



# **NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

*(Nevada Revised Statutes [NRS] 218E.320)*

## **DRAFT MINUTES**

**March 22, 2024**

The second meeting of the Joint Interim Standing Committee on Legislative Operations and Elections for the 2023–2024 Interim was held on Friday March 22, 2024, at 9 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, Nevada.

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

### **COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator James Ohrenschall, Chair  
Assemblywoman Erica Mosca, Vice Chair  
Assemblyman Brian Hibbetts  
Assemblywoman Brittney Miller

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

Senator Skip Daly

### **COMMITTEE MEMBERS ATTENDING REMOTELY:**

Assemblywoman Jill Dickman  
Assemblywoman Cecelia González

### **COMMITTEE MEMBER ABSENT:**

Senator Heidi Seevers Gansert (excused)

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Haley Proehl, Senior Policy Analyst/Geographic Information Systems (GIS) Specialist,  
Research Division

Nicolas C. Anthony, Research Director, Research Division

Bonnie Borda Hoffecker, Research Policy Assistant, Research Division

Heidi Chlarson, Chief Deputy Legislative Counsel, Legal Division

Asher Killian, Legislative Counsel, Legal Division

Tara Zimmerman, Principal Deputy Legislative Counsel, Legal Division

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

## **AGENDA ITEM I—OPENING REMARKS**

### ***Chair Ohrenschall:***

Good morning. I want to welcome everyone to this morning's meeting of the Joint Interim Standing Committee on Legislative Operations and Elections.

There is something we skipped at our first meeting, so I want to take a little time for Committee Member introductions. I am fortunate to have some colleagues I enjoy working with and respect on this Committee. I would like everyone to take a few minutes to introduce themselves and include the district you represent and your interest in the interim Committee.

### ***Senator Daly:***

I represent Senate District 13 in Washoe County, and I served on the Legislative Operations and Elections Committee twice in the Assembly and during last session in the Senate. I have a lot of interest in and am happy to be on this Committee. I am looking forward to the work we are going to do and designing some legislation for next session.

### ***Assemblywoman Miller:***

I am the Assemblywoman for District 5 here in Clark County. I served as the Chair for the Assembly Committee on Legislative Operations and Elections in the 2021 Session. In the 2023 Session, I was Vice Chair, and last interim I was the Chair for our Committee.

### ***Chair Ohrenschall:***

We are very lucky to get to work with you and to have a former Chair on this Committee.

### ***Vice Chair Mosca:***

I represent Assembly District 14 in East Las Vegas. I am excited to be the Vice Chair of this Committee. I have never been on Legislative Operations and Elections. It has been great already to learn, and I am excited to contribute.

### ***Assemblyman Hibbetts:***

I represent Assembly District 13 in the northwest portion of the Las Vegas Valley and served on the Assembly Committee on Legislative Operations and Elections during the 82<sup>nd</sup> Session. I am happy to be here.

### ***Chair Ohrenschall:***

We are very happy to have you on the Committee.

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

I represent Assembly District 31, which is mostly Sparks and some of the North Valleys in Washoe County. I served on the Assembly Committee on Legislative Operations and Elections—this was my second session and will be my second interim. I find it to be a very interesting and enjoyable Committee. I love working with you, Chair.

***Chair Ohrenschall:***

Well, it has always been a pleasure working with you through the different sessions. Thank you so much for your service to your district and to this Committee.

I represent State Senate District 21 in southern Nevada. I have been lucky to get to serve on the Legislative Operations and Elections Committee, both in the Assembly and in the State Senate. I have been pleased seeing the progress we have made through different sessions trying to make democracy more accessible and allowing for a lot of public participation. I have been proud of the work of the Legislature through the years, the work of this Committee, and the recommendations from the interim Committee. I am honored to be Chair of this Committee during this interim.

[Chair Ohrenschall reviewed meeting and testimony guidelines.]

**AGENDA ITEM II—PUBLIC COMMENT**

***Chair Ohrenschall:***

Is there anyone who wishes to make public comment? I do not see anyone here at the Sawyer building. In Carson City, is there anyone who wishes to make public comment? Broadcasting, is there anyone on the phone lines who wishes to make public comment?

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

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

***Chair Ohrenschall:***

I will give it another 30 seconds, Broadcasting, to see if there is anybody who is trying to call in, and I will check back with you in about 30 seconds. While we are waiting to see if anybody is trying to call in, I neglected to mention that for anyone who wants to make public comment, please remember to state your name for the record and limit your comments to two minutes. We are trying to be fair to everybody, and that is why we have the time limit. Staff will time each speaker during public comment to ensure everyone has an equal amount of time to speak.

Broadcasting, I want to check back. Is there anyone who has called in who wishes to make public comment?

***BPS:***

Chair, the public line is open and working, but we have no calls.

**AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON FEBRUARY 22, 2024**

***Chair Ohrenschall:***

I would like to move on to the next agenda item. All Members were emailed the draft minutes from the last Committee hearing, and they were also posted on the Committee's website. (Agenda Item III)

If there are any corrections, additions, deletions, or anything that Members found that needs to be corrected, let me know. Otherwise, I would accept a motion to approve the minutes for the February 22, 2024, meeting.

VICE CHAIR MOSCA MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON FEBRUARY 22, 2024.

SENATOR DALY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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## **AGENDA ITEM IV—PRESENTATIONS RELATED TO VOTING FOR TRIBAL MEMBERS**

I would like to now move on to the presentations related to voting for Tribal members. I will take one item slightly out of order. We will start with our Nevada election officials.

[This agenda item was taken out of order.]

### ***A. REPRESENTATIVES FROM NEVADA'S TRIBAL MEMBERS***

#### ***Chair Ohrenschall:***

We are very lucky to have elected government leaders from some of our Tribal Nations within Nevada and other representatives from the Tribal community. I believe we have Vice Chair Arnold Thomas of the Shoshone-Paiute Tribe of Duck Valley Indian Reservation on Zoom. We have Chair Andrea Martinez and Elveda Martinez of the Walker River Paiute Tribe on Zoom. Then we have Bethany Sam, Public Relations and Community Information Officer for the Reno-Sparks Indian Colony at the Legislative Building in Carson City.

#### ***Elveda Martinez, Tamarisk Coordinator, Walker River Paiute Tribe:***

Our Chairman is in another State meeting right now that is being held here on our reservation—the Public Lands Committee meeting—so she will not be here this morning. I have been voting on our reservation since I was 18. We have always had a precinct location here, and I just turned 65. It has been a norm here for our people to vote here. In 2016, we were one of the Tribes that filed a lawsuit against the county and the Secretary of State (SOS) along with the Pyramid Lake Paiute Tribe. Our part of that lawsuit was for early voting. We are happy we won the lawsuit. I did my best to let Mineral County know that we were going to win. There was still a little battle, but we ended up having a good working relationship with our county clerk and the people in Mineral County. Our big thing was the early voting, and since 2016 when we got early voting, we have always had the same days and times as Mineral County or Hawthorne.

In the last couple of years, we got a new county clerk that right off the bat, we had an issue with because she did not want to give us the same times of early voting as they did in Hawthorne. I had to educate her to let her know that we are going to be voting the same dates and times. She wanted to argue. We had a problem: they would not put the information on the sample ballot that went out, and it was wrong. She ended up having to contact the SOS, and it got fixed. Now we have a good working relationship with her. She was not educated by the past county clerk who left Hawthorne and the State. I let her know

that this is what we have done—we have had these meetings. Previously, we had a good working relationship, and now we do again. The clerk of Mineral County thought it was going to be a lot of extra work for her. Over all these years, we have always provided poll workers on the reservation from our own Tribal people. It has been a norm for that as well.

In the many years I have been a poll worker, I have been the deputy at the polls—it is not new for our Tribal people. So now when our county clerk contacts the Tribe, she will call me and ask who I have to work, and I will give her four names, she contacts them, and they get trained. During any early voting or voting day, two people work the polls here, but we have four people trained so they can work at different times. One of the poll workers does the scheduling, and we set up a place that is secure. The last vote we had in an old Tribal court building because our court people moved to a new building. We will be there for the next couple of voting dates this year.

What we saw when we started the early voting here is our numbers did go up. We are the second largest precinct in Mineral County. Mineral County is not the largest county whatsoever, and I would say Mineral County is probably the poorest county in the State. The one thing Mineral County did not complain about is the extra cost. When counties are trying to say they needed extra money. I do not know. Mineral County made sure they found money for all of the extra training of the people—they have always done that anyway—it was not, to me, that big of an expense. We had more days for the early voting. After a while, the county clerks always ended up coming down here every day; they like the vibe I guess. When we have our own Tribal polling workers, people are more likely to come and vote. They are more comfortable—everybody knows each other, and they know what to expect. I have been involved in this for many years with our Tribe and with other Tribes. I have been involved in the State Legislature and working on these bills because it is important. The Native people were the last group of people to get the right to vote. We grew up with the mentality that as soon as you turn 18 years of age, you go and vote. We always knew that is what we should do. We always vote. Our families are voters here, and we do not have to push them anymore because it is the norm, I think because we have always educated our people. It was not that long ago that the Native people had to fight for the right to vote. When we did the lawsuit in 2016, it was the Vietnam Veterans who led that charge. From here it was Johnny Williams, Jr., a Veteran of the Vietnam War who had been wounded. We are proud of him.

We were concerned about how to get that information out to the Tribes once these bills passed. I knew it was going to end up being the Native people who had to let the other Tribes know about it. I contacted the Tribes close to me, which is Yerington and Fallon, and talked to different people. They were scared at first, but I said, “Just get started. We will help you guys find people who want to work the polls. They pay a little bit of money. It is not going to make you rich, but you are going to be there, and you are going to learn about the process, and you are going to learn to get involved.”

The other thing with the Native people getting to vote is education, and Cal Boone is aware of this. Once you become a voter, you become a part of the process. We are part of this whole legislative process where we can work to change laws, and that is what we have done. Anytime we are working with the SOS to make these other changes—Senate Bills 216 and 327—it is going to help.

We are always thinking about what we need next. Like the SOS mentioned, there is a need for money. A lot of these were unfunded mandates for laws, but there is a need for money to make it better. The county clerk from Fallon knows that—it is a little extra of her time,

more machines are needed, more drop boxes. You needed all of those things at the beginning when you start as a new precinct location.

What can we do to improve to make the voting process even better on Indian lands? I tell our Tribal people to be proactive in this process. Quit waiting for the county clerks to contact you—you contact them and establish a relationship. Because we had a little issue there with our new county clerk, and she asked, “Why do we need to do this?” I said, “Because I am telling everybody how great you are, how you are supporting us, and how voting is important.” She said “Okay,” and now we are friends and on a first-name basis.

We, as Tribal people, need to take the initiative and work to establish positive relationships with our county clerks and the SOS. It is getting better. During this last voting time we had minimal voters. It is the way the system worked this year where there was the voting and then the Republican caucus. Our Tribal people, in order to be involved in the Republican caucus, had to travel to Hawthorne to participate. We only had a couple of people go, even though we probably have 40 percent of Republican voters here on our reservation. That was different for them. When I push our people to vote, I never tell them how to vote any way in their party or whatever. I just want them to vote. I would love to tell them who to vote for, but I do not do that. We need to keep it up. I hope Cal’s position could be a position that would be full time. I am very proud of Cal, and he is a member of our Tribe from Las Vegas. He has already contacted our Tribal Chairman, Andrea Martinez. He is establishing relationships out there, and that is what we need to do. We all need to continue on this path of working on voting rights, and since the Native people were the last people to have this right to vote, to me it is very important. We need to keep on working with other Tribes because if it was up to me, I would make every Tribe have the full polling place—I know Yerington only wanted the drop box. I wish everybody would get involved because our people down here look forward to it, and then we all keep in touch with each other. We are always checking on each other and comparing how many voters we get each day. We ask what they are doing, what their ideas are, and about their relationship with the Washoe County clerk. We are all learning from each other through this whole process. I think with Cal’s job, he is going to learn that there is this communication line with the Tribes. We need to grow it out more. Thank you, and I apologize that our Chairman is not available today.

***Chair Ohrenschall:***

Thank you very much, Ms. Martinez, for your presentation. It is great to see this activism from members of the Walker River Paiute Tribe. As a personal note, I had the privilege of serving in the Assembly under Speaker Ocegüera, who is an enrolled Member of the Walker River Paiute Tribe. I believe he might be one of our only Native American Speakers of the Nevada Assembly. It was a real honor getting to serve under him and having that Tribal representation when he led our Assembly chamber.

I have a couple of questions for you, Ms. Martinez. For the Presidential Preference Primary (PPP), was there in-person voting for early voting or just on Election Day? Also, was there a ballot drop box? What days were the early voting/drop box available on the Walker River Paiute Tribal lands?

***Ms. Martinez:***

We had early voting the same as Mineral County. We had almost two weeks and then one or two Saturdays, as well as on voting day—the same as Mineral County. During that time, we had a drop box here the whole time. We want it all, and we get it all.

***Chair Ohrenschall:***

I have one question based on something you brought up. You mentioned a lot of Tribal members on the Walker River Paiute Tribe felt more comfortable when other Tribal members were the election officials for early voting and/or Election Day voting. Was that a struggle to make sure there were Tribal members who were working at the polling places to sign people in? Or was that something the election administration in Mineral County—you felt—wanted Tribal members to be working those polling places for early voting and for Election Day?

***Ms. Martinez:***

We have always had Tribal poll workers. Back, probably 20 years ago, they used to always send down a non-Indian to come and watch us. It would be kind of funny because they would not let us have all Tribal coworkers. They would always send down a non-Native to be involved. In the last 15 years, all of our poll workers are from Walker River, and they are all Native. We have had a couple—because we have non-Natives who live here as well. For the last five years, they have all been members of the Walker River Paiute Tribe.

***Chair Ohrenschall:***

Any questions for Ms. Martinez from the Walker River Paiute Tribe?

***Senator Daly:***

No questions for me. You do have the Deputy Secretary of State who wants to make a comment.

***Chair Ohrenschall:***

Certainly, Deputy. Please go ahead, and then I will get to the Members on Zoom.

***Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the SOS:***

I just wanted to echo Ms. Martinez's comments. I made some stops at early voting locations across the State. One of the places I stopped was Schurz, and I stopped by their early voting location and sat and had a chat with the poll workers. It was great, and there is a sign right out there on the side of the road that says, "hey, come vote here," which is super inviting. I was able to speak with the Chairman as well. I think it is absolutely fair to say that the Walker River Paiute Tribe is a best practice in terms of how the model can work on a reservation or colony. One thing I wanted to add to that concern is about having poll workers and especially being able to identify poll workers from these Tribal communities to work at polling locations. It is not always easy due to the size of the community and due to other job requirements. You cannot work as a poll worker while you are needing to do your other job. There are also issues with getting poll workers from non-Tribal communities to go work in those locations, mostly due to the remote nature of several of them. It is a best practice to have Tribal members working in their communities. I will say that in the PPP, the SOS stepped in and sent a number of staff from our Office to staff two remote polling locations. We did this because it was the right thing to do; it was Secretary Aguilar's direction to ensure that those Tribal polling locations stay open as long as the Tribe wants them by any means necessary, and that is what we did. Our hope is that through continued community outreach, and through the work of our outreach coordinator, Mr. Boone, we will be able to grow that roster of members for these Tribes and bands who are interested in being poll workers, and we can expand the universe of poll workers in those communities.



