



NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

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

MINUTES

May 10, 2024

The fourth meeting of the Joint Interim Standing Committee on Legislative Operations and Elections for the 2023–2024 Interim was held on Friday May 10, 2024, at 9 a.m. in Room 4412, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135, Legislative Building, 401 South Carson Street, Carson City, Nevada.

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

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

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:

Senator Heidi Seevers Gansert
Assemblywoman Jill Dickman

COMMITTEE MEMBER ABSENT:

Assemblywoman Cecelia González

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

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

Jennifer Ruedy, Research Director, Research Division

Bonnie Hoffecker, Research Policy Assistant, Research Division

Seana McManus, Research Policy Assistant, Research Division

Heidi Chlarson, Chief 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, everyone. Thank you for being here at the Sawyer Building, up in Carson City, and everyone who is watching online. I want to welcome everyone to our fourth meeting of the Joint Interim Standing Committee on Legislative Operations and Elections.

[Chair Ohrenschall reviewed housekeeping measures and public testimony guidelines.]

AGENDA ITEM II—PUBLIC COMMENT

Chair Ohrenschall:

With that, we will move on to our first session of public comment. If there is anyone who wishes to make public comment, either here at the Sawyer Building or up in Carson City, please come forward. I do not see anybody here at the Sawyer Building. Senator Daly, is there anyone in Carson City that looks like they want to make public comment?

Senator Daly:

There does not appear to be.

Chair Ohrenschall:

Thank you, Senator Daly. Broadcasting, is there anyone on the phone lines who wishes to make public comment?

Broadcast and Production Services (BPS):

If you are calling in today and would like to provide public comment, please press *9 now to join the queue.

Oscar D. Williams, Private Citizen:

Good morning. How is everybody today? Thank you for being here. Do you know that more civilians use the military ballot system than active service members, particularly the nvease.gov portal? There are—of course disabled and Native American Indians have access to the nvease.gov portal as well. I cannot find any published statistics on disabled voters using the system or on the Native American use of the nvease.gov system. It is kind of a concern. There is also no published statistics on the number of hidden voters. Of course, there is no—anybody can opt out of having their address or telephone number listed in the voter data. But there is no qualification, or you do not need a reason. Anybody can do it. We have seen a 23 percent increase of hidden voters from 2022 General to April of 2024. That is a significant increase showing the trend. Again, that is a concern when there is no data on disabled and Native Americans. The ease of using the system, but you do not need to prove a disability. You do not need to prove your level of purity of your Native American blood to access the digital ballot through nvease.gov. I am a bit concerned about the trajectory here and the lack of security checks and balances of civilians using the military ballot system. That is basically what my concerns are at this point. I think that is really a

threat to our election infrastructure. I hope that people can address that in this hearing today. Thank you for your time.

Ellen Giffords, Private Citizen:

Good morning. Apparently, in spite of the urging of concerned Nevada citizens, and in spite of the fact that it is their responsibility to do so, the Secretary of State's (SOS) Office has no intention of providing the public with information about Senate Bill 406 prior to the primary election. The language of this law can be utilized by any individual to serve their own purpose. Without the requirement for concurring witnesses or some means of corroboration, malicious accusations can have free reign, putting innocent voters at risk. The possibility that they could face a Class E felony in the event a clerk or registrar misinterprets their conduct in any way is something the public should obviously be made aware of. One has to wonder what exactly the motivation was on the part of the Legislators and the SOS to introduce and approve this law. It is documented that 14 Nevada counties and Carson City have had no known incidents such as are described in this bill. Additionally, documentation from the remaining two counties does not appear to substantiate the need for a law that puts Nevada's voters at risk of a felony. The SOS's failure to provide education about this bill to the voters is a disservice to all Nevadans and very questionable. Thank you.

BPS:

Chair, there are no additional callers to provide public comment at this time.

Chair Ohrenschall:

Thank you, Broadcasting. Again, if there is anyone listening who wishes to make public comment, we will have an additional public comment period at the end of the meeting. I will announce those phone numbers again before the last public comment period.

**AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON
APRIL 19, 2024**

Chair Ohrenschall:

I would like to move on to the approval of the minutes of our prior meeting on April 19th. A draft copy of the minutes should have been emailed to all Members, and you have a hard copy in your packets at your desks here at the Sawyer Building and up in Carson City. If there are any concerns regarding the minutes or any Members feel there are any errors, please do not hesitate to speak up, and we could get those corrected. If not, I would accept a motion to accept the minutes from April 19th.

VICE CHAIR MOSCA MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON
APRIL 19, 2024.

ASSEMBLYMAN HIBBETTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM IV—OVERVIEW OF THE NEVADA COMMISSION ON ETHICS, AND UPDATE ON THE COMMISSION’S RECENT ACTIVITIES

Chair Ohrenschall:

We are lucky today to have Ross Armstrong, the Executive Director of the Nevada Commission on Ethics here with us at the Sawyer Building. Good morning, Executive Director Armstrong. Thank you for joining us and for discussing the work Nevada’s Commission on Ethics is doing, and an update on recent activities.

Ross E. Armstrong, Esquire, Executive Director, Nevada’s Commission on Ethics:

Good morning, Chair, Vice Chair, Members of the Committee. Thank you for giving me the time to present today. I am going to talk about why we have an Ethics Law in Nevada, what our Commission structure is, and requirements under the law. I will provide you with an update on our caseloads and our process and finish up with hot topics. ([Agenda Item IV](#))

The first question is always, “Why do we have an Ethics Law?” The answer is Richard Nixon and the Watergate scandal. After the Watergate scandal, states across the country enacted ethics laws, including Nevada. Our first one was in 1975. We are getting ready to celebrate the 50th anniversary of the Ethics Law. We did go 100 years before that law was in place without an ethics law in the State. The federal law was enacted a couple of years later. There is still—I would say it is under five—states that do not have ethics law or a statewide ethics commission. In many jurisdictions, local governments have their own ethics commission. The City of Honolulu has their own ethics commission; same with New York City and Oakland. Those are examples of city-level ethics commissions. We do not have any ethics commissions operating locally, but many localities have their own ethics policies and ways to enforce those as well.

In the legislative declaration, at the very beginning of the Ethics Law, it states, “A public office is a public trust and shall be held for the sole benefit of the people.” For the sole benefit of the people, not for the sole benefit of the people in government or friends of people in government, but for the sole benefit of the people. When I go out and I am training our public officials throughout the State, I give them lots of details and all the technicalities of the Ethics Law, but I say, if you remember that you are supposed to use your public office for the sole benefit of the people, you will do well in complying with the Ethics Law.

The Commission's mission is to enhance the public's faith and confidence in government. We primarily do that by enforcing and having public officers and employees avoid conflicts between their private interests and their public duties. We get members of the public and others who come to us and want us to enforce Open Meeting Law or public records stuff. That is outside of our jurisdiction. We are focused on that separation between public and private duties. We get a number of complaints every year—people frustrated with their government, and there may be things public officials are doing that do not seem right. But if they are not in the Ethics Law, that is not going to be within our jurisdiction.

The ethics rules are in NRS 281A. Those are all the rules. We have a regulatory code that is a procedure manual for the Commission and how it processes different cases. If you want to know if something is or is not against the Ethics Law, you look at the NRS. The regulations are that procedure manual. We have proposed amendments coming up hopefully soon to the Legislative Commission on that topic.

Our structure—the Ethics Commission is made up of eight Commissioners. Four are appointed by the Legislature, and four are appointed by the Governor. There are other rules like we cannot ever have more than four from the same political party. There is never more than four from the same county. There are minimum numbers of attorneys and former public officials. Because we are looking at government action, it is helpful to have people on the Commission that have experience with government action. You can see the four Commissioners who are legislative appointments are: Chair Wallin; Commissioner Langton, who is the most recently appointed Commissioner; Commissioner Lowry; and Commissioner Yen. Commissioner Yen's term expires in December. That will be the next legislative appointment slot. She is termed out. The staff—we now have seven positions. After last session, the Legislature approved the addition of our Outreach and Education Officer, which we have recently filled. We will talk about that in a bit. We have an Executive Director, Commission Counsel, an Investigator, a Senior Legal Researcher, who is a paralegal-type of role, and an Executive Assistant. Currently, our Associate Counsel—who in my mind acts most like our ethics prosecutor—is currently vacant because that person was promoted to our Counsel. We are getting close to filling that particular role. We are small. We have about 150,000 public employees that are under the jurisdiction of the Ethics Commission, and there are seven of us doing that work.

What exactly do we do? We have three main purposes. Education and outreach—settings like this where we are talking about the Ethics Law. We go to different local, city, or county governments. State governments ask us to come in and do training and various outreach. We also provide ethics advisory opinions. This is something a lot of folks may not know about. If you are a public officer or employee in the State of Nevada, and you have a question about how your role relates to the Ethics Law, you can ask for an advisory opinion. There is a formal process to receive that advice. The one that is probably the most public and well-known is that people will file complaints against public officials when they believe they have violated the Ethics Law. We process those complaints.

Who is covered under our jurisdiction? In the State's Executive Branch, we have full jurisdiction. Examples might be the members of the Personnel Commission, staff at the Department of Transportation, or Board members of the Board of Cosmetology. For the Legislative Branch, we have limited jurisdiction. There is a Supreme Court case that said we do not have jurisdiction over core legislative duties. There are provisions in the Ethics Law where there are special rules for Legislators. We have full jurisdiction over local government; the Reno City Council, a general improvement district, or a school district are all examples of local government entities where either the elected or appointed officers for that agency or their employees also fall in our jurisdiction. We have no jurisdiction over the Judicial Branch. They have their Commission on Judicial Discipline for that.

I will talk about one definition in our law before briefly going over at a high level what the Ethics Law requires: a commitment in a private capacity. I feel like most public officials and employees know you cannot use your public position to financially gain for yourself. Where people sometimes may not have it on their radar is, under the Ethics Law, there are certain relationships that automatically create a conflict of interest. If you use your government position to benefit those individuals as well, that can be an ethics violation. Those six types of relationships are: your spouse or your domestic partner; a member of your household; someone within the third degree of consanguinity or affinity, which is a fancy legal way of saying a close relative. You are at the zero degree of consanguinity, your parent or your child is at the first degree, and it spiders out from there. The Ethics Law does not care if you like your family. If they are within the third degree of consanguinity, it counts as a commitment in private capacity. Your employer—your private employer you have a commitment in private capacity to; if you have other substantial and continuing business

relationships; and the law also has a category called *substantially similar*. If it is substantially similar to those other relationships, it will also count. Usually, people get angry at me during training because they want me to come tell them the rules, and I am like, "Well, there is this one where if it looks like the other ones, it also counts." I will give you examples. The Commission has previously held that service on a nonprofit board is substantially similar to a business relationship, even though you are typically—if you are not engaging funds, you are not giving that nonprofit all of your funds, but you have a fiduciary duty to that nonprofit. That creates a similar relationship. A volunteer firefighter had a substantially similar relationship to his employer even though it was not a traditional employee-employer relationship. In some cases, we found close and longstanding friendships can be substantially similar to a family member. Those are examples of that substantially similar category.

There are three main topics within the Ethics Law: improper benefits; disclosure and abstention; and cooling off. I will give you examples of each of those.

The improper benefits part of the Ethics Law essentially says you cannot use the power of your position to create a benefit if that benefit is for you, for someone on your magical list of relationships, or because you have received a gift or a loan. Examples are, you cannot be in a government position and then negotiate both sides of a contract with your private interests. If your agency is going to buy pens, and you run a pen company on the side, you cannot negotiate the contract for the pens with your private company. One we see folks sometimes stumbling over I think the most is the use of government equipment or time or facility to benefit personal interests. Sometimes we see that in political campaigns or private business. That is one of the specific prohibitions under the law. You cannot give preferences to close family members. Let us say you are at an agency that provides services, and there is a waitlist. You cannot use your public power to move them up the list. You cannot direct subordinates to benefit yourself or others. The staff of the county, the city, and the State are for the benefit of the people, not for the benefit of the person running that agency. You cannot use staff to go out and do your personal things for you. Nevada's gift prohibition is also in that bucket. You cannot receive a gift that would make a reasonable person deviate from the impartial discharge of their duties.

The next set of the Ethics Law is disclosure and abstention, which is about transparency. It is not inherently bad to have a commitment in private capacity. Just because people choose public service does not mean they have to shut off all private relationships, but when those private relationships come into collision with the public duties, there is a requirement to disclose those relationships and be transparent about it. In some cases, our public officers have to sit out decision-making if it is going to directly affect them. Some examples—you cannot take government action without being transparent about your conflict of interest. If you vote on funding for your private employer using your public position, that would be a violation of the disclosure abstention rules. I think most people are familiar with disclosure in terms of a city council or government committee and there are votes, but if you are an employee, you are not an officer and you are working, you also have requirements to disclose. The example I like to give in training is if you are a health inspector, and you get your list of assignments for the week, and your daughter's restaurant is on that list, you need to disclose that conflict of interest before going out and doing that inspection. Your boss will probably assign it to a different inspector.

