

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Sixth Session
March 22, 2011**

The Committee on Legislative Operations and Elections was called to order by Chair Tick Segerblom at 1:38 p.m. on Tuesday, March 22, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Tick Segerblom, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Marcus Conklin
Assemblyman Richard (Skip) Daly
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Richard McArthur
Assemblyman John Ocegüera
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Lee Rowland, Counsel, Democracy Program, Brennan Center for Justice,
New York University School of Law, New York, New York
Larry Lomax, Registrar of Voters, Clark County
Jan Gilbert, representing the Progressive Leadership Alliance of Nevada
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties
Union of Nevada
Jon Sasser, representing the Legal Aid Center of Southern Nevada
Alan Glover, Clerk/Recorder, Carson City
Scott Gilles, Deputy for Elections, Office of the Secretary of State
John Wagner, State Chairman, Independent American Party
Lynn Chapman, representing Nevada Families
Janine Hansen, State President, Nevada Eagle Forum
Robert Ruppert, Private Citizen, Las Vegas, Nevada
Darwin Rockantansky, Private Citizen, Las Vegas, Nevada
Rita Hickey, Private Citizen, Las Vegas, Nevada
Jim Wheeler, Private Citizen, Minden, Nevada
Carol Howell, Private Citizen, Carson City, Nevada
Jim DeGraffenreid, representing the Nevada Republican Party
Russell Best, Private Citizen, Nevada
Carole Long, Private Citizen, Las Vegas, Nevada
George Ingram, Private Citizen, Las Vegas, Nevada
Tony Dane, Private Citizen, Las Vegas, Nevada
Ellie Ahern, Private Citizen, Las Vegas, Nevada
Bettye Lemon Gilmour, Private Citizen, Henderson, Nevada
Elicia Huffaker, Private Citizen, Las Vegas, Nevada
Charlene Bybee, representing Nevada 9-12 Americans
Kim Bacchus, Private Citizen, Washoe County, Nevada
Hermann Glockler, Private Citizen, Nevada
John Cracchiolo, Executive Director, Nevada Catholic Conference
Steve Burt, representing Ridge House and the Statewide Prisoner Reentry
Coalition

Richard Boulware, Vice President, National Association for the Advancement of Colored People, Las Vegas; President, Black Attorneys Association; Member, Nevada Attorneys for Criminal Justice; Assistant Federal Public Defender

Yvanna Cancela, Political Director, Culinary Workers Union Local 226

Brian M. Campolieti, Executive Secretary, State Board of Pardons Commissioners; Program Officer, State Board of Parole Commissioners

Mark Woods, Deputy Chief, Division of Parole and Probation, Department of Public Safety

Sam Bateman, representing the Nevada District Attorneys Association

Chair Segerblom:

[Roll was taken.] Before I turn the gavel over to Vice Chair Flores, I am requesting Committee introduction of a bill draft request. This one takes parts of the Secretary of State's bills dealing with electronic filing of campaign contribution and expense reports, and adds additional campaign reporting periods, as well as cooling-off periods for people serving on the Public Utilities Commission of Nevada, State Gaming Control Board, and Nevada Gaming Commission.

BDR 24-1136—Revises provisions relating to elections. (Later introduced as [Assembly Bill 452](#).)

ASSEMBLYMAN OHRENSCHALL MOVED FOR COMMITTEE INTRODUCTION OF BDR 24-1136.

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CONKLIN, HARDY, HORNE, AND OCEGUERA WERE ABSENT FOR THE VOTE.)

With that, I will turn the Committee meeting over to Assemblywoman Flores.

Vice Chair Flores:

We will now open the hearing on [Assembly Bill 108](#).