***Chair Ohrenschall:***

Thank you to Secretary Aguilar and the entire Office to make that sacrifice to send out employees who may not be scheduled to be manning precincts in remote places to travel to those places so that people can vote. That is truly wonderful to hear.

Any questions from Members on Zoom? I thought of one last question, Ms. Martinez. The litigation in 2016 that you brought up, do you think with the changes in the State law that there will be need for litigation in the future, or do you think right now Tribal voting on the Walker River Paiute Tribal lands is secure enough, or do you think that is going to be an unknown?

***Ms. Martinez:***

I think you are going to hear that from Mr. Thomas because they had to file a lawsuit recently.

***Chair Ohrenschall:***

I would like to go on Zoom to our next presenter. We are lucky to have Vice Chair Arnold Thomas of the Shoshone-Paiute Tribe of Duck Valley Indian Reservation.

***Arnold Thomas, Vice Chairman, Shoshone-Paiute Tribes of Duck Valley Indian Reservation:***

Good morning to you all and aloha Friday. I would like to clarify several items for SOS. Again, thank you for all your work in the last year to support our voting booth here because there were two State employees who were sent here. We have been in dialogue and communication with SOS in the last year. I would like to clarify the notification that was sent out. There are 28 Tribal Nations in Nevada. We in Duck Valley are a sovereign nation. We are a fully functional Tribal Government. For future records, a proper notification needs to be sent to our Tribal Headquarters Office via Chairman and council, I mentioned that because we are elected leaders. We have a Chairman who is elected, and we have six other elected council members filled by men and women. I refer to that because we are not a nonprofit organization. Our Tribal leaders are leaders of our Nation here in Duck Valley. I cannot speak for the other 27 Tribes of Nevada. I want to offer clarification because in Las Vegas and other metropolitan areas, possibly Reno, there are Tribal leaders who are Tribal leaders of a community or within an urban setting. They could be leaders of a nonprofit organization. But again, we here in Duck Valley are elected officials, similar to senators, assemblymen, and women. For clarification, moving forward, that proper notification needs to be made to our Tribal headquarters and Chairman's office regarding any and all voting issues. That is the first clarification that needs to be made on the behalf of our sovereign nation here in Duck Valley.

***Chair Ohrenschall:***

Thank you, Vice Chair Thomas.

***Mr. Thomas:***

I would like to move on down the list regarding the bills that we testified on. The law is the law—black and white. I appreciate the efforts the SOS has made ensuring that our lawsuit back in 2020, 2021, and 2022 that within the lawsuit and the law that we had full voting days like Elko County. There are still some issues we were dealing with here in January, and

I am appreciative of SOS to return calls and be in communication with us here in Duck Valley regarding ensuring that the voting booth was staffed. Part of the issue was number one, because we are a small community, there was an issue back in 2022 when we had the voting booth. There was an issue with some of the workers receiving payment in a timely manner per federal and State laws. Given that this is a small community—a Tribal community—the word got out into the community that one of the workers did not receive payment in a timely manner. That had an impact on staffing the booth here in January. The SOS was notified per law, and per discussion with the Deputy and his staff, they sent two workers to assist us. I appreciate the data that has been presented because in January, the numbers were low. I am excited hearing from Walker River that the numbers will increase as we continue dialogue and efforts to get more Tribal members and community members to the voting booth.

The other aspect in 2022 was an issue with the drop box—with the voting box—once the elections were completed. We could not get Elko County to provide a law enforcement officer to transport the voting box back to Elko County. With the support of Four Directions, the nonprofit who assisted us in the lawsuit, we reached out to SOS. After some discussion, from my understanding, the State highway patrol traveled here to transport the voting boxes with all of the ballots back to Elko County. Hopefully, there has been some additional discussion with SOS regarding future transportation of those boxes.

The other aspect which we were in discussion with and that was is in the bill is the online voting—Effective Absentee System for Elections (EASE). It is awesome. We are working to be the pilot Tribal Nation because we are remote, being 100 miles north of Elko. We are right on the Idaho/Nevada border. That was an awesome effort, but at the end of the day, the EASE system, because of our remote location and our access to reliable broadband connectivity, some of our Tribal members and community members were concerned regarding that system being used effectively because of where we are located. That is another issue we are working on with the State of Nevada regarding broadband connectivity for our new school campus. We are able to use our elected Tribal enrollment committee members to validate Tribal identifications (IDs) here for those Tribal members who live in Nevada compared to those Tribal members who live in Idaho. That process went well in 2022, and we look forward to continued success in that area of validating the utilization of Tribal identification cards.

I want to mention a few items in the bill that were referenced earlier by Mr. Wlaschin. I know some discussion occurred regarding jury duty. We were told last year, once the bills were approved, we would have continued discussion. Jury duty for our Tribal members—when they are requested, members would have to travel to Elko, which is a similar situation addressed in our lawsuit. It is an hour and a half commute to Elko. I know the SOS was making efforts to address that issue to make an exemption regarding jury duty, but I have not heard an update on that yet.

***Chair Ohrenschall:***

Thank you for everything you are doing for your Tribal members to make sure they have access to voting. I appreciate your efforts during the session when you came and testified. You spoke to legislators about the importance of these bills and trying to avoid the kind of litigation you had to pursue in the past. I am wondering, with the recent changes in the law—you mentioned Tribal IDs and the changes there—and then with the legislation we have talked about in SB 216 and SB 327, do you feel like it has improved access for your Tribal members in terms of being able to vote?

**Mr. Thomas:**

With utilizing the Tribal identification cards, yes. In 2022, we had a good number of Tribal members come to vote. Then in January there was a minimal voter turnout. Yes, for our Tribal membership, it is the first time ever that voting has occurred here, similar to what our elected leader from Walker River mentioned. That was historical and awesome that individuals did not have to travel very far and to use their Tribal ID cards to vote. Yes, it did work efficiently.

**Chair Ohrenschall:**

You mentioned the issue with transporting ballot boxes and needing law enforcement and Nevada Highway Patrol stepped in. What do you envision for the future in terms of trying to transport those ballot boxes?

**Mr. Thomas:**

Here within our Tribal Nation in Duck Valley we had the Bureau of Indian Affairs Law Enforcement, which is a branch of the [United States] Department of the Interior. It was explained from the chief of the law enforcement that the Bureau of Indian Affairs officers were not able to transport those ballot boxes back to Elko and that was not their responsibility. I would like to hear from the SOS on how we can move forward.

**Chair Ohrenschall:**

Thank you, Vice Chair Thomas.

Chief Deputy Di Chiara, please proceed.

**Mr. Di Chiara:**

The SOS is having conversations, as some folks say. I know there was quite a bit of conversation about it last session, but for anyone tuning in who may not be aware, Owyhee, where the Duck Valley reservation is located, is a good hour and a half to two hours, depending on how carefully you have to drive from Elko through some particularly tight valleys that I would not look forward to driving at night, especially not on a cold winter night in November after polls close. There are some safety concerns. I want to get this on the record every chance I can, because voting machines are not connected to the Internet, and in order for those votes to be tabulated on election night, you must physically drive the flash drives and the ballots to the county clerk's office for those ballots to be tabulated. There can be safety concerns. We had an early conversation with the State police in case something like that is necessary. Frankly, our hope is not to do that. We have also talked with folks from the Nevada Department of Transportation (NDOT). Obviously, we follow the county's lead whenever and wherever possible. The county clerks work something out with their office, the Elko Sheriffs, et cetera—that is great. If the State needs to provide support and we can get an NDOT driver or someone else—even someone from the SOS—to provide that assistance, that is what we will do.

**Chair Ohrenschall:**

We appreciate all your efforts to try to ensure access to Vice Chair Thomas' Tribal members and make sure they can participate. Members, any additional questions for Vice Chair Arnold Thomas of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation? I do

not see any here at the Sawyer building. Senator Daly, is there anyone in Carson City?  
[There was no one.]

***Chair Ohrenschall:***

Members on Zoom, any questions? Thank you, Vice Chair Thomas for joining us today. Going to the Legislative Building in Carson City, we are lucky to have Bethany Sam, Public Relations and Community Information Officer for the Reno-Sparks Indian Colony.

***Bethany Sam, Public Safety Officer, Reno-Sparks Indian Colony:***

Mana hu hau uh inatnia Bethany Sam, Na Kova Waita na Kasudaka na Dakota na washu nu sapani.

Thank you, Committee, for inviting me to speak today on behalf of Tribal elections and our polling locations. I am an advocate for Native Vote — Every Native Vote Counts. I have worked with Reno-Sparks Indian Colony since 2019 and have been a part of the new legislative processes and conversations. To put it on record, I am a member of the Standing Rock Sioux Tribe, but I did grow up in the Great Basin area. I am originally from Coleville, California, but I was born here in Carson City because this is the closest town to Coleville, California. I would like to say that this year, June 2<sup>nd</sup>, marks 100 years that Native Americans are official citizens of the United States, which is a little ironic because we have been here before everyone else. That is something that needs to be noted and how new elections are for our communities. Every Nation in every state continues to fight against barriers regarding Tribal elections. Reno-Sparks Indian Colony had their first polling locations in 2018 due to the discrimination case in 2016. There are 1,331 Tribal members for the Reno-Sparks Indian Colony. We have 863 eligible voters who are 18 years of age or older. Of that 863, there are a little over 650 who live in Nevada and are eligible voters. In Washoe County, we have about 10,000 Native Americans living within the county and definitely use Reno-Sparks Indian Colony for services. Right now, we are working with the National Congress of Native American Voting Rights Acts (NAVRA), and they are varied state by state. I believe New Mexico had passed their first NAVRA in 2023. We do deal with that a lot, and I can say for our polling locations, every so often a Tribal member will be turned away due to their Tribal IDs, since the poll workers are not familiar with the Tribal ID. At the Reno-Sparks Indian Colony, we have offered the early voting, both for the PPP, June primary, and General Elections. We offer drop off boxes, and it is necessary for the drop off boxes to be located at our Tribal reservation because we have a lot of elders and different factors that Tribal members cannot get to the polling locations, so their family members are able to drop those off for them.

Some of the barriers—I know the Committee is looking for ways to improve voting turnout for Native communities. Some common reasons for low Native American voter turnout: geographic isolation; lack of reliable transportation; poor access to distant polling/registration locations; nontraditional mailing addresses; overcrowded housing; homelessness; housing instability; lack of residential mail delivery; limited access to post offices; lack of access to affordable and reliable broadband service; Native language translation needs, including non-written, during the voting processes; strong socioeconomic challenges such as poverty and unemployment; and historic and ongoing mistrust of State and local governments.

We are very proud and happy about the new bills that have been passed for Tribal polling locations and effective communication through SB 327. Every Tribal nation will receive a polling place if desired by the Tribal nations and using the opting out services in SB 216,

which requires the county clerks to effectively communicate with Tribal nations and the EASE expansion. I know at our facilities, the EASE was not used. I think it was because it was new, we did not have a demonstration of the process, and there were issues using our Tribal IDs. As I said, every nation has their own identification cards, including mine from Standing Rock, and it does have all of our information on there. Because they are all over the place, I think it makes it harder for whoever is approving them to push them through. It is so new we really have not had a chance to teach our Tribal members how to do that.

At the Reno-Sparks Indian Colony, we are grateful to Washoe County, as they are in constant communication with us. Jamie Rodriguez came out in early August. She had a meeting, a walk through, and was very accommodating to the needs of the Tribal community—including hours of operation and knowing which dates we were going to be open. We have three polling locations: the Reno colony at our gym facility or multipurpose rooms where our Tribal headquarters are located; the Smoke Shop 6 in Spanish Springs which is open to the public; and in Hungry Valley, which is more rural for our Tribal communities. The Reno-Sparks Indian Colony is fortunate because we are right next to the city. However, for other Tribes, we know that is an issue of communication, and I am not sure if it is because it is still new having Tribal polling locations, and I know it stretches people thin, but it is important because our voice matters.

Data is also an issue. I know from working with the Democratic Victory Outreach that it says American Indian when recognizing ethnicity. A lot of times we have American Indians, but there are also the India Indians and Indigenous peoples that are coming up from Mexico and South America. They identify themselves as American Indian or Indigenous and are filling that out, and I know our data is really convoluted with extra people who are not Native American. We do not think that it is a bad thing. Our data gets mixed up in between all of the other data. It is our duty to serve all Tribal members, and we appreciate all the efforts to accommodate our needs. It is new for our Tribal Nations to think about voting. My grandpa was a Korean War Veteran; he was involved with politics and so was my grandmother. I always depended on them to take care of the politics side. I actually did not vote until 2016. Because of the relationship we have with the State, we were not sure where we are at with Native Americans and politics, and with the efforts of the administrations now in the State, we have more Tribal members who are wanting to participate and be more involved because we are understanding this is how our voices are heard at a higher level.

***Chair Ohrenschall:***

We appreciate all your efforts to make sure the Tribal members of the Reno-Sparks Indian Colony do not have barriers in front of them to be able to vote and to participate. One question I have is that you mentioned the three voting sites for the Reno-Sparks Indian Colony in terms of the days and times that were available for in-person voting, during early voting, Election Day voting, and mail ballot drop boxes. Do you know those times? Were they comparable to what the rest of voters had outside of the Colony? If you do not know now, maybe we could get the information later. I am wondering, was the same access available for Tribal members in terms of times they could vote early, vote on Election Day, and drop their ballot to a drop box?

***Ms. Sam:***

Yes. In 2020, we were the same as everyone else, 7 a.m. to 7 p.m. This last PPP we limited it knowing certain days were slower than others, and I believe we did 7 a.m. to 5 p.m. on certain days for our specific polling locations.

***Chair Ohrenschall:***

Members, any additional questions for Ms. Sam from the Reno-Sparks Indian Colony? No, I do not see any questions.

***Ms. Sam:***

Pe-sha u.