The last category under the Ethics Law is Nevada has a cooling off law. It basically says for one year after you leave public service, there are certain people you cannot work for and there are certain things you cannot do, no matter who you work for. You cannot, if you are a State-level regulatory agency, you cannot go work for the regulated industry for that

one year. You cannot go work for a vendor of the agency you just left. There are requirements of the law: it has to be a contract above \$25,000; and your position had to have some ability to impact the awarding of that contract. But if folks are leaving public service and are going to go work for a vendor of the agency they are leaving, they want to be super careful about that. The other one is no matter who you go work for, you cannot get paid by a private entity to work on something that you worked on when you were at the agency that was under consideration of the agency. So, you are in the financial department, you are developing a request for proposal (RFP), you retire, and you go work for somebody who is applying for that RFP, and they pay you to help apply to the RFP you created. That would be a violation of the cooling off law. Those are our three categories under the Ethics Law.

I am going to give you an update on our education and outreach efforts. This was a big part of our budget ask last session. We asked for the position that you granted us. We talked about our modernization plan, which included leveraging social media, creating topic-specific videos on YouTube, implementing an online learning management system, and that position. We continue to leverage social media with increased growth. I would say LinkedIn for us is interesting. We have most followers on LinkedIn. We can look at those followers, and it shows those are primarily—we know the vast majority are in the Reno and Las Vegas area. Most of them are in leadership roles within government or other policy making things. We know we are hitting the right target with the educational content we publish on there. We currently have 20 topic-specific videos on YouTube. Before that, we had one video, and it was almost an hour long. If you had a specific question, you had to dig through that video. Now you can be like, “I have a question about cooling off.” Here is a quick ten-minute video on cooling off. Our online learning management system we call Nevada Ethics Online. We have had slow growth, but it has helped us, especially in terms of if, as a result of an ethics complaint, somebody is required to do training, we can now verify they have done the training in a real way. We hired the position in spring, and there are already media improvements to our ability to do education and outreach. That is exciting.

Who do we train? Who do we provide outreach to? This shows the breakdown of county, city, state, and other. Other is a big chunk, so I wanted to explain what that is. During Fiscal Year (FY) 2022–2023, we trained at the Southern Nevada Housing Authority—I think 200 of their employees—that was a big chunk of that other. We also trained at the Nevada Civil Attorney’s Conference, which again, is another 180 to 200 attorneys that represent all different types of government levels, so it is hard to put them in one space. About 1,400 people trained which was a big increase over the year before. One of our issues is that still represents only 1 percent of the people who are covered under the Ethics Law. We are constantly looking at how we can increase that total number of people trained. That is education outreach.

I will describe our advisory opinion process quickly. A public official will submit a request to us. We have a process where our Commission Counsel will get more facts from them, come up with a good set of facts, draft a draft opinion, send it to the Commission, the Commission votes to approve or modify that opinion, and then it is issued to the public officer or employee. It is a confidential opinion. They have the ability to waive confidentiality and have us publish it. In most cases, they prefer to keep it private.

You can see our advisory opinion caseload. We had 41 requests. The big story here is you can see where there was a collapse during the Coronavirus Disease of 2019. Fiscal Year 2020–2021 is the second half of 2020 and the first half of 2021. You can see we are back up to where we were. The story that is not told on this graph is the five-year average before FY 2018–2019. The average was 15 per year. There was this spike in activity in

FY 2018–2019. I was not around, so I cannot say what caused that in both complaints and advisory opinions. I think we probably did a better job of telling people we were around. We are now at a much higher volume and back at that level.

You can see the difference between requested and issued. Sometimes we get people who request opinions, and they may not be a public officer or employee, so we cannot provide them an opinion. Sometimes people ask for an advisory opinion about their coworker they do not like down the hallway, and we have to say, “No, it has to be about your behavior.” There is a bit of a gap when somebody requests during one fiscal year, and it gets issued the next one.

What do people ask us about the most? They mostly ask us “cooling off” questions, and they mostly ask us about disclosure and abstention. Those make up about 60 percent of the advisory opinion requests from the last fiscal year. You can see a big chunk of the folks asking for advisory opinions are State-level employees. Clearly, there is an opportunity for us to do a better job of providing outreach to city and county employees about the possibility of asking for an advisory opinion.

People ask about the complaint process quite a bit. We receive a complaint—also in the Ethics Law, we can initiate a complaint on our own motion. If we receive information, it cannot be anonymous information, but if we receive information and honestly, it is usually a news story that piques our interest. We go, “That does not look right. Let us look into that some more.” We can start our own complaint. The first step is for the Commission to determine if they have jurisdiction. They have 45 days to do that. If we do, we investigate, and it goes to a three-person panel. If you are familiar with the criminal justice system, the panel is like a preliminary hearing or a grand jury. They are determining if there is enough evidence to go forward. Sometimes we get done with an investigation and there is nothing there, so my recommendation to the panel is to dismiss the case. We only got some information during the complaint process, and now we have more. Then the remaining five Commissioners, if it goes to a hearing—like a mini ethics trial—those three Commissioners who served on the panel cannot serve on the final hearing. A lot of times, like in most legal matters, we get to a stipulated agreement with individuals. Actual contested hearings are pretty rare. Complaints are confidential. We will not confirm or deny that a complaint has been received unless we get to the point where there is a review panel determination. Once the review panel determination is issued, the case becomes public. The investigatory file remains confidential, but at that point the panel determination and the complaint become public.

You can see our ethics complaints received. So far, this fiscal year, with about two months left, we are already at 103. We will see an increase in the number of complaints received.

Where are the complaints coming from? The big chunk in last fiscal year was from the counties. They have a lot of public employees compared to the State and those others, so that makes sense.

This next visual shows the life of what those complaint cases look like. We received 102 in FY 2022–2023, we only accepted jurisdiction on about one-third of those. The others did not have sufficient information, or they were not appropriately before us. You can see that breakdown of what happens to those cases, whether it ends in a stipulated violation or a deferral agreement—which is like ethics probation; I guess would be the best way to explain it. We also have letters of caution and instruction. When we find there are issues here, but we do not need to do a full-blown case for this, a letter warning them to watch out for this conduct in the future is sufficient. That provides that particular visualization.

Part of the Ethics Law is that we cannot issue civil penalties. If it is a willful violation, there can be flat fines. If somebody financially benefits from their unethical conduct, we can fine them the amount they benefited and multiply it times two. You can see the history of our civil penalties collected. The big jump in FY 2019–2020 and 2020–2021 was the Las Vegas Convention and Visitors Authority Southwest gift card issue. Those were the largest fines the Ethics Commission ever issued because they had received tens of thousands of dollars in Southwest gift cards for themselves.

Shifting a bit to the legislative history since we are here before a legislative Committee. As I said, 1975 is when the Legislature established the Ethics Commission. There were issues right away. Originally, there were two separate commissions, one for the Legislature and one for the Executive Branch. They did not do much for the first ten years, so in 1985 they amended it to have one commission that had jurisdiction over both. In 2009, there was a Supreme Court decision about core legislative functions and that the Executive Commission could not take action on those particular matters. In 2015, there was further jurisdiction that narrowed the Commission's jurisdiction over Legislators.

Recent legislative history—there have not been major changes to the Ethics Law in a while. In 2019, there were comprehensive changes proposed. I would say in all these cases—in 2019, 2021, and 2023—not huge substantive transformative changes, but a lot of little changes to the law along the way. In 2019, it was amended twice. It died in the Assembly. In 2021, it was amended to carve out the Legislature completely from the Ethics Commission jurisdiction. It passed the Legislature and was vetoed by Governor Sisolak. In that veto message, he pointed to the failures of the previous split commission system. He said to take a look at the costs; maybe we should adjust something, but we need a closer look at the costs. Last session, again, comprehensive changes were proposed, and there was the same legislative carve-out amendment, and it died in the Senate. We did try to work through that process on a compromise solution where a complaint would come in, the Commission would investigate it, and at the end of the investigation hand it off to the Legislature to do the determination and any sort of sanctions. I think we were too late in the session by the time that came along to occur.

Finally, current ethics hot topics—it is campaign season, which is always interesting. We do not have jurisdiction over campaigns. We do have jurisdiction over public officers and employees if they are running for office or trying to support a campaign or ballot initiative. That is when they come to our attention. Last campaign season, we had strong enforcement of people who were using their uniforms to support their campaigns or other campaigns. I think we had almost ten or a dozen cases on that topic. That strong enforcement so far—a little bit early—we have not seen repeats of that conduct in using government equipment to benefit campaigns. Also, this year, early on, we did a campaign and candidates webinar, which was great. We had about 25 to 30 candidates or campaign staff attend that to get a good sense of what should I watch out for if I am a public officer or employee and involved in a campaign? The legislative ethics has been a hot topic since the last legislative session.

The one that has received the most attention is the funding through the Christmas tree bill, where about \$6.9 million of that bill went to organizations who had ties to legislators, and there was no disclosure around that issue. That has been a particular issue we have seen; people have asked us, and we say we have no jurisdiction over that core legislative action of developing and passing a bill. That has been a topic. The next one I feel we are in the early stages of having, not a trend of violations, but a need for us to have clarity from our Commission in terms of what the rules are on gifts and big events. Specifically, Las Vegas has more and more big events with big, expensive ticket items like the Super Bowl, F1, or the National Collegiate Athletic Association (NCAA) tournament that is coming up. What are

those lines and boundaries on public officers or employees being able to receive tickets to those events or other special access? When you look at the Ethics Commission's case history on gifts, is not super clear. We have never had gifts that would be in the values of these big-ticket items that we are seeing. I imagine we will see action on that as we have more and more of these big particular items. That concludes my presentation. I am happy to take any questions.

Chair Ohrenschall:

Thanks for the thorough presentation. I have a few questions, but I would like to go to Members first. I will start up in Carson City. Senator Daly, any questions for Executive Director Armstrong?

Senator Daly:

I have a couple of questions and comments. Reviewing the legislative history and that storied back and forth, I think sometimes may give the wrong impressions online. I will ask basic questions. Are you familiar with the separation of powers that is in the *Constitution*?

Executive Director Armstrong:

Correct. That was the basis for the decision which said core legislative values could not be looked at by the Commission.

Senator Daly:

But you understand that is a principle in the *Constitution* that you have the Executive Branch, and they have their constitutional duties and authorities, right? And you have the Legislative Branch, and they have their constitutional duties and authorities, and you have the Judicial Branch. I know the Ethics Commission is an Executive Branch agency which was created by the Legislature, given the duties that it is supposed to have, funded through the budget process. Those are the legislative steps that have to be taken under the separation of powers; then the Executive Branch carries that out. The *Constitution* also says that one branch cannot exact authority or tread into the areas of the other branches. You are familiar with that as well?

Executive Director Armstrong:

Correct.

Senator Daly:

I bring this up to try to make it clear to anybody that may be listening. There is a reason you do not have jurisdiction over the Judiciary Branch. They have their own set of rules for ethics and rules of conduct of judges, as does the Legislature. That is where we are trying to see those separation of powers. The Legislature has authority over the Legislature on whether people are seated. It is clearly in the *Constitution* that way. Then we have a whole set of rules that apply to Legislators. I want to be clear that when people come to you and say that we are going to complain about a core legislative function, there is a different set of standards that Legislators have to apply. We all get training on it—when you are making that decision on whether you have to disclose or whether you can vote on a particular issue—everybody has agreed there were no violations over that, but I still see some of this; there is this big issue. It is not a big issue. Those Legislators acted appropriately under the rules and guidance that apply to the Legislative Branch. I think it confuses people when you

give presentations that indicate there is an issue that is unresolved, and that is not the case. Go ahead and comment if you would like.

Executive Director Armstrong:

I think the issue we have now is there are individuals—when you look at, let us say specifically that Christmas tree bill. That is the one that has been in the press the most. If they were any other public officer or employee in the State, that conduct fell below our standard for those other folks. When I go and train, there is frustration there is a different set of rules for the Legislature. The nature of legislating is different than the nature of being an Executive Branch agency out there. In fact, even in the Ethics Law rules for, let us say, local city councils or county commissions, when they are in the early stages of doing their local legislative function, those disclosure/abstention requirements do not apply. The two amendments of those bills that did not become law established specific legislative ethics committees who would then be able to appropriately take action. I think right now, for the public, there is no transparency about what occurs when you have an issue where someone has not disclosed when they should have, when they had a conflict of interest.

Senator Daly:

I understand, and I remember the bill that would have separated it out. The Legislature does oversee our own Members in both houses. Each house has control over their side. Those things are all done. We all receive the training. That is why I started out with the separation of powers when we were first talking. Your agency is an Executive Branch agency. Is that correct?

Executive Director Armstrong:

That is correct.