[Assembly Bill 108](#): Eliminates the deadline for registering to vote in an election. (BDR 24-686)

Assemblyman Tick Segerblom, Clark County Assembly District No. 9

[Assembly Bill 108](#) requires that voter registration in Nevada be open up until Election Day; however, because of some fiscal issues that arose, we have a

proposed amendment which would change that date. The amendment would take registration up until the day before an election, and that would only be for Internet registration. In general, it is a very important bill because it is going to increase voter turnout. My belief is that the more people you can have participating in a democracy, the better.

Here to present the details of the bill is Lee Rowland. She is an attorney with the Brennan Center for Justice in New York City.

Vice Chair Flores:

I want to remind everyone that the amendment is also on our Nevada Electronic Legislative Information System (NELIS), so it can be accessed via the website.

Lee Rowland, Counsel, Democracy Program, Brennan Center for Justice, New York University School of Law, New York, New York:

The Brennan Center is a nonpartisan public policy and legal think tank. We work to improve access to the systems of democracy and to pursue a more inclusive vision of democracy for every eligible voter. In particular, our Democracy Program seeks to eliminate barriers to registration and to voting for eligible citizens who want to vote. Unfortunately, in the United States we do not do as well at that goal as we could. For instance, the most recent figures indicate that approximately 30 percent of eligible voters in the nation are not registered. Other nations that are similar to us in terms of their country profiles, such as most European countries, Canada, and other countries that value civic participation in their democracies in the way that we certainly do, reach 90 percent routinely.

According to testimony presented in 2008 before the U.S. Senate Rules Committee, 2 million to 3 million Americans showed up to the polls and were prevented from voting because of errors in their registration status, whether administrative or caused by themselves. An additional 9 million people were prohibited from registering because of residency deadlines that generally prohibit registering within 30 days of an election. That is a significant chunk of our electorate. These are eligible citizens who want to cast a vote but who are prevented by administrative rules.

We can do better, and I am here to propose a comprehensive amendment ([Exhibit C](#)) to A.B. 108 that takes Assemblyman Segerblom's idea of Election Day registration and tweaks it a little bit, to make it more administrable for the clerks, in part based on feedback from Registrar Larry Lomax of Clark County and others. It is a comprehensive opportunity to use existing technology to bring our registration system into the 21st century.

Every state that has engaged in some form of registration modernization has saved significant amounts of money within the first two years of passing these policies. There is, of course, an initial cost insofar as there is missing technology, but beyond that, it is nothing but pure benefit. What you are doing is automating data entry where possible and reducing the demands on the clerks. With a combination of early voting and automated online registration, you greatly reduce the resources they need to put toward entering voter data off handwritten forms. They are then free to engage in what they are supposed to do, which is making certain the election rolls are accurate. This also helps ensure that everyone who wants to cast a vote can, as well as serves the goals of increasing participation and assisting election officials at the same time.

The bill right now is in a conceptual form. I have been working closely with Patrick Guinan, the Committee's Policy Analyst. He has put together this amendment, and indicated that he would mock up a bill if it is the Committee's pleasure to do a work session. I am also available to assist on any level of detail the Committee would wish.

I want to briefly go through some elements of the bill. Some are open to tweaks, if the Committee members have preferences. The first piece, and the biggest piece of this proposed amendment, is automated voter registration of consenting eligible citizens at a range of government agencies. Most people in this room are probably familiar with "motor voter." That is what we call the National Voter Registration Act of 1993, which imposes certain requirements when you apply for a license at the Department of Motor Vehicles (DMV). That application can also double, if you wish, as your voter registration application. The automated voter registration piece of this amendment would do two things. It would take that data entry and further automate it, meaning that data would be sent over a secure connection. There is a requirement that the data be kept safe and encrypted. It is, of course, private and not subject to open meeting laws. Because that data would be automatically transferred, it would save unbelievable time and resources at the county level in terms of data entry and checking of voter rolls. The other huge benefit of automated data entry is that it is an incredible benefit to the voter rolls. It helps eliminate duplicates, it helps registrars compare and contrast what is in the system already when they get a "hit" from another state agency, and it reduces opportunities for fraud, particularly when people move, which creates duplicate addresses in the poll registers.