***B. NEVADA ELECTION OFFICIALS***

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

We are here today to speak about this extremely important topic. I will start our brief presentation first, by discussing the nature of SB 216 and SB 327 of the 2023 Legislative Session. I will then turn it over to our chief deputy in Carson City who will discuss the logistics behind their implementation before finally talking through some of the specific actions that were taken to provide that information before going to questions from the Committee. (Agenda Item IV A)

Senate Bill 216—there were some changes that this bill created and required. The intent, as I understood it, was to help facilitate and increase opportunities for voting for Tribal members across our State. That was the overarching theme of both SB 216 as well as SB 327. One of the methods that SB 216 addressed was requiring meetings between the county and city election officials and the Tribal leadership. This, in part, helped address a bit of a challenge. Over the last few years, it has been identified that well-intentioned folks at the county and city wanted to provide services to their constituents across the county, regardless of the location, but oftentimes struggled to identify where or who to communicate with. There was a bit of miscommunication at times between Tribal communities and the election officials across the State. The provision of SB 216 was facilitated in part by our Tribal liaison, our current chief deputy who helped facilitate a lot of those discussions.

Those discussions between Tribal leadership and county election officials focused on a number of topics. The specifics of which are included on this slide with the intent being to ensure that the logistics were in place to support voting at Tribal locations across our State. Many of these addressed and specifically called out through those discussions, the challenges faced in remote locations for identifying and hiring poll workers, the travel times to get to many of our Tribal colonies and reservations across the State that are in very remote locations, and working through reverse planning to make sure those locations were set up and in place for both early voting and Election Day, as appropriate. Another provision in SB 216 related to the use of EASE. The EASE system that we will be talking about later on the agenda today was a system initially created for supporting our overseas and military voters. The bill enabled Tribal voters who live on a colony or reservation to use this system to cast a ballot. We will be discussing that in more detail shortly.

Senate Bill 327 altered the process by which a Tribal Nation could have and establish a polling location either during early voting, on Election Day, or a mail ballot drop box. Previously, prior to the passage of the bill, it was an opt-in system where the Tribal leadership would reach out to the county election official and request the establishment of a process with the assumption being that anyone who did not proactively reach out would not receive a polling location. Senate Bill 327 inverted that and made it an opt-out process, where the assumption is that across the State, all our Tribal locations would be receiving a polling place ballot drop box to support the needs of their voters unless otherwise identified

by a member of the Tribal leadership. This bill, combined with those required discussions early on, ensured that everyone was on the same page about locations and the requirements. What does it mean to opt out or identify what the preferences are? The bill identified that Tribal nations could have a polling place on certain days or certain hours—determined through discussions between the county election officials and the Tribal leadership. They could ask for or clarify regarding having a mail ballot drop box if they preferred or other options as well. It did require that counties comply with those requests.

***Mr. Di Chiara, Previously Identified:***

I also serve as the Tribal Liaison for the SOS. I worked closely with several of the counties as well as folks from a number of Tribes on the implementation of these bills. Deputy Wlaschin is going to talk about the results and some of what we saw in a moment. There are a few points that I want to make clear. We believe that these bills were steps in the right direction in terms of expanding access to the ballot and encouraging participation in our democracy for folks who live on colonies or reservations. That was the result of constant communication between the Tribes, between the counties, and between the State. Any time something changes—any time there is something new—it can take a while to figure out the appropriate next steps. There were a lot of early conversations around what it means to have a polling place and what the requirements are for having a polling place on a colony or reservation. There are certain security criteria that are necessary to meet and staffing criteria, wherever possible. The SOS worked very closely with the clerks and the Tribes to make sure that those questions were answered and all of those needs were met. Our Office is dedicated to increasing the communication in both directions for Nevada's Tribes and bands. We have brought on Mr. Cal Boone who is here with me as our Tribal Outreach Coordinator. He is working for us part time right now—we hope to get him full time after he graduates.

***Cal Boone, Tribal Outreach Coordinator, SOS***

I am still a student right now and I am wrapping up my degree in Political Science with the double minor in Indigenous Studies and Ethnic Studies. I am a member of the Walker River Paiute Tribe. Coming into this role, I am ready to hit the ground running and help where I can.

***Mr. Di Chiara:***

By bringing Cal on, by working within the parameters of this bill, and by assisting the clerks, we are trying to expand those relationships and expand that communication. It needs to be consistent and culturally competent, and we are really glad to have Cal on board.

There were some specific concerns around poll workers and some resourcing that we can address later. The SOS, at the direction of Secretary Aguilar, did everything possible to ensure these bills were followed, both in spirit and letter of the law.

***Mr. Wlaschin:***

Looking at some of the details regarding those collaborations over the last year since the passage of the bill up through the PPP. It is important to highlight, first and foremost, that all 17 of our counties do have historic Tribal lands. That is something worthy of noting as it relates to the bill, but only 13 of our current 17 counties have present-day Tribal lands within their boundaries. Those clerks—I will tell you I have talked to all of them personally—take this very seriously. I am honored to have joining us today, Clerk/Treasurer Rothery from Churchill County who will speak to us about her experiences. You can see some of the

details on the slide, though I will not read them verbatim. To highlight, nine of the counties did have Tribal polling locations. All 13 did offer—there was collaboration and continued discussion which I am certain will continue to increase in the coming months leading up to both the June and November primaries as well as in preparation for the 2026 election cycle. I mentioned that we have a form on the slide to highlight there is some thought behind it. We want to make sure it is not just verbal discussions, but that we are capturing and writing it all down. You are well aware that there is a high rate of turnover across our State when it comes to elections administrators. Having it written down is going to help ensure that there is continuity in these efforts to build relationships so they do not come and go with individuals.

Lastly, there is a lot of discussion about poll workers and understanding the nature and requirements, and encouragement, not just for Tribal Members, but Nevadans across the board—16 years of age and up are able to be poll workers if there is any interest. We certainly encourage it. That was an important part of the discussion, having been number one of the specific limitations in a number of counties.

***Linda Rothery, Clerk/Treasurer, Churchill County:***

Today I would like to tell you a little bit about our Tribe that we have in Churchill County. The Fallon Paiute-Shoshone Tribe is our local Tribe and is located in Churchill County. On the reservation, the Community Learning Center became the polling place in 2022. At their administrative office we provide a secure ballot drop box for voters to drop mail ballots off.

For a little history, in 2022 the Tribe made application to set up a polling place on the reservation. At that time, we contacted a member of the council and began those conversations. We met several times to establish a polling location. The 2022 General Election was the first election at their Community Learning Center. It was successful, and we learned a lot at that time. In 2023, we started conversations for our 2024 election cycle and met with council and staff in October 2023, where we ironed out the particulars for that election cycle. The PPP was a success, and we have moved on working for the primary election. Voter turnout has been minimal. However, it will increase and votes count. Both council and my office have recognized that there is a lack of voter outreach on the reservation. With our combined efforts, we are going to change that and make it better. Voter outreach is obviously key, and with the combined efforts, our goal is to have more voter turnout. The Tribal polling location turnout for the 2022 General Election, we had a total of 168 voters. For the 2024 PPP, we had 33 voters. Mail ballot drop box utilized by voters was few, but we felt that members of the Tribe would prefer to vote in person. Same day registration was key, and it helped register and change information on their applications so they could vote. Lastly, I would like you to know that members of council and staff on the reservation are wonderful and they are accommodating. We have made great strides in our communications and best efforts to make every election a success.

***Chair Ohrenschall:***

I have one question, then if any other Members have questions, please let me know. Clerk/Treasurer Rothery, in Churchill County for the PPP, was there a Tribal polling location just for Election Day or also for early voting?

***Ms. Rothery:***

We had one day of early voting, and then we did Election Day for the PPP.



**Chair Ohrenschall:**

In addition, was the ballot drop box on Tribal land?

**Ms. Rothery:**

Yes, it was. It was at the administrative offices.

**Chair Ohrenschall:**

What days was it available to voters? Was it the whole period of early voting or just on Election Day? When was the ballot drop box available?

**Ms. Rothery:**

The ballot drop box was available Monday through Friday, 8 a.m. to 5 p.m. because that is their hours at the Administrative Office. We did one day of early voting on a Saturday for the PPP, and then we did Election Day.

**Chair Ohrenschall:**

How does that compare with past years in Churchill County in terms of having an early voting location on Tribal land and an Election Day location? Do you think there was more access this year, or was it like this in past elections that you supervised?

**Ms. Rothery:**

Our first year was 2022 when we first started communicating with our Tribe and made the General Election the first election. In comparison, what we did for the 2022 Election was the one day of early voting on a Saturday, and then we did Election Day, and that is what we did for the PPP. We are in talks for the primary election, and we found that if we did two Saturdays of early voting rather than the full Election Day, it would bring in more members of the Tribe to vote. That is what we are going to try for the primary. From there, we are going to have new discussions for the General Election if we want to change that.

**Chair Ohrenschall:**

I appreciate everything you are doing to try to make more access for Tribal members to vote in Churchill County. Deputy Wlaschin, slide 7 had the information about nine counties that had Tribal polling locations and drop boxes for early voting for the PPP—all 13 counties offered Tribal polling locations and drop box on Election Day for the PPP. Is there data as to how much was being offered in past elections on Tribal lands in the different counties? If not, maybe that is something you could get to the Committee.

**Mr. Wlaschin:**

We will get that information to the Committee. We did post our Tribal voting locations, including the hours, the drop boxes, early voting, and Election Day information on our website. The same location that we have all the other Tribal voting locations and because we have the history of that over the last few election cycles, we will be able to get that information to you very soon.

**Chair Ohrenschall:**

Any additional questions?

**Mr. Di Chiara:**

I want to highlight what we are talking about here in terms of data and to address the elephant in the room. A number of Tribes—not all of them—first got access to a polling location on their reservation or colony by filing suit—by a court order. Now we have clerks who are doing this work, who are conducting outreach, who are building these relationships. We have legislation that is set up to help facilitate this communication and advance the civil rights of Tribal members living in Nevada. This is still new—it is still recent. If I had never had an in-person polling place in my neighborhood and was not familiar with the elections calendar, the first time one popped up, I would be interested, but there is an educational component here as well and not just education in terms of when elections are in election law. There is a need to partner with the community to build relationships. That is why I am grateful to have Mr. Boone to start building those relationships between Tribes and the clerks and Tribes and the State. I want to say to this Committee that just because the numbers—they may be lower than we would hope for, that is because this is still an incredibly new process, and we need to make sure that we are continually investing both our time and our resources into expanding this access, into working with these communities in hopes that we will see further participation later down the line. By no means are we at the State or the county discouraged.

**Chair Ohrenschall:**

I appreciate all the efforts by the SOS and all of the clerks and treasures to try to remove barriers for Tribal members to vote. I hope we never see Tribes filing lawsuits to try to get the right to vote. I appreciate everything you have done to make sure that voting is as easy on Tribal lands as in urban neighborhoods in Las Vegas or Reno. Members, any additional questions for Clerk/Treasurer Rothery, Deputy Secretary Wlaschin, or Chief Deputy Di Chiara, or our Tribal Liaison? I am not seeing any questions.

**Mr. Di Chiara:**

These bills, although they do further the civil rights that should be supported, they are also something of an unfunded mandate for counties, especially counties that have Tribes in very remote locations. It is a best practice if you cannot find a community member, for example, to stay up at a remote location like Fort McDermott to send poll workers to also provide for their food and lodging so they can work the polls and not have to drive a couple of hours back down to Winnemucca. The SOS has done everything we can to support the counties. This is not me saying that it is expensive so it should not be done—it is the law; it is the right of those citizens to have a polling place in their community. There is also the reality that it costs money and comes with expenses. I think there were some fiscal notes that were removed from these bills. I want to highlight to this Committee, if you see the counties asking for additional resources related to this, it is because this does have a material cost for the counties and that is not an attempt in any way to undermine the legislation. I just wanted to make sure that was on the record.

**Chair Ohrenschall:**

I appreciate your putting that on the record because I think you are absolutely right. I think there is a lot of logistics going on, especially with more remote locations. That is something we will have to keep an eye on and maybe look at it in the interim or upcoming session.

### **C. NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL)**

#### **Chair Ohrenschall:**

We are going now to letter C on the agenda. We have a presentation from Katy Owens Hubler, Project Manager at NCSL.

#### **Katy Owens Hubler, Project Manager, Elections & Redistricting Program, NCSL:**

I study election policies nationwide, and I am here to speak a bit about State policies for voting by members of Tribal nations. Looking at the national perspective on this topic for a bit, today I will be speaking a little bit about NCSL, what we do, and some of the services we provide. (Agenda Item IV B) I will also be covering recent legislation from around the country on this topic and just note a few other things that states are doing. I will note that it has been great to hear about everything that Nevada has been doing on this topic over the last hour.

The NCSL is the nation's bipartisan organization supporting the legislatures and legislative staff. We provide connections between different legislators from other states. We have a variety of meetings. We have our big meeting, the Legislative Summit, coming up in August in Louisville, Kentucky. We also provide a variety of policy research on any topic you can imagine. I focus on elections, so if there is anything that you hear and would like me to dig a bit deeper into, or anything else you would like to know, I love election policy and I can talk about it all day long. I have colleagues from around the organization who can address any other policy needs that you have.

I would like to highlight one of the caucuses we have at NCSL, the National Caucus of Native American State Legislators. This is a group that has 89 Members from 21 states focusing on Native American policy issues and an opportunity for them to network and discuss the unique needs of this community. I do want to offer to the Committee, if there is ever a time that you would like to have someone from this organization speak with you, I am happy to make that connection.

We have heard a lot about the topics in Nevada that have been an issue for members of Tribal nations. There are some trends on this nationwide. I want to say that you in Nevada have been a leader on this. You have more legislation that has been introduced on this particular topic for helping to facilitate voting for Tribal members than most other states. There are a number of states that have legislation going on this topic. I have looked back to about 2017 for most of my research on this particular topic. The reason for that being before there actually was not much. We track legislation going back to 2001 in the election space. From about 2011 to 2016 and prior to that, there was not much on this particular topic. Everything I will address today dates to about 2017 and forward. There are a number of different topics that this legislation addresses; identification was mentioned briefly today.

There are a number of states that require voter identification in order to vote in person. The issue of Tribal IDs has come up in that context. Voter registration is another issue and allowing members of Tribal Nations to access voter registration services such as polling locations—those are the in-person early voting or Election Day locations—and ballot drop boxes. Tribal Nations are often out west, and there is a large number of Native American voters in the western states. We have seen trends in recent years for a lot of these western states to adopt mostly mail ballot elections. I call them mostly mail ballot elections because in states like Nevada, they typically send mail ballots out but receive them in a large variety

of ways. They could be received by mail or they could also be received back using ballot drop boxes or given to locations that are ballot collection locations.

There have also been a number of study and advisory committees in states. One of the first steps to look at a particular topic is often to do what your Committee is doing and hear testimony and gather information on this topic from a variety of sources.