Senator Daly:

Under the *Constitution*, the Executive Branch cannot have that type of authority over the Legislative Branch and vice versa; same thing with the Judicial. There is transparency. I am sure you are familiar with the rules we all have to read and understand. I will paraphrase; it says we recognize we have a citizen Legislature. We do not have a full-time Legislature, and every single member of the Legislature has another job. They have other commitments to various things. That is the nature of a citizen Legislature. When we look at the various issues to which we are confronted, we apply those things. We have to make that analysis. Is it going to affect me in my private capacity any differently than another person in a similar situation with the similar facts in front of them? That is the standard that we have to do for abstention and disclosure as a citizen Legislature. Otherwise, I do not think you could not have teachers in the Legislature; you could not have lawyers; you cannot have people like me that came from labor. It would significantly reduce the number of people that would be able to run for and serve in the positions in the Legislature. That is not what the people want. That is not the way we are set up. That is not what the law is. I am trying to eliminate this confusion over what the standard might be for a person in the Executive Branch that falls under your jurisdiction. There are reasons for the difference. The same thing with the Judiciary; there are reasons for that. Most of it is the separation of powers and the core basics of the functions of the three branches of the government. Is that a fair statement clearly supported in the law and the *Constitution*?

Executive Director Armstrong:

I think that is a fair statement. Even in the Ethics Law, as we look at disclosure and abstention issues with relation to Executive Branch agencies or local governments, I think our city councils and county commissions are every bit citizen councils and commissions too. Typically, they have private employment and interest—different than the Legislature. But even in our Executive Branch, as we look at disclosure, as long as you have made that disclosure and have been transparent, there is a presumption that you can participate and do not have to sit out with voting. Because the Ethics Law recognizes you cannot have an abstention rule so strict that everybody has to sit out all the time and not participate. For our enforcement in the Executive Branch, I think it is important to note in that disclosure and abstention analysis—even though for me, they are in the same bucket—there is a preference for the transparency of disclosure. Once that disclosure is made, then you do that analysis about, am I impacted any differently than anybody else? No; if this applies to everybody the same way, then I can go ahead and participate on that matter. That is the rule, which you are well aware of.

Senator Daly:

I understand. I am still trying to get to that separation and still you are trying to cross the streams; if you will. Under the rules for the Legislature, as you make that analysis, and if you are not conflicted, the reason or the need for the disclosure—and it may be different for your local government. I would disagree when you look at yes, they have other interests; some of them have other jobs, but being a county commissioner, city council person, you are on 7 to 8, sometimes 12 subcommittees. It is full-time work, and they get paid accordingly—although I think they are probably underpaid too, but not as much as the Legislature. None of us do this for the money though. I think it is Executive Branch, Legislative Branch, Judicial Branch. Those comparisons are not the same. I know you have had the bills, and some of them have come forward and failed. I am hoping you are not going to have another 80-page omnibus bill that tries to encroach over to that area. I am hoping we can have a separate legislative-only commission, similar to what the judiciary has, to investigate those complaints because we do have different rules. We are coming from different perspectives and areas on how the Legislature works independently from the Executive Branch.

I want the Ethics Commission to be clear on part of the reasons your proposals have not gone very far, which is that executive agency encroaching into the legislative arena is going to run afoul of the *Constitution* and is obviously going to get that push back. I wanted to be clear on the record for anybody that may be watching. The Legislative Branch oversees, and we have the rules in place. We follow as much of the procedures and the ideals as possible, but it does apply a little bit differently to what the Legislature does. That hot topic issue that you have on here is not an ethics issue. Everybody that has examined it has said there is no violation of any rules or ethics on those votes. I wanted to be clear on that.

Final question—if I can, Mr. Chair?

Chair Ohrenschall:

Please go ahead, Senator.

Senator Daly:

Separate topic completely. I know you do not cover campaign stuff. We have the SOS for that, although you did have a government employee which you found violated the ethics

rules as an employee engaging in campaign activity; he was also the employee. What is the status of that? I know there was a fine. Some people do not want to follow the rules and be held accountable. What is the status of that particular case with the Governor?

Executive Director Armstrong:

I wanted to confirm, because we had four or five cases where we found violations last campaign cycle about that. The case involving the conduct of then-Sheriff Lombardo is currently at the Supreme Court waiting to see if we will have some sort of settlement conference before they hear arguments on the substance. There were violations found, a fine issued, and is currently in that litigation. When we have a complaint that goes all the way through the process, what are those appeal rights for people who might have been found to have violated the Ethics Law? They go through a petition for judicial review. There is a whole system of that under the Administrative Procedures Act. That is where that particular case is at this time.

Chair Ohrenschall:

One question I had, I wanted to go to the slide on education and outreach. You mentioned different trainings you had with the Southern Nevada Housing Authority employees and Nevada Civil Attorney's Conference. You mentioned that this year you trained 1,400 individuals, but that is only about 1 percent of individuals who might be eligible. I applaud your efforts to reach out and to train the employees. I wonder in the future, what additional outreach do you think can be done to try to reach all those other officers and employees who are covered by the Ethics Law that maybe cannot get to a physical training? I see the social media stuff. I wondered if you could discuss possible future outreach efforts.

Executive Director Armstrong:

One of the things was to get a dedicated person to do education and outreach. That is already tremendous because previously those duties fell to the Executive Director, and when you have cases with statutory deadlines to meet, those take precedent over being able to do that education and outreach. Currently, in our portfolio of the ability to do education and outreach, we do the in-person trainings. That 484 was mostly those in-person trainings. We recently executed a memorandum of understanding (MOU) with Clark County. Now that we have these topic-specific YouTube videos, they can take that content and pull it into their countywide learning management system, so their county employees and supervisors can get training through their internal system. We are looking at additional MOUs so folks can get the ethics training where they are already getting employee training.

We have the Nevada Ethics Online, which is an online learning management system. People can sign up and register there to go through ethics training. What we want to do with that platform—right now, we have an ethics basics course, and we have one on campaigns. We have a four-phased plan to have ethics training that is for individuals who have jobs related, like purchasing and contracting. What are the specific ethics issues you want to be looking out for? We are going to have to figure out better ways to collect the data in terms of all the people we are training because it is not somebody sitting there with a PowerPoint in an office. I hope that answers your question. Those are our plans to expand that. I think having the material where people are already getting training is our most helpful approach.

Chair Ohrenschall:

I wonder in terms of outreach to these other employees, are any of the local government employers making watching these videos mandatory or are they incorporating that as something employees and public officers need to do?

Executive Director Armstrong:

Yes. For example, Clark County recently passed a new ethics ordinance locally, and employees at a certain classification have to take that ethics training annually. We do not have in our statute mandatory ethics training for everyone. It is up to us to sell it and market, "You should do some ethics training." Clark County is the one I know that has the most forward-looking, intense requirement for their employees.

Chair Ohrenschall:

Members, any additional questions for Executive Director Armstrong? Please go ahead, Senator Seevers Gansert.

Senator Seevers Gansert:

I want to circle back to the conversation we had about the Legislature and Ethics Commission and some of the topics. First, we started out with jurisdiction. There is a separate jurisdiction between the different branches, and I agree with that, but I do disagree with some of the comments that were made. I think we always need to disclose conflicts. When we are talking about, when is there a conflict, when do we need to make sure it is transparent if someone works for an organization that will be directly affected? I know the definition is, will you benefit more than anybody else in that same position? But during the last session, we specifically had legislation where funds went to nonprofits who directly employed members of the legislative body. It was not like a school district or certain other large organizations. They were small organizations, and the amount of money that was allocated to those organizations substantially affected their finances and those potentially who were employed there. I think the Legislature needs to revisit when you make disclosures. That has been a topic since I have been in the Legislature on and off since 2004. I think transparency is always the way to go, and we did not see transparency. I believe there were conflicts and there should be more accountability around that.

We need to look at the past, but we also need to look toward the future. I strongly disagree with some of the comments that were made because I think when you have organizations that are not governmental organizations, they are nonprofits that specifically get substantial amounts of money who employ Legislators, there are conflicts. There should have been disclosures. I think we need to look at that again. What happened in the past and moving forward, you can talk about the legislative body taking care of itself, but I think there is room to have a body that would be arm's length and could better evaluate when issues like this come up.

Chair Ohrenschall:

Thank you, Senator Seevers Gansert. Executive Director Armstrong.

Executive Director Armstrong:

I wanted to note the Commission made the decision a couple of meetings ago that we are not going to be putting forward a big, comprehensive bill. We are not going to be putting a

bill forward in this next legislative session. What was clear, the message to me from our Commissioners, is that we are to stand at the ready if the Legislature wants to tackle that issue and develop its own. We are not going to tell the Legislature how to create their own if they are going to create an ethics organization. But we are here, we have access. We are part of the North American Ethics Agency Association. We have access to other jurisdictions, and we would be happy to work with your staff in looking at what other jurisdictions do. If that is something this interim Committee wants to produce as a bill or if there is a Legislator that wants to take that on. We stand here as a resource prepared to get you access to any of the information or expertise that is out there as you look at tackling those issues.

Chair Ohrenschall:

Thank you, Executive Director Armstrong. Again, I do want to remind everyone that pursuant to the rules of each house and our joint rules, we do have committees on ethics that can handle any issues that do arise. Of course, future legislation we can certainly look at next session, but we do have committees on ethics. Any additional questions?
Vice Chair Mosca.

Vice Chair Mosca:

Thank you for this detailed information and for answering a lot of my questions prior. I have two questions for you. When the civil penalties come in, where does that money go, for the public record? What percentage of the complaints are elected versus staff?

Executive Director Armstrong:

I will have to get back to you on the data split between elected folks and staff. Under the Ethics Law, we have two categories of people. We have public officers, and we have public employees. Public officers are any position that is established in statute. That is not necessarily just electeds. County managers and presidents of university are public officers, even though they are not elected. I am a public officer under the law, even though I am not elected. I can hunt that down, and I will get you that data.

The civil penalties funding goes into the General Fund. The civil penalties do not go to fund our Agency budget. Our Agency budget is funded by a blend of General Fund and local county assessments. About 72 percent of our revenue for our budget comes from counties and cities who meet the qualifications under the statute to pay the assessment. The other comes from the General Fund. That percentage breakdown is based on a formula in terms of how many actual people there are in each of those jurisdictions. We have the 150,000 or so public officers and employees; the 28 percent that is paid by the State General Fund is because 28 percent of that number comes from State agencies.

Chair Ohrenschall:

Thank you, Vice Chair Mosca. Are there any additional questions? [There were none.] Executive Director Armstrong, thank you for the presentation. We appreciate your availability as a resource, and thank you for traveling today down to the Sawyer Building to present.

AGENDA ITEM V—OVERVIEW OF VOTING SYSTEMS IN USE IN NEVADA FOR THE 2024 ELECTION CYCLE

Chair Ohrenschall:

We are now going to move on to an overview of voting systems in use in Nevada for the 2024 election cycle. Thank you for being here.

Gabriel Di Chiara, Chief Deputy SOS, Office of the SOS:

Thank you, Chair Ohrenschall and Members of the Committee. Before I turn it over to Deputy Wlaschin for our presentation, I wanted to mention a couple of items that came up in public comment this morning. First, as this Committee may remember, statistics for the use of Effective Absentee System for Elections (EASE) were presented at our March meeting giving a breakdown of the different qualifications for EASE members. A reminder to the public: the use of EASE for tribal members is specifically for members of tribes who live on reservations or colonies. There are no other qualifications in law.

I did want to add about SB 406, the Secretary's election worker protection law. We have been clear publicly and in court because a lawsuit was brought against us regarding that bill about the Secretary's goal of protecting election workers. For the record, that lawsuit was dismissed. I wanted to address those items.

Chair Ohrenschall:

Thank you for clarifying that. I appreciate that comment.

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

Good morning, Chair and Committee. Thank you for having us here to present today in regard to the use of voting systems that will be used by our county election officials across the State during the 2024 election cycle. ([Agenda Item V](#))

I want to clarify the terms we are going to discuss today. As we were discussing what to present specifically to meet the Committee's needs, we realized collectively that when you think about voting systems and the voting process, it ends up being far more expansive than most individuals realize. There is, for example, an in-person voting process that includes a check-in kiosk that you may remember, the voting system itself that you cast a ballot upon, the tabulators that are used to aggregate the data; there is also an entirely separate mail process with drop boxes and a number of other involved items.

Today, we are going to focus solely on the in-person voting process and specifically on the voting systems the electorate will stand in front of for those individuals that choose to vote either during the two-week early voting period or during the 12 hours of in-person voting on Election Day. If the Committee is interested in hearing about any other element of the electoral process, we stand eager to provide that information. I want to clarify that upfront.

Regarding statutory authority, it is important to note that when we talk about voting systems, this is not something the Secretary, the clerks, the [SOS] Elections Division, or any other election official across our State arbitrarily thinks up and pursues in an interim period. There are a number of federal and State requirements relating to these systems that starts back with the Help America Vote Act of 2002. Without going into an in-depth study or analysis of what that Act did, I want to highlight it established the Election Assistance Commission (EAC), which then established voting system guidelines. Those guidelines have

been in place since the early 2000s. We have a statute that specifically requires that all systems used in our State meet or exceed the EAC's standards. The EAC, in the last couple of years, created a new 2.0 standard. For individuals that look into the Voluntary Voting System Guidelines (VVSG) process, understand, and start to peruse the roughly 330-page document that is the VVSG 2.0 standards, I want to explain and highlight there are no systems that meet that standard yet. Since the EAC passed it, the vendors across the country are still working to make systems that meet the VVSG 2.0 standards. That being said, all our systems in use in the State do meet VVSG 1.0 standards that are still in place and have not been sunset.

