NEVADA LEGISLATURE
JOINT INTERIM STANDING COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

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

DRAFT MINUTES

May 29, 2026

The third meeting of the Joint Interim Standing Committee on Legislative Operations and Elections for the 2025–2026 Interim was held on Friday, May 29, 2026, at 9 a.m. in Room 165, Nevada Legislature Office Building, 7230 Amigo Street, Las Vegas, Nevada. The meeting was videoconferenced to Room 3137, Legislative Building, 401 South Carson Street, Carson City, Nevada.

The agenda, minutes, meeting materials, and video recording of the meeting are available on the Committee's meeting page. The video recording may also be found at https://www.leg.state.nv.us/Video/. Copies of the 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, Vice Chair
Senator John C. Steinbeck
Assemblymember Brian Hibbetts
Assemblymember Cinthia Zermeño Moore
Assemblymember Erica Mosca

COMMITTEE MEMBER PRESENT IN CARSON CITY:

Senator Skip Daly

COMMITTEE MEMBERS ATTENDING REMOTELY:

Assemblymember Cecelia González, Chair
Assemblymember Jill Dickman

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jennifer A. Sturm-Gahner, Deputy Research Director, Research Division
Haley Proehl, Senior Principal Policy Analyst/Geographic Information Specialist, Research Division
Timothy Gibbs, Research Policy Assistant, Research Division
Nancy Morris, Principal Program Analyst, Fiscal Analysis Division
Kelsey DeLozier, Senior Deputy Legislative Counsel, Legal Division
Aaron MacDonald, Senior Deputy Legislative Counsel, Legal Division

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Items taken out of sequence during the meeting have been placed in agenda order.
[Indicates a clarification.]

AGENDA ITEM I—OPENING REMARKS

Chair González:

Good morning everyone, and welcome to the third meeting of the Joint Interim Standing Committee on Legislative Operations and Elections for the 2025–2026 interim. Mr. Gibbs, can you please call the roll?

[Roll call was taken and reflected in Members Present.]

I am sorry that I could not be with you all there today. I had to deal with a family emergency, but nonetheless, we are excited to kick off our third meeting of this interim. I did want to make an announcement that if you are here and need to use the ASL [American Sign Language] interpreter to please come forward. To the right of the chairs, we have blue tape on the floor that is designated where you can sit to be able to use the translator. With that out of the way, members who are joining on Zoom, please remember to keep your video on and your microphone off when you are not speaking, and please remember that the chat feature is only for technical issues.

Before we begin, I would like to make a few housekeeping announcements. Please silence all electronic devices, including your cell phones, during our meeting and time together. When speaking, please restate your name each time for the record and turn your microphone off each time you are done speaking. Agenda items may be taken out of order, combined, or postponed. With that, I do want to say that we are removing Agenda Item VIII today, and we will discuss that at a later time. Meeting materials received prior to the meeting have been uploaded to the Committee's web page.

Finally, I want to bring attention to the Solicitation of Recommendations memo and submissions form posted last week to the Committee's website. Anyone interested in submitting additional proposals, including possible bill draft requests for consideration by the Committee, can do so by this Monday, June 1. I do want to note submissions of a recommendation to the Committee do not guarantee that this will be a consideration during the work session, but we do want folks to submit their ideas that they have for our Committee.

AGENDA ITEM II—PUBLIC COMMENT

Chair González:

With that, we will start with our first agenda item today, which is public comment. Members of the public can provide testimony in person, over the phone, via email, or by mail. Instructions are provided on the agenda. If you are testifying in person, please remember to sign in at the table by the door. Please remember to clearly state your name and spell your name before you begin and limit your comments to two minutes. Staff will time each speaker during public comment to ensure that everyone has a fair opportunity to speak. If you wish to provide public comment over the phone, the phone number is (888) 475-4499, and the meeting ID for today's meeting is 870 125 33151, and then you will hit the pound key and then press pound key again when it asks for a participant ID.

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With that being said, we will start in Las Vegas. If anybody would like to make public comment, please go to the table now. Like I said, we do have an American Sign Language interpreter in Las Vegas for those who need it, so please let us know when you are ready.

I am not seeing anyone in Las Vegas. Is there anybody that would like to provide public comment in Carson City?

Vice Chair Ohrenschall:

Excuse me, sorry, there is someone here in Las Vegas.

Chair González:

Sorry, I see it now, but it is a little delayed. Go ahead when you are ready.

Lee Bullock, Vice President, Las Vegas Deaf Seniors:

[Translated from ASL.]

Hi. I wanted to express my feelings when it comes to voting. At the polling locations and sites— On the ballot, when you take a look at it, there are comments that are a little bit difficult to understand. They are very strong political phrases that can also be tricky for us deaf community members, and it is easy for us to have ASL interpretation on the ballot to be able to understand what is involved when it comes to voting. I consider myself somebody who has better than average reading. My reading— When I took a look at the ballot, I did also have a hard time understanding some of the statements, and having the ASL mentioned in there would help with voting. Thank you.

Chair González:

Thank you so much for sharing your comments. Go ahead, next person.

Lexi Bullock:

[Translated from ASL.]

Hi. My dad just gave a public comment, and I am here as well just to make a mention that statistics do say that children that are born to deaf parents—90 percent of those children—are born to hearing parents. They do not learn sign language. That is 90 percent as well, so a lot of deaf children are language deprived from when they are born up until the age of five. So, they face language deprivation, and when they go into their 20s; or 30s; or 40s and it is time for them to vote, it is difficult because the average deaf reading level is a fourth grade reading level. Political language— I just looked at it; it is about a sixth to eighth grade reading level, which is hard to believe for me, but regardless of that, deaf people use ASL daily, and it is hard for us to be able to translate from ASL to say, "Okay, we have this political language in front of me to try to make sure we understand it to vote." Having that ASL interpretation would be really helpful to the deaf community to be able to say, "Okay, I am not sure if this English grammar and structure is what I am understanding because the syntax is completely different in ASL—even with subject, object, verb—and when we see it in ASL, we are saying, "Oh, okay, you know what, now this is clear; we can understand it." So, when you get the information from the deaf community, it is not accurate because there is a lot of misunderstandings, and the captions that we receive for access is not accurate in that sense, so we need to make it accurate in order to get accurate voter results. Thank you so much.

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Chair González:

Thank you so much. Is there anybody else that would like to make public comments? Seeing none, we will go to Carson City. Oh, sorry?

Vice Chair Ohrenschall:

Sorry, Madam Chair. I do not believe there is anyone else here in Las Vegas who wishes to make public comment right now.

Chair González:

Thank you so much. My screen is so tiny. Okay, let us go to the phones. AVH [Audio Visual and Hearings Unit) do we have anybody who would like to make public comment?

AVH, Information Technology Services, Administrative Division, LCB:

Thank you, Chair. If you would like to provide public comment, please press *9 to take your place in the queue. Again, if you wish to provide public comment, please press *9.

Dora Martinez:

Good morning, Chair, Vice Chair. Happy early primary voting season. Just want to bring to everyone's attention who loves to vote like we do. While there are accessible machines in the polling, in the voting centers, like here in Washoe County, we have the audio tactile interface, also known as ATI, and it is a really cool device, and it has tactile different shapes on the—I guess you could call it keyboard, but it is not a keyboard—this device, and you can press different buttons and it will select things that you want to select and people to vote for. However, it is a new device and the volunteers— Love them to death. Thank you for volunteering at the voting centers, but they need sufficient and proficient training on how to operate the machine—how to plug it in, and how to show the voter how to use it. And so, I hope that the SOS [Secretary of State] person who, like for the statewide, can, in that office, can have someone that goes throughout the 17 counties to teach the volunteers—those who volunteer for that particular, I guess, section. The ADA—because I do have friends in Yerington, and one in Fallon, and some in Ely— Yes, for a blind lady, I do have a lot of friends who are visually impaired and low vision, and they went to vote by themselves. They wanted to try it, and nobody knew how to assist them with, you know, to make it accessible so they can vote independently without people hearing their selections because that is what they had to do in in one of the rural county. A volunteer read out loud and people heard. So please, we want secured voting, and people with disability want to come and have their voice heard. Thank you, Chair, for everything you do. Enjoy your day.

Chair González:

Thank you so much. AVH, do we have another caller?

Oscar Williams, Resident, Reno, Nevada:

Good morning, everybody. I wish to bring to your attention a complaint I filed against Washoe County in the state last week regarding sample ballots, and it goes like this. Voters are entitled to an accurate sample ballot. The statute says the sample ballot must be mailed for his or her precinct. However, what we got is it contains races that are not specific to that person's precinct. It is sort of a partywide, countywide, by party only, and it is no longer tethered to the ballot that a voter will actually be casting. It encourages you to follow a

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QR [quick response] code to go online where you can actually get the truly accurate information. The format of the sample ballot online, or the mock ballot online, is different than the one that is printed in the booklet, but that is not the real issue. The real issue is conditioning people to go online and to mark a ballot online when many, many people, possibly in the tens of thousands in Washoe County alone, do not have Internet; they do not want the Internet; they do not use it, and they are being denied accurate information that is their right to receive. It is a big deal—whether out in the rurals, or on tribal lands, whether they are elderly, poor, just not tech savvy, maybe they are disabled, maybe they are deaf, or they just, you know, old school, and they do not want the Internet. I have a friend who refuses to use computers. He does not have a printer. He is not going to download and print a mock ballot, and so he is being denied his right to an accurate sample ballot. That is what I want you to know. I think— I hope somebody will follow up with that and work with the state and the county to correct it. Thank you for your time (Agenda Item II).

Chair González:

Thank you so much. AVH, is there any more callers?

Ellen Gifford:

Good morning. I am providing public comment on behalf of Christina McConnell. Christina wanted to be here to speak for herself, but she is a working citizen voter of Nevada. Christina has been waiting almost three years for the records she formally requested in December 2023, from the Secretary of State's Office. What she has been getting instead are periodic memorandums asking for more time. Surely, asking for more time for almost three years is ludicrous. Surely, the records Christina is asking for are readily available. Surely, they must be because the information in these records had to have been the basis, if there was one, for NRS [*Nevada Revised Statutes*] 293.705—a statute that puts all voters at extreme risk. Surely, the Secretary of State's Office needs to step up respecting Christina's right to ask for these public records and produce them or acknowledge that they cannot because surely, they do not exist. Thank you.

Chair González:

Thank you so much. AVH, next caller please.

AVH:

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

Chair González:

Thank you so much. I will go back for public comment in Carson City. Please begin when you are ready.

Cameron Gresh, Government Affairs Liaison and Public Information Officer, Carson City:

Good morning, Chair González, and members of the Committee. I want to briefly speak from the local government budgeting perspective regarding the future transition to VVSG [Voluntary Voting System Guidelines] 2.0 voting systems. Carson City absolutely supports secure, auditable, and accessible elections. We recognize the value of modernization and understand why these standards are being discussed nationally and at the state level. Our

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concern, of course, is not with the goal, but with adequately funding election operations to meet it. Local governments throughout Nevada are already facing significant pressure on infrastructure budgets, public safety costs, employee compensation, deferred maintenance, and growing service demands. Election systems are critical infrastructure, but unlike many other capital needs, this is an area where local governments have very limited flexibility to delay or scale implementation if state or federal requirements change. For Carson City alone, the projected replacement cost is estimated at approximately $1.2 million. That is a very substantial expense for a jurisdiction of our size, particularly if local governments are expected to absorb a large portion of the cost themselves.

I would encourage the Committee to recognize that if Nevada ultimately moves towards mandatory VVSG 2.0 implementation, a sustainable state-funding strategy will be essential. Otherwise, counties and cities may be forced into difficult tradeoffs between election modernization and other core public services. If these upgrades are determined to be necessary for Nevada's future elections, local governments like ours would be more than grateful for the assistance of our state in meeting this mandate. Thank you for your time and for your support of Nevada's counties in administering elections.

Chair González:

Thank you so much.

Drew Ribar:

Good morning. I am a candidate for Nevada Assembly District 40. I have been a lobbyist. I have been a member of the press. I have had both badges in this building. Currently, there is a federal civil rights lawsuit against members of the Legislative Counsel Bureau for creating rules that deny you from exercising two constitutional rights simultaneously in this building. There is a long history of that in the Nevada Legislature. There is even a picture with a man downstairs in the lobbyist room that gives him glory for that. Yet, the Nevada Legislative Counsel Bureau, in their infinite wisdom, has said you cannot petition your government—Article 1, Section 10 of the *Nevada Constitution*—simultaneously while exercising your Article 1, Section 9 constitutional rights, and that right says freedom of the press and no law shall be made. But yet, here we are. They have made a law.

Anyways, within our lawsuit, the federal judge has denied the dismissal. The case has moved to the Ninth Circuit, all because the Legislative Counsel Bureau and its employees insist on enforcing unconstitutional rules, laws; however you want to define what they are doing to me and everybody else. We should be able to exercise two constitutional rights at the same time in the public's building. If you want to pray and worship at the same time you are speaking, you have a right to do that, but you do not have a right to document and disseminate information about your government at the same time you are petitioning your government for the changes that you want to make.

Along with that issue, there is also one other issue that was brought up by one other speaker. The Secretary of State's Office has a history, and a pattern and a practice of denying public records requests. I, too, have been waiting years from the Secretary of State's Office to give me simple information that they readily have but they deny. What are they hiding? What are they covering up? Why do we allow this corruption to exist? Thank you very much for your time. My name is Drew Ribar, and again, I am a candidate for Nevada Assembly District 40. Thank you very much.

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Chair González:

Thank you so much. Seeing no other public comment, we will now move to our next agenda item, which is approval of the minutes from April 17, 2026.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON APRIL 17, 2026

Chair González:

Committee members, you have all had time to review these minutes. Are there any questions or comments?

Seeing none, I will accept a motion to approve the minutes of the meeting from April 17, 2026.

> VICE CHAIR OHRENSCHALL MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON APRIL 17, 2026.
>
> ASSEMBLYMEMBER MOSCA SECONDED THE MOTION.

Chair González:

Thank you. Any discussion on the motion? [There was none.]

> THE MOTION PASSED UNANIMOUSLY.

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AGENDA ITEM IV—PRESENTATION ON THE USE OF CAMPAIGN FUNDS FOR CHILDCARE

Chair González:

Next, I would like to move on to our next agenda item, which is a presentation of the use of campaign funds for childcare.

I would like to invite the representatives of the Vote Mama group to present their information on the use of campaign funds for childcare. Please keep your presentation to 15 minutes and go ahead and begin when you are ready.

Louisa Duggan, Policy Director, Vote Mama Lobby:

Thank you so much, Chair. Let me pull up my screen. All right, is that working? Can everyone see that? Perfect. Well, thank you so much for having me. Good morning, everyone. I am here today on behalf of Vote Mama Lobby to talk about a critical resource, campaign funds for childcare, that has the ability to increase the representation of everyday families at all levels of government nationwide. (Agenda Item IV) Thank you so much for having me. Before I get started, I will briefly introduce myself. I have the honor and privilege of serving as the Policy Director at Vote Mama Lobby. I lead our policy and research department to break down the barriers that keep moms and dads—caregivers at large—out of office and out of power. That primarily focuses on advocating for campaign funds for childcare and campaign funds for security nationwide in all 50 states.