First, to start with identification and registration for voting, Indiana is a state that we at NCSL categorize as a strict photo ID state to vote. That means if you come in person to vote, you have to show an identification card with a photo. If you are unable to do that, you can vote a provisional ballot. Then there are typically steps after the election that needs to take place in order for that provisional ballot to be counted. Typically, that is coming back and showing that photo ID after the fact. In 2021, Indiana added Tribal IDs to the list of acceptable identification to vote in person. Those Tribal IDs do have to have a photo and there are a total of 14 states that accept Tribal IDs as a form of identification to vote in person. Similarly, Wyoming allowed Tribal IDs to be used for registration to vote in 2020.

Washington is a state that actually passed a Native American Voting Rights Act in 2019; which I will highlight a few provisions. One thing they passed was a specification that Tribal IDs do not have to have a residential address or an expiration date to be considered valid for voting. The Washington Native American Voting Rights Act was enacted in 2019 and it did affect the ID requirement, as I mentioned in my previous slide. It also specified that a nontraditional address may be used for voters residing on an Indian reservation or Indian lands—a nontraditional address used for voter registration. A traditional address is usually a street address, such as 123 Main Street, for example. A nontraditional address is something that may not have that sort of street identification. This is common in more rural areas or often on Indian lands where there is a different way of addressing or in some cases, not much in terms of addressing. A narrative description is “the house with the green roof that is two miles past the fork of Highway 5 and Highway 9.” That narrative description would be accepted for voter registration in Washington. Another way to address this issue of voters who may have nontraditional addresses or an address that falls outside the traditional United States Postal Service (USPS) addressing is to use Tribal government buildings. Those can be designated to serve as a residential or mailing address for mail ballots to be received there. The Act also allowed Tribal ID cards to be used for online voter registration and also allowed Tribes to request state facilities to serve as voter registration services. Those could be a variety of existing services already. They are required to provide either voter registration forms or in some way facilitate that voter registration process.

Colorado is another state that has addressed voter registration for members of Tribal Nations. There was a law in 2019 that was somewhat similar, regarding the non-traditional addressing issue. It specified that someone who lives on a reservation who does not have a residential address recognized by USPS can register to vote using the address of the Tribal council headquarters. I will also mention—particularly because it came up in the last presentation—New Mexico also has something similar trying to deal with nontraditional addresses that an address of the Tribal headquarters can be used. The other thing Colorado has done, particularly on voter registration, is that in 2023, it expanded automatic voter registration to include Tribal data. This means that the Tribe, upon approval of the council, may provide the SOS with a registry of Tribal members eligible to vote and could be used for automatic voter registration.

Another issue is locations of in-person voting, which we have talked about a lot already today. Washington requires at least one ballot drop box location on a reservation and permits Tribes to designate at least one building as a ballot pickup and collection location.

Washington is mostly mail and that opportunity provided to bring those mail ballots to one location that is supervised by local election officials who then are able to take back those ballots. Colorado passed something similar in 2019, permitting Tribal councils to request voter service and polling centers. Those are their equivalent of early voting and Election Day voting locations and ballot drop off locations within the boundaries of the reservation. Another bill clarified that Tribes can request either two or four days of in-person early voting, so that addresses the capacity and availability of early voting in those locations. I highlighted Nevada here, as you have done a lot on this topic. We have talked about a few bills already, but to provide some perspective, there are a number of other states considering this as well or have done this in the last several years.

New Mexico in 2021—there was a law that required Tribal sign off for moving polling locations or modifying hours. Another bill in 2023 required closer communication, much like you have done in Nevada with the Tribes, for polling locations that makes the most sense, the hours, and the dates. Having that communication about what works best for that Tribal location and in-person voting.

Montana had a legislative study committee that looked at a variety of things, but one result of that study was the requirement of the governing body of the Indian reservation to sign off before polling place hours could be shortened. In 2019, Montana had a study looking at state-Tribal relations and looking at a variety of different issues and ways to ease the process for Native American voters.

California has a number of different voting accessibility committees to address voting for certain community members. They have one for voters with disabilities, for example. In 2020, they specifically created one for Native American voting accessibility to engage that community and see what would be helpful for them to increase voting participation.

Starting in 2017, the SOS of New Mexico created a Native American voting task force. There has been some legislation as a result of that task force. There has also been increased involvement within Native American communities giving input to the SOS and local clerks about what their communities need in terms of voting locations, voting hours, and support for voting in their communities. A bill introduced recently in Nebraska, to require the Nebraska Commission on Indian Affairs to conduct an ongoing study of Native American voting in the state and things that the Legislature or the SOS can do to facilitate that. A few things I want to highlight—these are not necessarily legislation-related, but what other states are doing. I want to say Nevada, you have done a lot of this already, and we have heard a lot today about all the great things you are doing.

The extension of the electronic ballot transmission system, the EASE system—which I think we heard a little bit about, and we will hear more about later today—is something that is unique thus far in the country. That being the extension of the service that also serves military and overseas voters and voters with disabilities in some states and extending that to members residing on an Indian reservation. Nevada is the first for that particular extension. There are a few states that are designating entities serving Native communities as voter registration agencies. I think this is also something you have looked at. For example, in Maricopa County, Arizona, there was a collaboration between the local election official's office and Native Health, because that is a service that serves a lot of those Native communities to be able to provide voter registration services and facilitate that.

Another idea that has come up that has not been in legislation, but we have seen come out of some of these study committees to address nontraditional addressing issues with voter registration and receiving mail ballots, is to improve geocoding options. Google has

Plus Codes, essentially a longitude and latitude point on a map, and it is a series of numbers and letters that is unique to a particular residence. You can actually pinpoint that residence on a map more specifically than that nontraditional description that I described before. In southern Utah, we have a bit of the Navajo Nation, and there was a movement from a nonprofit organization to create these Plus Codes and put them on residences. Instead of having a street address, which many of them do not, they now have this Plus Code as a way to identify that address, both for emergency services and for voter registration and receiving mail ballots. There are some next generation 911 systems that do something similar. I have heard a couple of states are working with their 911 systems as they are upgrading those to provide emergency services to rural areas. They can also have this discussion about using those addresses for voter registration.

This may have been discussed, or you are doing it already, but providing election documents, voting materials, educational materials, "I voted" stickers in Native languages can go a long way in encouraging engagement. I want to say this is not true just for Native languages, also for any minority language. We see this a lot in some of the larger cities in the country, such as Los Angeles and New York City, where they speak a wide variety of languages, and provide those materials in a variety of different languages. Ensuring that there are sufficient translation services and recruiting bilingual election officials is particularly important in Native communities where there is a history of oral language or elders who may not necessarily read that language, but it is spoken. Making voters feel at home, coming in and having representatives from their Tribe or their community as the election workers is something that states have been considering as well. If you have any questions, if there is anything you want me to follow up on or research for you, I am more than happy to do that.

***Chair Ohrenschall:***

We appreciate all the support NCSL provides to us as Legislators, and LCB, and helping us with these little laboratories of democracy. Every state legislature is making sure we work on good policy for our constituents. Members, any questions?

***Vice Chair Mosca:***

I would just love to get a follow-up. When we are talking about the voting locations and the ballot drop box, especially in Washington and Colorado, do you know if they fund that through their counties, state funding, or how they pay for that?

***Ms. Owens Hubler:***

Funding, as you may know, for elections is a complicated issue. I would say in most cases, it is likely funded by the counties themselves. That is something I can look at and get back to you on for those states.

***Chair Ohrenschall:***

Any additional questions here at the Sawyer building? In Carson City or on Zoom, any questions?

***Chair Ohrenschall:***

I have a couple, so I appreciate the Committee's indulgence. Regarding the remoteness of some Tribal locations, we heard testimony earlier about how some of our Tribal lands here in Nevada are so remote from the county seat that it creates a challenge. I wonder if any

other states have come up with ways to address the transportation of the voting memory drive to make sure it is safely transported and getting adequate member poll workers to be able to staff those polling locations. Then I had another question. We heard testimony from Ms. Martinez from the Walker River Paiute Tribe about how her Tribal members felt more comfortable when the poll workers were fellow Tribal members, as opposed to someone not a member of the community from that Tribe being sent out. I wonder if other states have made any efforts to try to make sure when there are polling locations on Tribal lands, they try to find Tribal members to be the poll workers? If you do not have the answer now, you can provide it to us later.

***Ms. Owens Hubler:***

From the perspective of legislation, I have not seen legislation specifically requiring poll workers to be members of the Tribe for those locations. I am interested, and I will go back and research to make sure I am confident in saying that anecdotally from states that do have reservations. I have heard they do try to recruit from those communities because of transportation issues. There are polling locations that are pretty far away from a lot of other locations. We have one in Utah where the county seat is about a five-hour drive from one of the farthest locations on the Navajo Nation. To get to the polling location, there are a couple of canyons and a lake in the way—you have to go down into Arizona and come back up to get there. That location is staffed by local members of the Tribe in some cases, but there are also members from the clerk's office who come and staff that location as well. The issue of paying for accommodations was interesting and not something I have heard before but could see that being an issue for some of these far-flung locations. It is not something I have seen legislated, but in practice that is something other states are grappling with. Finding poll workers, keeping poll workers, and keeping election officials is an issue right now nationwide and something that every state is grappling with.

***Chair Ohrenschall:***

Thank you very much. I appreciate your presentation today, Ms. Owens Hubler, and all the support that the NCSL provides to us.

I would like to now pass the gavel to Vice Chair Mosca, who is going to be conducting the hearing on the next few agenda items.

**AGENDA ITEM V—OVERVIEW OF THE EFFECTIVE ABSENTEE SYSTEM FOR ELECTIONS FOR UNIFORMED MILITARY VOTERS, OVERSEAS CITIZENS, VOTERS WITH DISABILITIES, AND TRIBAL VOTERS LIVING ON INDIAN COLONIES AND RESERVATIONS**

***Vice Chair Mosca:***

Thank you, Chair, for the opportunity, I appreciate it. We will move on to the next agenda item, which is the overview of the EASE system for uniformed military voters, overseas citizens, voters with disabilities, and Tribal voters living on Indian colonies and reservations.

***Mr. Wlaschin, Previously Identified:***

Thank you for having us here today to talk about the EASE system. (Agenda Item V) Starting with a quick overview of the statutory authorities to make sure we are all on the same page in regard to the system, where it came from, a little bit about the history, and

then we will move into some specifics relating to the PPP and the use of EASE during this ongoing election cycle.

First, NRS 293D.200 talks about the system of approved electronic transmission. That statute was put in place in 2011. This statute and the EASE system that came from it were partly related to the federal act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 and the Military and Overseas Voting Empowerment Act of 2008. Those federal acts are extremely important in understanding that the federal government in 1986 and in 2008 identified opportunities for military and overseas citizens to vote in their state elections and in federal elections where they had a federal candidate on their ballot. This EASE system that was developed and has been in place since 2014 is a major part of its expansion. Federal law provided some provisions, but our State laws have continued to expand those opportunities for our voters across the country and indeed across the world.

In the last handful of legislative sessions, 2021 and 2023, the universe of “covered voters” as we refer to it, of individuals who are authorized to use the EASE has expanded as well. We have done some estimates. There are approximately 13,000 Nevadans at any given moment who are on the active-duty roles of our armed forces. You might think it is easier to get that number, but given the Title 10 responsibilities of each branch to man, train, and equip their staff and their services, they all act independently. We work closely with the Federal Voter Assistance Program (FVAP), sub-component of the Department of Defense for outreach. About 13,000 individuals were initially covered by EASE. Since then, Assembly Bill 121 of the 2021 Session expanded the use of EASE to as many as one in six Nevadan voters who may qualify to use the EASE system. We are speaking specifically to those identified as having a disability, and that is the Americans with Disabilities Act (ADA) compliant definition that is currently in regulation. This last legislative session expanded it to Tribal members who reside on a reservation or colony. I will not speak for each of the 28 Tribal Nations, but the rough estimate that I found was approximately 30,000 Tribal members across our State are now eligible to use EASE.

A big picture overview—the system is accessible at: [www.NVEASE.gov](http://www.NVEASE.gov). It is the website portal that will get you to the starting screen. It allows a covered voter to both register, apply, and cast their ballot up to the close of polls. That is an important part. I want to quickly identify that the Federal UOCAVA, Uniformed and Overseas Citizens Absentee Voting Act, established a process for a federal postcard application. Military service members, for example, can Google the form, fill it out, and mail it in from the Embassy or duty station across the planet. That letter gets to their county clerk/registrar, and that begins a dialogue back and forth with those service members. It can be challenging because if the mail is remote, it can take weeks. During the four years I lived in Japan, it was about a three-month process to get Christmas presents back to family members in the states. A lot of forethought was required to be involved with family. It would be no different with the voting process. With the EASE system though, a service member on Election Day can wake up, realize it is Election Day, and without even having registered (if they have a residence, are qualified, have access to a computer, or even on their phones) go to [www.NVEASE.gov](http://www.NVEASE.gov), fill out the information, and provide the home of residence somewhere in the State. As long as they submit it before 7 p.m. at the close of polls, they will have registered to vote and cast their ballot, regardless of their location around the world, greatly enhancing their ability and access compared to the previously identified federal system. In addition, the system itself provides all the other sort of opportunities that a voter would have if they were voting at the polls or by mail ballot. Our mail ballot envelopes, by statute, identify who assists the voter if they are assisted. The EASE system does the same. Our voting machines, in person, are required to be able to identify an undervote—if it says to pick two or pick three for a small county or township office and only one is picked, our systems will say, “Hey, you only



picked one. Are you sure you do not want to pick the other two?" To confirm, the EASE system does as well. Those same systems also prevent overvotes, as does the EASE system. If it is a pick one, it does not allow you to inadvertently click or select a number of different candidates as part of that selection process. It allows, of course, a review of the choices. It is not an autonomous process by any stretch of the imagination, and it does solicit feedback. I have some examples I will show you today and with more available, if the Committee would like to see it. At the end of the process, the voter does get to pick how they want to return their ballot.

This also gives me an opportunity to speak to the EASE system as one of a number of ways that under federal and State law voters are able to vote. I think that is truly what many of us in the Elections Division, and across the State, are passionate about: sharing the word about EASE and making sure we conduct a lot of outreach. At the end of the day, the goal is to enable voters to vote in the manner of their choosing, period. Two weeks of early voting for our primary or General Election is coming up, 12 hours by law on Election Day from 7 a.m. to 7 p.m., mail ballots being sent to every active registered voter that can either be mailed back or hand delivered to their county election official, or the EASE system. Again, the goal is options as provided by law so voters can vote and have their voices heard in the manner of their choosing.

The return method for EASE—there is an opportunity for them to print and mail/fax their ballot selections back. There is also an opportunity for them to save it, scan it, and email it to their county election officials. Our preferred and recommended method is a secure transmittal. By not involving email in the process, we encourage folks to use the secure transmittal that essentially takes the information and puts it directly onto the SOS secure server for transmission directly to their county election officials, greatly reducing the risk of any cyber threat.

