do not agree with you taking control of our votes. We the people are in control of our votes. You don't get to tell us what to do. We govern you. We are your bosses. You do not get to take a stake in taking our voices away by regulating our voting process. For a long time we've been voting with paper ballots, hand counting, one-day votes and getting the results of those votes for one day until machines and tabulators came into play. We do not need these machines. They are corrupted, and as you all know, there are several lawsuits going right now with machine problems and tabulator problems in several states. This is not the only state that's been corrupted. We need to stand up for our right to vote as our military members have died for, to our rights for voting processes. We get to elect you to be our government, to give us the voice that we need, but if you're not willing to give us our voice and you're going to control us by making regulations over our votes, you do not need to be in office. You

should be removed immediately. We do not accept the fact that you're going to sit here and regulate our votes and make laws that we do not accept. We oppose every single one of these regulations that you just did. We want hand counting ballot—paper ballots, same-day voting and getting results the same day, period. Get rid of the machines, get rid of the tabulators. We don't need it. I did the hand counting in Nye County myself. I experienced the results were 99.9 percent accurate over the machines. The machines are not good, they are bad and they will corrupt every single election going forward. That's all I have to say. Thank you to all of you that voted—oppose these regulations. Thank you.

Chair Cannizzaro:

Okay. Carson City, please hit the microphone button, identify yourself for the record and spell your name. You may begin.

Ms. Trushenski:

Joy Trushenski. I also oppose all these votes for these regulations and I commend the Republican people who voted against them. We have many documentaries covering the 2020 election fraud with voting machines and mail-in ballots and other problems. This includes the deep—from Patrick Burns' book showing voting machines were changed. Their voting machines' votes were changed from Trump votes to Biden votes. Also *2000 Mules*, which revealed mail-in ballot box stuffing at 1 a.m., 2 a.m. in major cities and also spoke about voting machine hacking. Democrats, and it is a fact, changed our voting regulations for the 2020 presidential election to make it easier for fraud. So many judges, including those in Nevada, never even heard the evidence presented about this fraud. The Nevada Republican Party organized over 1,200 volunteers and 40 lawyers during the 2020 election to poll watch, staff our voter integrity hotline and investigate every claim of voter fraud in the state. From these investigations, we obtained the following counts of voter fraud: 3,987 non-citizens voted, 1,506 deceased voters, 2,468 change of address out-of-state voters, 42,284 duplicate voters—

Chair Cannizzaro:

We're right at the two minutes, so if you could go ahead and wrap up. Any additional comments we'd be happy to take in writing.

Ms. Trushenski:

Okay. Well, there was evidence of fraud and we need to have voter ID, go back to paper ballots, no same-day registration, hand counting for those counties who choose it, to do

hand counting, and no interference in that, one-day voting, no non-citizens voting ballots have—

Chair Cannizzaro:

The rest of the comments that you're reading we can go ahead and take in writing because we're past the two minutes, so we're going to go ahead and go to the next speaker. Thank you for coming on down, and we'll take those written comments. You can submit them in writing. Next in Carson City, please.

Patty Downing:

Hello. My name is Patty Downing. Last month I was invited to a conference in Missouri where people across this country who've been concerned about our elections gathered ([Agenda Item VIII A](#)). I decided to take a poll of my fellow travelers and Uber drivers to see if they had an opinion of the 2020 election. I talked with 23 people. Only 2 people believed the presidential election was legitimate while 9 of the 23 believed it was stolen. The rest were evenly divided between being open minded if they saw evidence that it was rigged and six who said no opinion. I kept hearing—mail-in ballot should be rare. We need voter ID and hand counted paper ballots. We were shown at the conference how easily the counting could be done. I have been to a caucus where we counted ballots with our neighbors. It was not complicated. While we don't have access to the voting machines nor the tabulators and all of the software, we do have access to the data, the fingerprint that has been left behind. I have taken a deep dive into the cast vote record for District 1 in Washoe County. The graphs are abnormal and the mail-in ballots were not consistent from beginning to end. One 5,000 block was worse than all the other 5,000 blocks. It started out 5 consecutive votes for Biden, then 1 for Trump, 8 for Biden, 1 for Trump, 21 for Biden and 1 for Trump. That is a typical example of that block of votes. The bar graph is disturbing. One time it reached 36 consecutive votes for Biden. Doctor Walter Doherty, a mathematician who received his doctorate from Harvard, said the chance of having 30 tails in a row is 1 in a billion. I found a probability calculator and put in the possibility of 36 consecutive votes in a row. It said there was zero chance. Jeff O'Donnell, a system and database engineer, ran 100,000 elections to see what the upper and lower limits of what a normal election looks like. In the beginning, there's a lot of leeway, but it settles into a narrow range and—