Starting back in 2017 is the most relevant point to talk about. When we think about the voting systems you and the other voters across our State will see, not only in the coming weeks but also going through November, there was a massive statewide refresh in voting systems and a replacement. A bill was passed that made an appropriation to the counties, so the counties were able to purchase new voting systems. Those systems, of course, still had to be ultimately certified by the SOS. There was a strict process that we abide by that ultimately results in the Secretary approving voting systems. At the time, only two companies came forth: Dominion Voting Systems (DVS); and Election Systems & Software (ES&S). Those were the two companies that applied. Of note—and this question comes up frequently—they are both American-owned and American-based companies. I provided information relating specifically to that appropriation.

Following that bill—this is back in 2018—16 counties chose to go with one of the vendors. This was a County Clerk and Registrar decision based on their discussions with their county leadership. One county, Carson City, chose to go with ES&S. Since then and following the conclusion of the 2020 election cycle, one county did transition from Dominion to ES&S [Lander County]. It is important for me to stress that all of these are EAC compliant. All the systems that were and are used meet our standards, but there was one change in one county. Most recently, we did have four counties transition from the Voter Verifiable Paper Audit Trail (VVPAT) to a different kind of component of the voting system, a ballot marking device (BMD). We do have the Clerk-Recorder from Eureka, Kathy Bowling, who will be joining us momentarily to talk through what those systems look like.

To highlight that across our 17 counties—this is something we track closely. A couple of things I would like to highlight, the four counties who transitioned to the BMDs from the VVPAT are highlighted in yellow, so you can see which four those are [Esmeralda, Eureka, Mineral, and White Pine Counties]. When you think about the needs of the electorate, I am not sure what folks necessarily assume in regard to the quantities that are used across our State, so we are providing them for you today. There are about 5,000 voting systems used in Clark County, given the population and the needs, to make sure that enough polling locations are placed across the County to meet the needs of the electorate so there are as short of lines as possible, so there are no challenges for a voter to get access to the ballot. That same mindset extends across every corner of our State. We have lengthy discussions with the clerks and registrars about where their polling locations are placed, the changing needs based on community development, new developments that are going up, and shifting demographics across the counties. With Eureka County, for example, there is about a 130-mile distance between one polling location and the County seat. That obviously necessitates machines to be able to give voters the opportunities they have under law to vote as they see fit in a safe and secure manner.

Before I turn it over to Clerk-Recorder Bowling, I do want to highlight there is one error on this slide. That error is mine. The numbers on here—there are 15 counties that now use Dominion Voting Systems. As I mentioned earlier, two counties have transitioned to ES&S:

Lander and Carson City. The correct number is 15 counties use Dominion Voting Systems. Check-in kiosks—to be clear, a number of different solutions and vendors across the State were reviewed and discussed. That is an important component, but not one we are going to go into today. The Voter Registration and Election Management Solution (VREMS) Project is consolidating that. There is a lot of merit to that when it comes to same-day voter registration and a number of other security elements we can talk about another time. The machines that Dominion uses though is an ImageCastX (ICX), and I will allow Clerk-Recorder Bowling to cover that. The VVPAT and the BMDs are the big items she will identify here in a moment.

Katherine J. Bowling, Clerk-Recorder, Eureka County:

Good morning, Chair and Committee Members. I was appointed in May of 2022, prior to the 2022 Primary Election and elected that November. This current primary election will be my fourth election since taking office. As a Clerk-Recorder here in Eureka, I am responsible for recording documents, Clerk of the Seventh Judicial District Court, Clerk to the County Commissioners, and managing elections. There are a lot of components that go into putting on an election—months of preparation, months of work and coordination with different vendors and the SOS. Today, I am only speaking to the in-person voting portion of that process and how we manage that in Eureka County.

All counties have a voter registration management system where we maintain our registered voters. Each county currently has various vendors that provide that service, but we are in the process of transitioning to a top-down software system that all 17 counties will use. The voter registration system's voter information is linked to a voter check-in kiosk. With the voter registration, when people come in to vote, they are checked in at that kiosk by an election worker. That election worker verifies their information and their signature. That information is brought over from our election management system. Then they are issued a voter card that contains only the ballot information for the precinct and the party they are registered for. There was a misconception in our County by our voters that their personal information was loaded on the voter card and personal information goes with their vote. It does not. It is an activation code in a kiosk that tells the Dominion machine which ballot style to pull up so they can vote with the correct ballot.

The voter then takes that card to a Dominion ICX machine. It is an electronic BMD. They insert their voter card, and it pulls up that appropriate ballot style so they can cast their vote. At this point, they can accept their ballot choices, and one of two things will happen: in the counties that have the VVPAT machine, they will verify that; or they will vote on a BMD printer, the BMD. In Eureka, we used the VVPAT until the last election, the Presidential Preference Primary (PPP) where I switched to the BMD. There are currently only four counties using the BMD printers at this time, but it has been expressed by the other clerks in the State that they are possibly wanting to transition to the BMD in the future.

With the VVPAT, individual votes are stored electronically on a USB thumb drive that is plugged into the side of the ICX. The voter relies on the paper roll printout as a verification of their vote. It is shown behind the little plastic window. It lights up as they cast their vote. At the end of the night, the USB thumb drives are removed from the machines and brought to the Election Board where they are inserted into a Dominion election tabulation computer and downloaded. That is how those votes are counted. The difference with the BMD is that after the vote is cast on the ICX, a paper ballot prints out of a regular printer. In Eureka, we have locked ballot boxes that sit with every single ballot printer and ICX machine. As soon as their ballot is voted and printed out, they are able to review it, and then immediately slide it into the locked ballot box. A chain of custody—at the end of the night, these boxes

are unlocked by sworn election workers who verify the number of ballots voted on the machine and match that number to the ballots located in that box. A chain of custody form is filled out and placed in a sealed bag with the voted ballots. These ballots are delivered to the Election Board. They, in turn, make sure they receive the same number of ballots that are on the chain of custody form.

The ballots are then sent through a ballot scanner, a Dominion ICC scanner, where they are tabulated. Even though we are only discussing in-person voting, I wanted to note that these ballots are handled and counted exactly the same way as all the mail-in ballots. They are scanned in batches, stored in sealed bags, and these ballots are then stored in a locked room. All the ballots, whether voted in-person or mailed in, are transferred securely to the Election Board to be tabulated. We have a polling location that is hundreds of miles north. I work closely with the Sheriff's Office and his deputies to safely transfer those voted ballots back down to the County Board in Eureka. All chain of custody forms are filled out, even by the law enforcement.

I chose to migrate to the BMD after listening to the voters' concerns in my county. People did not understand how the USB and VVPAT electronic systems worked. I had heard things like they thought their votes were being transferred through Wi-Fi directly to the SOS. They thought all their voter information was recorded on those machines and people knew how they voted. They prefer to have and hold a tangible voted ballot in their hand and place it in the secure ballot box themselves. In other counties—Dominion has bigger equipment that they can turn and scan their own ballot, and it will be tabulated immediately. We did not purchase that portion. They are in a locked secure ballot box, and they do that entire process themselves. It is simple for my voters to understand and use, which I feel helps them to have more confidence in the process. The counting of the ballots is held in our Commission chambers and is completely open to the public, so people can watch the process all the way through.

That concludes my portion of the presentation. Thank you for your time today. I am going to turn it over to the Carson City Clerk-Recorder.

Chair Ohrenschall:

Thank you, Clerk-Recorder Bowling. I think we all appreciate the wonderful gift Eureka County gave us of getting to serve with Senator Goicoechea. We are excited for his retirement for him, but I think we are all sad we will not get to serve with him next session. Thank you for lending him to us both in the Assembly and the Senate. It was a wonderful gift getting to serve with him out of your County.

William "Scott" Hoen, Clerk-Recorder, Carson City:

Thank you, Chair and Committee Members. I am going to talk about the ES&S equipment that Lander and Carson City have.

Carson City made the decision in 2018. Sue Merriwether, two clerks ago, made the decision to go to ES&S. Carson City is thrilled when you hear about BMD or the ballot marketing devices. It is so important to the Carson City voters that they can physically see their vote and verify their vote before that vote is tabulated. I cannot stress enough the importance of this paper ballot. When we go through the check-in process, they are issued this blank ballot with a barcode at the top that basically says what precinct they are at and what ballot style, an R, a D, a nonpartisan ballot, that should be displayed on the device to make that selection. Once they select it on this voter verifiable piece of paper, it is printed out for

them. The voter can literally review all the cast decisions they made. If by chance they review this and say, "I did not select somebody for this race, but I wanted to," we literally could spoil or void this ballot and reissue this so they can make sure before their vote is counted. They can go through the process again and repeat the process with a new ballot.

A lot of it is similar to what Ms. Bowling described. Our poll pad is our check-in voter station where we go through the process of checking to see if they voted previously. It is the only station that is connected to the Internet for us, because we have to be connected to our voter registration system. It lets us determine whether that person has mailed-in a ballot, had already previously cast that ballot, or may have shown up a day before and tried to vote again. This is where we ask them to surrender their ballot, or we spoil their mail ballot to make sure they cannot vote that mail ballot. Some people want to take that ballot back and destroy it themselves; some surrender it to us, and we store that for the 22-month process we go through. Once we spoil that ballot, we go through the signature verification process. I was a poll worker in 2020 before becoming the Clerk-Recorder in 2022. I was surprised that probably 80 to 90 percent of the people that were showing up wanted to show identification (ID). They were reaching for their wallet to show ID, but we do not require ID. We require their signature so we can match the signature on file. Once we go through the signature verification process, we print out this blank ballot card that basically says what ballot they have.

They then move on to what is basically a glorified printer they insert this card in. On the screen pops up their ballot. It looks like the sample ballot we mail out. They literally tap on each race and select each candidate they want for that race. Once they make their selections, it will go through a variety of different reviews: Are you sure you want that person? Are you sure you want to print that out? Then it is printed out in its final form with the barcodes of the associated race. This BMD, this printer that is printing these cards out, is not connected to the Internet. It is not tabulating results at all. It is just a printer. It is printing out their ballot.

They move to our DS200 tabulator. That is where they are going to insert this ballot. That is when it gets counted. When they insert this ballot, it is cast. I cannot take it back or change it. That is why we ask them to check these to make sure you are voting for the right person before we put it in the machine. The tabulator has USB thumb drives. It is not connected to the Internet. It has a USB device where it is tabulating and counting these ballots and these races. We do not look at those results until election night, Tuesday night at 7 p.m., when we go through the process of tabulating and combining all of them. We have the device set up for early election, and we have it set up for Election Day, so we can keep those statistics completely separate. Once these cards are entered into that tabulator, they are then counted in that USB thumb drive. These ballots are then dropped down to the bottom, and we transport these ballots back every night in a secure way with a bipartisan team. We joke that it is the Pony Express because they are important to us. They are important to our voters. They come back; they are stored. It is always available to us to go back and check and audit. We have duplicate systems in place. We have logs that we keep track of when every little step happens to make sure we have chain of custody. In some cases, on Election Day, we even have the Sheriff involved helping us transport the ballots down the road to the courthouse.

These are our mail ballot tabulators. Carson had a lower volume machine, the [DS]450. That was fine for 4,000 ballots, but we had to get another machine to have a backup and to handle the higher volumes of mail ballots. We are probably expecting 16,000 to 18,000 mail ballots coming through this election in the primary. Those ballots—that counting system—the results are put on thumb drives. It is not connected to the Internet.

On election night, we take the thumb drives from the DS200 and mail ballot tabulators. We put them into an election management software computer. It is a dedicated computer that is hardened, locked down. Nothing else is on it but election management software system that we can then bring in the data from the thumb drives. We let it do its magic in terms of calculate the results, and then we can report it to the SOS. It is important that unit is only used for that. It is not connected to the Internet. Once we have results, we have to export those results and upload it into a secure environment to the SOS where they then take that information and use it.

I have to say that our voters appreciate the BMD. The printing out of the card has increased the confidence in our voting system here in Carson City tremendously. It has been a worthwhile investment for us. We are going to probably stay with that. I have to say ES&S, our vendor, has been phenomenal. I have them on Election Day for two or three days to help us through the whole process to back us up in case they have any issues or problems. They are always there to answer anything that goes awry. We are happy to have that equipment.

Chair Ohrenschall:

Thank you. Members, any questions for any of our presenters? [There were none.] I have one question for Clerk-Recorder Hoen. How long has Carson City been using the ES&S?

Clerk-Recorder Hoen:

Since 2018, so we have gone through quite a few elections with that equipment.

Chair Ohrenschall:

In terms of maintenance updates, have there been any issues, or do you find that works well for Carson City?