I do want to highlight that EASE is now used for all of Nevada's elections. Prior to the passage of AB 121, it was intended as a tool to support voting in an election with a federal candidate on the ballot. After the passage of AB 121, EASE became an ADA tool. Therefore, regardless of the size or scope of the election across our State, if there is an election that is governed by Title 24—the nine chapters of our statutes—then EASE will be used for it. That can be as small as a single jurisdiction having a special election or a recall election. The EASE system will be turned on and employed to support voter opportunities as an option. The timeline for use—by federal law, mail ballots are required to be sent out to military and overseas voters not less than 45 days prior to an election with federal candidates. Our counties comply with that law during the week leading up to that day. In most cases, it is not on the night of the 44<sup>th</sup> day that ballots are being sent out; it is the week prior to the 45<sup>th</sup> day. Interestingly enough, when you look at it from a Tuesday, [45 days prior] is typically a Saturday. So the Monday to Friday before that deadline is when the mail ballots go out. To keep in the spirit of that federal requirement, we also turn on and activate the EASE system during that week prior to the deadline for any election that has a federal candidate on it. For special elections, some of these have a very tight timeline per the *State Constitution*. For example, it is a very quick timeline for a recall election that may not allow for 45 days. Our standard is a minimum of two weeks before Election Day to facilitate voter participation. In many of those special elections I am referring to, it is an Election Day with perhaps one or two days of early voting only. The goal is to increase access as much as possible, it is at least two weeks beforehand.

Two dates that I do want to highlight for your awareness, specific to this year and this election cycle: the 45<sup>th</sup> day prior to the primary election on June 11<sup>th</sup> is April 27<sup>th</sup>, and the EASE system will be turned on that week prior. For the General Election, not later than

September 21<sup>st</sup>. Critical deadlines we take seriously to support and ensure voters have access and are able to get ballots to vote and make their voices heard in the manner of their choosing.

Some specific statistics relating to our most recent election, the PPP, you can see there is a decent amount of work by the county and State that goes into getting the system ready to go. I will speak to some of the security measures in a moment, but from a pure operational standpoint, we turned on the system the morning of December 20<sup>th</sup>, and within about an hour we noticed that somebody had already used it to vote. It is a system that voters are aware of, they pay attention to it, ask when it is going to be on, and they take advantage and use it, considering the election was February 6<sup>th</sup> and the first vote was cast in our election cycle in 2024 on December 20<sup>th</sup> by 10:23 a.m. It is designed and set up to automatically shut off after the close of polls at 7 p.m. on Election Day.

You can see we had submissions for the PPP, the last one being at 5:47 p.m. We have had submissions previously at 6:50 p.m. and at 6:55 p.m. as voters registered and submitted their ballot. I do want to clarify, the way the system is set up, it does not have a voter use the system and when they hit submit that it goes right to the tabulation without anything—there is no review—that is not the case. When I say the last submission was at 5:47 p.m., the voter hit submit at 5:47 p.m., and that sent a packet through the secure transmittal process directly to that county election official. The packet of information includes a voter registration form or a federal postcard application, as applicable, so the county election official in accordance with the other statutes that govern how we tabulate ballots not later than the seventh day, for example, is able to review and make sure the voter is eligible and has not otherwise voted. That is an important part. If somebody submits a mail ballot and gets nervous that it has not arrived yet and goes on to EASE to make sure only one ballot is counted, [it is important] there is no question about the integrity of the electoral process, even through this system. So while it is close to the close of polls, I do not want anyone to think that we rush at any point or any element or step of this process.

Highlighting the increased number, 10 counties out of our 17 had EASE ballots submitted. When you think about the overall voter turnout of the PPP compared to the General Election this November, it was significantly lower than we will see both in June and November. I think the highest number of EASE ballots ever submitted, at least that I can recall, was about 1,279 during the 2020 Presidential Election, it was a little bit less than that in the 2022 General Election. The fact that we had almost 480 use it already for the PPP speaks to the outreach efforts of the State and county election officials, the awareness, and the opportunities for voters. Not better or worse, simply another opportunity for voters to vote in the manner of their choosing. I provided a breakdown of who submitted those ballots. Active-duty service members—I do want to clarify that if we have members of the National Guard, if they are on active duty orders, they are able to use it. It does not require that they be deployed. The federal law spoke to only if you were away on Election Day. The way our statutes read is that an active-duty service member, regardless of whether they are in or out of the State, is able to use the system, which is important given how many times service members are sent to training locations in other states across the Union without necessarily deploying outside of the contiguous U.S. I wanted to highlight it is not just the service members but those family members, spouses, and children—referred to as dependents by the military—that are of voting age who are also eligible to use the system. For overseas citizens—there are some I have seen that try to explain where their address was in extremely remote parts of different countries, but through the system, the way it is set up, we are able to track on a daily basis in real time. If a voter uses the EASE system and expresses in the comments, “I am not sure if this worked. I have not had power for a couple of days. I got it for a few minutes. I want to make sure I voted,” then typically some

sort of comment about how they are from Henderson or somewhere around the State. We are able to respond to that almost in real time to let them know, "Yes, we got it." Or if there was a question or concern, we can respond to and support that voter's concerns. There was an increased number of [EASE] voters with a disability. Every in-person polling location is ADA compliant by both federal and State law. We are also providing mail ballots to every active registered voter. The EASE system is an opportunity for voters to cast ballots in a manner of their choosing. I wanted to highlight the Tribal voters. It was zero this time. We are continuing to work on our outreach to make sure voters are aware of EASE—I do not believe it speaks to the system itself, recognizing there are other in-person voting opportunities on Tribal lands across the State. That zero is something that I am eagerly hoping to get to be above zero. Ultimately, it depends on the Tribal voters and how they choose to vote. If it ends up staying at zero, but there is increased Tribal turnout through other means, then that is the goal of the overall process in the statutes.

Three examples of feedback—these are positive ones, and I do not want you to think I am simply cherry-picking the good ones and then hiding the rest. I do have all those available. There were questions, and a lot of the comments we receive mirror the questions we get from voters otherwise through email and phone calls. Questions about, "Is there a write-in process?" Folks not realizing that in statutes here in Nevada, we do not allow for write-in candidates—those sorts of things. We view those all as opportunities for education, and I have personally reached out to a number of individuals who asked about different statutes and provisions. A great thing about our State is that we are small enough so that we can have that personal level of interaction with voters to help understand their concerns, their location, their needs, and then to reassure them about the security of the overall process.

Outreach efforts are going to be a continued focus—not just now but looking to the future, especially now that this is an ADA tool. By itself it is a great tool, but if nobody knows about it then it is not nearly as effective as it could be. We are continuing to focus on outreach to make sure voters across the State understand how it works, why it works, and the security measures. We have the ability to provide demonstrations. I do want to stress that everyone across the board, even if not a covered voter, is able to request a demo by reaching out to [www.NVElect@sos.nv.gov](mailto:www.NVElect@sos.nv.gov). We would share our screen via a Teams call. We have a test version of the program we use for development that we could walk individuals through the process. We found that works surprisingly well with a lot of family members of active-duty service members. I have done that process personally with a number of them. The idea being I do not want to recommend it to my son or daughter who is in the military until I see what it is in the first place. Those sorts of demonstrations contribute to the overall increase. I want to highlight it is an interesting Venn diagram, when you look at individuals who are active-duty military, their families and overseas citizens, when you compare that population to Tribal voters who live on a colony or reservation. As for Tribal voters, you may not realize Tribal Nations across our country per capita have more individuals join the military than any other group or population across the country.

There is the active-duty military, and oftentimes when you talk to an active-duty military service member or their family, you may also be talking to a Tribal member. There is also an overlap in some cases with veterans who have disabilities or just individuals in general. There were a number of my own Marines and sailors I worked with over the years who would send money back home to support their parents who were disabled, and they did that by joining the active duty forces. We found when we time our outreach and make sure we do not just say, "Here is how it works for active-duty military," but really open up the entire universe during those demonstrations, more than one individual usually will say, "I can tell my parents about this or the family back on the reservation," and we encourage that. We

are cognizant of that and certainly encourage that as part of our outreach efforts to make sure individuals who are eligible to use it, are aware of it.

[In terms of] modifications, we are pleased but not satisfied across the board. The EASE system is incredible. I have seen it grow and develop even in the few years I have been here at the SOS. We have continued to enhance it based on user feedback from voters across the country. As folks have questions about it, asking if they can use it on their phone, assists us by providing feedback and testing about that user experience to make sure that while staying within the boundaries of statutory and federal requirements, we are continuing to enhance it as we look to the future.

We recently set it up, again now that it is an ADA tool, to make sure it could support concurrent elections. The idea being that we may soon have a recall election that overlaps with another election within the same time periods. When you think about 45 days of having the system on—we recently have supported and made a secure process by which we can now conduct concurrent elections. No excuse for us to not have that available, as it is an ADA tool and we want to make sure voters have access to it.

Lastly, [in terms of] ongoing security checks and maintenance, the cyber threat is not getting smaller; it only continues to grow. Foreign and domestic actors are getting increasingly creative on how to attack, harass, and otherwise disrupt any sort of electronic system, not the least of which is elections. We continue to do ongoing checks and maintenance. There are a number of federal and State partners we are working with to continue to not only assume that it is secure, but to make sure we are looking at every possible cutting-edge opportunity for improvement and enhancing the security of the program that we can. Then absolutely and aggressively pursuing that for the security of the process. Are there any questions?

***Vice Chair Mosca:***

Thank you so much for that important presentation.

***Mr. Di Chiara, Previously Identified:***

I just wanted to add on, as this was an item that came up in the previous NCSL presentation, and it is something our team worked hard on and should be proud of. When the bills were passed to expand EASE to members of Nevada Tribes living on reservations or colonies, that did not just include voting. It also included registration. Our Elections Division worked very closely with our IT (information technology) team to come up with a new pathway for Tribal members to register to vote online using EASE with their Tribal ID as opposed to their state driver's license, as there are members of Tribes who may have that Tribal ID as their primary form of identification. That is something that we are proud of putting together, and we are excited to educate voters on and expand further.

***Vice Chair Mosca:***

We can stay up in Carson City for questions. Members, any questions in Carson City? Seeing none, we can move to Zoom. Any questions on Zoom? Now we will move to Las Vegas.

***Chair Ohrenschall:***

First of all, I want to make a comment. These changes made by AB 121—I was so proud of the work that SOS did working with Assemblywoman Cohen on that bill to extend the EASE system to disabled voters. It is just tremendous looking at the statistics about how many

disabled voters took advantage of the EASE system. I want to thank SOS, Deputy Wlaschin, Chief Deputy Di Chiara, and Secretary Aguilar for working with Assemblywoman Cohen on that bill. It was exciting on the NCSL presentation seeing how other states are looking at what Nevada did in SB 216 to expand EASE to Tribal members as a model. That is just tremendous, and I am so thankful the SOS came up with that idea and sought that amendment. I have one question on slide 6, at the 479 total EASE users. Do you have a breakdown of how many of those users used the secure server to cast their ballot, as opposed to printing it out, scanning it, mailing it, or the other options that these voters have? If you do not have that now, maybe you could send it to us later.

**Mr. Wlaschin:**

I will get that breakdown. We do have it though. The vast preponderance was through the secure method. Some did print it out and mail it in, but I will get you the specific numbers.

**Chair Ohrenschall:**

On slide 6, those overseas citizens who participate in EASE, is that a change that happened with Assemblywoman Cohen's bill, or was that always part of the EASE system where overseas voters who are not members of the active-duty military or their spouses can participate?

**Mr. Wlaschin:**

The overseas citizens were originally covered by UOCAVA. That was part of the process before.

**Vice Chair Mosca:**

Any other questions in Las Vegas? I have two questions for you. Can you share about how this works through your Office? Is there one person in particular in charge of those operations? Then is it something where I would go and sign up? I would say, "I would like to use this, and please send me a reminder closer to the date," or is it that people know that they need to go on and do it during the time period?

**Mr. Wlaschin:**

The program itself is truly a team effort in the SOS and the counties. The county election officials have to provide the data about the precinct breakdown to the Elections Division. We have staff members who take the technical data because each ballot, even on EASE, is precinct-specific. That technical data has to be combined by members of our IT and Elections Division staff and reviewed for accuracy. Then a number of us work together to make sure the system is prepared and ready to go and is tested up and down to make sure that it functions as appropriate. It is not one individual. It is essentially a partial collateral duty for about 6 or 7 of the 18 members of the Elections Division.

In regard to how to sign up for it, no sign up is required at all. In fact, [www.NVEASE.gov](http://www.NVEASE.gov), any covered voter can go there or even someone that is just curious about the process to see what it says. If you go to the website today, for example, it will say this is where you go when it is on, but it is not on today because we are not within 45 days of the federal election. For that matter, is there a special election going on? There is not one right now either. There is no sign-up requirement. The sign up, in essence, is when a voter wants to use the system and goes in and fills out the web form that asks for their data, their name, birth date, and a number of other things. It does synchronize, so if you are already

registered to vote, it will pull your latest signature on file from the Department of Motor Vehicles (DMV). That way you can confirm it is you. If you want to change it or update it, you are able to do that as well through a number of different ways. All of that information that it asks you becomes part of the initial application that gets submitted to the county election officials, so they have that information to review.

***Vice Chair Mosca:***

I want to thank you all for what you are doing to make sure we have options for voters here in Nevada.

**AGENDA ITEM VI—PRESENTATION ON OUTREACH EFFORTS AND LANGUAGE ACCESS FOR ELECTIONS**

***Vice Chair Mosca:***

We will move on to the next presentation on outreach efforts and language access for elections. We again have Gabriel Di Chiara, Chief Deputy Secretary of State, Mark Wlaschin, Deputy Secretary of State for Elections, and Sabrina Hagan-Finks, Language Access Liaison, SOS. When you are ready, you may begin.

***Mr. Wlaschin, Previously Identified:***

Before I turn the presentation over to my colleague, I do want to provide a little bit of background about the Language Access Program. This was something we identified in the Elections Division in the SOS that we have had extensive discussions about over the last few years. It speaks to the need for individuals who may be more comfortable in a foreign language or a different language than English, and ties into our overall outreach and voter education plan, that American citizens need, deserve, and want. They are hungry to understand how the electoral processes work. As part of that discussion on how we can best inform and educate voters, we have realized—this was in part as you will see informed by the 2020 census—that with Nevada being the third most diverse State in the Union, there is an increased need for us to provide, not just voter information, but voter information in a medium that is accessible to voters and to meet them where they are at. To that end, the Legislature approved two positions in the Elections Division during this last legislative session. My colleague, Sabrina Hagan-Finks to my left, is the Program Officer overseeing that. I will tell you this is a week after her third month in the Elections Division. While she is relatively new to Elections, she is not new to supporting the needs of Nevadans. Her experience and background and her, along with Ms. Karina Karen, have done an incredible job in the 90 days to build this program. It is on a great trajectory that I am excited to have her present about the program.