Many state agencies, as a matter of course, regularly collect all the data we need for voter registration when they interact with their clients. For instance, an application for disability services, an application for public benefits, or an application to the University of Nevada, Reno (UNR) will collect, as a matter of

course, every single bit of information that is necessary for your voter file: name, address, citizenship, age, and signature. This amendment will ensure that there is a seamless data transfer process that takes the existing government data file, makes sure it is securely transferred to the appropriate registrar and, in one operation, a voter has interacted once with his or her government and killed two birds with one stone. It is a model of efficiency, and it helps create more accurate and up-to-date lists because you have information the moment that person interacts with that government agency. This data transfer process does not in any way change the substantive voter registration rules Nevada has in place, and it does not supplant any list maintenance or double-check procedures that already exist at the county or state levels. This is purely an administrative data transfer.

The bill also requires the state agencies to enter into agreements with the Secretary of State to make sure that the transmission of information includes all the correct data that the clerks will need, and that it is appropriately secure. It also requires that the Secretary of State take steps to electronically capture signatures at agencies, unlike agencies that do not already have those in their systems.

As I noted, this is a huge money saver for the state. In Arizona, it cost less than \$130,000 to implement a full-scale modernization system. In Washington, it cost \$279,000. After that initial outlay of money, those states recouped their costs within the first two years. As an example, Delaware went paperless, meaning that all data entry involves no paper registration forms at this point. They save approximately \$200,000 annually, and Delaware has a population comparable to Nevada's. In Maricopa County, Arizona, automated DMV registrations saved \$450,000 in 2008. The county now spends an average of 3 cents to use an automated review process. It costs 33 cents to manually process an electronic form and 83 cents to process a paper registration form. That means an almost \$1 saving per registration form between fully automated and paper. Those are tangible savings once the initial cost of any needed technology is paid for.

Modernizing the registration system and engaging in automatic transfer of data has incredible benefits. It will lead to more accurate and complete voter rolls. You will get up-to-date information from anyone who is interacting with the government and who consents. You will get fewer data errors because there is no hand data entry; the data is automatically transferred. There are no handwriting mistakes, it eliminates duplicate records, it updates outdated voter files, and it saves money.

The second piece of the bill is very similar to the first. It makes sure that the registration is portable, meaning that once you have consented to let them use that information for your voter registration file, any change of address or updated application that has a new change of address that you had filed with any eligible voter registration agencies—disability, public service, DMV—will be automatically sent to the registrars. That is where the real benefit of the fraud prevention part comes in. Once you have those state agencies linked with voter registration, you ensure that there are no voters listed under two separate addresses, potentially in two different counties. Duplicates can be automatically eliminated from the system, and it can assist registrars with their existing list-maintenance procedures.

This piece of the bill is particularly important for Nevada. About 29 million voting-age Americans, about one in six people, move every year. According to last year's census data, approximately 400,000 voting-age people move from one address within Nevada to another each year. That is a massive percentage of the voting-eligible population. So you have 400,000 paper change-of-address records that potentially would no longer need to be filed with the clerks or registrars. The high mobility rate specific to Nevada increases the burden that address changes place on registrars and election officials, and automating the address-change process greatly reduces that data entry and uncertainty in the voter rolls.

Many states have gotten into tussles with the Department of Justice or with individual litigators when they are seen as not fully complying with the National Voter Registration Act (NVRA). The cure for that in many states has been to fully automate, because it is basically a bulletproof shield against litigation. The NVRA requires states to make registration opportunities at public service agencies. For instance, in the last week there has been widespread reporting that that is not occurring in Maryland. Maryland has decided to fully automate so as to avoid any potential federal suits. While Nevada is not facing any of those threats right now, I can tell you that the Brennan Center has been on the record as having concerns about Nevada's compliance in terms of the forms used by the DMV. Automating these processes eliminates any question about following federal law. It is the most efficient, simple, and direct way to make sure that you are offering voter registration opportunities to every eligible voter who wants to take advantage of them.