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To level-set the conversation, I am here today on behalf of Vote Mama Lobby, a 501(c)(4) organization, but I will be including and referencing data and research that was authored and conducted by Vote Mama Foundation, which is a 501(c)(3) nonpartisan organization that researches the political participation of moms. I will be using both organizations while giving this presentation, and if there is any confusion, please feel free to interrupt me, and I am happy to explain a little bit more and offer any clarity that I can.

To begin—our origin story of campaign funds for childcare. Back in 2018, Vote Mama Foundation founder and CEO [Chief Executive Officer], Liuba Grechen Shirley—who is actually on this call right now, so if you have any specific questions for her, please let me know. She ran for Congress back in 2018, and at the time, her kids were just one and three years old, and she had quit her full-time job to run a full-time campaign and could not afford to pay for childcare expenses out of pocket because she had foregone her salary. And so, she petitioned the Federal Election Commission, asking if she could use her campaign funds on childcare expenses directly related to campaign activity. She was told not to do it. She was told it would be political suicide, but she quite literally could not afford to keep running for office otherwise. So, she submitted her request, and to her and everyone else's surprise, she received a unanimous bipartisan approval from the Federal Election Commission that set the precedent for all federal candidates to be able to use their campaign funds on childcare expenses directly related to campaign activity.

Since that authorization in 2018, the Federal Election Commission has actually expanded that allowance, so they have now allowed not only childcare, but broader dependent care. That would include an adult tied with a disability that the candidate is the primary caregiver of. It would also include an aging parent or grandparent that the candidate is the primary caregiver of. They have also expanded the allowance to cover expenses not only related to campaign activities, but also carrying out official duties. So, federal candidates, no matter what state you are running in, are allowed to use their campaign funds on dependent care expenses, including childcare, as it relates to both carrying out official duties and as it relates to campaign activities.

While this is tremendous progress for federal candidates, we have to go state by state to give state and local candidates that very same allowance, and that is the work that I lead at Vote Mama Lobby. Vote Mama Lobby is the only organization working to get campaign funds for childcare authorized nationwide. I am thrilled to share that as of today, we are at 40 states and Washington, D.C. [District of Columbia] that have approved the use of campaign funds for childcare in some form. Each authorization varies state by state. For example, 18 of the 40 states allow candidates to use their campaign dollars on broader dependent care expenses, and actually, 17 states allow officeholders to use their campaign funds on childcare expenses directly related to carrying out official duties. But broadly speaking, over 80 percent of the country has explicitly approved campaign funds for childcare in some form, and this graphic is showing you the dark highlighted states are the states that have explicitly authorized campaign funds for childcare and the lighter-shaded states are the ones that have not explicitly authorized it. This may seem like a very small change that I am talking about, and it is. It is a very small structural change, but it has the ability to make a huge impact in who can run and who can serve for office at all levels of government. It is particularly important when we think about everything that parents of young kids are juggling just to stay, to survive, and to be able to run for office.

Vote Mama Foundation, as I said, researches the political participation of moms at both the federal and state level. In 2024, the Foundation found that less than 8 percent of all State Legislators were moms of minor children at the time of serving in office. When we think about the age of child, the representation actually goes down. Only 1.7 percent of

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moms of minors of children under the age of 6, and only 2.3 percent were women of color who had children under the age of 18. So, this graphic is showing you— Of over the 7,000 State Legislators in our country, in 2024, less than 8 percent were moms of minor children. This is particularly important when we think about the fact that 85 percent of American women are moms by the age of 45, and if we do not look at the barriers that are particularly impacting moms, dads, and caregivers at large, we will never reach proportional representation. We would need to elect over 700 more moms nationwide in order to reach proportional representation, which is about 18 percent.

I will continue to the next slide, and this goes into the data a little bit more. So, this shows you how many moms of young kids are serving in each state legislature. That 7.9 percent was our national average number, and this is giving you the numbers within each state. And again, these numbers are from 2024. We have not updated them yet for 2026, but it is on our agenda to do this summer, so please stay tuned. We will have more data coming soon. You can see that in 2024, Nevada had almost 13 percent of their state legislature made up of moms of young kids, so above that national average of almost 8 percent, but below proportional representation threshold of 18 percent. Let me be clear; while the data is specifically focused on moms, campaign funds for childcare does help all types of caregivers, including dads of young children and single parents. Vote Mama Foundation does track the representation of fathers at the federal level, and while dads do outnumber moms at the federal level, dads still only comprise less than 23 percent of the 119th Congress. So, campaign funds for childcare has the potential to help all types of caregivers and young families run for and sustainably serve in office at every level of government.

In addition to researching the political participation of moms, Vote Mama Foundation also looks at how much money is being spent on childcare expenses in states that have authorized campaign funds for childcare. We looked at a seven-year period, 2018 to 2025, and pulled publicly available expenditure data at the state and local level in all the states that have authorized campaign funds for childcare, and I will say, as I am sure many of you know, each state has different rules and regulations regarding campaign finance and has different systems for processing campaign finance. Not every state has publicly available expenditure data. We actually say that the numbers that I am about to share are an underestimation of what the numbers truly are because so many states do not have publicly available expenditure data. But for the states that do, Vote Mama Foundation found evidence of usage in over 25 states. Over 148 candidates have spent over $700,000 on childcare expenses in over 25 states, and again, these are campaign funds being used on childcare expenses directly related to campaign activity. This is a 1,400 percent increase in just a seven-year period and overwhelmingly, campaign funds for childcare was used by women candidates. Almost 60 percent of the candidates that used campaign funds for childcare at the state and local level were women candidates—really showing that when campaign funds for childcare is authorized, it is utilized, and it is helping more women; more moms; and more families be able to run for and serve in office.

To get a little bit deeper into the data, of the 148 candidates that have used campaign funds on childcare expenses, only 30 percent were candidates of color. However, candidates of color spent almost 80 percent of the dollars that were spent in total on campaign funds for childcare. So, of that $700,000 number that I had on the previous slide, about 80 percent of that money was spent by candidates of color. This data underscores the ability to help candidates from marginalized backgrounds who have historically been shut out from the political arena be able to run and serve while still having access to safe and affordable childcare.

This actually is one of my favorite statistics. I mean, I love all of our stats, but this one I think is really important to highlight for an audience like yourself. Of all the spending, it was overwhelmingly spent by candidates running for state legislative office. We have a third of spending being spent by candidates running for local office. That ranges, obviously, state by state of what constitutes local office, but broadly speaking, that would include school boards; city council; county council. You know, school board is primarily one of the first places that moms decide to run for office, right, so that is really exciting to see that a third of the spending is being spent by local candidates and almost 60 percent is being spent by candidates running for state legislative office, which is truly amazing because we know that these are much larger districts. You often have to travel long periods of time. You have late-night fundraising. In the states where you are allowed to use campaign funds on childcare expenses directly related to carrying out your official duties, this is also incredibly useful. If you have to stay at the Capitol late night for a critical vote, who is able to watch your kid at home while you are there? The data is really here to highlight that when campaign votes for childcare is authorized, it is used, and it is used to help level the playing field for all types of candidates to be able to run for office.

Before I conclude, I did— You know, I have the national perspective, but I did want to end with just a Nevada-specific perspective to give a little bit more detail. Forty states and D.C. have authorized campaign funds for childcare in some form. Nevada is one of the ten states that has not explicitly approved campaign funds for childcare in statute or in writing. For everyone's understanding, there was legislation introduced in both 2023 and 2025 in Nevada to codify state and local candidates' ability to use campaign funds on childcare expenses. However, those authorizations, those codifications did not get over the finish line, so it is still not approved in the State of Nevada. It is a critical time to bring it back up as we head into the midterms, but also, I thought it was really timely considering that the Nevada Legislature codified campaign funds for security expenses in late 2025, which was amazing to see.

For your knowledge, at Vote Mama lobby, I advocate for both campaign funds for childcare and campaign funds for security. I hear from moms all across the country, "I was able to run for office because I could use my campaign funds on childcare, and now I need to be able to use my campaign funds on security expenses in order to continue to run for office and make sure that my family is safe while at home and on the campaign trail." And so, we were thrilled to see that campaign funds for security was authorized in Nevada late last year and wanted to reengage on the conversation regarding campaign funds for childcare. When we launched our campaign funds for security effort in August of 2025, ten states had authorized campaign funds for security. There are now 27 states that have authorized campaign funds for security. Tennessee became the 27th state just last week, so we are seeing tremendous progress on both fronts, but we will not stop until we get both campaign funds for childcare and campaign funds for security over the finish line nationwide. With that, I will stop sharing my screen, and I am happy to take any questions or comments.

Chair González:

Thank you so much for your presentation. I have been in the Legislature before having kids and having kids now, it is a completely different experience. And so, I really want to just say as a mom, as a parent, I appreciate the work that your organization does to help support moms and families be able to do this work because it is a very grueling job, and childcare is a barrier for why folks cannot run for office. I just want to say thank you to your organization. Senator Daly, let us go first to you all if there is any questions.

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Senator Daly:

Madam Chair, no, I do not have any questions right now. I am the only one up here.

Chair González:

Awesome. Down South, do we have any questions?

Vice Chair Ohrenschall:

Chair, I have one question. Oh, Assemblymember Moore actually. Then I can go after. You go first; I can go last. Thank you.

Assemblymember Moore:

Thank you, Chair. Thank you, Vice Chair, and thank you for this presentation. This is such an important hearing, and at this presentation, I am currently the only single mom serving in the Legislature to a minor child, to a child under 18, so I really appreciate this presentation, but I do have a question for you. In terms of— Is there a limit as to— Do other states limit the maximum amount of money candidates can use this for childcare?

Ms. Duggan:

That is a great question, and thank you so much for serving. I was raised by a single mom, and single moms are— You know, you are a superhero, so thank you so much for sharing your story. To answer your question, for campaign funds for childcare, there is no limit at the federal level for how much money you can spend on childcare expenses from your campaign fund account. At the state level, to my knowledge, there are no states that stipulate a cap on spending in terms of dollar amount. There have been states that have capped the age of child that you can spend campaign funds for childcare on. For instance, in I think it is Hawaii, the age of the child is actually 13 and under; it does not go up to 18. However, it does include an adult child with a disability that would be over that 13 age, so it really does depend state by state if there are caps on usage, but to my knowledge there is no cap on usage when it comes to dollar amount being spent. It is usually about the age of child and how far from the actual election date you can use your campaign funds on childcare expenses.

I will say for campaign funds for security—which I know I am not presenting on, but I will just say this—there are states that have capped the amount of money that you can use to purchase security expenses, like an at-home Ring camera; lighting; locks; those sorts of things. I have seen that in the campaign funds for security realm, but I have not seen it on the campaign funds for childcare realm. I will say, as I am sure all of you know, it is incredibly hard to raise money, especially at local office. It is a— You are running a— It is a full-time job to run a full-time campaign, and to serve in office, and to be a parent of a young child. You have three full-time jobs at the same time. And so, while $700,000 is amazing—I am very proud of that number—that is really a drop in the bucket when you think about how much money gets put into campaigns at all levels of office, and it is really about making sure that candidates have the ability to access safe and affordable childcare when they need it in order to run a viable campaign. Thank you for the question.

Chair González:

Thank you. Vice Chair, please go ahead.

Vice Chair Ohrenschall:

Thank you very much, Chair, and thank you so much to the organization for what you are doing. My mother served in the State Assembly and my sister was a teenager at the time and oftentimes came up to Carson City with her. Many times, childcare was sitting on the floor of the Assembly with my mom during session, and that was childcare. And then, I fast forward to a recent session where our Senate Majority Leader had her baby on the floor, and taking care of her baby, and I remember during public comment, someone said, "Why do you have that baby there? You have no business having that baby there," and I was shocked, but that was the childcare we had. I appreciate everything the organization is doing, but I just wonder, are there any legislatures that are providing childcare as part of the legislature on site to have childcare for parents who want to serve because certainly, it is great if people are allowed to spend their campaign funds, but that is limited as to what someone has and can raise. I am just wondering, are there any state legislatures that make childcare part of the legislative process so there is childcare on site at the state house for Legislators who have children that need childcare for being able to serve?

Ms. Duggan:

That is a great question and thank you also for sharing your story. That is amazing that you followed in your mother's footsteps and are now serving in the Legislature yourself. This is something that we talk about quite a bit. Campaign funds for childcare helps; it is not the full story. We need to make it easier for parents of young kids to be able to serve in office once they are elected, and there is a whole host of things that we can do to make it easier for them to sustainably stay in office once they are there, and on-site childcare is really critical to be to do that. Most elected officials, especially at the state legislative level, if you have a young child, you are often juggling two different childcare centers and just two different childcare waitlists—one in your district and one at the Capitol. I have talked to moms with young babies who are still breastfeeding; they have to bring their baby with them when they go to the Capitol, and they cannot get off a childcare waitlist in the capital either. They are paying for two different childcare centers; they are not in either full time, and it becomes really hard to manage, and so we definitely advocate for on-site childcare centers. There are a handful of states that have informal on-site childcare centers, so a state like New York, for instance, has an informal childcare center. However, it is only available to one chamber of the Legislature. It is not available to everyone in the Legislature. And again, it is at the will of the Speaker of the House and the Senate President. It is not necess-- That is what I mean by 'informal.' It is not in statute anywhere.

Alaska, to my knowledge, is the only state that has a formalized, on-site childcare program, where both State Legislators and staff are able to access that on-site childcare program, and that is the state that we always recommend to look at when State Legislators are interested in thinking about pursuing on-site childcare. There is— And you know, this is a little different from your question, but it goes to your point about beyond-campaign funds for childcare. Virginia is actually the only state in the country that offers a childcare stipend to State Legislators that is provided by the State Legislature itself—the Commonwealth of Virginia, and that is about— I believe it is $300 a week. I might have that statistic wrong, but every State Legislator in the Virginia State Legislature is able to tap into that childcare stipend, and that is to help cover childcare expenses that are directly related to carrying out official duties and making that journey back and forth from district to the capital. So, I hope that answered your question, and I am happy to send over a list of additional states that have informal childcare centers, if that is helpful.

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Vice Chair Ohrenschall:

Thank you very much, and Chair, with your permission, if we could get more information about what Alaska and Virginia are doing, I think that maybe is headed in the right direction. Thank you. Thank you, Chair.

Chair González:

Yes, I would love that. Thank you so much.

Ms. Duggan:

That was a great question. Thank you.

Chair González:

If there is no other questions, thank you so much for your presentation on this important issue.