***Sabrina Hagan-Finks, Language Access Liaison, SOS:***

I am a part of a two-person team located here in Las Vegas, but we have the capability, accessibility, and the desire to meet more of the State and make sure that parity is granted throughout the State. We work in tandem with the entire Elections Division, probably most closely with the Public Information Officer, to ensure that information gets out to the public with clarity. As you may be aware, the SOS is responsible for the execution and enforcement of State and federal laws governing Nevada's elections. (Agenda Item VI)

We are specific to Section 203 of the Voting Rights Act which requires by federal law that certain information on elections is granted in specific languages other than English in Nevada. Two counties are specific to this allocation, which are Clark County, which has the

mandate for Spanish and Filipino/Tagalog, and Nye County for the Shoshone language for the Native and the Tribal voters. We are regulated by the ADA to make sure information is available to those who are visually impaired as well as hearing impaired.

At the 82<sup>nd</sup> Session of the Legislature, SB 484 was approved for voter education materials and outreach. In that allocation, there was some validation for traditional elections materials which were ballot materials, mailed content, stickers, and the things we all traditionally see at the voting locations. However, there was an additional allocation for mandated languages which encompassed translation of documentation as well as interpretive services for those with limited English proficiencies. Limited English proficiency was defined through Section 203 as those whose native or first learning language is not English. Thus, contemplation and understanding are more familiar in a non-English presentation. As we move forward, not only did the Secretary and Deputy and Chief Deputy make sure we knew coming into this project that we had the mandates of Spanish and Filipino, but also rendered very strong presentation that had been geared up and focused from the community partners they had worked with and voices of the community—representation of the community—to make sure we have materials translated in Chinese, Korean, Vietnamese, and Thai.

This has not been an easy feat. Oftentimes we think of translation as, send the document out, get it back, put it out there. That is true to some extent, but we also have to look at the information that has been traditionally written and presented to the public on elections—it has been prepared by Mastered and Ph.D. leveled individuals, and the conversation, or the presentation, is typically informational and not necessarily educational.

As we created, and we tried to foster what the community really could serve from top to bottom of the State or how we could best serve, we wanted to look at making sure the literacy and the presentation was at levels all constituents could read and the information could be conveyed not only in writing but also in other mediums. We have taken some significant time looking at other states' models to see what they are doing. Also activating access through conferences—some televised conferences—to identify where we could best serve. Not only is it those people who are traditionally voting, but we really want to also look at those people who are not traditionally voting and find out what are the barriers that are keeping them from taking part, not only in the voting but registering or taking part in the entire electoral process.

We did identify some classifications, and I use that term lightly, but we wanted to look at the nonvoter and the why of the nonvoter. We wanted to look at the skeptic. Was the skeptic not participating because of what they have heard or not participating because they do not have access to factual information from a singular or a limited source? We also looked at the intermittent voter. Are there those people who only feel that the General Election is where their voice should be heard or could not be heard? We wanted to look at the intermittent voter to see why they were not participating in the primary election. Did they even know what the primary election was about? Also, how to find out what is on that primary election and how it feeds down to the General Election.

We also looked at the functions that either inhibited the process of taking part in the system, the priority of taking part in the system, or the perception. Perhaps there would be special circumstances—as you heard today and some of the other presentations—lack of understanding, lack of access to information. We found in our engagement with some Native representatives that use of the Tribal ID had been a concern, which has been addressed, but it still was a concern that was communicated to us. We also heard that for the military participants there was some confusion about “I have been to this state, and I

have a driver's license from this state, and I have a driver's license from this state, and I have a driver's license from this state. Where am I to vote?" That was also a confusion. We also had some perception issues with those coming out of State incarceration and, "I never could vote. I was taken off of the voter rolls. I was never allowed to vote." Still, many people are not aware that Nevada law states that once you have served your term in the State's incarceration system, you are automatically restored.

It is those types of things and perceptions. Let me throw out another one: the 17-year-olds that have the ability to preregister to vote, that is not something we commonly hear, maybe we hear it in our election circles. The question has come up out of the general population, "Who knows these things?" It is important for us to investigate as we create not only the language access piece, but the voter education piece, and that is if we do not understand English as native English speakers, and we create language or we create barriers in English, translation is going to be even more complicated. We are looking at both the language piece and the voter education piece and trying to break down those barriers to access.

On this slide, we talked about the objectives. I will note that typically we see the smart objectives. I purposely and intently left out timelines just for accountability purposes. I did want to highlight some of these without going over them word for word. The first one was important to create a language access space. The Nevada SOS has a website that is very busy in nature. It has a single color. It is not what we have traditionally seen in most of the modern—and that is being worked on. For now, we could not necessarily say it was an excuse for not getting information out, we wanted to create a specific space, a specific language access space to begin gathering information and posting information. I will say that one of the mandates in the very beginning was to have several pages—about eight or nine—that were traditionally presented in English in the process of voter registration, mail ballot—very informational nature. We wanted to get those things translated and put on the website; however, those translations had to be very literal because—I speak English, I know a little Spanish, a little sign language. When we approach this, we are approaching this almost as—we do not speak those languages. We have the same barrier that many of the other people have.

How we used this translation services is we contracted through the State's purchasing portals and streamlined processes to secure existing translation service providers that could take our information, translate it as literal as possible, and review for culturalization to make sure the language is not offensive but not necessarily change the content or the context. We wanted to make sure we did not throw anybody off. The first piece of the phased implementation was the verbatim translation, and what you would see if you looked at the website right now are those nine or ten pages that we translated verbatim. It is in a PDF download, it is available if people want to look at it, but it does not have a lot of encouraging engagement. The second phase of our implementation was to create content—actually much of what is already on there, but to parse it out into bite-sized pieces that are more palatable and also to create some visualization. As you will note, just about everything on our site is very text heavy, and it is not extraordinarily engaging if you are not a text heavy reader. Our goal was to create some fast facts and some pages that look like the people we are asking to read our literature. We have contracted to find some photos and some imagery to include on our literature and make it more magazine/newsletter like, so that it is more presentable, it is more palatable, and maybe somebody will look at it and say, "Hey, you know, they look like me."

The third piece is to create bite-sized content, so people can actually look at a building block or look through building blocks to see what the election system is, because it is so much more than going to the polls. It is about registering, it is about understanding your



candidates, and the candidate offices, and the roles and responsibilities. It is about understanding how to access. It is about understanding where to ask questions and where to find valid, reliable information. In those three phases, it is not something we can do in three months. It is not something we could even do in four months. We ask for your patience as we go to development.

In objective two, we talked about creating a cadre of resources and that is really going through those different phases of how we can do this. We are looking at different messaging mechanisms—we are looking at making sure that any presentation we have, whether it is in person, whether it is via telephone, whether it is a print medium—it is nonpartisan in nature and it is noncandidate pushing in nature, which is challenging at times, but that is what the people deserve. They deserve for us to give them factual information they can engage in. It is also important we have consistency and frequency. Consistency in the content and frequency in the output so elections are no longer just a February, June, or November, but are actually a yearlong process, and then when we go into the legislative session, we include all of that, and it is an ongoing situation.

Objective three, we wanted to talk about accurate information and making sure people have access to reliable information and that our community partners have access to reliable information, and if they do not know something, they can refer their constituents.

In objective four, we wanted to talk about a variety of mechanisms. We understand that attention spans differ and focuses differ, and print media is not necessarily for everybody. There is a certain generation of people who need that ongoing phone access and media access and have to keep it moving with some colors. We also understand that there is another group of people who are traditional to the news media. It is important that when we have information that goes out, not only on our website or our socials, but it is in the media, and it is from trusted, reliable sources, nonpartisan and non-candidate leaning.

In objective five, we talked about establishing a mechanism for rostering unmet needs. One exciting part for me being new to the elections was there were so many different sources of information, I was not sure where and how to get it. I did not even know what I did not know. One of the things we have tried to do is what I call, “read the room.” It is taking time for engagements such as these to not only come and listen but take the time to go on YouTube and dissect what was being said. It is very important to watch the body language. Although you cannot see a lot in these particular meetings, you can see the facial expressions, the intonations when people are conveying their urgencies or the things that are important. We take additional time to look at those. We recently went to a town hall meeting to see the reactions of the constituents and their emotions with regard to elections and with their emotions—the things that concern them—it was not enough to sit in that room at that time, so we had to go back and dissect what they were trying to say. What did we miss? Did we hear that the first time around? I think that is important for us to go back and present to our communities that we really took the time to hear, not just in passive conversation or at a lunch. We took the time to hear.

Objective six was talking about a mantra. In past election cycles that I have been familiar with as a constituent, we have heard language that in some way can be obligatory or it can be, “You need to vote. You need to do this.” It is not necessarily encouraging or not necessarily inviting people into the process—you had to do it because this is who did it before. What we wanted to do is create language and begin our dialogue and everything that we do that encourages and invites people to the table—no different than you would a meal, that you would invite people to come and participate with you in this election cycle as part of—they deserve to be there. That was important for us and also to not only have

conversations about “them,” “those,” “they”—it is “we,” it is an “us.” “We” can make a change. Not, “they did it,” it is, “we can do it together.”

Lastly, in our objectives—and our objectives are not limited to these seven, but these were the ones that stood out—is establishing a comprehensive civics engagement and elections participation initiative. One of the things we heard in that town hall was that the younger people do not know. There has been no civics education. We as elections officials and communities cannot always put those requirements on the educational system. We have teachers who are taxed with their own requirements, and we have resources to pull some things together to create a comprehensive elections and civic engagement participation endeavor that can serve teachers and serve other entities but could actually really not burden anybody else, and we can present that information consistently. We can also engage other civic organizations—nonpartisan, noncandidate—that really have an opportunity to participate. We look at the Boy Scouts, the Girl Scouts, we look at school activities. There was a robotics group that had a requirement to do a civic participation or a civic engagement as part of their robotics planning. Our role is to help other entities identify how they can either take part with us or how we can serve them.

As I alluded to before, we are looking at a multi-perspective focus. We are talking about the different literacy levels, and it goes back to breaking down barriers. We are looking at the culture and the context. We are looking at a person-first versus identity-first communication. We are making sure our language and what we present is appropriate, it is sensitive, it is respectful. Something as simple as, “We are serving people with hearing impairments or hearing disabilities” versus the “hearing impaired.” It is just those little twists on language that can make the difference on inclusion. When we talk about culture and context, we are talking about linguistics.

We had talked with some Native voters and how do we present as the Elections Division/Government—how do we engage with you? What things have we done in the past that were disrespectful? How can we approach? One feedback I got was, “We do not need anything from you. We want you to participate, but we do not need anything.” It is important that we listen and we hear what people are saying so we can effectively and respectfully engage with them.

We have talked about making sure there was factual information, digestible in volume, progressive, and consistent. We also want to deal with the literacy versus the orality. The literacy comes into play when we are talking about if people understand what they are voting for, what the positions are, the process, or do they have limiting beliefs based on what somebody else has told them? We want to limit those barriers by making sure they have access to the information they need in the manner that they need it. We are also talking about learning styles. Anybody who has been a teacher understands that everybody does not learn the same. Some people are more tactical. Some people need to read. Some people need to hear it repeatedly. Some people need to have that engagement, and we want to make sure everything we offer has a little bit of something for everybody.

We are reliant on our community-based conduits. These organizations represented here are a small percentage of those who we know are out there. Those which are represented. For those of you who can see the color, those who represented in black, we have had multiple conversations with them. In some cases, they found us. In other cases, we found them. Those in purple, we have had introductions to, but we know further engagement is to come. Those in the pinkish color, we have them on our agenda to meet with. We have not reached everybody, and we know there are others who could bring something to the table, could help us develop better, and could tell us what they need so we can create it for them. These

groups of people are often gatekeepers to marginalized populations. They are gatekeepers to people who may not visit the SOS website. That may not ever engage in traditional civic engagement or the governmental civic engagement. We need these partners to help us convey the information. There is also that trusted relationship with many of the constituents because they may be service providers, they may have that security or that self-sustainability, and these partners are critical. A handful of things we found in our communications with these conduits was that, as we look at translation, translation is often presented as secondary. In other words, everything is English, and then it gets translated to Spanish. We talked about that in the beginning, but we need to begin to develop things that are for that specific culture.

What was also mentioned was that familial engagement is important, and it was brought up. A gentleman asked how many of us were child translators (parents came to the U.S. or they were in the U.S. and they did not speak any English). Since the children went through the educational system where they were taught English, they were the translators in the household. That brought to fruition the need to include the entire family in this whole elections process. Those children can convey information they might hear, so to exclude them and make this voter education piece an 18 or older kind of engagement is limiting our potential. We want to ensure we include that.

We also want to look at the infrastructures and make sure we have tapped into as many resources as we can to ensure that the information gets out. One of the things that was asked for and communicated by the community and by those gatekeepers to the SOS was the need for language line services and a tele interpreter. We are happy to say we are still in the process of testing and piloting, but we have language interpreter services. Slightly different than traditional services in that an individual can call a local line, it is not toll-free, but it is a local number. We have secured three local numbers (702), (725), and (775), which should encompass the State. The individual can call, they are immediately asked if they are speaking Spanish, press one and any other language press two. They can vocalize the language, or there is a list of numbers they can select, and they are directly connected to an interpreter. That saves a lot of frustration, I believe. Once that interpreter gets on the line, they are immediately connected to the elections team—the Campaign Finance, Administration and Public Service (CAPS) team, which is the public interfacing team we call to answer questions related to elections. We put this into use a couple times, and the translations were good. We do have some fine tuning, but the connection and the process was fairly seamless. We are excited about both of these language line options that are available to the counties for use at no cost to them. They are available for us to use at polling stations. We are trying to look at how we can navigate that, because there are quite a few polling stations in the State, but we think that it is going to work for us. We also have services for the hearing impaired with video services. We put this into play last week and had an opportunity to engage an individual who had a hearing impairment. He was in office, and we went to go hook it up on the computer, and we found that because we were on a hotspot at the time, it did not work well. We picked up that trusty cell phone, got the interpreter on the line, I could see the interpreter, the man could see the interpreter, and we were able to transact our business no different than if it were an individual with hearing capacity. So that was exciting to see and was a hurrah. This language line is available, specifically the telephonic, in close to 300 different languages and some of the very remote languages, and we are excited about that.