The final new piece of this amendment is the statewide online voter interface. It is exactly what it sounds like. It is online registration. It is a statewide portal that allows a voter to go online, make sure he is registered, make sure his data is correct, and check his polling place. If he is not registered, he can also register to vote. This is an incredible benefit for voters. They love it.

Universally across the country, jurisdictions that have online voter registration discover it is incredibly popular with voters and incredibly popular with election officials. The voters themselves input the data, so there are no possible data entry errors. You can get online immediately after you move and inform someone directly on that interface. In conversations with the Office of the Secretary of State, we know that they have generally opposed any system that would make this mandatory in the 17 counties as being an unfunded mandate. This bill does not do that. This bill requires a statewide voter interface that is run by the Secretary of State but offers the counties full access and allows the counties to use that information for their voters.

The good news is we have a full road map here. Clark County experimented with online registration in this past election with resounding success. That was available to 72 percent of the state's population. We believe every voter should have the right to engage in that same online process. It is particularly beneficial to voters with limited mobility, the disabled, or the elderly. It is just another way to expand and make the process more accessible and accountable in terms of the accuracy of the data.

The final piece of this amendment addresses Election Day registration. Election Day registration states see turnout rates that are 12 percent higher than states without Election Day registration. This is a simple question of civic participation. That is a 2004 rate, by the way. Among the proponents of Election Day registration is Nevada's own former Secretary of State Dean Heller, who has noted that the fact that Nevadans must register 30 days before Election Day is a stumbling block to increased participation. This is about whether or not you want to offer voters more opportunities to get involved in the civic process. One argument for Election Day registration (EDR) is that political events happen within the 30-day run-up to the election, and there are reasons for people to get involved after that 30-day registration deadline. We do not think there is any legitimate reason at this point to create a deadline that is not required by administrative necessity.

This changes the original concept of Election Day registration in the bill in a few ways. Right now, the bill allows Election Day registration by all means through Election Day. We believe that is not workable administratively because our clerks and registrars are working very hard to process the elections. There is a natural wave, of course, before the end of the election period. Automating data entry will assist that, so this bill tries to get at that process in a more comprehensive way; however, there is an immense pressure on election officials. They have to be registering people at the polls as well as perfecting the voter rolls and getting their poll books ready for Election Day. What we have suggested is a kind of buffer zone to keep the existing registration deadline

at the fifth Sunday before Election Day, but permit online registration to be continual through Election Day. Because online registration involves no data entry by the clerks, it really does not place any additional burdens on them.

I discussed this in theory with Registrar Lomax. I do not want to put words in his mouth, but I know at least that system is one that comes much closer to fitting the rhythms of his office, that full, automated registration does not take the resources that would create a conflict in those last 30 days.

The second difference is that this Election Day registration form will permit people to actually engage in Election Day registration at the polls with poll workers as opposed to the clerk's office. It is simply an administrative issue. Having 43,000 people going through the Clark County government system on a single day probably is just not workable from a purely administrative standpoint. This allows people to register on Election Day in their actual polling locations.

I want to address fraud. There is zero proof that there is any increased risk of fraud in Election Day registration states. A bipartisan team of fraud investigators, which was imported by the federal Election Assistance Commission (EAC), found absolutely no evidence that there were differing rates of fraud in either EDR or non-EDR states. What I can say is that the numbers I gave you about participation being 12 percent higher in those states are real numbers. The numbers about fraud rarely refer to anything that is an actual number.

There is a real deficit of civic participation in this country. Generally, talk about election fraud is a solution in search of a problem. If you are comparing policy choices here, I would suggest to you that there are eight states that have successfully been using Election Day registration for years and years. The result has been increased participation, increased buy-in from voters, increased accessibility to voters, and help for election administrators. What it has not resulted in, according to the bipartisans who were appointed to discover it, is voter fraud.