Chair Cannizzaro:

If you could go ahead and wrap up, you're right at the two minutes and we can take anything else in writing.

Ms. Downing:

Okay. But it settles into a narrow range at the end. The graphs for the mail-in votes for Washoe and Clark Counties do not fit in those parameters, but if I shuffled the votes from beginning to end, then they do fit in the parameters. So anyway, I have submitted all the graphs for today and the links to some resources. Thank you very much.

Chair Cannizzaro:

Thank you. Okay, we will go to our phone lines. We'll turn it over to BPS. As a reminder, it is two minutes, and if you have any additional comments, we can always take those even after the meeting, if you want to submit those. We can always take those written comments.

Ms. Gifford:

My name is Ellen Gifford. Listening to conversations today, one would think we were just now learning how to use people in elections as if we never had elections before machines. But we did have elections without machines, and how did we do that? We used people. People actually got elected in these elections, and with a great deal more confidence in the system than what we have today. I also want to mention I am extremely concerned that a regulation has just been approved that contains language that is known to have already caused confusion and disruption to Nevada's elections. I honestly feel this is very irresponsible. Thank you.

Ms. Thomas:

Good afternoon, this is Tracey Thomas again. I didn't get to speak about this before. I wasn't notified about the workshop, so I didn't get to have a chance to put any input. In the future when these regulations are revisited for the primary and the general next year, please address R200-22A, page 3 and 10. Item 3 needs to be struck from this regulation due to its direct violation of NRS statute 293.363 and 293C.362, which stipulates the counting procedure must be public and continue without adjournment until complete. These statutes are actually mentioned under section 5, item 1 on page 5 and section 12 on page 13. NRS 293.365 and NRS 293C.365 should be added to the end of these items respectively. NRS 293.365 states no county board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used and unused are accounted for, not just the electronic ones but the mail ones as well. Since mail ballots are received until Saturday after election day, this statute indicates that absolutely no vote should be counted until the last ballot is received on that Saturday, and then on R011-23A, please also address that the—add to on page 14 item 1(b) of the number of persons who cast ballots on that day at each polling place located within the

jurisdiction. The county clerk is supposed to report it. You must add that the numbers shall not disclose any breakdown of party affiliation in order to comply with the Nevada Voters' Bill of Rights codified in NRS statute 293.2546 and Title 52 of the United States Code, which would also reduce the—

Chair Cannizzaro:

You are at the two minutes, so we will ask you to go ahead and wrap up and we'll take the rest of your comments. You can submit them in writing to us.

Ms. Thomas:

I appreciate your consideration and time today. Thank you.

Lisa Partee:

Good afternoon. My name is Lisa Partee. To take control away from county clerks, control of elections, essentially centralizing the elections under a partisan office and control, is not in our best interests. As the lady said earlier, the Pandora's Box is the machines. We never had such concerns of validity of elections until these hackable and manipulative machines were implemented. Hand counts were previously always done in a day. They were auditable and verifiable. Not so with these machines. We only have delayed results with these machines and mail-in ballots. During session, a woman voting in Reno saw her selection change three times before her eyes, and despite her reporting it, they never took the machine out of service. We've never had these issues until these machines were used. Mr. Wlaschin is not being honest as to the integrity issues regarding the—mail-in ballots have been demonstrated to be highly effective in cheating in elections, such as proven in the movie *2000 Mules*. We need same-day, in-person voting by hand. These proposed changes are guaranteeing that we the people will never see another honest election in Nevada. Thank you to those who voted against this. I'm praying that the military will observe this election process in live time and punish those who cheat with tribunals. Thank you.