Clerk-Recorder Hoen:

One of the things I am pleasantly surprised about when it comes to our equipment is part of the maintenance contracts we have, ES&S comes in a month before the election and runs through every piece of equipment, taking care of everything—clean it, adjust it, tune it, make sure it is working in its proper order. If there ever was an issue with a piece of equipment, we can take it out of service, but they are always there before the next election to fix that. We have had good success in Carson City with this equipment. The vendor goes through with a fine-tooth comb on all of it from the check-in station, to the BMD, to the tabulators. They do a great job. It is almost overkill, you would think, in terms of going through every single unit, but they do a good job to make sure we do not have failures in the election.

Chair Ohrenschall:

That is excellent to hear. Clerk-Recorder Bowling in Eureka, I had a similar question regarding the system. You use the Dominion system, correct?

Clerk-Recorder Bowling:

Correct.

Chair Ohrenschall:

Certainly, being in Eureka County with the large distances of polling places and being more remote, how do you feel of the responsiveness of the vendor in terms of issues you have with the machines, upgrading software, hardware? Can you tell us what kind of experience you have had with that vendor?

Clerk-Recorder Bowling:

We have the same type of relationship with the Dominion company that Scott has with his company. As a matter of fact, they are coming Monday. We are starting our Logic and Accuracy Testing (pre-LAT) where we set up all our equipment, and they go through everything. They are always available by phone or Zoom meetings. I have never not been able to get a hold of somebody to answer a question or to help me. They have been absolutely wonderful. Very similar.

Chair Ohrenschall:

That is good to hear. Are they willing to come out in the long distances to get to Eureka and where you have the machines?

Clerk-Recorder Bowling:

Yes, they will come out [audio cut out].

Chair Ohrenschall:

They will. That is good to hear. Thank you. I am not seeing any additional questions. Chief Deputy SOS, please go ahead.

Chief Deputy SOS Di Chiara:

I wanted to add to Clerk-Recorder Bowling's—the Dominion BMDs. She indicated those printers were a standard, which they are initially. They are a commercial off-the-shelf printer; however, there are additional security upgrades and modifications made by Dominion Voting Systems before they are used in elections. I want to be clear that the counties are not buying a printer at Target and hooking it up to an election machine. There are additional security steps that go into those printers.

Chair Ohrenschall:

Thank you, Chief Deputy SOS, for that clarification. With that, we are going to end Item V. We appreciate the presentations. Thank you to our Recorders and representatives from the SOS.

AGENDA ITEM VI—DEMONSTRATION OF THE EFFECTIVE ABSENTEE SYSTEM FOR ELECTIONS

[This agenda item was taken out of order.]

Chair Ohrenschall:

Deputy Secretary Wlaschin, thank you for your patience. Please proceed whenever you would like.

Deputy Secretary Wlaschin, Previously Identified:

I will begin with our live demonstration of EASE. I want to clarify a few administrative points before we jump into this demonstration. First and foremost, while there are plenty of technical details and security elements we could discuss, we have addressed those in previous Legislative Operations and Elections Committee [meetings], so I will not go into those today. I am still, of course, available to discuss those if any Member has a question about that. Today, we are going to specifically focus on what the Program itself is, what it looks like, and how it functions.

I will call out two things. First and foremost, you will notice the website I have here is the actual nvease.gov. This is the site it goes to. The system is up and running.

There are two tabs open on this browser. This first one is when you type in nvease.gov. This is the real live NV EASE system. This has been turned on pursuant to the same timelines required by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) for the distribution of mail ballots to those covered voters. This is the system we turn on no later than 45 days prior to any election. That is an Americans with Disabilities Act (ADA) compliance tool pursuant to Assembly Bill 121 in the 2021 Legislative Session. This tool, the EASE system, is turned on for every election across our State, including the most recent Palomino Valley General Improvement Board recall election that concluded I believe this last Saturday. I am also calling out the fact that this is the live system, because I am about to close it specifically to highlight the fact that I am not going to give you a demonstration in the live environment. This is a tool used for a real election that is ongoing; currently, our primary election. Therefore, I am not going to be in that one.

You will notice when I close it, this browser now has the large test environment logo over it. This is part of the system that is set up specifically for testing of modifications enhancements based on everything from legislative mandates to user feedback to enhance it before going into the production phase that we use for an election. The EASE system is allowed for use by military and overseas citizens; that is, active-duty military, their families, and overseas citizens. It is also allowed to be used by voters with a disability across Nevada as well as tribal voters who live in a colony or reservation. With the exception of some minor tweaks that I will highlight specifically in this test environment, this very much is the system that is in use when live and in production.

When you go to NV EASE, first, it highlights who the eligible population of individuals are that can use the system. We have intended it to be ADA compliant across the board and also to provide bulletized and easily readable information about how the system works as well as when it comes to the affidavits, ensuring they are coming either right out of statute or regulation, so individuals understand how it works.

A voter will come to this site. If they are a covered voter, they are absolutely able to use it. If they are not a covered voter, they self-select out. It starts off as you move through the system workflow asking if that individual is receiving assistance no differently than is required on the outside of a ballot envelope if a voter requires assistance. If yes, it is simply a matter of providing that information into the system, so it can be provided to the county registrar or clerk as appropriate. If not, the voter simply indicates no, and continues to move forward.

This next step is the voter classifications. You will notice these are the different categories of covered voters eligible to use the system. It starts with active duty in the uniformed services or merchant marines. It talks about eligible spouse or dependent and United States

citizens out of the country. These categories about "I intend to return" or "my intent to return is uncertain" mirror closely the language on the federal postcard application. We added, after the passage of the bill I mentioned previously in 2021, "Nevada resident with a disability," and we have also added "tribal member that resides on a colony or reservation." These subcategories are intended for a few reasons. First and foremost, for example, if the voter identifies as a tribal member, when they go to the next page, it lists the 28 tribes, colonies, and bands across our State. The intent being if the Duckwater Shoshone Tribe leadership has questions about who their tribal members are that have used the system, we are able to provide that specific by name roster to those tribal leaders, so they can have that information. Similarly, when we talk about uniformed services, when a voter self-identifies, this simply identifies the list of categories of the different branches and eligible organizations that can use the system to help inform our outreach. For example, if we notice there is a consistent number of individuals from across the branches of the service, but perhaps not in the U.S. Army, we can identify that maybe we need to increase our outreach in that regard. There was also a legislative change that allowed the use of the U.S. Space Force, our nation's new branch of the service to also use this, so they are covered as well.

Moving forward through part of this demonstration and to show you what it looks like after an individual self-identifies through either the branch of service or other category, there is a specific affidavit about that voter's qualifications. This is to be signed under penalty of perjury. This is a critical and important role and step in the process to ensure only the eligible individuals are able to use the system. If somebody reads over the list and says none of these apply and they click that box, none of these, it simply redirects them back to nvsos.gov.

At this point, they continue to move through and affirm under penalty of perjury that they are a covered voter. Next, you move to the voter identification page. If you are a registered voter, as you input your information, it will pull up your information directly. For purposes today, I am simply going to provide test information. The intent here is to either identify a previously existing voter or to provide the information needed for a clerk or registrar as appropriate. I will stress this is in the test environment. The captcha has been disabled, so I do not have to identify a fruit or vegetable.

The system automatically identifies if you are not a registered voter. This system enables a voter to register for the first time and cast their ballot. If you are registered, it will identify that and pull your information, including your signature examples on file from the Department of Motor Vehicles (DMV).

If you are a new voter though—it essentially is the left column of information—the system asks your information to enable the clerk registrar to register you. I want to be clear: while you are providing information in the EASE system, when you click done at the end, that does not mean you are registered. The clerk and registrar still have steps they must take in order to register that voter.

Individuals identify their political party as well as the method they wish to receive election information going forward. There is also an opportunity, if you had in this box a signature that was on file and recognized you as an existing registered voter, your signature would come up here. If you wanted to modify, replace, or update your signature, you have an opportunity to do that. I am going to put in the zip code first. You will notice when you put in a zip code, it automatically populates the location based on that zip code and even goes so far as to, when you put in an address, it will automatically populate based on our street map index. The intent here is to identify down to the precinct level. This is an apartment

complex in Las Vegas that I am using today for this demonstration. Keep in mind, this is intended for military and overseas voters. If your residential address for that military or overseas citizen is somewhere here in the State, but they happen to be living overseas, deployed, or are otherwise out of the State, there is a different mailing address. That information can be provided here as well.

Regarding the signature, there are a couple of different options for how to add your signature to the system. If you have a scan of your signature, as a number of folks do these days, you can simply scan and upload that picture into this system, you can create a new one or, if you have a touchscreen, you are able to update it via touchscreen, save, and then update that signature for the clerk or registrar. Once the signature has been updated, you can save and continue. It confirms this is in fact the information you provided.

To remind everyone, this is the test environment. At this point, that information is used to specifically identify the precinct where that voter lives. Across our State, there is a significant amount of work for the counties, the clerks, registrars, their staff members, and our information technology (IT) at the State. We work to make sure every single ballot, whether it is a mail ballot that goes out to a voter's house, an EASE ballot that a military, overseas, or otherwise covered voter uses, or a ballot that an individual sees on an ICX screen standing in front of a Dominion or an ES&S system anywhere in our State, that there is uniformity across the board. I mention that because you will see in red at the top of the page that in this case, there is even an opportunity for us to highlight if a candidate has been disqualified by a court—as has in fact recently happened in one of our counties. In Pershing County, a candidate was disqualified. Because of the timelines affiliated with the development and distribution of mail ballots, mail ballots had gone out with that candidate's name still on them. In Pershing County, if you log in and use the EASE system, there will still be that same exact wording that you will see in person at a polling location or that the Pershing clerk will be sending to her constituents to make sure those voters understand that a vote cast for that candidate will not be counted.

At this point, you can see it is the precinct's specific ballot. In this case, it is the live ballot for this election. I will again stress this is the testing environment, so it is not a concern, but I want to highlight we have set it up as much as possible to mimic what you would see in any other method of voting across our State, going so far as to even be Help America Vote Act (HAVA) compliant. The HAVA required systems to identify an overvote and an undervote. This prevents overvoting. You cannot overvote using the system. If you conduct an undervote, it flags that for you as well. The idea is that voters will see this and—I do not want you to think when you hit review selections or end session that it automatically tabulates somehow. I will explain that part of the process as well. Voters will go through, they will see their selections, they will hit review, the system will flag undervotes to make sure the voter sees that no vote has been cast, perhaps deliberately, perhaps not. If the voter leaves it the exact same and hits "confirm selections," then it moves to the next step. If they change something, it essentially redoes that review process. In this case, I will confirm the undervotes.

As we close in on the final step in the process, voters have the ability to review the package they are about to send. There are a couple of ways they are able to return it to their county election official. The most secure one that we recommend is return online now. That keeps it off the Internet. It does not put it into an email. It simply transmits the information through a secure method to the county election officials. I will show you a hint of what that looks like on the back end. If the voters prefer to return it by mail, they can. They can print it out and fax or mail it in as well. It automatically populates the county election official's information at the bottom. Essentially at that point, the voter has submitted their package.

What does that package look like? After they hit submit, and that part of the process is done, this is a system the county election officials have access to. This is a part of our HAVA services. This is a screenshot because with the election going on we do have live voter data, and in the interest of not causing any concerns, I took screenshots to keep it easier and cleaner. An election official at the county level would go to "My Reports" and then pull up the EASE ballot submissions. It has only their county EASE ballot submissions. I went to the 2022 General Election; I left the status at any; the left column has the county name. If you are Clark, Washoe, or any of the counties that have an EASE ballot submitted, you will only see your county. At the State, we can see all of them. It has the voter's ID and the voter's name. That is a critically important step in the process because if a voter attempts to vote twice, we stop it right here in its tracks. We are able to identify that to prevent individuals from submitting multiple ballots. The submission date is also critically important. I wanted to use the 2022 General Election to highlight the fact that the system is live up until the close of polls no differently if you are voting from Azerbaijan, Japan, or anywhere the covered voter could possibly be, as long as they hit submit prior to the close of polls, which is by statute 7 p.m. There are a number of reasons the courts may direct it to be later, but in this case, it was 7 p.m. on November 8, 2022. This individual submitted the ballot a scant five minutes before the close of polls, and that was absolutely acceptable.

The download the ballot piece—I also want to highlight this is the county-specific side of the process. When you click download ballot, rest assured at the State, we simply do not have access to this. If we click download ballot, there is a password that only the county clerks have. Again, an extremely important part of that process.

Then the status, whether it is processed or whether they voted in person before sending in an EASE ballot out of nervousness or something—there is a process by which we can reject or otherwise not process those ballots. When they first come in, they pop up as new. We have State staff that review this on a daily basis, and we will gently remind the clerks that I saw you have five EASE ballots yesterday to make sure their staff are oriented on these. As long as it is submitted prior to the close of polls, the processing timelines line up with other mail ballots. They do not have to be processed before the close of the polls. They are typically processed within a day or two after arrival to make sure if there is a need for a signature cure or other information the voter should have provided, the clerks and registrars have an opportunity to reach out to those individuals about it.