Those are the four main pieces of the bill. It is a carefully structured, comprehensive effort to bring Nevada's voter registration system into the 21st century, and we do it using existing technology. Clark County successfully experimented with online registration. We know other states are models for Election Day registration and have increased participation. Putting all those together, we can make Nevada a model state for open and accessible voter registration.

Vice Chair Flores:

Thank you. I will open the meeting up for questions.

Assemblyman Stewart:

There are always many news articles about elections. I am concerned about someone who says, "Oh, there are elections today. I need to get registered." How interested are they in voting, if they have been exposed to all this election information and yet all of sudden realize they are not registered? Also, will it take more time for them to register at the polls? Is that going to increase the lines at the polls?

Lee Rowland:

We at the Brennan Center do not think there should be an interest litmus test for voters. There are probably people in all parties who go to the polls with differing levels of information, different levels of civic literacy, different levels of information about the candidates, and we permit them to vote. I do not think there is any support for the idea that people who do that only on Election Day are a certain kind of person, and I do legitimately think that there are times when all of us are busy. People have jobs, and it is realistic to think someone might not realize elections are coming up but might have read every news article about the candidates. I would hate to paint those people with a broad brush. We really believe in just expanding access to the franchise.

As to your second question, obviously registering to vote at the polls would create a little more activity; however, that is why we added this into the modernization piece of the bill. You would help free up those resources on Election Day to assist with making that possible. There are also other technological advances like electronic poll books, which are very cheap but really increase the efficiency of processing registrations. There is no doubt that there could be a slight increase in activity at those polling places; however, all the states that have experimented with this have done that with success. The eight states that have Election Day registration have stuck with it because of its success.

Assemblyman Stewart:

So interest is not a high priority.

Assemblyman Segerblom:

Our country spends billions of dollars going to places like Iraq and Afghanistan promoting democracy. All people in those places have to do is show up, get their fingers painted, and they vote. Their ballots sometimes just have pictures of the parties. Their level of interest, their level of knowledge, is obviously vastly less than here in this country. What is good for the goose is good for the

gander. If we are going to encourage these other countries to participate at high levels, I do not see why we cannot encourage our own citizens. Once they start to participate, maybe they will pay more attention in the future.

Assemblyman Ohrenschall:

Assemblyman Segerblom, I first met you when you were state chairman of the Democratic Party and I was involved in the Young Democrats. Since then, I have been involved in campaigns every election cycle. I cannot remember a single election, while I was at a polling place, where there was not someone who was not on the roll of voters. Something had happened—his registration did not go through, or there was some kind of foul-up. They were qualified voters who should have been allowed to vote, but they had been disenfranchised because somehow they did not meet that artificial 30-day deadline. Thank you for bringing forward this bill. You mentioned that eight jurisdictions have same day voter registration. Four years ago when we heard this bill there was testimony that it would be very difficult administratively for the clerks to enact it. Has that been experienced in those eight jurisdictions?

Lee Rowland:

No, not as far as I am aware. In my work with the Democracy Program, part of my recent project has included talking with election officials about modernization and experiences in their states. I did talk to officials in Wisconsin and Minnesota, among others, who have Election Day registration. Universally there is no doubt that it is a tough day for registrars. There is a lot of work to do, but not a single one I have spoken to would undo it. Most of those registrars see part of their job as encouraging civic participation and, exactly as you are saying, allowing those interested to vote. Most of them are fulfilling their jobs by being there all day and making sure that eligible citizens who want to vote, and are invested in the process, are not turned away at the polls. That principle really carries the day in my experience.

Assemblyman Hardy:

You spoke about responsibility. We in this nation have the responsibility to do everything we have to do to register on time. What reason would I have now to register any time other than on the day of voting? Everyone in this state would just register that day. Do you see a problem with that?