AGENDA ITEM V—PRESENTATION ON AMERICAN SIGN LANGUAGE VOTING RESOURCES

Chair González:

We will now move on to our next agenda item, which is our presentation on the American Sign Language voting resources from representatives of All Voting is Local and the Las Vegas Deaf Seniors organization. Like I stated at the beginning of our meeting, we also have an interpreter that has joined us on Zoom. Please go ahead when you are ready. Please remember to keep your presentation to 15 minutes, and then we will have questions after. Thank you.

Kerry Durmick, Nevada State Director, All Voting is Local Action Nevada:

Good morning, Chair González and members of the Committee. Today, we are going to speak about ways that our Legislator can expand access to the deaf and hard of hearing community. Basically to start, I am going to start with some important statistics about our state and about the deaf and hard of hearing community. (Agenda Item V) The first statistic I would like to talk about is in the 2020 U.S. [United States] Census. Almost 120,000 people have a hearing disability in our state, so that is a very important factor about why we want to talk about why resources and voting access are so important for this community. The second one is one all of us know very well. We are the third most diverse state in the country. We are only following Hawaii and California. And third, 29.9 percent of Nevadans speak a different language other than English in their homes, which I think is also very important for this work and our language access work that we have done in the past.

We go to the next slide. In 2025, my organization, we worked on a bill called AB [Assembly Bill] 367. And just to provide some context of why we are talking about language access resources and resources for the deaf and hard of hearing community, we worked on this bill in coalition with the Secretary of State's Office; with the Nevada Commission for Persons Who Are Deaf and Hard of Hearing; also with the Let Nevadans Vote Coalition, and this ended up being a priority bill for the deaf and hard of hearing community. We had a very successful Deaf Day in the Legislator supporting this bill, and this bill was supported in both chambers.

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Just going over some key elements of this bill. So, AB 367 will mandate all of these key elements for our elections. In 2024, the Secretary had actually already provided a language access hotline and website translation, but it will now be required, no matter who is Secretary of State in our state moving forward, those two elements. The new elements, one of them was allowing the use of a personal device for voters with disabilities, and this was an extremely important aspect for people that have a hearing disability or are in the deaf and hard of hearing community. We heard from the community how important this was and why the community was so supportive of this aspect of the bill. And then another element is the Secretary's Office is going to be communicating statewide in English and Spanish in all statewide communications, and this will continue forward from now on. These resources are going to provide access to voters who may have lacked access in the past, basically, and that is why we want to continue this work and really provide more access for the community of the deaf and hard of hearing. I am now going to pass it over to Chanel to talk about our work with the deaf and hard of hearing community.

Chanel Cassanello, Nevada Campaign Manager, All Voting is Local Action Nevada:

Good morning, Chair González, Chair Ohrenschall, and Committee members. I will touch on our efforts to expand a pilot program that Clark County Elections Department proactively introduced in 2024 in coordination with deaf and hard of hearing leaders. In 2024 for the election cycle, they assigned four polling locations for select hours to have ASL interpreters in person ready to offer direct language access communication, similar to what we have here today, and thank you so much for providing that resource. It was a success in some ways, and then there were opportunities for improvement, but we just want to commend both the deaf and hard of hearing leaders and Registrar of Voters Portillo for working together to implement a pretty essential resource, but in a very short time span.

We wanted to return the conversation to the table earlier this year to further implement it and expand it for 2020— 2026 elections. Sorry, I am not going back in time, and so again, we have four sites that will have ASL interpreters, and currently, we have had one site during early vote already have it at the Cambridge Recreation Center. We have three more dates that the Clark County is providing with ASL interpreters on site. This week, up until June 5, which is the last day of early vote— And again, received a lot of applause and appreciation from the community. Again, Clark County has implemented some feedback from the 2024 pilot program, and we are just very grateful that they are being very proactive receiving the feedback and improving the program. We hope that it is adopted in the long term.

So, our legislative work, as Kerry had mentioned, goes back a couple of sessions. In 2025, we encouraged the passage of AB 367—and we have—which was signed into law with bipartisan support. So, this law codifies a lot of important resources around the top-spoken languages in Nevada, the top seven—two interpretation hotlines; one telephonically in more than 200 languages; and one video interpretation that, on demand, provides voters of any language, but this heavily supports the ASL community so that they can get verified accurate information from the Secretary of State's Office in real time. Also, voters with disabilities, again advocated strongly by the deaf and hard of hearing voters, can now utilize their personal device if they have it—if they have that resource when voting in person.

We have invested and deepened our relationships and partnerships in the community, specifically with the Nevada Commission for Persons Who Are Deaf, Hard of Hearing, and Speech Impaired and local groups such as Las Vegas Deaf Seniors, which you have heard from today, and others. We want to empower them, and we are continuing to gain a better understanding of the community's lived experiences, and that really is driving the language

access work within the community, and we do have a proposal drafted based on the community's direct recommendations with the goal to not just identify current barriers, but also to advance equitable access.

This list that I am about to show is not exhaustive. We acknowledge that the community is not a monolith. This is just direct feedback that we at All Voting is Local Action have learned directly from the community over the last couple of years. Miss Shelly Freed will join us on Zoom, and she can speak more to the lived experience and what the community is saying currently. So, some key obstacles that we have learned from the community includes just a general, deep distrust from years of urgent needs not being met or delay in accessing critical information, and that is not unique to just elections and voting; it is across several different public entities and direct services. Also, the misconception— I am sorry. Currently, current available resources are great, but there is an inconsistency in it, right? There is a lot of new resources and folks are not aware, or they have not had them in the past, so there is a lot of uncertainty about what is available to them when they show up, and so this can be a barrier and inhibit folks from even starting the process. Also, the misconception that ASL is English. As you have heard, ASL is not English. It is its own language with its own complexities, and many members are Limited English Proficient and primarily communicate in ASL. There is also a reluctance to disclose disability. Of course not required, but folks feel that unless they do so then they will not have their access needs taken seriously, to put it blatantly, and a lot of folks would really like to be able to show up and have that autonomy and independence to vote and not really have to ask for assistance unless they really need to.

Also, I want to highlight the need for proactively available ASL resources, similar to what Clark County is doing with offering the ASL interpreters on site. Also, the importance of having certified deaf interpreters for accuracy has been echoed frequently in the community. An ASL interpreter is one thing. There is a different standard just with any interpreter of any language that they are certified that they understand the culture and the nuance of the language, and that they are able to communicate to basically any ASL person who communicates in ASL. And then also, want to really highlight for time that the reality is that it really takes just one negative experience that can disengage a voter for the long term, even permanently, depending on the context and the takeaways, and if there was any resolution to the issue that they faced. This rings true not just for deaf and hard of hearing voters, not just voters with disabilities in general, but any voter in any community unfortunately. Something like a long line is a serious issue, but there are others that people really carry with them, and they do not come back to vote because they do not think it is worth it, or they do not feel welcome to participate.

I will move on to some suggestions that were developed in direct partnership with community members. Again, this is to reduce barriers to civic participation in general for the community, to allow for consistency and language access resources, and to start building a real culture of voting that will last for all elections moving forward. We dream big. The proposal starts off with ASL voting information at all polling locations statewide. I know it is a big statement. It is a very nuanced one. Just want to say that this is early stages of this proposal and it will be refined further with additional conversations. ASL resources should cover voter registration information, key election dates, candidates, ballot measures, and other necessary voting information, and that basically is the umbrella of all voting information that is currently available for primarily English speakers should be available for primarily ASL communicators. An expanded awareness of Nevada's effective absentee system for elections, or better known as EASE; civic education for lawmakers and policymakers on the community's voting needs; mandated ASL interpreters at certain sites, potentially in Clark and Washoe Counties as they are the most populated with the

community; and also ASL video instructions available via QR code at all polling locations, so that voters can have that autonomy to access the most commonly sought information in their primary language.

We believe these steps that the community has drafted would drastically improve accessibility for nearly the 120,000 Nevadans that reported having a deaf or hard of hearing disability in the last U.S. Census, and Nevada really is a trailblazer, and we have protected several language access resources up until this point within the Secretary of State's Office, and we believe we can do the same for ASL-specific resources for the state's deaf and hard of hearing community.

That wraps up my section. Thank you for your time. I will now pass it over to Ms. Shelly Freed, who I believe, and hope is on Zoom, so that she can dive into more of the language access inequities and specific efforts that the community wants. Thank you.

Shelly Freed, Secretary, Las Vegas Deaf Seniors:

[Translated from ASL.]

Okay, I am just making sure the interpreter can see me okay. Okay, perfect. Yes, hi, everyone. I have been a very strong advocate for the deaf and hard of hearing community, and I want to thank all of our local voters and efforts because they have had such a critical impact on our community. I would just like to present to all of the Chair people and Assembly people as well. I am thankful for being allotted this time, and I am trying to advocate for more resources in American Sign Language.

When it comes to ballot questions and the need for ASL resources and translation— As was spoken— As was previously mentioned, ASL is very specific. It is its own language, and as of a couple of years ago, I have really tried to put forth my best efforts to get on-site translation at polling locations, but is this really the deaf and hard of hearing communicate— Those who use ASL, is that really our responsibility to get that instated in those polling locations? As we all know, different voting information is available in certain written languages, but as we all know, ASL is a very visual and not written language, so we would like to propose and emphasize the need for prerecorded ASL-ized—as we like to term it—videos that translate about any ballot questions at the federal or state legislative level for different measures to be accessible to our deaf and hard of hearing voters, especially when it comes to ballot questions. You know, English is not always, or as we all know, ASL is not a universal language, and languages can change from one country to another, and it really is individually based. So, we had to talk to— We had successful conversations with people from Pahrump, and we realized from the Nye, when it came to the ballot measures, you know, it was very different than here in Clark County and that this was not really equitable to those who are equal access—to those who are deaf and hard of hearing. So, we were really trying to push for prerecorded, ASL-ized information to make access universal when it comes to different ballot measures and questions. I would really like to have you guys take this as an opportunity to provide this equality and equitable access for those who are members of the deaf and hard of hearing community and for those people whose primary language is not English.

You know, and just like Lexi mentioned, the general understanding of the reading and comprehension level of English is in the third and fourth grade level of those within the deaf community, so that already presents an inequitable situation in the voting process and in polling places, or those even trying to vote by absentee ballot. So, if we have ASL-ized

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prerecorded translations, they can pull up the website and feel more prepared to send in their absentee ballots. I would like to thank you all for your time and consideration regarding my message. Thank you, and now I am open to any questions.

Chair González:

Thank you so much. Senator Daly, we will start with you. Do you have any questions?

Senator Daly:

Thank you, Madam Chair. No, I do not have any at this time. Thank you.

Chair González:

Thank you. Down South, are there any questions for our presenters?

Vice Chair Ohrenschall:

Chair, Assemblymember Mosca has a question.

Chair González:

Thank you so much, Vice Chair. Please go ahead.

Assemblymember Mosca:

Thank you, Chair and Vice Chair, and thank you so much the community members for being here today and putting this very important topic on our agenda and our radar. I have a couple questions. Ms. Freed started to answer it. Thank you, Clark, for doing it. Are the other counties doing it at all? Do we know?

Ms. Cassanello:

Not that we are aware of. We have mentioned this community and potential resources, primarily to implement AB 367 and the key elements that affect the community directly. We have encouraged clerks around the state to consider ways to implement and promote it within their communities—of course, if that is within their jurisdiction to decide how to do so—but otherwise, we only know of Clark County expanding that with the ASL on-site interpreters.

Assemblymember Mosca:

Yeah, thank you. That is helpful, and it is good to know that Clark is sharing best practices and opportunities, just so it is not totally new for everybody. These are a great list, especially because it has come from the community. Do you also— Have you seen— Like, are these best practices from other states? Are there other states that are great examples of this, or other jurisdictions?

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Ms. Freed:

[Translated from ASL.]

Yes, the State of California has ASL-ized pre-recorded messages for each ballot question, and California voters who are deaf and hard of hearing were just absolutely thrilled when this was provided. We have gathered information from anyone who are maybe expats or who have left the State of California and now reside in the State of Nevada about their experiences with those prerecorded, ASL-ized videos.

Ms. Cassanello:

Chair Mosca if I may add on to that. It is a bit difficult to find which counties and states that are implementing these resources on a continuous basis, but with some digging we were able to identify different expanded resources in Arizona, Massachusetts, and Washington. They offer a range of resources such as what Ms. Freed had mentioned—prerecorded videos in ASL covering every single topic around voting; voting methods; key election dates; how to fill out a mail ballot; et cetera. Arizona offers an ASL voter education guide. Also, Massachusetts has a website specifically filled with resources for the community—again, with those videos and explainers in ASL. Washington also does videos directly for the community. So, it is out there to one extent to another, and it does vary, but we can dig in deeper and provide that information to the Committee at a future time.

Assemblymember Mosca:

Yeah, thank you. That is a very helpful list too because it is a pretty diverse list in partisanship, so it is good to know that it is a bipartisan issue. And then my last question; thank you, Chair, for the time. Something that I hear a lot within at least the school issues are a lack of ASL interpreters or the pipeline of folks who are training for this role and then people who are available. Do you find that that also impacts the potential for voting, or just— Peeling back the layers of other issues, is the ASL interpreter pipeline also an issue here in the state?

Ms. Freed:

[Translated from ASL.]

Yes, you are correct in what you just mentioned. The Nevada Coalition for the Deaf and Hard of Hearing has developed an ASL resource for ASL voters, but when it comes to the ballots itself, we are proposing that it be taken under consideration that this also be taken into consideration when it comes to elections and polls.

Assemblymember Mosca:

Thank you, and thank you all for being here today. I think I have learned a lot, and thank you, Chair, for this item and the time.

Chair González:

Thank you. Thank you so much for your presentation. I also learned a lot today, and I think it is very important. As you all know, what we do on this Committee—ensuring that everyone is able to vote, so thank you so much for the work that you do. We will now move on to our next agenda item— Oh, yes?

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Vice Chair Ohrenschall:

Chair, I am so sorry to interrupt. There is another question down here in Las Vegas from Senator Steinbeck, and then with your permission, if I can ask a quick question after. Thank you, Chair.

Chair González:

Yes, of course. Senator Steinbeck, and then Vice Chair.

Senator Steinbeck:

Thank you, Chair, and thank you for your presentation. I also learned quite a bit from this. I am just curious; are we at a point yet where there is adequate AI [artificial intelligence] interpretation for ASL from English, or is that— I do not have any idea, and I just want to know, is that something that is available to people, and is it regularly used?

Ms. Durmick:

I think we can look into that, but at this time, I do not— I am not aware of that, but I can see if Shelly is— Yeah.

Senator Steinbeck:

I see heads shaking, "no" in the back, back there, so I am guessing he is saying, they are saying there is not, but yeah, please—

Ms. Freed:

[Translated from ASL.]

Yes. So, it is in development, but there is no sure thing at this time especially. It might be five, ten years later. We really do not know. The hard part about—that AI is the facial; it is the expressions; it is the body of movement; it is everything that is included in that interpretation and all the emotions, so that really does take a lot of time. So, at this time, no, there is no accurate interpretation with AI.