Here is a test version of the packet itself. I keep stressing the test. This is what that packet looks like. It starts off with a cover page, the transmission cover sheet. You will notice it goes to specific email addresses of the counties. This is the address and the information I put in this morning to save this. It has the affidavit, the same information, the signature, along with the date stamp of when that individual hits submit. It has information for the voter on how to return it. Then it comes down to one of two things: if it was a military or overseas voter or somebody who is covered by the UOCAVA, all the information that individual typed up gets mapped into a federal postcard application, which is the application relating to UOCAVA and provides specific information; if the voter is not UOCAVA-covered and self-identified as either a voter with a disability or a tribal voter who lives on a colony or reservation, instead of the federal postcard application, it is simply our State voter registration form. Again, an extremely important part because when the county clerk or registrar clicks download, this is that packet those individuals will be getting. This is important to register them to vote. If they are already existing in the voter rolls, this is what gets compared to that to validate their eligibility.

Below that is what an EASE ballot looks like. The intent is that, as closely as possible, it matches exactly what they would have seen otherwise. This is also a critical part in our tabulation process because it does not automatically go into tabulation. This packet is about four pages long. This is what would be printed out at the county level. They print it out. This page with the votes identified by that voter goes directly into the duplication process. A bipartisan team of individuals would look at this ballot and say—in this case, they did not vote for anybody. Assuming they had voted for somebody, the bipartisan team would look at that, find the precinct number, get the precinct ballot that would be tabulatable, and then duplicate that onto that tabulatable ballot with both individuals agreeing that yes, this matches what that EASE voter submitted. Then and only then would that ballot be submitted for tabulation. That is after, of course, the voter is registered. We are confirming they have not already cast a ballot and a number of other county-specific security processes to ensure the voters are eligible, and they have not already voted twice.

The last part I would like to highlight is at the State level, there are a number of reports of information we can pull because of the way the EASE system is set up. This information is—I want to highlight specifically I have removed the first name, last name, and email of these voters—from our primary election. As of yesterday evening, when I saved this document, there were about 67 individuals who have submitted an EASE ballot. We are able to pull these reports, and I want to show you what they look like for your awareness. With the exception of email, the public information is an important part of this also. Not only does it highlight when the ballot was complete—that is the date stamp that must be before the close of polls—but we can identify which counties have had individuals submit it. You can see the classification here. We are able to identify how many individuals were active service members, voters with a disability, or spouses of active service members. If the individual self-identifies as being part of a tribal nation, we identify the tribe. Unfortunately, as of last night, we have not yet had a tribal voter use the system. There are statistics we can gain from there. The return type—again, if an individual chooses to send it back via mail, as is their right, we identify that here, so we are aware and essentially keep an eye out at the county level for those EASE ballots to be returned. Otherwise, if it is electronically transferred, we can track that. The date and time we can also track and whether it was new or processed, the county, I have removed the voter ID number, the history, the code, and statistics about the user's browser.

These are our live comments from voters who have voted during our current primary election. This is information that members of the Elections Division review on a daily basis, more or less—every other day, depending on the workload—to make sure that if someone says, “I have a problem,” we reach out to that or via their email to find out what it is and address it. Oftentimes, we have questions about how to learn more about the candidates, is there a feature, or a question about the system. We use this feedback and consider it seriously when we talk about enhancements, and how to make the system better in between election cycles.

That information overall is about how the system works and how easy it is. You will have noticed that from start to finish, you could do the whole thing in 10 or 15 minutes. I remember back in 2020, Clark County had about a three-page ballot. That might take you a little bit longer to work through. But that same exact process and system would be duplicated in the EASE system specifically to ensure voters have that opportunity to vote in the method of their choosing, whether it is two weeks of in-person voting during early voting, 12 hours on Election Day, the system, or mail ballot that would be sent to every active registered voter pursuant to our State laws. At this time, are there any questions for me relating to the EASE system or the demonstration?

Chair Ohrenschall:

Thank you for the excellent presentation. Members, any questions? Vice Chair Mosca, then Assemblywoman Dickman. Then I will ask Carson City.

Vice Chair Mosca:

Thank you for that great demonstration. Will this be changed at all or impacted by the VREMS Project, or does it stay the same?

Deputy Secretary Wlaschin:

No, Ma'am. This system is proprietary and standalone. It is independent from our transition to TotalVote across the State.

Assemblywoman Dickman:

I have a question about the area of the application where they check a box to certify they are eligible to use the EASE system. Is there anything that is done to confirm eligibility other than their statement that they are?

Deputy Secretary Wlaschin:

No. In regards to the voter's attestation under penalty of perjury, that suffices to identify eligibility. The State, frankly, the SOS, and the counties do not have the statutory authorities to question a voter or otherwise try to prevent somebody from using the system if they are claiming under penalty of perjury that they are in fact eligible. That being said, we stand ready if somebody were to identify an individual that had used the system illegally. There are investigative processes we would put in place to review and get to the bottom of that if that were to happen. As of yet, outside of one individual I am aware of that attempted to use the system but ultimately was prevented from casting two ballots, it has not happened where an individual who is ineligible otherwise has used the system. At least to my best of my knowledge.

Assemblywoman Dickman:

Technically, anyone could sign up and do it that way, and no one would know better, correct?

Chief Deputy SOS Di Chiara, Previously Identified:

As Deputy Wlaschin said, it is the same as any other type of government form. If an individual indicates something under a penalty of perjury that is not true, once that comes to the attention of the State, we obviously would work with the Attorney General's Office on investigation and potential prosecution. I wanted to add that although there is no formal system in place when the bill sponsored by Senator Ohrenschall to allow members of Nevada tribes and bands who reside on reservations or colonies to utilize the EASE system—we have worked for both voter registration and voting. We have reached out to tribes and worked out a verification system. For example, an individual uses a tribal ID to register to vote, which is perfectly permissible. We have a separate way of authenticating that with the tribe the same as we use DMV records to authenticate voter registration via EASE for other voters.

Chair Ohrenschall:

Any follow-up, Assemblywoman Dickman?

Assemblywoman Dickman:

No; that is good. Thank you, Chair.

Chair Ohrenschall:

I had a couple of questions. You mentioned undervote and overvote. Is it your experience, Deputy SOS Wlaschin, that there is less of both on the EASE system?

Deputy Secretary Wlaschin:

To be perfectly frank, we have no possible way of knowing. I mean that specifically at the State level because we do not see the ballots. The secrecy of the ballot is something we take seriously. We do not ask when the counties duplicate the ballot onto the tabulatable ballot that they take notes on overvotes or undervotes. That is not something we track, record, or otherwise pay any attention to through this system.

Chair Ohrenschall:

Can the voter who uses the EASE system track to make sure their ballot was counted?

Deputy Secretary Wlaschin:

Yes, voters can track that as well. From the time it is submitted, the voter will receive an email notification that they have submitted a ballot through this process. When the clerk has gone through, validated, and put it into the same steps in the process, once it has been tabulated, the vote history code will populate as well. If a voter prints it out and mails it back in, unfortunately, that will not be tracked because that will be in essentially a personal envelope and not one that is tracked through our tracking system. When it comes to the electronic submission, and as it gets processed at the county level, there are elements of data the voter will have access to, ensuring they are aware their vote has been tabulated.

Chair Ohrenschall:

When you demonstrated how someone would vote, they could only pick one candidate of their choice. If the voters at this election approve ranked choice voting, will EASE be able to handle that? Will it need to be reprogrammed or a new software package if people would select more than one candidate in the future?

Deputy Secretary Wlaschin:

Excellent question. The system is currently set up for certain elections and certain races that may be a pick two of three or pick two of five. Those are already possible. If Question 3 on the General Election ballot is passed in a vote by the voters, there would be additional work that would be required in this system in order to have it set up to meet the same standards and to conduct the same ranked choice voting process based on the statutes the Legislature decides during the 2025 Session. Thankfully, as a proprietary system, this is a system that the SOS's IT team developed and maintains along with work from the others in the Agency. It would not require a new contract. It would not require new modules. That

would be a routine part of our staff work to ensure the system meets statutory requirements.

Chief Deputy SOS Di Chiara:

I wanted to add to that. While Deputy Wlaschin is correct, the EASE system is developed inhouse, and as there are similarities already in place, we feel comfortable about our ability to make those changes. There are numerous other IT systems and processes that would have to be updated. If Question 3 were to pass, that would take a significant amount of resources for the State and the counties to make those changes to their software. Should Question 3 pass, the Members of this Committee will be having a number of conversations about what that looks like next legislative session.

Chair Ohrenschall:

Members, any additional questions? Thank you for the presentation. It was wonderful to get to see how it works through that presentation. Thank you to Broadcasting and our staff here for making that happen.

AGENDA ITEM VII—PRESENTATION RELATING TO BALLOT PROCESSING CAPACITY

[This agenda item was taken out of order.]

Chair Ohrenschall:

We have a presentation relating to ballot processing capacity. Good morning, Registrar Portillo. Thank you for being here.

Lorena S. Portillo, Registrar of Voters, Clark County:

Chair and Committee Members, thank you for having us. I am happy to be here to share a bit of what our team has been doing in the past months, the past year, to ensure the 2024 elections are as smooth as possible, considering it is a large turnout during this year. I am excited to share with you. ([Agenda Item VII A](#)) [Due to copyright issues, the presentation is on file in the Research Library of the LCB, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/About/Contact>.]

First, I will share a bit of what we see in the trend of mail ballot statistics. I am going to go over mail ballot statistics, increase in capacity due to that. At the end, I will share a bit about the preparations for the next agenda item.

In the PPP alone, we saw a lot of folks participating in the mail ballot voting process—close to 75 percent. That gives us an idea of what we are to see in the next election cycle. However, the PPP was a little different. It was unique. It was new. It is not totally what can indicate what we see in a primary and a general. However, even in the past elections, in 2022 you can see over 50 percent participated in the mail ballot voting process. It has become more popular. It is an easy and convenient way for folks to cast their ballot. They can deliver their ballot envelope signed at any of our vote centers either during early voting or on Election Day and at various city clerks' offices. They find it convenient. Of course, we have a postage paid envelope that allows that convenience.

With that said, we are increasing our capacity. How? Our tabulation equipment. We have mail ballot readers, and we have the flash drive readers. It is important to note we started out with two in 2020. We slowly increased to four, and now we have six of the mail ballot readers. Each one in an hour can read 8,000. We have six now that can fully read anything from 4,800 to 8,000 per machine per hour. Also, we have increased the allocation of our tabulation flash drives. We have a flash drive reader—we used to have about 10 stations, now we have 26 stations. What that means is during election night, we do not have a bottleneck. If all sites close at 7 p.m., like we all wish they do, and they all come in at the same time, it is going to be easier and faster for us to release those unofficial Election Day results which we all want sooner than later, hopefully before midnight. That was important to us to increase. A sufficient amount of investment has been made to get to that point.

We have tremendous vendor support. I love to hear that in other counties such as ourselves. Without our vendor support, we cannot do what we do. We have special training that is conducted before each election to go over the processes. We have done that with Dominion as well. They also helped us with adding those additional flash drive stations and those mail ballot readers. It is a great thing that we have that relationship. They will be there during the election cycle. That is another important piece. We cannot do it without them. They must be there with us to see and make sure this increase of capacity is also running smoothly. They will be there to help us during that time.

We have implemented double shifts. Double shifts are new. We started in the PPP. Of course, it is hard to address how efficient it was because the volume was not there. In a primary, we will see the volume increase considerably. We can test and see and evaluate how well this will work for the General. That requires additional staff. We have invested significantly in additional staff; County commissioners, county management are supportive. They know that without staff, we cannot do what we do, especially permanent staff members. We cannot leave those stations unsupervised. Even though we have hundreds of folks that we hire that are temporary employees, we need permanent staff members that are experts in their field to run the election. We are happy about that. This is all new. We are excited to see the positive impacts hopefully soon.

The mail ballot processing will be much more efficient, we believe, because we can continue the processes not just during one shift, but a double shift, which means the different processes we have, whether it is the intake or the manual signature verification, will continue throughout the day and into the evening, which is new to us. What we want is also for the voter to see when the mail ballot is submitted. Let us say they drop it off at the polling site, we want to be able to process that ballot so the voter will be able to see we received their ballot that evening. That is our goal. We are adding additional pickups which we did not have in 2022. We did start out in the PPP. Of course, the volume was not there to see the significant impact, but we are positive we will see something more this time around.

Visibility to the voter is important. They can see on our online voter registered services link that we have accepted their mail ballot or rejected for whatever reason. Let us say there is a signature that is being questioned. They will see that on our website sooner than the next day. Tabulation might happen the next day, but the intake process will certainly happen that evening. That is our goal.

Unofficial results posted sooner without sacrificing accuracy and the integrity of the process. Always. That is important to us. We are hoping that with not only the additional pickups during early voting, but the double pickups during Election Day will help us intake those mail ballot envelopes sooner. Keep in mind that is step one, the raw count. The raw count

meaning their envelopes. We are updating our voter registration system, considering if they are going to be accepted with an accepted signature or rejected and it goes into signature cure. That is where the intake process happens and where it starts.