Lee Rowland:

There is no doubt that Election Day registration puts a bump on that particular day. States that have coupled that with modernization procedures have seen that bump all but go away, because you give people an incentive to update their voter files, and make certain they are accurate, when they are interacting with the government throughout the year.

With respect to the kind of responsibility that we place on voters, I think that is an issue about which we would have to disagree. We come from a history of poll taxes, of barriers to participation that were thrown up in the name of having invested voters. They often had ugly racial effects. Many of them were struck down as unconstitutional, and I think we are a better nation for that transition. I would also characterize voting as a fundamental constitutional right and not as a responsibility, that in order to engage in, you have to jump through a certain number of hoops. Our country's history has shown us that those efforts are generally misguided, and that increasing access to civic participation has zero negative effects for our nation or our democracy.

Assemblyman Daly:

I heard you say we are going to keep the 30-day registration limitation, but a person can register after that online and, I am assuming, in person as well. When would someone register after that 30-day period? Do they have to wait until the general election? How is that going to interact with early voting, because essentially, if they could register then, it would be same day registration during early voting?

I also had another question concerning the amendment, on page 2, subtitle 3, where it talks about portable in-state voter registration. A lot of people have post office boxes. They want to be registered at an address, but they also have a second address for other purposes. I think there is a potential for confusion there.

Lee Rowland:

The one complication in this bill is how to make it workable and keep early voting in place. That is a tough question. We have left it so there is only online registration, which would in effect means that early voting was available only to people who were registered either by that deadline or online before they show up at the polling place. We certainly have no principled objection to having registration available at those early voting places, but it is my understanding that they probably do not have the capacity, as they are currently staffed, to do the full signature check to make certain it is not fraudulent. The registrars may be a better source to ask. In the long run, I would like to see that. Right now, we just drafted something we believe can be implemented on a practical level.

Referring to your second question, this does not in any way change the requirements for a voting residence. Any eligible citizen who interacts with a government agency would have to consent for that change. It is an option for the voter to allow that transfer to happen automatically. Possibly one could check a box that says, "This is not for the purposes of voting residency." Unlike the current system, you would be giving the clerks that information, so

to the extent that there was a possibility for fraud, they would at least know of it. Right now, there is no system in place to know if someone has filed a different address with another state agency. There are more benefits than there are pitfalls. It would be important for the registrant to be aware of the rules about voting residency.

Assemblyman Daly:

Speaking about my last question, it should be the other way. It should not be automatically done unless you opt in.

Lee Rowland:

That is correct. That is how it works.

Assemblyman Daly:

I thought I heard the opposite: that one would have to check the box to say that it would not happen. If someone forgot and did not check the box, it would stay at the old address. He takes the risk for making the mistake if he wants it to change. If someone forgets to check the box, and he did not want it to happen, it would not happen automatically.

Lee Rowland:

Right. Those are the kinds of details I think are important in a work session document. Our preference is that the person has to answer one way or the other rather than being able to opt in or opt out, because I think both of those have drawbacks. We are open to whatever you think may be workable, but either way, there is no doubt that the registrant would be notified and that this is a consensual procedure.

Assemblyman Hickey:

In our last election cycle it was alleged, and our Secretary of State uncovered, some problems in Las Vegas with the Americans for Community Organization Reform Now (ACORN) voter registration effort. It took some time for the Secretary of State to investigate those alleged fraudulent activities. On Election Day, we are in a hurry to certify and see who the winners and losers are. Should that happen again, do those things skate by? Suppose something like that happens and the election has been finished. I know we can fight it out in the courts, but how does one deal with it effectively in the way the Secretary of State did this last election cycle?

Lee Rowland:

The issues are, in some regards, apples and oranges. There was not a single reported case of voter fraud in Nevada. There were allegations of registration fraud. If you are aware of the details of those criminal indictments, the

allegations were that ACORN had turned in registration forms that were fraudulent. The name "Bugs Bunny" was on a registration form. In part, the allegations were that it happened because there was pressure for signature gatherers to register people to vote. There was not a single case of anyone misrepresenting themselves at the polls, so I do not believe that the ACORN situation would in any way be changed by an EDR landscape.