We have been looking at collaborations with different governmental resources. One of the challenges we have is we talk about the print, we talk about the social, but there are so many other mediums we can use. We are in current conversation and looking at the contractual process with Vegas PBS (Public Broadcast Service). Vegas PBS has agreed to

work with us on development of some video media to put out to the public on those little educational pieces: “how tos,” “the who’s,” “the what’s,” and “the why’s.” When I say who, we are talking about candidate office, not candidate. It is very important, and that is in different candidate offices throughout the State. Not only the ones we know about, but what is the difference between the Board of Regents versus the Board of Education versus a board trustee? Those things sometimes get convoluted, and we are excited about that collaboration. Vegas PBS, as you all know, knows how to do it—we are excited about that. Nevada SOS has our website, a Facebook, and Twitter—which is okay, it is great, but it is somewhat limiting. Vegas PBS adds to our momentum, TikTok, Instagram, YouTube, their website, and other media outlets along with some of the collaborations and the collaborative partners they have throughout the State. We are in conversations with the library districts to make sure they have the information they need. We are also in pretty heavy conversation with the regional transportation authorities making sure the traditional buses and the paratransit buses have those posters up in the areas. We are also working with the DMV Network and other places that have captive audiences to ensure that voting information and civics information get out to the public. We have had conversations with the Nevada Governor’s Council on Developmental Disabilities which, if you did not know, had put out a series of five videos on the elections process that are available fully in sign language. We are looking at taking some of the creations through Vegas PBS and also making sure they are available in sign language. Additionally, we are looking at the creations that come through Vegas PBS to have a voiceover capability and some cool graphics so we can accommodate those other languages.

Currently, on our language access page, we have a few little things in Spanish, Filipino, and I believe Vietnamese. We hope to have everything up before April 1. We are looking at creating one-page fast facts. We looked at several jurisdictions to get ideas on how to get information to people. If you have not seen the “Myths vs. Facts,” voter guide—there were quite a few questions that came in after the PPP, and those were recorded and appropriate responses given. We were in conversation also with University of Nevada, Las Vegas (UNLV) through an internship program to help us evaluate the content we put out to make sure it is appropriate. The Department of Liberal Arts and some of their language programs are making sure what we have is appropriate. We are also looking at some of our community partners to see if it is within their scope and within their existing budget to help us as well. We do not want to ask for help that would put any additional burden on community-based organizations, but we do want them to participate. We are trying to engage and make sure what we offer is strategic and culturally appropriate.

Our messaging mechanisms, we are looking at workshops and fairs. When I say fairs, we do not want it to be the traditional health fair where we just sit there and hand out a brochure; we want to engage. We are not only seeking out potential opportunities, but we will ask that the community as a whole reach out to us. If you have not heard from us, it might be that we do not know about you, and we need to know about you. Reach out to us and ask us to come and give you some information. When we talk about the ticker tape and the onscreen, that is the DMV. Where they have those rotating video educational presentations to a captive audience. We are looking at what is available in the Division of Welfare and Supportive Services (DWSS) in some of their waiting areas because that is a captive audience. They have a lot of time they are spending there, and it is an awesome opportunity to get education out there. We talked about the video that is coming through PBS that will also be able to be parsed out to the various social medias. The video also can go on the website. There are also PDFs that will be downloaded, the social media, the transit posts, QR codes on some of those transit posts and some of the bigger static presentations so we can collect information, we can ask people what they think, we can ask them to do a survey, we can give them a QR code to an educational presentation while they

are sitting on the bus for the hour-and-a-half ride. The QR codes will be a tremendous accent to what we offer. Traditionally, that typically goes through the public information office and would be the public service announcements, the press releases, radio time or some interviews, and possibly some other messaging. We are also looking at town halls. We have not mapped that one out yet. We are looking at periodicals—those mailers that come in your mail for your zip code. We are looking at an email list serve and how to go about gathering email information and whether it is a liability that we have the ability to take on. Those things are sitting, and we are thinking those out. The local and the Native newspapers, those have been traditional sources that reach specific communities, largely cultural communities. We put billboards on here because we know they are a messaging mechanism. We understand they are very pricey, but we do not want to say we did not look at it. This is here for consideration.

We have a proposed timeline on this presentation. We are looking at what we can do, when we can get information out; we want to be consistent and frequent. Evaluation is extraordinarily important in this language access process. We want to ensure we are hearing from the vast representation in the State. We do not want to have geographic parity issues. We want to make sure all the cultures, all the languages are represented as much as humanly possible through our mandates. We want to make sure we are hearing, we are listening, we are taking the time to hear what people say, and to understand when someone says, "I did not vote because I do not believe." What does that mean? Taking the time to investigate a little bit more. We do not want to work off our assumptions because "that is what we always did, so that is what we will keep doing." We are thinking outside of the box, especially when we are receiving contradictory opinions. It validates investigation. We are looking at the body language when we speak to people, individuals, when we are asking questions. Are we willing to adjust from our norms? I think the Deputy and the Secretary and the Chief have totally reflected the need for looking at new things, we see EASE, the registration process, the engagement with other interdepartmental agencies for registration.

What are we putting out? Are we getting feedback? There will be an opportunity on the website to give feedback—the good, bad, ugly, indifferent. We want to serve, and it is very important that we seek that out. We want to quantify messaging mechanisms. For each one of those mechanisms, we are looking to see how we can gather the numbers to present to you. I have not been to a presentation where you have not asked for some numbers. We want to make sure we offer that. We are looking at concerns, and we are openly conveying them. If it came up, we want to address it. Are we looking at best practices? It is very important that we do not operate in a silo. We want to look at other successful states and other states that have not done as well. We want to make sure we are looking at new perspectives and new opportunities. Are we reaching our goals? Why or why not? There may be some very valid reasons why we are or why we are not, and that is important to us. We are looking at taking some of this information and mapping it out, putting it into GIS so we can visualize it. We have surveys, and we are looking at taking some of the commentary and using some natural language processing to find common themes or common focus. Do you have any questions?

***Vice Chair Mosca:***

That is a lot of work for 90 days. Thank you for sharing that with our Committee today, and we will start in Carson City for any Member questions.

***Senator Daly:***

I do not have any questions.

***Vice Chair Mosca:***

Thank you. With that, we will go to Zoom. No questions. We will come back to Las Vegas. Any questions, Members?

***Chair Ohrenschall:***

Looking at slide 9, the messaging mediums, the social media—I work with young people, and I see so many young people where their social media is their main mode of communication. It is not a phone call. It is, “I can get a message through Instagram when I am in a Wi-Fi area, and I will respond.” I appreciate the SOS is going to reach out to people via social media because a lot of people get their news through this, and that might be a great way to encourage people to participate and vote. If there is a need for translation and help with language access to make sure they know that is available.

***Vice Chair Mosca:***

Thank you, Chair. With that, we have been discussing access, and we appreciate all the work of the SOS. I am going to thank the Chair for allowing me to Chair some of this meeting, and I am now going to give back the reins to you.

**AGENDA ITEM VII—UPDATES FROM COUNTIES ON THE IMPLEMENTATION OF VOTING IN DETENTION FACILITIES PURSUANT TO ASSEMBLY BILL 286 (2023)**

***Chair Ohrenschall:***

We are going to move on to the next agenda item, updates from counties on the implementation of voting in detention facilities pursuant to AB 286 of the 2023 Session.

**A. CHURCHILL COUNTY**

***Richard Hickox, Sheriff, Churchill County Sheriff’s Office:***

We thank you for your time here today. We did implement the policy that we worked with our county clerk, whom you met earlier today, to develop and establish. On February 6<sup>th</sup> voting, we had a total of 42 inmates in our facility. We had one inmate who chose to participate in the voting process. We did have that inmate not be registered prior to that day, and he did register and was able to vote. I do not know what other information you would like, but we are open to questions if you have any.

***Chair Ohrenschall:***

Any questions, Members? I will come back to the Sawyer building. We are lucky to have Captain Nita Schmidt from the Las Vegas Metropolitan Police Department (LVMPD). Good morning. Thank you for your patience and for presenting here.

**B. CLARK COUNTY**

***Nita Schmidt, Captain, LVMPD:***

I am currently assigned to Detention Services Division. The LVMPD operates the Clark County Detention Center (CCDC). We have two facilities that are under the same name as the CCDC, which is our main facility that most people are familiar with in

downtown Las Vegas. Our other satellite facility on the northwest side of town is the North Valley Complex. Together, both of the facilities average a population of about 2,800 inmates in custody.

We were happy to work with the Clark County voting officials to develop our program with the priority of ensuring fair access as well as ensuring there was secrecy of the ballots and security for the voting staff. Our plan was put in place, we had no grievances and no issues throughout the process. We were able to pass on information to the voting officials so they could facilitate voter registration and voting for 23 inmates who were in custody during the time of the PPP. We look forward to continuing to work with them as we look to moving towards using some more automated systems in creating a place for voting in our facility and for other jails in the Clark County area. While we are the largest detention facility for jails in the State, there are several other facilities that are in the Clark County area. We have the Henderson facility, North Las Vegas, and the City of Las Vegas Detention Center. Our goal is to establish the ability for voting to take place in the CCDC for inmates and then the other facilities would be able to transport to our secure facility to be able to effectively be able to vote.

***Chair Ohrenschall:***

Thank you for your efforts at making sure there is access there. Members, any questions?  
Assemblywoman Miller.

***Assemblywoman Miller:***

Thank you, Chair, and thank you, Captain, for those numbers. I think 23 votes in a PPP, especially our first time in the State doing one, it is a solid number. Were these individuals people who had reached out to the officers about their ability to vote or was it—as it is required in the legislation—was there communication and information given to the individuals that the voting would be occurring and available? Also, of those 23 people, were there any already registered to vote? Were there any people who also registered and then voted?

***Captain Schmidt:***

We put out information. We provide most of our information to our inmates through a kiosk system. It prompts them several times to read new information as there are updates. Our inmate handbook, as well as other materials, are in there. We place materials on there to provide everybody with information on the process for the PPP. There was existing information already on there to give them access to be able to request voting materials and where to send a request for us to be able to send them registration documents. That was all existing, but we enhanced that for this voting session.

As far as specifics on who was able to register, the number who registered, whether those people required any assistance, or where they got that information, of the 23 that I referred to, those are inmates or offenders in our custody who reached out to us per our directions and asked for information to vote. We then connected them to the voting officials who were the ones who helped to facilitate them to vote. I do not have data on whether they were registered before or not. I know some staff from Clark County is here, and they may be able to provide that at a later time or today.

***Assemblywoman Miller:***

During the time of the PPP, of the 23 who voted, how many individuals were incarcerated during that time? I know there were quite a few more than 23 or even a few hundred. Would you have that number or ballpark? Also, could you speak a little further about automated systems? What types of automated systems were you referring to or envisioning?

***Captain Schmidt:***

We average out our population throughout the month, and our population usually hovers around 2,800. Sometimes it is a little bit higher, sometimes it is a little bit lower; that would be the rough estimate. I do not know specifically on that day what it would be. We have some follow-up meetings set up. I think we have one next week with the voting officials behind me, and we are going to talk about what types of devices we will be placing into the facility to help make sure we can have greater access. I know there are different discussions. We have data access in there, which is a plus already because jails do not have a great Wi-Fi signal. Some of those barriers have already been removed, but it will be completely up to them. We will have a discussion about what machines would be the most appropriate to place in the facility.

***Assemblyman Hibbetts:***

Thank you, Captain, for being here. You mentioned the municipal facilities in Las Vegas, Henderson, and North Las Vegas. Do the municipalities of Boulder City and Mesquite have their facilities, or do they utilize a different one?

***Captain Schmidt:***

I am not familiar with where Mesquite is booking or holding their inmates. I know Boulder City uses Henderson. They would fall underneath Henderson.

***Chair Ohrenschall:***

Anyone have any questions for Captain Schmidt? [There were no additional questions.] I have one question, Captain. You mentioned there was voting available at the CCDC and the North Valley Facility. Then at the City of Las Vegas, and the Detention Facility in Henderson. Was voting available there as well through the municipalities?

***Captain Schmidt:***

Yes, Sir. When we were aware that this was coming down, we wanted to be outreaching to make sure we pulled everybody together. We invited Henderson, North Las Vegas, and the City of Las Vegas, set up meetings with our partners in Clark County, and we all met together to come up with a process we could all effectively use to be able to be consistent in making sure we were able to offer this. I had follow-up conversations with them about any issues. They all were successful in being able to place this information out. I do not have any information that I can speak of on their data. The county folks may have that, but I know that we work together with them.

***Assemblywoman Miller:***

I never want Clark County to feel like we are picking on them, but it is because Clark County is the largest and most robust. We had informed individuals about their right



to vote. I know that during the development of the legislation, there were discussions about—that the jails had a handbook of procedures and things like that, and we had asked for that to be updated as well. Could you share how and when individuals were informed? We know every individual is inside the jail for a different length of time. Could you discuss that a little bit?

***Captain Schmidt:***

Absolutely. For us, our population is a mix of a lot of travelers that come into our City for visitation, for different vacation purposes, and our population turns over rather quickly.

***Assemblywoman Miller:***

Captain, are you saying they are staying in the jails for vacation purposes or just having too much fun on vacation and...?

***Captain Schmidt:***

We have a lot of people who will cycle in and out of the facility very quickly; a lot of those folks do not even go upstairs for housing. They remain in booking for a few hours, and then they are released.

How we communicate to the masses is we have information that is in our hard copy in our inmate handbooks. We have those in different forms: Braille, hard copies, Spanish. Then we have our informational kiosks; existing information has been there for several years on how to vote and who to contact, including information on addresses, and who to reach out to. They have always had the ability to request a voter registration application from our detention facility. That is something our staff would pull off the voter registration information for the State and send them the copy along with directions on where to mail it. When we were preparing for this election, we prepared something in conjunction with Clark County staff to be able to message out on what that process was and where to go, what to look for, qualifying things, identification, or if they needed a pen to be able to complete the application. That information was placed on our kiosk separate from the inmate handbook as a notice to all inmates.

***Chair Ohrenschall:***

Thank you, Captain. Thank you, Assemblywoman Miller, for your efforts on this legislation trying to make sure pre-judication folks can still participate in democracy. Thank you to all of the staff at CCDC, North Valleys, and all of the other detention facilities for making this happen.

I would like to now go to our next presenter.

***Corey A. Solferino, Washoe County Sheriff's Office:***

I do have Ryan Hensley over to my left. He is my newly appointed Division Manager for detention. I want to take this opportunity to commend Deputy Chief Fred Haas, Captain Schmidt, and the LVMPD. We worked together on this to make sure we were consistent for inmate voting rights across jurisdictions. We do run the only adult detention facility in Northern Nevada and the Greater Reno-Sparks/Washoe County area. Our average daily population is about 1,200. To anticipate Assemblywoman Miller's questions, I do have a couple of data points that I brought up in reference to that regarding our budget presentations last month to Washoe County. For the month of February, we were at

1,163 for the primary. I am going to go ahead and hand it over to Division Manager Ryan Hensley to talk about our implementation for the inmate voting.