Ms. Cassanello:

If I may add, that is not a recommendation in the proposal or the reasons shared by Ms. Freed, but also because it is too risky when it comes to legal language, and political language, and NRS that AI could potentially get it wrong, and then we end up in a— Again, having a negative experience for the voter, or if there is for some reason that they do not want to move forward with the vote, or that we get into some legal trouble, whether at the county or state level.

Senator Steinbeck:

Okay, thank you, and then just again, you are educating me and maybe some of the others here as well. Those facial expressions and tones—are those important in transferring written over—

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Ms. Freed:

[Translated from ASL.]

Oh, yes.

Senator Steinbeck:

Or is it just important when you are transferring over someone speaking over? Just for our own education?

Ms. Freed:

[Translated from ASL.]

Yes, facial expression; a tone; the eyebrows; the mouth movements; all of that, even the shoulder shifting—something called classifiers; setting up spacing and everything, that really is a big part of understanding the sign language and putting it all together to tell a story for people to understand or the structure of the grammar. All that stuff is included with that. So yes, it really is important. So yeah, you are right, everything is included with that, with the facial expressions; the feeling; the tone; everything is incorporated with the grammar of American Sign Language.

Senator Steinbeck:

Thank you for the education, and thank you, Madam Chair.

Ms. Freed:

[Translated from ASL.]

You are welcome.

Chair González:

Of course. Vice Chair, please go ahead.

Vice Chair Ohrenschall:

Thank you, Chair, and I want to thank All Voting is Local and Registrar Portillo for working on getting those four sites set up here in Clark County. I guess my question is, do you think those four sites are meeting the need of voters who need an ASL interpreter? Is that enough? I was disappointed to hear it is not being done in any other county. I am very happy to hear it is being done in Clark County, but I just wonder, do you think those four sites are meeting the need of voters who need an ASL interpreter?

Ms. Freed:

[Translated from ASL.]

I am trying to educate the deaf and hard of hearing voters as well that there will be and there are opportunities, but it is hard to get the word out just because of the different ways of how people approach it for individuals because there are different methods of sending out that information to them. Some is through social media, such as the Facebook and

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everything, so we are trying to do that. We are trying to suggest that or have those areas where there are the interpreters there, but three out of the four did have good outcomes. The people have decided to change the locations this year, so we will see how this actually goes this year to see. So, it kind of is like a trial and error just to see what the outcomes will look like. But I really do appreciate Clark County though for the voter on registration to be able to do that, and I do want to mention as well that we do have one who is deaf who does speak well and is now working full time at the Galleria Mall, and is working with that area. We are trying to see and get all the information out there so people can see their hands. But again, we do appreciate Clark County to be able to provide that opportunity to work there and to work with us. It is a start, but I do want to see this thrive.

Ms. Durmick:

Yeah, and just to add to that, in 2024, this was a pilot program, and it is still a pilot program. I think Clark County is also testing the need basically as well too. I think something that we want to do after the primary is see the turnout rates at those sites and see how many people were using the interpreters to see if we do need to expand more so next year, and I think even looking into expanding to Washoe and other counties where there is going to be a need even more so in the future. And then, I think to Shelly's point, the outreach and education piece is always challenging, and so I think that is why we want to bring a bill, a BDR [bill draft request] idea, to the Legislator so that we can really focus and make sure that people actually know about the resources because right now, I think that is the challenge. Not everybody in the community knows about them, and so, I think that is where we need to really focus in the future. We have all these amazing language access resources, but how do we make sure that the entire state and the people that need them actually know about them?

Vice Chair Ohrenschall:

Well, thank you very much. Thank you for all your hard work, to All Voting is Local, to Clark County, for making sure that this is available, and I appreciate it. Thank you, Chair, for your indulgence.

Chair González:

Of course. Thank you. And again, thank you all for the work that you all do in our community.

AGENDA ITEM VI—OVERVIEW AND RECENT UPDATES RELATING TO SECTION 2 OF THE FEDERAL VOTING RIGHTS ACT AND POSSIBLE STATE CONSIDERATIONS

Chair González:

Now, we are going to move on to our next agenda item, which is an overview and recent updates related to Section 2 of the Federal Voting Rights Act and possible state considerations. We will now hear from Ms. Brewer from the National Conference of State Legislatures (NCSL) regarding an overview and recent updates. Ms. Brewer, whenever you are ready, please begin.

Helen L. Brewer, J.D., Senior Policy Specialist, NCSL:

Great, thank you so much. If I could clarify quickly, 15 minutes, is that correct, Chair? Twenty, I am hearing from Jen. Okay, thank you.

Chair González:

Yes, you are good.

Ms. Brewer:

I am a senior policy specialist with the elections and redistricting program at the National Conference of State Legislatures. On the elections team, our portfolio covers election administration, redistricting, the census, as well as campaign finance and ethics laws. If you are not already familiar with NCSL, we are a bipartisan organization. Every State Legislator and legislative staffer in the country is a member of NCSL, and we produce completely nonpartisan policy research on just about every policy topic you can imagine. We also do our best to offer many opportunities for Legislators and legislative staff to convene virtually and in person each year, and on that note, I will quickly mention that our annual legislative summit will be taking place in late July this year in Chicago, and we will be very happy to see anyone who is able to join us there at that time.

Today, I have been asked to provide information on the recent United States Supreme Court ruling in *Louisiana v. Callais*, [608 U.S. ___ (2026)], as well as Section 2 of the Voting Rights Act (VRA) and state considerations if you are interested in legislating on redistricting. (Agenda Item VI) At that point, I will talk about redistricting commissions, redistricting criteria, and state versions of the Voting Rights Act. I will note here that NCSL is completely nonpartisan. We do not advocate for or against any particular type of policy, and we do not recommend best practices. I am just here to provide you with an overview of how we do see states legislating on the topic of redistricting most commonly.

With that, we will start out with an overview of the recent Supreme Court decision in *Louisiana v. Callais*. This case arose out of Louisiana. In the 2020 redistricting cycle, Louisiana drew a congressional map. A court said that that map violated the Federal Voting Rights Act because it needed to include two majority-black districts, but it only included one. The Louisiana Legislature went back to the drawing table, drew a map with two majority black districts, and then in the *Callais* litigation, the state was sued again, with plaintiffs claiming that the new map with two majority-black districts was a racial gerrymander. In the *Callais* case, the United States Supreme Court agreed. A racial gerrymander occurs when race is the predominant factor driving the redistricting decisions, and for states to justify using race in that way, they need to satisfy strict scrutiny—meaning that they had a compelling interest for using race as the predominant factor in redistricting. Compliance with Section 2 of the Voting Rights Act has long been assumed to be a compelling interest that justifies the use of race in redistricting, and in the *Callais* case, the Supreme Court confirmed that this is true. Compliance with Section 2 of the Voting Rights Act is a compelling interest sufficient to justify using race as the predominant factor in redistricting when Section 2 is properly construed. What does properly construed mean? That is what *Callais* lays out for us and what I will dive into in a moment. Overall, the new 'gloss,' if you will, that *Callais* puts on Section 2 of the Voting Rights Act will mean changes to how VRA lawsuits are litigated and how courts will determine whether or not the VRA has been violated moving forward.

This is a quick visualization of where Section 2 of the Voting Rights Act comes up in a racial gerrymandering lawsuit like *Callais*. So, the VRA can come up either in a VRA suit where somebody sues the state saying that the state violated Section 2 of the Voting Rights Act; it can also come up in a racial gerrymandering lawsuit when someone sues the state saying, "Race predominated in redistricting," and the state, as you can see on the slide, says, "Yes, but that was because we were trying to satisfy the VRA." Moving forward, the new *Callais*

test, which I will dive into next, will govern both suits that are straight up brought under Section 2 of the Voting Rights Act and the *Callais* test will govern the VRA analysis done at sort of the second step you see here in the racial gerrymandering lawsuit.

To understand the holding of *Callais* and what it will mean for how Section 2 claims are litigated, I would like to start with a brief look at how Section 2 claims have been litigated for the last 40 years or more. So, this is pre-*Callais*—the way that a Section 2 lawsuit would be argued before *Callais*. So, to get their foot in the door at court, really, plaintiffs arguing the state violated Section 2 would first have to satisfy something called the *Gingles* preconditions. Plaintiffs would need to prove that there is a non-White population in the state that is large enough and geographically compact enough to constitute another and additional majority-minority district beyond what the state drew in its map. And then, plaintiffs need to conduct a racially polarized voting analysis. That is what *Gingles* (2) and (3), the second and third bullet points, represent there, which means demonstrating that the non-White population at issue has similar political interests and voting behavior and that the white population in the area votes in a way that consistently defeats the preferences of the non-White population. Pre-*Callais*, once plaintiffs could satisfy the *Gingles* preconditions, courts would take a look at something called the Senate Factors, which is a totality of the circumstances type of evidence analysis where courts will look at the history of discrimination in the state and the ongoing effects or any ongoing discrimination that exists in the area at issue. More broadly, you can see the factors there on the slide.

Post-*Callais*, Section 2 claims will now be litigated using the new *Callais* test. You can see between these two slides that the biggest differences, or some of the biggest differences, are on that second step, the evidentiary analysis, so I will start there. We saw those Senate Factors, a list of circumstantial evidence that courts would previously look to determine whether Section 2 had been violated. Under the *Callais* test, the Supreme Court has now instructed courts that type of totality of the circumstance's evidence should not be heavily weighted anymore. What plaintiffs really need to focus on is demonstrating present-day evidence of racial discrimination in elections and voting specifically, and under the *Callais* test, that evidence needs to support a strong inference that the state intentionally discriminated based on race. This is a big change. Since at least the 1980s, the VRA has always been understood specifically not to require evidence of intentional racial discrimination, but moving forward, plaintiffs will need to focus more on providing that type of evidence.

Looking back to the *Gingles* preconditions, they are at least nominally similar post-*Callais* and pre-*Callais*, but under the *Callais* test, the way that plaintiffs need to go about proving or satisfying the *Gingles* factors has also significantly changed, and that is what this slide will demonstrate. So, at *Gingles* (1), when plaintiffs need to show that there is a large enough, close together enough, non-White population to comprise an additional majority-minority district. It has always been the case that plaintiffs usually demonstrate this by providing a hypothetical map, a map that shows there could indeed be this additional district plaintiffs are arguing the state should have drawn. Under the *Callais* test, when plaintiffs are developing that hypothetical map, they cannot use race as a criterion when they are drawing that map, and the map needs to achieve all of the same state redistricting criteria and political or partisan goals that the state's original map achieved just as well. Looking at the racially polarized voting analysis at *Gingles* (2) and (3), plaintiffs still need to demonstrate there is a non-White population that is politically cohesive and that the white population in the area consistently votes the other way. But as part of this racially

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polarized voting analysis, plaintiffs will need to be able to completely disentangle race and politics, meaning that they need to be able to show racially polarized voting is the result of race alone and it cannot be explained by differences in partisan preferences between the non-White population and the White population.

This is all federal case law about the federal Voting Rights Acts. What considerations are there for states to think about when it comes to redistricting for states that are interested in legislating on the topic? I will, on this note, dive into three common policy areas that we see states acting in redistricting: redistricting commissions; criteria; and state voting rights acts. For just a little bit of context, when we look at Nevada, where you all fall in the national landscape, the Legislature retains the primary authority for redistricting. Redistricting criteria are not enshrined in state statute or in the State Constitution. There are several states in the country that are like this, and oftentimes those states will adopt redistricting criteria on an *ad hoc* basis; the redistricting committee or what have you might adopt criteria through some sort of a resolution each cycle; it is just not written in statute. So, when we look at redistricting commissions, this map shows what states have commissions in charge, or involved I should say, of the legislative redistricting process. There are many states that have or— There are some states that have commissions draw districts for both the state Legislature and Congress. The states in the red color on this slide have advisory commissions, which means there is a commission that draws maps, submits the maps to the Legislature, and whether or how deeply the Legislature is required to consider those maps varies by state. The states in the teal color have a backup commission, meaning that if the Legislature deadlocks or is unable to agree on a map, then a commission will convene to draw new maps. This is the same information, but for Congressional Districts.

For states that are looking to design a commission, the last cycle especially has provided some more insight into considerations that lawmakers might want to have in mind if they decide to pursue this route. I will go through a couple of things on this slide, and then we will quickly look at examples of commissions from two states to see some specific illustrations of some of this. First up is the membership of a redistricting commission. One big consideration might be: do you want Legislators on your commission or not and regardless of whether or not lawmakers sit on the commission, who appoints redistricting commissioners, and even in states without Legislators on their redistricting commissions, there is commonly some role for legislative leadership in the commissioner selection process. Duration of the commission—how long it is convened for can also be an important question, particularly because questions may arise if there is litigation over maps, but it takes two or three years and then the maps are overturned. Will the commission reconvene to draw new maps? How will that work? Resources and budgeting, as always, is another consideration for redistricting commissions. In some states, legislative staff staff the redistricting commissions, and when it comes to layperson commissioners especially, there may be a lot of technological; policy; and legal training required for them to get up to speed to be able to conduct the redistricting process. States also might need to consider whether their commissions will retain their own legal counsel or other expert support, and of course there would be— There may be budgeting matters involved in that.

Lastly, I will touch on commission procedure. We have seen in this last redistricting cycle a couple of commissions around the country get caught up in some uncertainty about whether and when state open meetings rules or public record laws apply to redistricting commissions, since they are typically an entity of the state of some kind. We also see a lot of different approaches across the commission states to map passage thresholds. So, do a certain number of commissioners from each of the two major parties need to agree to a map? Are there unaffiliated commissioners, and how many of them need to agree to a

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map, and so on. To briefly illustrate this, we will take a quick look at Colorado. One thing to point out about Colorado's Commission is they do have a geographic requirement for where their commissioners are from. At least one commissioner must come from each of the state's Congressional Districts, and at least one must come from West of the Continental Divide. As you all can probably relate to here in Nevada, in Colorado there are of course major urban centers, sprawling suburban areas, and then very rural parts of the state as well. Colorado's law looks to get all of that represented on the redistricting commission. I will also point out Virginia as another example of a state that does have Legislators sitting on its redistricting commission and another possible point of interest for Virginia's commission is its backup mechanism. If commissioners fail to agree on a map, which did happen in the 2020 redistricting cycle, responsibility for drawing maps goes to the Supreme Court of Virginia. The way the court decided to approach that in 2021 was to ask each of the two major political parties for slates of special masters, and the court hired a special master from each of those slates to work together to draw the ultimate maps.