We still have to keep in mind, as much as we want things to go faster, and we want it more efficient, we do always consider the accuracy and integrity. We have to make sure we do not skip a step. There are no steps that are skipped in the mail ballot process, but also in our flash drive process. However, we also have the postmark deadlines. We will continue to receive after Election Day mail ballots that are postmarked up until Friday, that are not marked, and are postmarked on Saturday after Election Day. Of course, we have until Monday after Election Day to receive any signature cures and on Tuesday the provisional. Life does not end for us on Election Day. We continue until the day of canvass. Of course, there is much reporting to do for the reconciliation of everything that occurred during the election cycle. There is a lot of work to do even after the election cycle.

That is what I have as far as what we will see. Those are the impacts we are hoping to see during the primary. Again, I reiterate this is a test of what we can do with the equipment we have, with the space we have, and the additional resources we were able to accumulate this time around. I am here to answer any questions.

Chair Ohrenschall:

Thank you, Registrar Portillo, for the excellent presentation. It was thorough. Members, any questions for our Clark County Registrar of Voters, either here at the Sawyer Building, in Carson City, or online? Vice Chair Mosca.

Vice Chair Mosca:

I want to thank all the Clerk-Recorders, Treasures, everybody—because I know it is a busy time of year. We appreciate getting all these updates. Thank you for this great overview, to see it helped to understand how it works. The public can go and see it. I think that is important too. How much time do you spend on signature curing? Can you share more about that?

Registrar Portillo:

Signature curing is ongoing. As soon as we start receiving mail ballots, it is an ongoing process. It does not end until the Monday after Election Day. It is continuous. It depends on the volume, of course. When folks call or mail in their letter to verify their signature or text, we also have text to cure available. The convenience is definitely there. It is a fast process once the voter reaches out to us, but it is continuous. That is the best way to answer that question.

Chair Ohrenschall:

Looking at the increased preference for mail ballots among Clark County voters, do you have any projection either for the upcoming primary or the General as to how many mail ballots you might receive, or is that unknown at this point? It certainly seems like there is going to be tons of interest in both the primary and the General. I wonder if you have any estimate as to how many you think might come in and the capacity. I know with the double shifts and the additional equipment, in terms of handling that, what your thoughts are on that?

Registrar Portillo:

Our team is always looking to the future and making sure—what would we do if everyone votes by mail? That is our thought process. That is why we have increased the capacity by so much. We invested in equipment. We doubled—tripled actually—the flash drive stations. We only had 10, and now we have 26. Also, the mail ballot readers are huge devices that can take and read mail ballots quite quickly. We do not take that for granted. We want to make sure we are available to process in an efficient way what we get, regardless of if it is 75 percent or 100 percent. Of course, this year will be a true trend that we follow. We are watching it closely because it will make a significant difference even in the in-person voting capacity that we hire for, and what we plan for. If we see more of the mail ballot voting method being used, then we have to consider in-person reductions because we are at full capacity. We are completely full capacity in-person and by mail. That takes up a significant amount of resources, which we do not mind if the voter likes to do in-person. We love it as well, but we have to consider, every year, what the trend is. We are watching it closely as well.

Chair Ohrenschaal:

Thank you for being here to make this presentation so close to the upcoming primary and early voting opening. Thank you for everything you are doing, especially for all our friends and neighbors here in Clark County, to make sure there are so many options that someone can try to vote, whether it is getting off work, picking up their kids from school, finishing a double shift, whether they want to vote by mail, vote early, or vote on Election Day. There are so many options to try to make it accessible for people, so thank you, Registrar Portillo. Any other questions? I am not seeing any.

We will now move on to Cari-Ann Burgess, our Interim Registrar of Voters in Washoe County. Thank you, Ms. Burgess, for joining us today.

Cari-Ann Burgess, Interim Registrar of Voters, Washoe County:

Thank you for inviting me to come and present on what we are doing. ([Agenda Item VII B](#))

We are talking about how much we have grown, especially in the last five to ten years. In 2018, we only had 7.2 percent turnout. We have grown exponentially. Our mail ballot processing room has grown. We are working on growing it even more. The county leadership has realized we are at capacity with our current space. We are looking at growing a bit more in a different space.

This is our ballot machine we are using currently. It is over 15-years-old. We bought it used in 2020, because of all the mail ballots we were accepting. Because of that, we are looking at upgrading that between the primary and the General to get a faster machine, one that can sort our ballots a lot faster, so we can go through the process a bit faster. We do have two people in our office that work on this machine exclusively. Our vendor also comes out and helps. They maintain this machine meticulously. They bought the company who made this machine. It is secondhand, and they are doing a wonderful job to make sure it works for the primary. Hopefully we will be able to upgrade it for the General.

Our ballot cages are the other things we have upgraded. Before, we had our ballots, scanning machines, adjudicating machines, and duplication machines inside this cage where observers could not see it. What we have done is added more shelving in here for more ballots that we are expecting. We are expecting at least half of our population to do mail-in

ballots. Out of our 324,000 registered voters, we are expecting at least half to do mail-in ballots, if not more. We are expecting that capacity. We added space in case every single person in Washoe County votes by mail, we have the capacity to do that. This is our cage. We have upgraded it. We have added more shelving to make it more available.

One thing that is essential is that all our ballots are 100 percent secure all of the time. When we get them from the Post Office; it is in a hard case that is sealed from the Post Office. Our staff grabs it—a bipartisan team. We have a police escort there and back. The seals are not broken until they get back to our Office. Our ballots never leave this room. Only certain people go into the cage to retrieve ballots to make sure they are processed and everything is 100 percent secure.

The speed of processing. We have a couple of bottlenecks we are working on. Signature verification is one. We are working with the vendor with the new machine, we are going to be getting, to make sure we have automatic signature verification. When we get that machine, we are going to have the public come in and test it before we have the General Election, so they can see how it works. The other part is extraction. That is a bipartisan team. We have nine stations for it. They sit and take the ballots out of the envelopes. We do that for two reasons. One, nobody sees the voter identification. The envelopes are facing away from them when they are extracting, so they do not see whose envelope they are opening. One person takes the ballot, puts it at a 90-degree angle, and the other person is then taking the ballot out, making sure there are no extra marks on it, and it is not damaged, so they can put it into our scanning machines. That is a timely process having people do it. We are looking at upgrading that to make sure we can do that a lot faster.

We have 19 people on our permanent staff. We have between 15 and 20 Washoe County employees that come back and volunteer to help process our ballots. We also have temporary employees that help with phones, call centers, and the public. We add probably 15 to 20 in our front office to help with that. With that, we do have a few bottlenecks. We are working on those and making sure we are fully staffed. We have made our staff do staggered shifts. We have two 12-hour shifts. One comes in at 7 a.m. The other one comes in at 10 a.m. That way, we are working anywhere between 6–7 a.m. to 10–11 p.m. every day. Because we have a more limited staff, that is what we are able to do right now. We did it in the PPP, and it worked well. We are going to continue that along with what Clark does; we have added more pickup times for early voting for our ballots to make sure they get back, processed, and received the same day we receive them in our office. On Election Day, we did three pickups. We will have three different pickups for Election Day, so when election night comes, it has either been received from the vote centers, or we are able to get them the majority of the way processed. I am not going to say we are going to get them all processed that night. It is a long night. Everybody is coming in, but we are working on making sure everything gets processed in a timely manner. Right now, once we are able to process them completely, it usually takes about 48 hours to process a ballot completely from start to finish. We are going to try to cut that down to 24 to 36 hours. That is something our staff is committed to. They want to make sure everything is done in a timely manner but also done correctly.

In closing, we expect it to grow. County management knows we need to grow. Because Reno and Washoe County are growing, the capacity we have currently is going to be limited. We want to make sure every vote is counted in a timely manner. As every Election Day and every early voting day comes, we are updating our processes, our speed, and our efficiency.

Chair Ohrenschall:

Thank you for everything you are doing to keep up with the growing population in Washoe County. I would like to open it up for any questions. Vice Chair Mosca.

Vice Chair Mosca:

Thank you for this important information. I did want to ask about the change in the Post Office up north. How do you see that impact our voting?

Interim Registrar of Voters Burgess:

That is a great question. We have a lot of conversations with the United States Postal Service. Yes, it would affect it. Our county is in those conversations. I have backed away because I am concentrating on our election. We just had a special election, so we have had two going on at the same time. It is going to affect us in the future. They keep telling us it is not going to happen until 2025. There are ongoing conversations, and our county management is taking care of that.

Chair Ohrenschall:

With the explosive growth in population in Washoe County and with the upgrades you have, do you feel you will have enough of the capacity for handling the ballots you will be getting, or do you think you will still be playing catch up?

Interim Registrar of Voters Burgess:

We are absolutely more than ready for anything that comes in. Our staff is 100 percent committed to making sure we do not fall behind on anything we work on. They want to make sure our ballots are processed correctly and efficiently just as much as I am. My entire staff and team are 100 percent committed to making sure this election goes off without a hitch, and that is increasing our capacity to process all our ballots in a timely manner. They know they are going to be working long hours. They know they are going to be working a lot of days and weekends. They are ready for it.

Chair Ohrenschall:

Thank you for everything you and your staff are doing for all our voters in Washoe County.

AGENDA ITEM VIII—UPDATE ON PREPARATIONS FOR THE 2024 PRIMARY ELECTION

Chair Ohrenschall:

I would like to move on to an update on preparations for the 2024 Primary Election.

Francisco V. Aguilar, Nevada SOS, Office of the SOS:

Good morning, Chair Ohrenschall, Vice Chair Mosca, and other Members of the Committee. Thank you for having us today to talk about the preparations for the June primary. Before Chief Deputy Di Chiara and Deputy Wlaschin take over to discuss how our State, county, and city election officials are preparing, I wanted to talk with you about a number of initiatives we have taken to encourage people to vote, recruit poll workers, and increase trust with the public.

As you have heard from the counties, there is a consistent need for additional poll workers. They make our democracy function. This is a high priority for us. Last month, we announced a partnership with Vet the Vote to encourage Veterans to become poll workers. We even had a few sign up with Registrar Portillo's team during the event. We are also speaking with a number of different groups, including high schoolers; poll workers can be 16 in Nevada. Having high schoolers participate in the process does several things. One, it exposes them to a process they may not know exists. You may light a fire in them they did not know they had. Two, you are bringing members of the community into the process. If your high schooler is working in a polling location, you are probably going to get the entire family to come out and vote. Not only the family, but the neighbors. Also, when you talk about language access, these individuals speak the home language, and when you are able to assist in making sure everybody has access to the ballot box, it only increases turnout.

You may also have seen we released our first report on investigations into reported election violations. We will be releasing these reports quarterly to increase the transparency and trust with the public. I will note that many of the allegations received regarding elections are closed with no violation. Sometimes it is because a voter is not aware of the elections law, so it is an opportunity to educate them. Other unfounded allegations may be sent in efforts to overwhelm our Office, which is not fair given the amount of work our staff is doing. No matter the reason, we are fully investigating each report and respond to every constituent. This effort is accomplished by our new Elections Investigation Team that was approved by the Legislature last year. Their efforts will be essential as we approach the primary and November General to upkeep Nevada's secure elections.

Before I pass it over to our team, I want to emphasize the hard work our counties are doing to prepare for each election. Election workers are our unsung heroes of democracy. We need to give election officials every chance to succeed. That means more resources to do their job. I know we say this every time, but our Office is talking with county election staff, county commissioners, and Legislators pretty much every day to make sure these teams are well set and prepared for success. The SOS has stepped up to help. We have had staff members go to Esmeralda County this last week to assist the team. As we look ahead to the legislative session, more consistent funding and resources will be crucial.

Chair Ohrenschall:

Thank you, Mr. Secretary. We appreciate all your Office's efforts to try to help with election access and helping the county clerks, especially in remote parts of the State.

Deputy Secretary Wlaschin, Previously Identified:

Thank you, Chair and Committee. Before I turn it over to the clerks and registrars to be able to address their specific actions, I want to highlight the preparations they will talk about momentarily are but a fraction of the workload they have been working on over the last few months. Truly, election preparation and administration is a multi-tooth, and in some cases, a multi-year process to ensure the voters are able to execute their rights as identified in our State and federal *Constitutions* and pursuant to our laws. That being said, as we close in on these last two weeks prior to the start of early voting, which begins two weeks from this Saturday, their workload will continue to be immense to ensure voters have access, the ballots are counted, tabulated, and reported in a secure and timely manner. That workload will continue through June 21st. Deliberately skipping past June 11th being Election Day to highlight the fact there are ten additional days prior to the deadline for canvasses before the work is done. Also, to flag it for your awareness and as a reminder, June 26th is a petition deadline for constitutional petitions. While many of the clerks and registrars talk about the

workload and go over in detail the things they are working on to prepare for the election itself, please be mindful that their workloads will likely continue past June 26th as they continue that important role of validating the signatures relating to an initiative petition to see if it warrants being on a ballot in a future election cycle. I will start here in Carson City and turn it over to Interim Registrar Burgess.