***Ryan Hensley, Detention Services Manager, Washoe County Sheriff's Office:***

I want to speak briefly about this process which we advertised for the election process. We flooded the housing units with flyers and put posters up all over their housing to inform them all. Additionally, we put flyers on their kiosks and their tablets. When they logged in, they were notified that it was an election year, and they were encouraged to participate in the process. We had 69 inmates request to vote. Of those 69, 43 of them could not be confirmed as residents, but 26 did participate in the voting process. We had no grievances, and I did a quick count. It appears that eight of them were previously registered before this election cycle. Are there any questions?

***Chair Ohrenschall:***

Any questions for our representatives from the Washoe County Sheriff's Office? I appreciate all you are doing to make sure people can participate.

**AGENDA ITEM VIII—PRESENTATION RELATED TO FACILITATING VOTING BY ELIGIBLE PEOPLE IN DETENTION FACILITIES**

***Chair Ohrenschall:***

We will move on to the next agenda item, a presentation related to facilitating voting by eligible persons in detention facilities. We are fortunate to have representatives from the American Civil Liberties Union (ACLU) of Nevada and from Silver State Voices.

***Athar Haseebullah, Executive Director, ACLU of Nevada:***

I am joined by two of my colleagues. Sadmira Ramic, to my left, is a voting rights attorney for the ACLU of Nevada. Emily Persaud-Zamora, to my right, leads Silver State Voices. Both of our organizations are members of the Let Nevadans Vote Coalition. We were grateful to work with Assemblywoman Miller during the 2023 Legislative Session to make sure AB 286 was passed. Emily will share about where some of the items are at. Sadmira will follow up with respect to what we received in response. I will lay out the pathway and where we see enforcement of this particular piece of legislation moving forward.

***Emily Persaud-Zamora, Executive Director, Silver State Voices:***

From our observations and a lot of the work, this is—as my fellow colleague indicated—a bill that was our priority, and we advocated a lot for this particular piece of legislation. From a lot of our conversations, it seems there has been a lot of great work from the registrars in the 17 counties in being proactive with the folks in counties to ensure there is good implementation of the bill. I want to take the time to commend the registrars, especially in Clark and Washoe Counties, to ensure they are doing everything they can to ensure folks who are incarcerated are getting the ability to participate.

We do know there is still a desire to ensure the model of polling locations strictly for inmates to be put in place. We are hoping that is put into fruition for the primary and the general elections, as we feel like it is the most ideal form of voting and most accessible for folks who will be in jail. Our only other comment we wanted to indicate before I pass the mic over is that we still know there are a lot of folks who feel like—they do not know that this is something that is a right. This is from a conversation with a lot of the organizing work

that folks are doing a lot with our community partners. We have the intention of doing particular work and doing mailings into some of the jails for the primary and general elections to ensure folks know this is a right they have.

***Sadmira Ramic, ACLU of Nevada:***

Thank you all for your continued commitment ensuring this bill is implemented and making sure the fundamental rights of individuals in custody are protected. We continue to follow this process in terms of implementation. We have requested records from multiple counties and jails throughout Nevada and have since received those records. These were made after the PPP in February and were received sometime throughout February. They are continuing to trickle in based on what we requested.

Based on the information we received and those responses, we do still have concerns regarding access that is being provided to these individuals in custody. There were varied responses in relation to our request. Our request followed exactly what AB 286 outlined regarding policies and procedures, but also those specific requirements within the bill. Based on the responses we received, we have concerns about the access that is being provided. For example, one of the responses we received from a county said they are aware of the law and are monitoring. That is the extent of the response they gave us in regard to what they are doing to comply with this law. Others have provided us with policies and procedures that relate to voting. However, you can clearly tell these were outlined policies as they were riddled with misinformation on how individuals can vote, and that information does have a direct impact on their eligibility to vote. One example I can give related to this is they will have information stating that if you are a felon and have a conviction, you are not able to vote. Clearly, these policies were put in place prior to 2019—severely outdated. We also received several responses in which the policies and procedures essentially cherry-picked portions of AB 286 to implement; that is concerning for us.

In terms of AB 286, we understand access and the level of access was left to the jails to determine, recognizing the fact that individual jails have different functions and they function differently. However, there were specific requirements within this bill, and those were outlined primarily for certain reasons. These individual jails have ignored these directives from the Legislature. Some examples I can give directly related to the data we received is 5 out of the 12 responses received either had no policies or procedures on voting or were not directly responsive to AB 286. Ten out of the 12 responses we received did not have any procedures on how a voter detained in another county can vote. Six of the 12 responses did not have any process for same-day registration, and 7 of the 12 responses did not have mandates or are requiring, as Assemblywoman Miller pointed out, these postings regarding voting be displayed within prominent locations within the jails.

There is still a lot of work that needs to be done, and we have great concern in terms of access that is being provided within the jails throughout the State. These individuals in custody deserve to have their access to voting. They should have the same access as other individuals, and their vote matters just as any other eligible vote within the State. We had quite some time for compliance to take place and have since had an election that has taken place. Disenfranchisement has already occurred, and I want to highlight those concerns.

***Mr. Haseebullah:***

Thank you, Chair. A couple of the points we want to note, we worked pretty tirelessly—I think everybody remembers the trajectory of this bill during the legislative session—it had many different iterations. There were a lot of compromises involved because we understood

the difference between rural communities, between urban communities, between counties that have strong technology infrastructure, and counties that do not, between cities that are well staffed, and cities that might not be. One thing that did come up consistently was the date for implementation. January 1, 2024, was provided specifically so individuals had the right to vote in the 2024 elections. We are going to have three in Nevada. One has already occurred, and we have two left. The challenge we have run into in terms of the requests we have submitted and receiving these types of responses after February 2024, including responses that, "We are aware of the bill, and we are monitoring," when there is a directive by law to create and implement a policy that allows for such, does not leave us a lot of wiggle room.

Part of the reason we reached out to share this information is that we are hoping some of these county jails and city jails are monitoring this meeting right now. To those who are monitoring and listening, we have reached out multiple times. We have offered the opportunity to go through this one by one to make sure we think a proposal is in conformance with AB 286 requirements and with the Nevada Constitution. To date, there are a few counties that have taken us up on that, and a few of the registrars have as well, and there are some that have outright dismissed that. To any county or any city that continues to violate the law by not providing this plan, consider April 15<sup>th</sup>, which is a little over three weeks away, our version of Match Day. For students in medical school, they get to apply for residency, and they figure out which school they are matching with. Well, we are going to find out which counties and cities get to match with us on that day because there are going to be lawsuits filed against every single one of those counties and cities that are nonconformist and noncompliant. To those that have not responded after that—we are being left no choice but to do that.

Unfortunately, because we are at an interim hearing, there is no ability to bring folks in from each of these places in a timely fashion before the June primary to make sure this plan is in place. Realistically, those that have complied—we will give an example in terms of responsiveness—Nye County, which I have been a very vocal critic of for the last several years, did provide us with documentation, so we are able to vet through a full plan. You compare that to the responses we received from a place like Mineral County, which basically told us they are just monitoring at this point. We are not here specifically to threaten counties or cities; we are trying to ensure compliance with the law, and we are in a finite time period. We are only a couple of months away from the primary, so to those counties and jails that have not created a plan or the ones that have not yet updated that and provided it to us, we would encourage them, to the degree that they are tuning in to do so, to avoid what might end up becoming unnecessary litigation over these types of issues that I think we all want to prevent. It seems there has not been the same level of diligence and implementation with respect to this bill as there have been with some of the other ones. We are happy to take any questions.

***Chair Ohrenschall:***

Thank you. I am very troubled by what you are reporting to me as to not finding that the law is being followed. Are you finding in the jurisdictions where you do not believe AB 286 is being followed that the issue is with the managers of the detention facility, with the election officials for that jurisdiction, or both?

***Mr. Haseebullah:***

I think that is probably a question that is better asked to the registrars from each of those counties. It appears there are distinctions in each of these communities. The SOS has also

been working with each of these communities. Part of the reason why we are giving a few extra weeks here before we jump into legal action on something like this is because there are at least a couple of models they can follow now. If they are looking at what is new, I am not saying copying and pasting is a good idea, or a good thing, considering individual needs and what availability looks like, but some plans are out there. There are also plans in other communities. One of the interesting presentations we heard during the last couple of months on our end at the ACLU was from individuals who oversaw—this was in northern Nevada. We attended a presentation by the Northern Nevada International Center and there was a warden from a max security prison in Iraq who disclosed and shared the details of how they have had jail voting in place for over 20 years in Iraq at a high-security prison. It seems like at least some of the counties are struggling to get that off the ground. It is just as jarring because that responsiveness has been different, and there does not appear to be the same level of interaction between every county and every city with their own registrars, let alone the SOS. There are challenges there. It is part of the reason we requested this presentation. We want to give another courtesy if there is noncompliance to comply. You have an additional few weeks here before we go down that rabbit hole. Frankly, we would rather not go down that rabbit hole of legal action, but we feel like there is going to be limited opportunity. The reason why I stated April 15<sup>th</sup> is because with the June primary coming, we do not want any of these individuals to have their right to vote constructively denied in that primary as well.

***Chair Ohrenschall:***

Members, any questions?

***Vice Chair Mosca:***

You said, “requested records.” Do these records, like we saw on EASE, show many people are voting? Does it also go up to the SOS so we can see that?

***Mr. Haseebullah:***

If it is in our records requests?

***Vice Chair Mosca:***

Just in general, do you know if we are rolling that up to the SOS so that we, as a Committee, can see how many people have voted from jail?

***Mr. Haseebullah:***

I believe the SOS would have the first access to that piece of information. Unfortunately, one of the deficiencies of our Public Records Act is items that are not already produced, they are not necessarily required to disclose. It is not necessarily an interrogation on behalf of the ACLU when we do records requests. They may, in fact, have some level of a plan that is in place; they just did not turn it over. That is part of the request, but I believe the SOS would have that information first. We have been in contact with the SOS about it, and we know the SOS has been working diligently through all of these issues to try to get compliance. We also know there has been turnover in more than one county over the last several months, so that changes things a bit in terms of getting implementation records down. I believe the SOS would have access to that. You have to ask them directly.

***Chair Ohrenschall:***

Thank you. Any follow-up, Vice Chair Mosca?

***Assemblywoman Mosca:***

Thank you, Chair, I think that would be helpful to have that information at a future meeting.

***Chair Ohrenschall:***

I agree. If that is something that the SOS could provide the Committee, I would appreciate it. Any other questions up in Carson City or for Members on Zoom?

***Senator Daly:***

I share your concerns over the non-implementation. I think the time periods are more than generous, and you saw the law says the First of January. I am concerned that some of it is just political, and people want to thumb their nose at the State. As I recall from this piece of legislation going through the Legislature last session, more requirements were going to be put on to the various facilities. Whether they could have complied with that or not, you are right, there was some compromise back and forth. It was my understanding that all those facilities indicated to us in the legislative session that they were already complying with most of this, and maybe they needed to update a few things, but they already had a process in place. Now I am hearing they do not have any. We are monitoring, and there is no actual compliance with the law even though they indicated they had that compliance. I am with you, carry on with your enforcement lawsuit portion of it. We are not in session, but I think that would be unnecessary and unfortunate if we must take it up again in the next legislative session. I am sure my colleague who introduced the legislation will be chomping at the bit to make sure some of that happens. It is concerning to me as well, Mr. Chair.

***Chair Ohrenschall:***

Are there any questions? Did anyone want to be recognized? Thank you for your presentation today.

**AGENDA ITEM IX—PUBLIC COMMENT**

***Chair Ohrenschall:***

We are now going to move on to our last agenda item, public comment. This is our second round of public comment.

[Chair Ohrenschall reviewed testimony guidelines.]

I will start in Carson City. I do not see anyone in Carson City. We have a lot more people in here, but I do not see anybody coming up to make public comment here at the Sawyer Building. Broadcasting, go to the phone lines.

***BPS:***

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

***Chair Ohrenschall:***

I know it has been a long day, but if we can wait for a minute in case someone wants to call in and participate.

***Mr. Thomas, Previously Identified:***

Thank you for the time, Committee, and all those who presented. Regarding the individuals who are incarcerated, there are two or three Bureau of Indian Affairs Detention Centers where Native American inmates are incarcerated in the State. The hope and the request is that outreach is made to those facilities as well. I would like to follow up on the comments made by the SOS regarding advertisement and other types of information that will be placed on the PBS station in Las Vegas. In Northeastern Nevada, the PBS affiliate that broadcasts a lot of information is the PBS channel seven KUED, in Salt Lake City. Their coverage is the whole Northeastern Nevada region. Could outreach be made to that PBS affiliate as well? Another request regarding the Shoshone language, it was mentioned that it is being offered in Nye County. We would like to expand that to include northeastern Tribes because we are Shoshone-speaking individuals, any and all information related to campaigns and voting, and on the issue of voting. I am also disabled, totally and legally blind. The request is that another....

***Chair Ohrenschall:***

Vice Chair Thomas, we are at two minutes. If you could wrap up your comments.

***Mr. Thomas:***

Thank you. Just another revision of that needs to be done.

***Chair Ohrenschall:***

If anyone runs out of time during the public comment period, you can submit your ideas via email, regular snail mail, or fax.

We announced procedures earlier, and they are on the agenda if anybody wants to submit something if they ran out of time on public comment. Broadcasting, is there anyone else on the phone lines who wishes to make public comment?

***BPS:***

Chair, the lines are open and working, but we have no callers at this time.

***Chair Ohrenschall:***

I want to thank everyone for all the great questions, and thank our presenters, and our staff from LCB who made this happen—both parts of the State being able to participate on Zoom links—to the presenters in different locations, Walker River Paiute Tribe and up in Duck Valley.

## **AGENDA ITEM X—ADJOURNMENT**

There being no further business to come before the EntityCommittee, the meeting was adjourned at 12:43 p.m.

Respectfully submitted,

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Bonnie Borda Hoffecker  
Research Policy Assistant

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Haley Proehl  
Senior Policy Analyst/GIS Specialist

APPROVED BY:

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Senator James Ohrenschall, Chair

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



## MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item III	Research Division, Legislative Counsel Bureau	Draft Minutes for the Meeting on February 22, 2024
Agenda Item IV A	Mark A. Wlaschin, Deputy Secretary of State for Elections, Office of the Secretary of State (SOS)	PowerPoint Presentation
Agenda Item IV B	Katy Owens Hubler, Project Manager, Elections and Redistricting Program, National Conference of State Legislatures (NCSL)	PowerPoint Presentation
Agenda Item V	Mark A. Wlaschin, Deputy Secretary of State for Elections, SOS	PowerPoint Presentation
Agenda Item VI	Mark A. Wlaschin, Deputy Secretary of State for Elections, SOS	PowerPoint Presentation

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