Turning next to redistricting criteria, regardless of who is drawing the maps, as I mentioned before, many states list or define redistricting criteria in their statutes, although there are also many states like Nevada that may not have it listed in statute but might adopt it anew each cycle. Equal population and compliance with the Federal Voting Rights Act are automatically required by federal law and the *Constitution* for all states and all districts. Beyond that, criteria are completely up to states. A couple of things I will point out is criteria related to partisanship. This is perhaps especially relevant in light of the *Callais* decision since that decision does recognize the role and legitimacy of a state's political goals in its redistricting maps. Some states allow or require consideration of certain political or partisan data points or incumbent addresses. Other states prohibit mapmakers from looking at this information during the mapmaking process. A last consideration about criteria. We have seen some more states begin to rank their criteria in order of priority in their state law. From practitioners and mapmakers out in the field, we have heard a couple of different things on this front. Ranking criteria can be helpful to mapmakers; it can give them a clear idea of what the ultimate authority, who will be approving their map, is looking for. On the other hand, redistricting involves a lot of complex and very precise tradeoffs to create equally populated districts that satisfy many other criteria, and the more rigid a state law is, sometimes the more trouble mapmakers have finding the flexibility to get everything satisfied. Potential pros and cons of ranking criteria, and there are some states that rank some criteria in order of priority and then have a grab-bag of remaining criteria that are not ranked but are additional possible considerations.

Lastly, I will discuss state voting rights acts. This is a fairly new and certainly recently growing area of interest when it comes to state policy. Cases like *Callais* and many other Supreme Court cases over time have fleshed out the Federal Voting Rights Act, what it allows, what it requires, how courts will evaluate compliance with it, but a lot of that information, like the *Gingles* factors and such, are not written in federal law. Those come from case law. State VRAs oftentimes mirror the Federal VRA, but they often codify in statute a lot of this information that on the federal side has come through case law over the years. State VRAs also sometimes take different or opposite approaches to how the federal courts have fleshed out the Federal VRA.

What can be in a state VRA? It varies widely by both active statute and bill that we have seen introduced. These slides reflect everything, or close to everything that we see, but not all state VRAs have all of this in them. One thing to note is that the scope of state VRAs typically applies to local districts or districts below the state level. Congressional districts and state legislative districts are typically so far not regulated by the state VRAs we see on the books. Many state VRAs explicitly include a private right of action, meaning that a

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private individual or organization can bring a lawsuit under the state VRA. The Federal VRA does not contain such a provision. Many state VRAs also have pre-clearance provisions—or some state VRAs I should actually say, not many. This requires some localities to get approval from the state government for districting or election administration changes. Federal VRAs cover election administration— Sorry, state VRAs cover election administration as well as redistricting.

And then, remedial districts. This has to do with the type of district a plaintiff can argue the state VRA gives them a right to or entitles them to. Under the Federal VRA, we typically see only majority-minority districts at issue. These are districts where a majority of the population belongs to a non-White minority group. A coalition district is a district where there are multiple non-White populations in the area with similar political interests who are arguing that they should be drawn to be the majority of the district, and a crossover district is a non-White population and a typically minority of the White population who are arguing they should be drawn into the majority of a district. Under the Federal VRA, it is uncertain and possibly unlikely that the Federal VRA provides a right to these types of districts, but many state VRAs do mention them. Oftentimes, that is mentioned at *Gingles* (1). These are— This is some examples of state VRA takes on the *Gingles* factors. And then, *Gingles* (2) and (3) address the racially polarized voting analysis just like in Federal VRA case law, and interestingly, many state VRAs developed before *Callais* specify that plaintiffs do not need to demonstrate any evidence of the reason for racially polarized voting, just that racially polarized voting exists. This is now a major difference from the *Callais* test that in federal litigation requires plaintiffs to demonstrate that partisanship is not the cause of racially polarized voting.

Many state VRAs Codify the Senate Factors—looking to that totality of the circumstance's evidence, and many state VRAs also list factors that courts may not consider in a VRA lawsuit. That would come up a little more in the election administration context, like something like a voter ID [identification] law rather than the redistricting context, but it is still an interesting thing to note.

In conclusion, *Louisiana v. Callais* makes significant changes to how VRA litigation will look moving forward, and there are many types of state policy related to redistricting that state lawmakers can consider if and when you are all interested. All of them can have significant impacts on what the redistricting process looks like, and they come with a lot of policy considerations which we are happy to answer questions on today, or at any time down the line. I am happy to take any questions.

Chair González:

Thank you so much. Senator Daly, we will start up North. Do you have any questions?

Senator Daly:

Thank you, Madam Chair. I do have a couple, and maybe they are comments, maybe they are questions. I am not sure.

Chair González:

Go ahead.

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Senator Daly:

Having served on this Committee 2011 forward, my first session that I served on, and we did go through redistricting in that session in 2011 under the old version of the Voting Rights Act, if you will. I remember we spent a lot of time on— Considerations is that you could not pack a district with just— And was mainly on the minority factors. You could not pack a district so that all of the considerations were in one compact area, and you could not fracture them to the point that they did not have representation. If I understand what they did—in the *Callais* case if you will—basically eliminated that as a factor. So, apparently now, the whole reason we had that was to prevent discrimination more or less. For instance, and I will just give the example, and maybe you can comment on that; the maps they redrew in Tennessee, from what I saw, there was one basically Democratic district. It was in the Memphis area of Tennessee on the eastern border. Two-thirds of the population in that district were African American if I recall correctly, and they split up that one district into four different districts that extend halfway across the state and eliminated basically the only Democrat or minority—the only Democratic district and the only minority-majority district in the state—and apparently, that is legal now because, you know as well as I do, it is practically impossible to prove that they intended to discriminate against people based on those maps. Maybe you have a comment on that. It was not really a question, but to me, the packing and fracking concept has been eliminated under this new decision, and we are in new territory on what people can do.

Ms. Brewer:

Thank you, Chair, and through you to Senator Daly. The issues or legal doctrine of packing and cracking, I will note, does also come up in a racial gerrymandering lawsuits. Sometimes, it can be a piece of evidence involved in that. Racial gerrymandering claims and Section 2 claims are completely separate types of legal claims. *Callais* bears on the Section 2 claims. As you point out, Senator, it is true that the evidentiary requirements for plaintiffs bringing VRA lawsuits have been significantly raised by *Callais*, and the next few years—and then certainly, I think the months that follow the 2030 redistricting cycle—will tell us how frequently Section 2 litigation comes up in the future and what it looks like. And then, I will also point out that a federal court recently—as in days ago, so very recently—did reject an Alabama Congressional map under the new *Callais* test. This is the first example we have so far of a court using the *Callais* test and finding a Section 2 violation under it. Appeals are continuing in that case, but that may be worth noting and is certainly, I think, of interest to watch for those of us who work in this area of law.

Senator Daly:

Thank you for that. I did see the Alabama case, but I thought the Tennessee example was more relevant to what we were talking about on the packing and fracturing of that minority vote. We will see how it bears out. I fear if it gets to the Supreme Court, it will be reversed based on everything I have seen come out of that so far.

And just a final comment, Madam Chair, is I prefer the Legislature drawing the districts the way we have it now. It has worked for 150-plus years, and I think the Legislature has done a pretty good job at it in the State of Nevada.

Chair González:

Thank you so much. Vice Chair, do we have any questions down South?

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Vice Chair Ohrenschall:

Members here in Las Vegas, any questions? Senator Steinbeck, and then I think Assemblymember Mosca.

Senator Steinbeck:

Thank you for your presentation. I was wondering. Do you find that states that have commissions that— Do you see a better or a more recognizable representation of party registration in those states? So, if it is 50-50, or 40-60, 30-30-30, whatever it might be, are the states then, their representatives, more in alignment with party registrations than states that do not have commissions?

Ms. Brewer:

Thank you, Chair, and through you to Senator Steinbeck. At NCSL, we are not quite in a position to really evaluate the ins and outs of the partisan performance of any particular district maps, and I will also note that among the community of organizations and news outlets that do this, there is not consensus on a single best or universal method to make these evaluations. There are a lot of different complex mathematical and statistical approaches to that, so it can be hard to say. There is a lot of different opinions on that out there, and although this might not necessarily bear on your question, one thing that has also been of interest is the outcome of commission maps, whether or not they are subject to more litigation or not than non-commission maps, and so far, we have not really seen any strong trends in that direction there so far. And many commissions are very new; the 2020 cycle was their first cycle, so this is all. We do not have a long history to go off of, but there have been litigation over any variety of typical redistricting issues in commission states, just as there are in states without commissions. I would be happy, if it is of interest to you, I can refer you to some groups that do undertake the sort of partisan performance analysis of maps, or some resources, or good reporting on that following the hearing.

Senator Steinbeck:

Thank you. I think everybody would agree that the most important thing is that we do have maps that represent the people of the state, and that their votes count. Thank you.

Vice Chair Ohrenschall:

Chair, I think Assemblymember Moore has a question.

Chair González:

Go ahead.

Assemblymember Moore:

Thank you, Chair and Vice Chair. My question is also along the lines of the states that have the advisory commissions and commissions. Who appoints them?

Ms. Brewer:

Thank you Chair, and through you to Assemblymember Moore. The commissioner appointments, and I am just looking back to my Virginia and Colorado slides because I will have two direct examples right on hand for you. Commissioner appointment processes

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really vary by state. Something that we commonly see either comprising the entire process or part of the process is, like I mentioned, a role for legislative leadership, and in some states that also includes the minority party leadership. They will— Leader— Majority and minority leadership for each chamber will each submit a slate of possible commissioners that the ultimate authority selecting the commissioners will then choose from, and that ultimate selection authority in Colorado— There is a judicial panel, so a panel— In some states, that is of retired judges; in some states it is current judges. Virginia also has retired judges involved in their commissioner selection. There are also other states that creates a pool of voters from around the state who are interested in serving on the commission and then a series of different actors has an opportunity to winnow down the pool and ultimately select the commissioner, so perhaps the Secretary of State's Office takes the initial huge list, winnows that down somehow, and then legislative leadership picks a few—perhaps a judicial panel picks a few—and then, there are also states where the commissioners who are affiliated with one of the two major political parties, they themselves have to agree on some number—sometimes it is one; sometimes it is more—of unaffiliated or independent members of the commission. We have very detailed information on this that I am happy to send along following the hearing.

Vice Chair Ohrenschall:

Madam Chair, follow-up from Assemblymember Moore with your permission.

Chair González:

Yes, of course.

Assemblymember Moore:

Thank you, Chair and Vice Chair. Along those lines of the appointments for the members that are not Legislators, what do you normally see? Like, for example, in Colorado, there is foreign affiliated commissioners; in Virginia, there is eight citizens. Do these states have any criteria as to who the folks would be that would serve on these commissions?

Ms. Brewer:

Thank you, Chair, and through you to Assemblymember Moore. Their states do have varying criteria. I am more familiar with some of the prohibitions off the top of my head than the, I guess, affirmative criteria, and again, I will follow up with you on that after this. But what is common sort of on the flip side of not what is required, but what is not allowed, sometimes commissioners cannot be— Well, of course, there is the question of whether or not lawmakers or public officials can be commissioners. There may be restrictions on lobbyists or former lobbyists. That oftentimes is like a revolving door rule; it might not be a permanent ban, but some number of years. Relatives of public officials or lobbyists, but I think— I also would be interested, and I might look back at who— What the background is of the people who ended up being some of these commissioners. The Colorado and Virginia Commissions, as well as the Michigan Commission, the 2020 cycle was their first cycle, so we are— This is all very fresh information in the scheme of redistricting timing, so I will be happy to provide more information on that afterwards.

Assemblymember Moore:

Thank you. I appreciate that.

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Vice Chair Ohrenschall:

Thank you very much, and Chair, I believe Assemblymember Mosca had some questions, and if there is any other members who have questions, please raise your hand.

Chair González:

Thank you so much, Vice Chair. Go ahead.

Assemblymember Mosca:

Sorry, Chair. Thank you so much, Chair and the Vice Chair, and thank you so much, Ms. Brewer. I do appreciate the presentation. I feel like it is a really, again, good knowledge in what is happening in a nonpartisan lens of, "This is what is happening," so we can understand it. Like you said, it is a huge change. It is a big change, and to me, I see it as an undoing of civil rights, and I think it is very important that we heard it here today. My question really is, I was happy to hear about the state's Voting Rights Acts that are happening within the states right now, and if you could just give any examples, of course, because we are not in session this year, so we could not act on this even if we wanted to, so the interim is the place to talk about it. But what did other states do then if they did not like the outcome of what happened? What were some of the things they are putting in their state Voting Rights Acts? You did have a slide on it, but I think if you could just explain a little more so our public can understand as well.

Ms. Brewer:

Thank you, Chair, and through you to Assemblymember Mosca. The state VRAs. I will note something. Interestingly, these were all passed before *Callais*, so to the extent that anyone might interpret some pieces of it as almost like a response to or difference from *Callais* just time wise, they are not directly in response to that case. They are— I think what we do see, and as I mentioned, what we do see is a lot of provisions of these state VRAs are either adopting, or providing more detail to, or sometimes going the opposite way from how federal courts have interpreted the Federal VRA in many other cases over the years. This can be seen—I am looking through my slides to pick some good examples—I think, certainly when it comes to the totality of the circumstance's evidence that state VRAs direct courts to consider in a state VRA lawsuit. As I mentioned, the Senate Factors, which were part of Federal VRA litigation pre-*Callais*, are pretty commonly codified in state VRAs, and many state VRAs then add additional types of evidence that plaintiffs might consider bringing, or that courts might be able to consider. Just like with the Federal VRA, the state VRAs, there is no one type of evidence that is specifically required. It is a non-exhaustive list. And then, the types of factors that may not be considered by courts, those are often focused on aspects of VRA lawsuits that federal courts maybe have considered this type of evidence and the state VRAs are deciding that they do not want their state courts to consider that. I mentioned that makes a little more sense in the election administration category than redistricting. For example, if you could imagine a state VRA lawsuit about a polling place does not have an automatic door, that would probably be a violation of federal law, but we will just take that as our example. In a federal case, perhaps the plaintiff could say, "Well, there is 27 other polling places in Nevada and 5 other states where no polling places have an automatic door." Many—or some—state VRAs say that courts cannot consider the widespread use of the challenged policy in history or in other places, so a state court would not— Defendant would not really even be allowed to say in state court, like, "Well, there is 27 other counties that do it," and that is something that is a pretty direct opposite approach

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to Federal Voting Rights Act case law. So, that is an example of some of— I cannot speak to why these lawmakers wrote these provisions, but it is— Reading through it, those are some examples of pretty direct opposites in state VRA text versus federal court jurisprudence.

Assemblymember Mosca:

Yeah, thank you. That is super helpful, and to also think that none of them— It is good to know that none of them were a response, but that they could be a response if that is what this body chose to do next session. I do not think I could have imagined it would happen in my lifetime, so I appreciate knowing that this could be an option, and thank you for being here today. Thank you Chair and Vice Chair for the indulgence.

Vice Chair Ohrenschall:

Thank you, Chair. I am not seeing any other questions down here in Las Vegas. Thank you, Assemblymember Mosca, and thank you, Ms. Brewer.