Broadcast and Production Services Staff:

Chair, there are no more callers at this time.

Chair Cannizzaro:

Okay, great. Then with that, I think we—oh, we have one more there in Carson City. Please, go ahead, and I think—if you gave public comment earlier today, then we'll take

that public comment, but if there's something new you want to say, we'll give you two minutes right now.

Ms. Jones:

Madam Chairman, it was—this is Barbra Jones again. I did comment earlier. This is just a couple of extra stresses of information that I couldn't go into. Is that okay?

Chair Cannizzaro:

If it's new information, but be brief.

Ms. Jones:

Yes, just two things. First, I agree and I am very proud of the no votes on the election bills, and we thank you. Also, I can see that enough people aren't getting what's happening in our state, and I researched so much on the VREMS project and your information is—election information, personal information is going to be going into databases nationally and internationally. The Secretary of State's Office testified that there was no identification. One of the bills did require it. I cannot tell you if that was one that was vetoed or not. But, also the voting machines, I just hate seeing a county penalized for their decisions because we're all going on board. This isn't just Nevada, and the machines were a problem as early as when Dean Heller was Secretary of State and I went to him and watched it, my vote get flipped. Also, I voted in every election and I checked my record and one wasn't counted, and believe me, I voted. There's lots of witnesses that were voting with me. So, I'm sad for our state and I'm sad for the country, and I just hope people will be waking up more to what's going on. It's not just Republicans, Democrats—

Chair Cannizzaro:

You're at the two minutes.

Ms. Jones:

Thank you.

Chair Cannizzaro:

No, thank you. All right, with that, then we will close item number VIII. I want to thank everyone for sitting with us this afternoon, and for all of the Commission members participating and all of our staff that of course gets us to this point and helps us get through

these meetings. We appreciate everything you do. So, with that, there's no further business to come before the Legislative Commission at this time. This meeting is adjourned.

RESPECTFULLY SUBMITTED:

Jordan Haas, Secretary

APPROVED BY:

Senator Nicole Cannizzaro, Chair

Date: _____

Agenda Item	Witness/Agency	Description
<u>Agenda Item II A</u>	Sadmira Ramic	Public Comment
<u>Agenda Item II B</u>	Yolanda Knaak	Public Comment
<u>Agenda Item II C</u>	Edmond “Buddy” Miller	Public Comment
<u>Agenda Item II D</u>	Tracey Thomas	Public Comment
<u>Agenda Item II E</u>	Susan Bauman	Public Comment
<u>Agenda Item III</u>	Jordan Haas, Commission Secretary	Draft Minutes of the Meeting Held on August 21, 2023
<u>Agenda Item IV-A</u>	Asher Killian, Legislative Counsel	Administrative Regulations for Review
<u>Agenda Item IV-B</u>	Asher Killian, Legislative Counsel	R029-23 for Early Review
<u>Agenda Item V</u>		Designation of Chairs and Vice Chairs of Joint Interim Standing Committees
<u>Agenda Item VI-A</u>		Appointment to the Commission on Minority Affairs
<u>Agenda Item VI-B</u>		Appointments to the Advisory Council on Mortgage Investments and Mortgage Lending
<u>Agenda Item VI-C</u>		Appointment to the Commission on Ethics
<u>Agenda Item VII</u>		Amendment to Rules and Policies of the Legislative Counsel Bureau
<u>Agenda Item VIII A</u>	Patty Downing	Public Comment

Additional Public Comment	
Exhibit A	Compilation of written comments received from members of the public who did not speak during the meeting. These comments are individually posted at the following address: https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2023/Meeting/34421