Interim Registrar of Voters Burgess, Previously Identified:

We have updated our mail ballot processing room. We have made it easier for observers to see; we have taken out a half wall. We made it so our observer area is 180 degrees instead of just partial. We have moved all our equipment out of our cage onto our floor so you can see every inch. We have also readjusted the cameras of the live feed. That live feed will start the first day of early voting, so you can see every inch of the floor. We encourage all our observers to come. It is first come, first served. You sign in and sign an oath making sure you are going to be respectful of everybody else. We have that room for a specific reason; we want to make sure our constituents can come and see the process. We want them to come and see. We want them to participate. We have also maintained all our observer stations and vote locations. It is off to the side. There are four seats. They are more than welcome to come. I want to make that clear. Washoe County and the entire State, with the help of the SOS, make sure our observers have a space, and they can come and watch our entire process.

All our vote centers, as of last night when I left work, are currently staffed. That will continue to change up until Election Day because stuff comes up, people drop out, and we have to replace them. All ours are currently staffed. We have 24 early voting centers, which is no small feat. We have been working on contracts and making sure our vote centers are strategically placed so everybody has a place to vote if they want to vote in person, and making sure it is not a long distance for them and not a long line. We do the same thing for Election Day. We have 49 for Election Day.

On top of all of this, our elections usually start between about 120 to 180 days before an election. We are already ramping up. I got an E-minus calendar from one of our vendors. We are starting to work on everything we need to do for our November election before we even have our June election. Not only are we working on one election, but we are starting to work on the November election also. Because of that, we all work long hours. Right now, nobody in my office works under a 10-hour day. I am working 14- to 16-hour days along with the majority of my staff to make sure we are completely ready, and everything is in place for everybody to be able to vote by mail ballots and in-person.

One thing the Secretary said, we have a couple of unique instances in our County. We have an election worker that has been an election worker for a long time. She was telling her grandson about it. Her grandson convinced his mom and grandma to come back, and they are all three going to be election workers this year. This primary, the grandson is 18-years-old, and this will be his first time being able to vote. He is excited to be able to work it with his mom and grandma. It is moments and stories like that and those who are able to vote for the first time, regardless of age, that make our job worthwhile. I absolutely love to hear stories like that. When my staff told me that we have a couple of those, that is huge.

We had our media day in Washoe County yesterday. We have an election worker who has been with us for over 20 years and has worked every single election in over 20 years. Yesterday we awarded him with a nice certificate that we so appreciate it. Like the Secretary said, we cannot do our jobs without our election workers. They are our unsung

heroes. Making sure all our vote centers are staffed is no small feat. Making sure they know they are valued and protected is of the utmost importance to not only me, but all the other clerks in the State and the SOS. We work closely with them to make sure we are all prepared.

Chair Ohrenschall:

Thank you for mentioning all the election workers and everyone who takes time off, whether they are part-time or whether they might staff with other departments who come and help the election. That was wonderful hearing about the 18-year-old, the mom, and grandma wanting to work as election workers to help serve the public.

We will go to Registrar Portillo to talk about preparations for the primary election here in Clark County.

Registrar Portillo, Previously Identified:

I want to begin by giving great thanks to the SOS and his team because they have been supportive since day one. We could not do what we do without their collaboration, support, and great ideas. They did come to visit several times, and we appreciate those visits because great ideas come through collaboration. I appreciate that. They should be commended for their efforts. They appreciate, just as much as we do, our poll workers. We cannot do it without them, but not missing the fact that we have temporary workers in all levels that help us during the election. They come back every year, even during a presidential year where they know they are going to sacrifice a lot of time away from their families. A grateful heart is definitely a way to get through this election cycle.

With that said, I want to reiterate what Mr. Wlaschin mentioned. This is an effort that did not start this year. It did not start in 2024. In fact, for us, it started in 2021 when we began the implementation of a brand-new poll pad to help check in voters and a brand-new voter registration system. We have a lot of volume. We have a lot of equipment to turn around, program, and test. We have to start quite a bit ahead of the game because we are always looking forward to the next election, and the preparations start way ahead. ([Agenda Item VIII](#)) [Due to copyright issues, the presentation is on file in the Research Library of the LCB, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/About/Contact>.]

Even though we are here today, we have already sent out the ballots for overseas and military. We are working on sending out the in-state. We already sent the out-of-state. We are always preparing way ahead. It started for us more than a year ago. Sample ballots are in the mail, and we are excited about that. It is a daily process for sample ballots. However, all in-state mail ballots will be in the mail no later than May 16th. We are excited about that. We use the EASE program. It is a convenient program for overseas, military, ADA, and tribal nation folks to also use. We are working on that. Currently, we only have 31 that have participated. In the past, we have had approximately 1,500 that have participated. We are thankful for the collaboration. This program is tested considerably before the election cycle to make sure it functions properly, and the processes are in place according to regulations.

We have our early voting sites and our Election Day sites all set and ready to go. We are already in the delivery process of our tents. We have at least nine tents around Clark County, and we have to begin the process way ahead of time. We have 30 to 35 during early voting every single day that are open to the public. Any voter can vote at any vote center, which is convenient here in Clark County. We are a 24/7 county, so it is

convenient. Also our drop box locations—it is important to remember that because folks love to come to our sites and drop off their mail ballot. On Election Day, we have 132 vote sites that are also vote centers. A voter can conveniently go to any vote center and cast their ballot either on the machine or drop off their mail ballot.

We also have training and recruitment continuously going on. We train and recruit over 3,000 workers. Again, those unsung heroes the SOS properly addressed them as because they help us get through the busiest elections. The toughest elections this year is one of those, a busy election cycle. We received over 5,000 voter registration applications. We have a lot of folks working today, which should be their day off, but they are going to work through the weekend to ensure we meet that May 14th deadline, which is the standard registration deadline. We are sure we are going to get more on Monday and Tuesday, but we are there to help.

We have hotlines. We also brought in our hotline folks. These are signature curing [hotlines], team lead hotlines, registration hotlines, important hotlines that not only help the voters in the process of signature curing but any questions they may have. Also, team leads need support as well. They are out there helping us at all these sites, and we need to be readily available to answer their questions if they have any issues arise. We are there with subject matter experts. They are well trained folks that continuously come back and help us during the election cycle. Many of those being permanent as well.

Security—we worked hard having several tabletop exercises. Security is an important piece of an election cycle. We take it seriously. Not only did we do this before the PPP, but also before the primary. We collaborate with the SOS, city clerks, a lot of law enforcement folks, and of course management of those cities to go over, sometimes torturous, exercises. You do not ever want to think there will be an emergency, but you have to be prepared. I believe we are prepared for any emergency we may have, whether it is evacuation, a fire, electrical, et cetera. That and more is being done to get to Election Day and early voting. I will open it up for questions.

Chair Ohrenschall:

Thank you, Registrar Portillo, for everything you and your staff are doing to make sure folks will have access and be able to participate this year. Members, any questions for Registrar Portillo? [There were none.]

We are appreciative of everything you do making it possible for voters to vote by mail, vote early, or go to vote centers. Thank you to the Secretary and your tremendous staff and in Washoe County. I know we had registrars from Carson and Eureka County earlier. If others are listening, we appreciate everything you are doing and everyone who volunteers to work on the elections and be there. They are, as the Secretary said, our unsung heroes.

AGENDA ITEM IX—PUBLIC COMMENT

Chair Ohrenschall:

I would like to go to our second period of public comment.

[Chair Ohrenschall reviewed public testimony guidelines.]

I do not see anybody coming up for public comment in the Sawyer Building. Carson City, is there anyone who wishes to make public comment? I am not seeing anyone in Carson City. Broadcasting, if we can now go to the phone lines, and see if there is anyone who wishes to make public comment.

BPS:

If you are joining us telephonically and would like to provide public comment, please press *9 now to join the queue.

Oscar D. Williams, Previously Identified:

I have a question for Mr. Wlaschin and then some general comments. Mr. Wlaschin, hello. Nice presentation, Sir. My question is, do you have statistics on the number of self-printed and mailed ballots?

Chair Ohrenschall:

Mr. Williams, public comment is an opportunity for the public to make public comment. It is not an opportunity to ask questions. Please go ahead and finish your public comment.

Mr. Williams:

Very well. I apologize. A previous speaker, I forgot who it was, mentioned that voter preference was for mail ballots. I see it a little differently. I see it as a voter preference for paper ballots. People do not trust the machines, and so their best option is a paper ballot. That is why you are seeing so many mail ballots along with the limits to polling locations. Nevada has consistently and unabatedly offered a paper ballot since statehood in 1864. Paper ballots are a right. In 2020, voters ratified the *Voters' Bill of Rights*. That was enacted by the Legislature under NRS 293.2546. Clause number ten is the uniform statewide standard for counting and recounting all votes accurately. When that became ratified and enacted, it basically made the Direct Recording Electronic (DRE) voting system illegal, because it is not a paper ballot system. The elements of the VVPAT and the BMD where the voter trail, as it is called, something that would eventually be used for an audit. But even in terms of the BMD just being counted as a ballot relies on a quick response (QR) code. Well, the QR code is not readable by humans. In fact, in Georgia, in the case of *Curling v. Raffensperger*, there were questions as to the integrity of the QR codes. There is a proposal, I believe, before the state legislature there to change the QR to a barcode. Apparently, the barcode is more trustworthy. Something for Nevada to consider. In regard to—and the QR code, in terms of audit, violates NRS 293.2696 at four required to have manual audit capacity. Again, you cannot read the QR code. You do not know that is an accurate representation of the votes cast. In regard to a BMD system, my preferred method of a BMD is a ballpoint pen. Ballpoint pens cost pennies. There is no setup, no patches, or updates. It is a simple way to go if the power goes down, I still have my ballpoint pen. That is all I have to ask. Thank you for your time and thank you for this wonderful meeting today.

Ellen Giffords, Previously Identified:

Thank you for the opportunity to give public comment. The SOS provided a memorandum of guidance to Nevada county clerks and registrars for the implementation of SB 406. In that guidance, they used an election observer as an example of someone who would perform one of the felonious acts described in SB 406. What kind of an impression of election observers must that conjure up in the minds of county clerks and registrars who receive that memorandum? What kind of welcome and support will election observers

receive when they arrive to observe after being used in a derogatory example like that? Being respectful is everyone's responsibility. There are numerous federal and State laws that mandate it is the public's right to observe their election processes. Election observers are the public. They are voters, and voters are not to be intimidated. There is a law that says that as well. Thank you.

BPS:

Chair, there are no additional callers to provide public comment at this time.

Chair Ohrenschall:

Thank you, Broadcasting. Chief Deputy SOS Di Chiara, do you wish to make public comment? Please go ahead.

Chief Deputy SOS Di Chiara, Previously Identified:

I wanted to put on the record for anyone who may be seeing or attending this meeting that part of SB 406, the election worker protection bill that was passed unanimously and signed by the Governor, includes specific protections for election observers. As long as you are not committing criminal harassment or threatening an election worker or observer at either their place of work or their home, there is no threat of prosecution. This is strictly regarding criminal acts against election workers. Thank you.

Chair Ohrenschall:

Thank you for pointing that out. Again, SB 406 did pass unanimously. It was signed into law by the Governor. I do see that many states are following the lead of our SOS in terms of laws to try to make sure there are no threats of intimidation of voters and election workers during early voting, Election Day, or collecting mail ballots.

We will be having our final meeting in August. There will be agenda items to be posted on a future agenda. We will also discuss potential bill draft requests for the upcoming session. On our Committee web page, we will be posting a letter with an invitation for solicitation of ideas. That will be coming forward. Unless there are any other comments from Members, I appreciate everyone's help, our staff's tremendous effort, and Broadcasting for making this presentation happen.

The following written public comment was submitted:

- ([Agenda Item IX](#))—Susan Ruch, Private Citizen.

AGENDA ITEM X—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:18 p.m.

Respectfully submitted,

Seana McManus
Research Policy Assistant

Haley Proehl
Senior Policy Analyst/Geographic
Information Systems Specialist

APPROVED BY:

Senator James Ohrenschall, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item IV	Ross E. Armstrong, Esquire, Executive Director, Nevada Commission on Ethics	PowerPoint Presentation
Agenda Item V	Gabriel Di Chiara, Chief Deputy Secretary of State (SOS), Office of the SOS; Mark Wlaschin, Deputy SOS for Elections, Office of the SOS; Katherine J. Bowling, Clerk-Recorder, Eureka County; William "Scott" Hoen, Clerk-Recorder, Carson City	PowerPoint Presentation
Agenda Item VII A	Lorena S. Portillo, Registrar of Voters, Clark County	PowerPoint Presentation This is on file in the Research Library of the Legislative Counsel Bureau (LCB), Carson City, Nevada. For copies, contact the Library at (775) 684-6825.
Agenda Item VII B	Cari-Ann Burgess, Interim Registrar of Voters, Washoe County	PowerPoint Presentation
Agenda Item VIII	Lorena S. Portillo, Registrar of Voters, Clark County	PowerPoint Presentation This is on file in the Research Library of the LCB, Carson City, Nevada. For copies, contact the Library at (775) 684-6825.
Agenda Item IX	Susan Ruch, Private Citizen	Written Public Comment

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