Chair González:

Thank you so much, Vice Chair, and again, thank you so much for your presentation, and the work that you all are doing across the country. It is very helpful and informative as we move forward navigating these times, so thank you.

AGENDA ITEM VII—PRESENTATION ON NEVADA'S VOTING SYSTEMS, INCLUDING THE VOLUNTARY VOTING SYSTEM GUIDELINES 2.0

Chair González:

We will now move on to our next agenda item, which is a presentation on Nevada's voting system, including the voluntary voting system guidelines (VVSG) 2.0. We will be hearing from our Office of Secretary of State (SOS), including the voluntary— Oh sorry, I just said that. Whenever you are ready, please go ahead, Mr. Wlaschin. Thank you.

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

Good morning, Chair and members of the Committee. I am here on behalf of Secretary of State Francisco Aguilar. First and foremost, I want to thank you for the opportunity to present about the voluntary voting system guidelines. (Agenda Item VII A) As was mentioned in a previous comment just a few minutes ago, I definitely want to echo that these meetings— I always learn so much. I sit in the back with my slides prepared to present, but very quickly and very frantically start texting with my team when I hear great ideas, capturing the names of advocates and allies who can help us support the needs of the electorate. Quickly, before I get to the presentation, do want to flag that we will—based on recommendations that we heard today, and in using funding already appropriated by the Legislature for voter education outreach—be conducting translations into ASL of our ballot question guidebooks. Questions six and question seven, as you know, will be on the General Election ballot again, just like they were in ‘24. So, we will make sure we have those publicly available on the website, along with any other ballot questions that are appropriate as well. Great idea.

That being said, I would like to shift our focus slightly to the voluntary voting system guidelines, and what that means and the impact for our state in the upcoming legislative session. So, a fairly quick agenda. I have got some— Again, we are going to provide an overview, as you will see on the slides of the voluntary voting system guidelines, before

rolling into some of our state requirements specifically talking about the improvements and really what has changed, before talking about the coming really two years ahead of us, and providing some options and considerations for your awareness.

To start with, the voluntary voting system guidelines. This, as many other significant improvements to elections administration across the country, came directly from the Help America Vote Act (HAVA) of 2002—an act that frankly, I cannot stop speaking about enough, and if anybody would like to talk about it at length, I eagerly invite the opportunity. That Act provided so many significant improvements to elections administration and to ensuring that voters' votes are counted in a uniform and standard manner across the state as it relates to the administration of federal elections. It is just absolutely incredible to speak about. One of the things that came out of the Help America Vote Act was the establishment of the Election Assistance Commission (EAC). One of the requirements in HAVA for the Election Assistance Commission was the creation of voting standards. Specifically, the EAC is required to develop and maintain these standards, as well as providing for the testing; certification; decertification; and recertification of voting system hardware across the country and in use for federal elections. The way that actually works, and I will talk about that here in a second, is that they established voluntary voting system guidelines. The word voluntary always kind of caught me off guard when I heard that. The idea is that they were essentially initially voluntary, but as states adopted these EAC guidelines, they more or less became not voluntary in certain jurisdictions across the country, Nevada included, and you will see the statute here in a moment.

So, what does it look like? The EAC accredits voting system test laboratories. There is two of them. In fact, one of them is based here; has an office in Las Vegas. These voting system test laboratories, or VSTLs as they are called, are the ones that actually conduct the technical assessments of these voting systems before they get their certification and approval for use. That certification process is extremely elaborate. This is not a kind of a look at it; you know, kick the tires; and say it is good. This is a dismantling and an assessment of every component that goes into the voting system, a review of the code, the way the machine works, and we will talk about these requirements that are identified in the voluntary voting system guidelines in a moment. In fact, I have a couple of examples that I will quickly show. So, from a big-picture standpoint, this process, the EAC creates the guidelines. The vendors are aware of the guidelines. They test internally and make sure that their systems meet those requirements. When they are ready, they request certification from the EAC, who then tells one of the VSTLs to conduct that certification. There is a lot of back and forth making sure that they meet the requirements. If they do not, there is remediation. And then finally, once they do receive that certification, then and only then are they made available for purchase by the states that require that standard.

There really have been two primary voting standards that I want to talk about. The first one, again, and this I think helps shape the understanding of the timelines associated. When you think, the Help America Vote Act was passed in 2002, the EAC was created, but that first voluntary voting system guideline version 1.0 was not adopted until 2005, and it went into effect in 2007. These are in fact still the current standards that our voting systems use across our state and will be used, and in fact are being used currently in our 2026 election cycle. Back prior to 2021, there were discussions by the EAC and additional standards that have been built based on technical modifications; feedback from advocate groups; feedback from elections administrators; and a number of other interested groups, including the vendors, to identify and really create a new standard that improves greatly upon the previous system. The VVSG 2.0 were adopted by the EAC in February of 2021. But again, just to clarify, the reason that we did not bring this to our Legislature as a request for updating in the ‘23 Session or even in the 2021 Session was because those, as you can see

on the slide, the first certifications did not actually occur until 2025 or 2026, and the first systems now that have passed of the two vendors that we have approved in our state—those will not be available to purchase until 2027. Again, up to this point if somebody had said, "Is Nevada using VVSG 2.0-compliant systems?" Now that the standard has been adopted by the EAC, we would have said no because they simply are not available for purchase yet, and that is part of the reason why today I wanted to present this, and again, I appreciate the Committee's indulgence.

We do have a state requirement, as I mentioned, in NRS 293B.063, as you can see on the screen, that our voting systems— No voting system may be used in the state unless it meets or exceeds the standards for voting systems established by the Elections Assistance Commission that I had mentioned previously. That being said, again, as we go through that process where VVSG 2.0 gets certified or various machines are certified to that standard, it is only now that we are able to start purchasing those. But again, I want to clarify that the purchasing is not done at the state level. While we have contracts with the state level with our two vendors, that is primarily to support the testing lab that our Legislature appropriated funding to support and develop. But the primary contracts with our voting system vendors are at a county level. So, for our counties, they are the ones that decide which vendor to use, and there is a requirement that they must select one that is both EAC-certified and approved by the Secretary of State, and as you can see on the slide, there is only two current vendors who have matched that criteria—a company named Liberty Vote and ES&S [Election Systems and Software]. You can see that ES&S is the company that Carson City and Lander counties have selected, and then our other 15 counties have selected to use Liberty Vote.

I apologize for the small font on the following two slides, but it is an important distinction that I really wanted to make sure that you all had the details on and understand what we are talking about. This first slide identifies the numbers as of March 31 of this year for Carson City, Lander, and then as I mentioned, the Secretary of State does own— These are the numbers of voting systems created by ES&S and in use across the state. Again, not sure if you knew that Carson had 130 voting systems, but they do, and again, Lander County has 20, but I wanted to frame for you an understanding of like what we are talking about exactly. You may also not be aware— And again, I apologize for the seemingly one-point font somehow on the slide, but just to call out a couple of numbers, Clark County has 5,000 of the voting systems that we are talking about. Washoe County has 1,200. And then, there is various numbers as you look across the rest of the state. I will not read them all off, but again, it ranges between the 5,000 in Clark down to 9, period, in Esmeralda and Eureka to meet the needs of those voters in that electorate as well.

But also, I want to highlight that it is not just the singular machine that you are standing in front of that we are talking about; when you consider voting systems, again, it is a system. It is a series of machines. So, you stand in front of one machine, and now that we are using ballot marking devices, as you have heard and many of you have seen firsthand at your county clerk or registrar's office, we also have a ballot-marking device printer. Again, Clark County has 5,500 of those printers, that 500 of course being backups to make sure that if there are any issues, they have the capacity to adjust rapidly to meet the needs of their polling places and so on across the state. There are scanners. These are tabulators that also scan the ballots that are brought in to make sure that the numbers are accurately counted. There is precinct scanners—smaller ones that you will see when you go into some polling places across the state, where when you are done voting, and you actually have that ballot that has come out of the printer in your hand, and you personally have audited it and

you looked at it, you walk over to a tabulator, and you put that ballot into the tabulator there at the polls. So, there is numbers there also, right? Clark, again, 500 of those; Washoe - 140. There is numbers of things associated, and that is really what we are talking about when we talk about the voting system guidelines.

A summary of the improvements. I want to capture a little bit for your awareness, you know, what does it mean to go from VVSG 1.0 to 2.0? It seems like our phones get an update roughly every hour and a half it feels like. I am not sure what those changes are myself. Sometimes, it says there is security; sometimes they add a font. Maybe it is Helvetica or something; I do not know. But the change from VVSG 1.0 created in '05 to the VVSG 2.0 in '21 is significant. On the slide— This is pulled directly off the Election Assistance Commission's website, so if anybody does have questions, I would encourage them to go to the EAC.gov website. There is an extensive amount of information, including the actual VVSG 2.0—and 1.0 for that matter—requirements and guidelines in case anybody is interested in doing a deep dive. Again, eager and very-much willing to discuss those changes. So, there is security; there is interoperability; there is accessibility changes; there is bigger screens in some cases; there are changes relating to ballot secrecy; penetration testing; and a number of other different things. Again, I do not want to read off the entire slide to make sure that we are respecting your time, but these are significant changes. This is not a very minor change.

A couple of examples that I want to talk about, so I am going to show very quickly a few of the VVSG 2.0 that I have. I have got a select handful that I want to talk about for your awareness, just to highlight what it means to be a voting system guideline. Well first of all, again, the document itself, like I said, is on the EAC website, about 326 pages give or take, and it is organized by principle, and I have got the principles listed here on the screen for your awareness. I am going to select a couple. We will start with principle two: the high-quality implementation. Here is an example of one:

> Power outages, sags, and swells. Voting system must be able to withstand, without disruption of normal operation or loss of data, a complete loss of power lasting for two hours.

The discussion is essentially that the battery backup must keep the voting system operational so that voting can continue for a minimum of two hours. That is not something that was just put into text and that people are hoping happens. Again, this is a legitimate standard tested by the voting system test laboratories on the equipment before it becomes— You know, works its way through the approval process to end up in one of our polling places across the state. So again, when you think about power outages; when you think about our November elections and the high possibility of snow up at Incline, or at the lake, or at the Kahle Community Center, which is one of Douglas's polling places; power outages occur. They have backup generators upon backup generators, but in the event there was a power outage anywhere in the state or maybe in the summer when the temperatures are north of 100 degrees, and it is a June primary in Las Vegas or in Clark County at all— Again, if the power goes out because of a brownout, the voting must be able to continue because of these standards.

Voter privacy—this is another example. This one talks about privacy for voters must be preserved during the entire voting session, including ballot activation, voting, verifying, and casting the ballot. This includes a discussion about privacy screens, as well as on the data side. There are talks in the voter— I am sorry. There are standards in here about voter privacy through the data that gets captured as well. Principle seven includes— This is about marked, verified, and cast as intended. This is an interesting standard. When I found this

one, I pulled it out because I wanted to show, from an accessibility standpoint, which I know is a topic of other agenda items today. This one specifically talks about bodily contact. The voting station controls must not require bodily contact or for the body to be part of any electrical circuit in form of— If some form of contact is required, a stylus or other device with built-in permanent tips will be supplied to activate capacitive touch screens. The intent here is so that individuals using a prosthetic device can still use the stylus and still cast their ballot, again, without having any sort of issue or interference otherwise.

The last two I want to discuss and highlight this first one; they are both actually from the system integrity, and I think are very valid. We have questions a lot about the code of the systems and how is it developed; what does it look like; how come I cannot personally go through all of the code. This one captures the idea that voting systems' software must not contain unused or dead code. Again, these are the sorts of requirements that exist and very much are intended to ensure the security of our system, and that they do work as advertised. That is also a standard that is used by our voting system test labs when they conduct that review of voting systems.

Then, the last one for the example. This one talks also about system integrity, but specifically, external network restrictions. A voting system must not be configured to establish a connection to an external network or connect to any device external to the voting system. Now, again, we talked about how voting systems are not connected to the Internet, and this is absolutely proof. This is the standard that the voting system test labs, when they look at the voting machines that are presented for EAC certification, they require this. They go through; they make sure that those voting systems do not have a hidden modem, or a microscopic thing that enables the voting machine that you are standing in front of to connect to the Internet. This includes, again, or rather, it ensures that there is a reduced attack surface, right, so that hackers cannot physically attack the machines.

When you think about the voting systems too that we use, right? The fact that Clark County has 5,000 of these. What does that mean? It means that when there is an update in between election cycles, that there are Clark County employees that go to every single one of those 5,000 voting systems; that they have to take them off of the shelf in the huge Clark County warehouse that I really hope you have seen it, and if you have not, I encourage you to reach out to the Registrar to check it out. It looks like the *Indiana Jones*: *Raiders of the Lost Ark*. It is just massive. It is such an impressive operation, but somebody has to take each one of those machines down off of the rack; unpack it; set it up; power it up; install the update; validate that against a hash code that is also tracked and mandated through the VSTLs and also on the NIST [National Institute of Standards and Technology] site to make sure that that is exactly what it is supposed to be. Once it is validated, they put that one back up, and then they go through 4,999 others. Is that intense? Absolutely. Is it the cost of doing business to ensure that our systems are as air-gapped as possible and as immune as possible to cyberattacks? Absolutely. It is something that is going to continue to be done, but this is the standard that requires that.

Okay, so why did we ask to have this on the agenda, and why is this an important topic for this upcoming legislative session and really for this interim committee to be able to discuss? It all goes back to timing, right? I think you have heard from me, from the Secretary, from the other elections administrators across the state; the counties; and cities as well enough to know that if we are nothing, we are planners. So, just to lay out, and I know we are not even to our primary election day in the '26 election, so please bear with me, and hopefully, I will not get the axe just yet. But it starts with the November 7, 2028, presidential election. November 7, 2028, is when the presidential election is, and if we are going to— If the Legislature decides that it would like to have the VVSG 2.0 compliance systems for voters to

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use during that General Election, during that presidential General Election, then really, they need to be in place for the June 13th Primary Election. If they are in place for the June 13 Primary Election in 2028, again, clarifying that June 13th is the '28 Election, not the June 9 one coming up here in a few weeks, then they really need to be in place for the February 1, 2028 Presidential Preference Primary Election, so that that same series of systems is used February 1, June 13, and November 7 in 2028. And in order for that to happen, if it is going to be in front of voters for them to vote during the Presidential Preference Primary on February 1 of 2028, they really need to be in the hands of county election officials really no later than November of 2027. For that to occur, those orders need to be made in advance of that. And by doing so, by the way, November, and again, some of my colleagues might even argue that November arguably is maybe even too late. They would prefer it to be earlier so that the training can occur; so that the new 2.0 standards are taught to election officials to poll workers across the state; so they are not learning how to use the systems during the Presidential Preference Primary. That would not be good. So that manuals and checklists, FAQs [frequently asked questions] can be updated so that we can provide informative demonstrations to the public; to the legislative body; to county commissioners; to city council members; to all leadership in communities and across the state to understand what these new systems look like and how they function—why they are better and why their tax dollars may, again, depending on the legislative decision be spent to purchase these new systems. That time period really means then that the orders, the delivery, the training, all of those things must occur in a window that essentially starts at the beginning of the biennium in July 1 of '27, and then continues through arguably late November at the really extreme latest to make sure that we are able to use them for the November 7 General Election in 2028—that presidential election.

To that end, there are a few considerations and options that I want to bring to your attention, and then we will take questions if you have any. First, when we asked about the cost, right, because these voting machines are not cheap, because they are complex, there is security built into them, and they are required to meet 326 pages of federal standards. There is two approaches that can be taken. Part of this will be a county decision, but I want to make sure that you are aware of it. There is the one-to-one replacement. You will remember that back in 2017, the Legislature passed a bill that I provided as well so you do not have to go look for it—Assembly Bill 519 in the '17 Session that appropriated and enabled the counties to update their voting systems. (Agenda Item VII B) Those systems are coming to the end of their 'life cycle.' Many of them have been replaced. If some or one of them got damaged, it would get replaced one at a time. But ultimately, again, there is an option to either: (1) replace in a one-for-one style every voting system in each of the counties; or (2) to update and essentially refurbish the machines that are currently on hand, replacing the components that were 1.0 compliant with the parts that are now 2.0 compliant. Of course, a one-for-one replacement would be faster, but on the other hand, a part-by-part replacement could be cheaper. On the other hand, a one-for-one replacement will also— Again, the system will be able to be tested a little bit faster. On the other hand, the other one, the one-to-one part replacement would require testing. You would want to make sure that when you put in a new screen, when you put in the new security devices that have alarms if certain doors are opened— You know, those sorts of things would need to be validated on top of just replacing them. So that is— Again, there is a pro and con to that, and certainly a cost piece of it as well.

Then second, a discussion about if the Legislature in the '27 Session does decide that this is a high priority, it may be worth considering discussing earlier. Again, I appreciate this Committee enabling us to bring this to your attention first, but if it is possible to discuss it earlier in the session; if the Legislature agrees and decides to appropriate this sort of transition to 2.0; if that, and perhaps if the Governor agrees and signs the bill earlier, every

week would matter in us being able to enable the counties to make those orders, for the companies to build the products, to deliver them to our counties, to conduct on-site training, to get those manuals, and basically to prepare for that presidential election cycle that is rapidly approaching. But I will not speak to that now because I feel like we are currently in an election.

Then lastly, there is a couple options that I did want to present—certainly not limiting—and I put 'other' on there deliberately because, again the Legislature, there is a number of other different options that may be discussed or considered. But as I mentioned, Assembly Bill 519 in 2017, when we did our research, that bill looked to fund 50 percent of the costs for upgrades. It may be that the Legislature chooses to go that same route and request an appropriation. That bill in 2017 asked for $8 million. A current, rough order of magnitude would be somewhere closer to about $14 million given inflation, tariffs, some of the challenges, and just the advanced technology incorporated into these systems. The counties have been receiving quotes though specifically on what that might look like, but a BDR is one option. And again, there is a couple others. The counties could either update on their own timeline potentially; it could be something that, depending on that sort of, I do not want to say rushed approach, but because of the concerns on the timeline and the Presidential Preference Primary, it may be that the Legislature decides to wait until the '29 Session to address. Again, there are a number of other possibilities. I think the key though, and frankly the most important part, is that we are here today discussing it. So, this is something that you are aware of, and certainly eager to provide more information about the systems; the timeline; and otherwise, if you have any other questions.

Chair González:

Thank you so much. Senator Daly, do you have any questions?

Senator Daly:

Thank you, Madam Chair, and as you know, I am probably going to be able to ask these, then I have got to go to another committee. So, on the timeline, you laid out if we do something this legislative session, and then the red boxes, would that allow for that to be up in time for the Presidential Preference Primary, or would it be more for the primary General Election?

Deputy Secretary of State Wlaschin:

Thank you for the question, Senator. Through you, Chair to the Senator. It would be in place in time for the Presidential Preference Primary.

Senator Daly:

Okay, thank you. Then, if we did do similar— You mentioned the 50-50 type thing; where does the other 50 percent come from? Was that coming from each county? Was it coming from the Secretary of State's Office and money you have? Was it a grant? Where did the other?

Deputy Secretary of State Wlaschin:

Thank you for the question, Senator. Again, Chair through you to the Senator. A couple different options on that one, Senator. I would look into, certainly, if you could request grants. That may be an option if the Legislature was open to it. I do not think— Again, the 50 percent was simply an identification of what was proposed and ultimately decided in

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2017. I do not know that the counties necessarily— Given the realities of the economy today, and I do not want to speak for them, some of them may not be able to do a 50 percent match nowadays that they could in 2017. I do not believe that the Secretary was planning on incorporating that into his budget, but I have not seen the finalized budget there either. But as I recall from 2017, it was 50 percent from the state, the Legislature, and 50 percent were paid by the counties.

Senator Daly:

Thank you. Because I know we have spent a great deal of time and effort in the Secretary's Office, and the election manual, and various things to try to get every county; every election office; municipals all on the same page, all on the same equipment, all on the same timeline, and process. There is minor changes jurisdiction to jurisdiction, so I think that needs to be considered as we do this, not have, "Well, one county can afford it, so they are going to be on this, and the other ones going to be on the first version." I think that just goes counter to the trend we have been working on—to have everybody on the same system. No matter where you go, everybody has confidence in it and going forward. I was just wondering where that other 50 percent was coming from. Anyway, I think those are the only questions I had right now. Madam Chair, thank you, and if and when you see me leave, I gotta head up to another committee. Thank you.

Chair González:

No worries, thank you. Let us go to Vice Chair Ohrenschall if we have any questions down South.

Vice Chair Ohrenschall:

Thank you very much, Chair. Members, any questions for our Deputy Secretary of State Wlaschin? Chair, with your indulgence, I just have one question. The option of replacing the machines, the one-to-one replacement versus trying to refurbish as needed piecemeal, what do you think is a better option in terms of trying to update these older machines?

Deputy Secretary of State Wlaschin:

Thank you, Vice Chair, for the question. Through you, Chair to the Vice Chair. To be frank, Vice Chair, I would defer to my colleagues at the county clerk level. The clerks and registrars themselves are the ones who understand and know their equipment best. While I may have personal thoughts— Again, recognizing the fact that the Office of Secretary of State has but one voting system that we use for testing. I know what I would like to recommend for that, but each of the county clerks and registrars, as I understand it, as they have discussed this, some of them may have different opinions based on the quality. The end of life for voting machines is a little bit of a misnomer also; they are not like milk. If the machines were well maintained and taken care of, employed in climate-controlled spaces, they may well be good for years to come, and a refurbishment may make the most fiscal sense. But I apologize for dodging that slightly, but I would recommend that, if you are open to it, I could gather information from our county clerks and registrars as to what they may have a preference for, if that is acceptable.

Vice Chair Ohrenschall:

Well, thank you very much, Deputy Secretary of State Wlaschin. Thank you, Chair for the question, and I appreciate that info.

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Chair González:

Thank you so much for the informative presentation.

AGENDA ITEM IX—OVERVIEW OF THE NEVADA COMMISSION ON ETHICS AND UPDATES ON THE COMMISSION'S RECENT ACTIVITIES

Chair González:

Next, we will move on to our next agenda item, which will be an overview of the Nevada Commission on Ethics and update on the Commission's recent activities. We look forward to your presentation, and please begin when you are ready. Please remember to keep your presentation to 15-to-20 minutes including questions. Thank you so much.

Ross E. Armstrong, Esq., Executive Director, Nevada Commission on Ethics:

Good morning and with me at the table is Elizabeth Bassett, our Commission Counsel. Thank you for having us present today, and we look forward to sharing the work of the Commission over this last year.

Some background. The Nevada ethics law started after President Nixon and the Watergate Scandal that happened really across the country in 1975. The Legislature first passed an ethics law; the federal law came somewhat after that. The legislative declaration in the ethics law notes that a public office is a public trust and shall be held for the sole benefit of the people. That is 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 people. Here, you can see the Commission's mission. (Agenda Item IX A) I think the real key part there is in bold, that through the ethics law, we strive to enhance the public's faith and confidence in government, primarily by having public officers and employees avoid conflicts between their private interests and their public duties. You can find the ethics law in NRS 281A. We have an Administrative Code. It is primarily a procedural guide. There is not substantive rules in our Code. So, in some regulatory agencies, you have the actual substance of the rules in the code; for us, all the substance is actually found in the NRS. We have three major functions that go along the spectrum of prevention to enforcement. We provide education and outreach regarding Nevada's ethics law. We provide an advisory opinion process to any public officer or employee who would like advice on how the ethics law applies to their conduct, and then we also receive and process complaints alleging that public officials have violated Nevada's ethics law.

Just a quick overview of who has to comply with the ethics law. In the Executive Branch, it is the full jurisdiction; the Legislative Branch, we have limited jurisdiction. The Supreme Court has ruled that we do not have jurisdiction over Legislators' conduct related to core legislative duties like voting. There are specific rules in the ethics law that apply to Nevada Legislators, and those were indicated by the Supreme Court as valid. We also have full jurisdiction over local government, so city council councils; general improvement districts; school districts—those types of subdivisions. We have no jurisdiction over the Judicial Branch. They have a whole separate entity for that. Likewise, we do not have any jurisdiction over private individuals. Sometimes, we may get a complaint that a private company is not paying fair wages or treating our workers unethical. We have no jurisdiction over that. And when we talk about conflicts of interests and relationships, this is what is in the law: the commitment in private capacity. I call it your magical list of relationships. So, when we are trying to help public officers and employees understand that they cannot be using their position to benefit other folks, these are the relationships that qualify: spouse or

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domestic partner; a member of your household; a relative within the third degree of consanguinity; that person's employer; a substantial and continuing business relationship; and then kind of a catch-all substantially similar category, which can be sometimes hard to describe, but I will give you some examples of what the Commission has found to be a substantially similar relationship: service on a nonprofit board. Sometimes, an ex-spouse may be a substantially similar relationship, or close personal friendships. There are three main—what we call the buckets of the ethics law, improper benefits, disclosure and abstention, and cooling off.

We were asked to discuss some enforcement trends, and so, that is what we will do now. Here, you can see the number of our complaint cases continues to rise. There was this dip in Fiscal Year '21 during the COVID Pandemic. We had basically recovered from that dip by Fiscal Year '23, and we have seen growth each year since then. In your materials, there is also an Annual Report with lots of data and information in the back of that one. (Agenda Item IX B) What does our complaint process look like when we receive a complaint? The first step is we make a jurisdictional determination that occurs within 45 days. If we accept jurisdiction and proceed to an investigation, we then have 70 days to present the investigatory findings to a three-member review panel. If the review panel— If you are familiar with criminal law; it is sort of like a grand jury or a preliminary hearing. If that three-member panel decides there is sufficient evidence to proceed, it is then referred to the full—to the remaining five commissioners, and at that point, the case becomes public. So, from the time a complaint is filed until the time a review panel makes a determination, the complaint is confidential. Sometimes, the person who filed the complaint may take it to the press or otherwise promote it, but we will never confirm or deny it. If the Commission determines we have no jurisdiction and the case dies at the jurisdictional determination phase, then no part of the complaint becomes public, and in fact, the person who is the subject of the complaint does not even know that it has been filed.

On slide 13, you can see basically that this was in our Fiscal Year '25—the life of a complaint. So, we got 136 complaints. Of those, we only accepted jurisdiction on 59. Some things that we see a lot of complaints on that we do not have jurisdiction on include Open Meeting Law complaints, public records disputes—like what to do with public records. There are some ethics agencies in the country that are— They have a public records ombudsman, or they have somebody to handle those disputes. We do not do that at this time. And then, just general unhappiness with government, right? They have some complaint that they need help with, and they do not think that government is doing a good job. It has to be a specific violation in the ethics law for us to take jurisdiction, and so, those are examples of cases that we do not accept jurisdiction.

Some trends. In the improper benefits bucket, the general rule is that you cannot use your government position to create a benefit for yourself or someone on your magical list of relationships, and that can come in a number of ways. Some cases over the last two years. Gifts are becoming more interesting topics. We had the *McClinton* case, which was the Governor's Office of Energy Director receiving Golden Knights tickets and tickets to a party. We have seen more issues with contracts, particularly public officials securing contracts with governments before they depart their job, or for their private businesses. So, there is two examples there. Some over supervision and preferences for close family members. That was a rural case where a county manager intervened in his daughter's employment with the county. And then, the use of government equipment for personal interests—a case with Stavros Anthony and social media to support his political campaign.

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The next bucket is disclosure and abstention. So, if the improper benefits bucket is about not securing benefits, the disclosure and abstention bucket says, "You have to be transparent about your conflicts of interest." You do not have to lose your humanity just because you are in public office, but when your public work collides with your private interests, you need to be transparent about that. Some recent examples. There were a handful of Clark County commissioners who bought tickets to the F1 race, and then subsequently, there was a voting matter where there was money exchanging between the County and F1, and there was no disclosure of that gift, so that was a violation for those commissioners. A rural example. A county commissioner did not properly disclose his daughter's employment with the county and his ex-spouse's employment with the county before voting on the budget. The disclosure abstention bucket is one bucket, but there is two different rules, and the ethics law favors disclosure, and then there is a higher standard for actually having to sit out a government decision, right, because people are elected to government positions; they are appointed. They should be able to do as much government as possible. And so, in the case, for example, the county budget. Because all county officials were getting the same raise, if that person had disclosed their relationships, they would have still been able to vote, right? The ethics law is not going to make them sit out of actual governing.

The third bucket is cooling off. We do not see a whole lot of complaints on these ones. We had one recently that was a non-willful, but there are certain things you cannot do. For one year after you leave public service, there are people you cannot work for, and there are certain things you cannot do, no matter who you work for. So, you cannot work for examples: vendors of the agency you came from; if you are a regulatory agency at the state level, you cannot go work for the regulated industry. There is some exemptions and ways to have the Commission approve that. And then, in terms of what you cannot do, you cannot get paid to go lobby your old agency for a year on something that was before you while you were there.

Some general observations that we see in terms of tricky enforcement education items. Really, the government use of social media continues to be a trend. We are trying to tell people through our cases, "Keep your government and your private—especially campaign—social medias separate because your government social media account is equipment of the government and it cannot be used to promote your private benefit, you know, your private interests." Gifts. As we have more and more big sporting events and specialty events in the State of Nevada, as that part of our economy becomes more robust, there are lots of questions about gifts, right? Can a mayor go throw out the first pitch and stick around for the game, right, or is that an illegal gift? These are some of the questions that we are seeing more and more with sports teams. And then, contracts especially, we have seen a handful of, like I said, those 'you are in a position, and then before you leave, you negotiate a post-employment contract with the agency you are currently in.' A quick note on complaints and the civil penalties received because these do go into the General Fund; they do not go into our budget. And so, we had an uptick this year. Like in that Fiscal Year '24 and '25, we had lots of cases that were, I would say, more technical and did not involve financial gains, so there were less penalties. This year, we are on track to have a robust year, with the largest payment was a $10,000 penalty for Richard Harvey, who was a fire chief up in northern Nevada who did the negotiated contract for himself. We have pending penalties in two cases—both associated with the Lieutenant Governor's Office. I do not expect those to come in during this particular fiscal year. You will see in Fiscal Year '21, there was a very high number. There was— If some of you recall, the Las Vegas Convention Visitors Authority Southwest gift card case, that resulted in substantially high fines, and so that was by far our biggest year.

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Moving from the scary enforcement-complaints side of what we do to the more fun part. The part we like to do the most is ethics and education outreach. Between 2021 and 2025, we worked on a very simple modernization plan in terms of education and outreach, and during that time, we expanded our social media. We developed topic-specific YouTube videos. The Legislature approved, and we are grateful for, the creation of an outreach and education officer within our Agency, and you can see in 2025, when that position was in place and off and running, we really did some great things. We have got an ethics-linked newsletter now—on-demand online training. As we look forward, we have now adopted a strategic plan, and one of the four pillars in there is definitely education and outreach. Working to develop great partnerships. I think one of our strongest training partnerships is with Clark County, so if you are a supervisor within Clark County, you receive ethics training which is our content, but through the Clark County education process. So, you get our content that is approved by us through your local government training platform. With the launch of NEOGOV, which is the state training platform, we have for the first time these last couple of weeks have done just general, "Hey, there is ethics training. Show up," and that has seen a good, I think— Over the four sessions, we will have over 100 different employees trained.

You can see our data and trends in terms of actual people trained. We are projected to be a little bit less than last year primarily because the year before, we had a big enforcement action with the library district where hundreds of people got trained, and then we had some staff out of the office for a while, so that was some struggle for us this year. I will note that even though we have had these high numbers, it is still less than 2 percent of the total public officers and employees in the State of Nevada. So, there is about 150,000 people who have to comply with the ethics law. We have made great strides in training more people with our materials. We still have a long way to go. At this point I will hand it off to Commission Counsel Bassett to talk about our advisory opinion process and trends.

Elizabeth J. Bassett, Esq., Commission Counsel, Nevada Commission on Ethics:

As you can see from the slide, each year, there was a COVID dip, and then a little bump when people ask for advisories, but our advisory opinion requests have been on the rise each year. We get more and more each year, which I also think is probably a function of a lot of our training—that more public officers - employees are aware that that is something they can ask for, that we provide those, and we are seeing even a little more than what you are seeing there this year. We have received quite a few here at the end of the fiscal year as well. The advisory opinion process is that a public officer or employee submits a request. Advisory opinions are available to current and former, depending on the timeline, public officers and employees. So, first they submit a request to us. Then, there is a process by which, myself, I confirm the facts on which the opinion will be based, and that is in conjunction with the public officer or employee who has made the request. Then, an actual opinion is drafted answering the request and the question that is raised in the advisory opinion. And then, the Commission approves that opinion, and then the opinion is issued to the public officer or employee who requested it. This whole process is confidential. The fact that one has been requested is confidential, and the opinion and everything that all the conversations and discussions that go back and forth during this process are all confidential. They are not public records. And then, at the end of the process, the requester can either choose to have it published as is, or they can choose to retain their confidentiality, and in some circumstances, depending on what the Commission decides, we will sometimes remove all the identifying information and publish it as an abstract, which is why you see so many *in re* public employer officer decisions if it is going to be useful to other public employees.

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The trends in advisory opinions this year have been solidly a lot of cooling off questions. So, what can people do if they have recently left or are about to leave the state or local agency; if they can go work for certain people; if they can engage in certain employment; and then also, a fair number of what we are calling here side gigs. So, either secondary employment or private employment while also having government employment. Also, we are seeing a rise in questions about gifts, similarly to our enforcement actions, especially a lot of the sporting and sort of specialty events. And then, there is always a solid number of disclosure and abstention questions that we receive, and that is always a big area, but particularly right now, it is a lot of when people have related parties—spouses, children—within the same agency or within the same county. That is sort of illustrated here. You can see the biggest trend is cooling off, followed by disclosure and abstention, and then gifts, and benefits, and contracting, and all the other things kind of pull off the rest.

Executive Director Armstrong:

I will say that a data piece that is in our Annual Report that is not in the presentation is that over the last several years, the team at the Ethics Commission has really worked on issuing more opinions, but a prior practice was: we got requests, and the staff would say, "Hey, here is like three opinions. Are not those good enough? Like, look at those. Do you really want one of your own?" We really think it is valuable for people to be able to have an opinion specific to them. One, it protects them if there is questions that come down later in the road. When you look at our Annual Report and you see that advisory opinion acceptance rate keeps going up, that is mostly due to Ms. Bassett's hard work and our belief that public officials deserve formal opinions from us.

We will talk a little bit about legislative history and trends, and then we will be ready to open it up for questions. Some quick, real-brief legislative history. In 1975, as I indicated after the Watergate Scandal, the Legislature establishes an ethics commission with different jurisdiction. In 1976, of course, the Supreme Court declares it unconstitutional. In 1977, the Legislature comes back and fixes it. At that point, there were separate executive and legislative commissions, and after several years of trying that, they determined that neither of those commissions were being very effective, and so, there was a big reform in 1985 that makes the Commission largely look like it does today. Since then, there have been different changes to the ethics law, primarily with the arc towards enforcement. We really started as an advisory group that said, "Yes, that breaks the law or that does not break the law." In 2009, the Supreme Court made the ruling about poor legislative functions are outside the Commission's scope, and then a bill in 2015 further narrowed the Commission's jurisdiction over Legislators.

As we prepare during this interim to think about potential changes for the ethics law in the upcoming sessions, I will tell you a little bit about our approach. One, we look for are there hiccups in our enforcement? You know, basic on-word terminology or, there are people are having a hard time understanding parts of the law, or there is new emerging trends in government service that we need to handle. We look at constituent questions, and then the Commission itself appoints a three-member legislative committee out of their Commission to take a look at potential changes. And so, some of the things you may see— We are, of course, working through the BDR drafting process now, but some of the things that the Commission has identified are areas or potential legislative action include clarity on the definition of gifts and when is a gift, you know, would tend to improperly influence them. Enhanced confidentiality protections. Currently, a person who files an ethics complaint can only receive confidentiality protections if: (1) they work at the same agency as the person they are filing the complaint against. They have to be currently working there. They cannot leave, and then still get the confidentiality protections. Or if they have facts of

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a *bona fide* threat of physical force or violence on them or their family. And so, one we get a lot of calls on were people nervous, maybe especially in our smaller jurisdictions, but even in our bigger ones, like economic harm. I own this business, and if I file against the county commissioner, my business and my family will be ruined. Not a qualifying instance under the current law. You may see some recommendations for that. Unwarranted harm is one we have worked on in the past, so I will give you some examples. Currently under the ethics law, the rules really focus on getting benefit for yourself, but we see some instances where there may be an official causing harm. If you can imagine a, let us say, a CPS [Child Protective Services] worker who is upset at the ex or someone else, and they want to send investigators into their home once a week without any sort of reason to do so, or you have maybe the guy who is in charge of fishing licenses not happy about his ex's new boyfriend, so the new boyfriend does not get a fishing license ever—those could be examples of unwarranted harm.

We have looked at mandatory training. Nevada does not currently have mandatory training for any public officers or officials in the ethics realm. There are certain localities— So like Clark County is an example where they have adopted local rules where their supervisors, a certain classification of their employees, are required to do annual ethics training. Public officers— You hear the term public officers and employees. Officers are elected and appointed officials and employees. You may see one where we recommend a mandatory training for public officers, and then maybe some stricter rules for lobbying against your own agency.

What has happened? We did not have a bill last session, but the two sessions previous, we had a bill with some substantive changes, and what has happened is: the Legislature presents an amendment; that amendment then makes the bill unable to succeed; and the amendment focuses on what to do about legislative ethics.

I want to spend the last couple of slides on providing you some information about what robust ethics systems look like, and then some examples of what has happened in the past. On slide 30, you will see— These, I think, are the standards of a good ethics program, including data reporting and transparency, investigation integrity, ease of access to file a complaint, due process for the accused, clarity of standards and process. Under your legislative rules for the legislative ethics, you have good clarity of standards, some pretty good clarity on process. You fall short on a couple of these other ones. For example, in preparation for today's presentation, I asked the LCB if they could provide numbers—not the actual complaints themselves, but the numbers of ethics complaints that have been filed through your ethics complaint process—and I was told that is confidential information and potentially a separation of powers issue to provide that particular data. As you are thinking, this would be the team to do it—this Committee. As you are thinking about how you might address where you want to go with legislative ethics, keep these main factors in mind.

What has happened in the past? The amendment looks like this. It carves the entire Legislature—all activity—out of the jurisdiction of the Ethics Commission, and the previous versions then established three legislative commissions to replace those functions: one for each house and then a joint one to monitor staff conduct. There is some questions about the process and confidentiality, and how you would set up kind of separate LCB investigative lawyers versus who would be representing you as Legislators. So, this amendment went through. The bill passed in the 2021 Session. Governor Sisolak vetoed the bill, saying, "There is not sufficient funding to make this proposal clear. Come back and maybe we will take another shot at it." In 2023, this amendment was attached. It got the bill passed the Assembly, went to the Senate, and then did not receive a hearing in the Senate. During the discussions in 2023, a potential alternative was proposed—but there

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was no hearing, so we did not talk about it—where the Ethics Commission would maintain the functions of receiving the complaints, making a jurisdictional determination, and completing the investigation; and then, to comply with the Supreme Court's thoughts on the separation of powers, we would then refer it to a legislative review panel, and then, the legislative committee could make the determination. So, that is one where you maintain the independence of the investigation, but you also are retaining the Legislative Branch's right to monitor the conduct of its own officials.

Those are some thoughts for you because we have some really good, important potential changes that will help public—those 150,000 people out there—to understand and comply with the ethics law. And so, if we can work together over the next several months to figure out if there is a solution on legislative ethics going forward, we can avoid the bill's same fate coming up. That concludes my presentation. I am happy to answer any questions you may have.

Chair González:

Thank you so much. Vice Chair, are there any questions?

Vice Chair Ohrenschall:

Members, any questions here in Las Vegas? I am not seeing— Oh, Assemblymember Mosca.

Assemblymember Mosca:

Thank you, Chair and Vice Chair, and thank you for this presentation today. Do you— I did not see this, and maybe you have said this before, but where do the funds for the penalties go?

Executive Director Armstrong:

Thank you. That is a great question. I will start by saying that our budget, our actual operating budget, is a combination of General Fund and primarily about 72 percent local government assessments, since that is where the bulk of public officers are. The penalties we receive in cases go to the General Fund. They do not go to our budget or maintained in any way to support our operations.

Assemblymember Mosca:

Thank you.

Vice Chair Ohrenschall:

Thank you very much, Assemblymember Mosca. Any additional questions, members here in Southern Nevada? I am not seeing any, Chair. Thank you.

Chair González:

Thank you so much. Thank you so much for your presentation and looking forward to the conversations going forward in the next session.

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AGENDA ITEM X—PUBLIC COMMENT

Chair González:

We will now move on to our last agenda item, which is our second period of public comment. As a reminder, we ask that the public comment be kept to two minutes per person, so that everyone interested in speaking can be accommodated. I am getting a kickback. I am sorry. Information on how to provide public comment is available on the agenda. A person may also submit public comment in writing, either in addition to testifying or in lieu of testifying. I will begin with those wishing to make public comment in Las Vegas if you can come to the table.

Not seeing any, I will go to Carson City.

Also not seeing any, we will now go to the phones. AVH, do we have anybody who would wish to make public comment?

AVH:

Thank you, Chair. The public line is open and working. We have no callers at this time.

Chair González:

Thank you so much. Seeing no public comment, we will now move on to our last agenda item, which is adjournment. Thank you, members, and everybody who presented before our Committee today. An archive of today's meeting will be available online. Our next meeting is scheduled for Friday, July 31. This meeting is adjourned. Thank you so much, everyone.

The following written public comment was submitted:

- Jaime Vitale (Agenda Item X A)
- Sara Sain-Jurgens, Executive Director of Sammy's DEN (Agenda Item X B)
- Winifred Sain (Agenda Item X C)
- Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties (Agenda Item X D)
- Scott Hoen, Carson City Clerk Recorder (Agenda Item X E)
- Anna Marie Binder (Agenda Item X F)

The following information was provided to the Committee after the meeting on Agenda Items IV and VI:

- Information Received After the Meeting—Response to Members Questions From the JISC LOE Meeting (LCB)

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AGENDA ITEM XI—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:57 a.m.

Respectfully submitted,

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Timothy Gibbs
Research Policy Assistant

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Jennifer A. Sturm-Gahner
Deputy Research Director

APPROVED BY:

_____

Assemblymember Cecelia González, Chair

Date: _____

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MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II	Oscar Williams, Resident, Reno, Nevada	Written Public Comment
Agenda Item IV	Louisa Duggan, Policy Director, Vote Mama Lobby	Microsoft PowerPoint Presentation
Agenda Item V	Kerry Durmick, Nevada State Director, All Voting is Local Action Nevada Chanel Cassanello, Nevada Campaign Manager, All Voting is Local Action Nevada Shelly Freed, Secretary, Las Vegas Deaf Seniors	Microsoft PowerPoint Presentation
Agenda Item VI	Helen L. Brewer, J.D., Senior Policy Specialist, National Conference of State Legislatures	Microsoft PowerPoint Presentation
Agenda Item VII A	Mark Wlaschin, Deputy Secretary of State (SOS) for Elections, Office of the SOS	Microsoft PowerPoint Presentation
Agenda Item VII B	Mark Wlaschin, Deputy SOS for Elections, Office of SOS	Handout
Agenda Item IX A	Ross E. Armstrong, Esq., Executive Director, Nevada Commission on Ethics Elizabeth J. Bassett, Esq., Commission Counsel, Nevada Commission on Ethics	Microsoft PowerPoint Presentation
Agenda Item IX B	Ross E. Armstrong, Esq., Executive Director, Nevada Commission on Ethics	*Fiscal Year 2025 Nevada Commission on Ethics Annual Report*
Agenda Item X A	Jaime Vitale	Written Public Comment
Agenda Item X B	Sara Sain-Jurgens, Executive Director of Sammy's DEN	Written Public Comment

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AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item X C	Winifred Sain	Written Public Comment
Agenda Item X D	Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties	Written Public Comment
Agenda Item X E	Scott Hoen, Carson City Clerk Recorder	Written Public Comment
Agenda Item X F	Anna Marie Binder	Written Public Comment

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