Assemblyman Hickey:

You said there was pressure. There was obviously an economic incentive for registering people to vote. That same scenario could take place with an incentive for getting people to turn out and vote. While you may not actually bring Bugs Bunny, you might bring someone to the polls who really had no intention of voting but somehow was incentivized to be there. I do not think you get rid of the problem.

Assemblyman Segerblom:

This online voter registration requires that a signature already be in the system, so when they show up at the polls, the polling place already has that person's signature from the computer database. The signatures are then matched, so you are not going to have someone show up saying he is Bugs Bunny and be able to vote.

Assemblyman Hickey:

The people who register on voting day, though, whether they are brought or show up, are not going to be easily identified. There is not going to be time to investigate whether or not they are the person they say they are. Do we end up with an election result that might be brought into question later?

Lee Rowland:

I would just rely on the fact that the bipartisan commission charged with finding evidence of exactly that problem uncovered no evidence of voter fraud. I would hate to take a theoretical scare and contrast that with what we know is an actual number of people who cannot vote. For me, there is a clear winner. I think the greater harm to our democracy is eligible citizens who are stopped from voting at the polls, regardless of party, rather than a theoretical concern that according to a bipartisan federal commission simply does not exist in reality.

Vice Chair Flores:

Are there any more questions from the Committee? [There was no response.] I have one final question along the same lines. Most people on the Committee, including me, received a flood of emails. The majority of them were with regard to fraud and the potential for abuse of same day registration. Your amendment,

I believe, still allows for people to register at their polling places on the same day. In terms of not actually finding any fraud via the study that was done, can you elaborate on the study and which states were looked at? Were there allegations of actual voter fraud? On that same line, could you elaborate on the difference between voter registration fraud and actual voter fraud? There may be some confusion between those two as well.

Lee Rowland:

The study I am citing was a study commissioned by the Election Assistance Commission. It was a bipartisan report before that Commission. It is not currently part of your testimony. I would be happy to try to get that report to members of the Committee. They looked at the existing Election Day registration states. There are currently eight states that have permanent EDR. They are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. Three other states, Alaska, Ohio, and North Carolina, have experimented with EDR in some form. Alaska permits it only for a presidential election, so I do not include them in the full-time EDR states. The Commission report contrasted reports of voter fraud in the 11 states using it against the other 39 states and found no difference.

Registration fraud is the unlawful submitting of a registration by someone who is not eligible to vote, whether it is Bugs Bunny or someone who lacks citizenship. That is a crime, because it creates inaccurate voting rolls, and that is a problem. Voter fraud is when someone actually shows up to the polls and claims he is someone he is not, or tries to cast a ballot on behalf of someone who is not eligible, or is not himself eligible to vote.

Allegations of registration fraud do occur to some degree, but very rarely do we get hard evidence of this. With respect to registration fraud, usually those cases are linked with third-party registration drive activities. I am not taking a position on third-party registration drives, but I will say that the benefit of the automation pieces in this legislation is that it reduces the need for those kinds of third-party registration drives. If people are registered and current when they are interacting with the DMV, they do not need to fill out one of those third-party registration forms on their way into the DMV. It is simple common sense. If we improve our registration systems and give people more access to register, as a matter of logic there is going to be a lessened need for third-party registration drives.

With respect to the fraud piece, there are not many instances of voter fraud. When they do happen, they are incredibly high profile—for instance, the case involving the Indiana Secretary of State this month. The allegations in that case are voter fraud. A Brennan Center report released a few years ago said that

chances of being struck by lightning are significantly higher than actually encountering voter fraud. The reason is that you have to physically walk into a polling place and commit a felony under penalty of perjury in front of a lot of witnesses. We have excellent election officials whose jobs are to prevent that kind of fraud, to be vigilant for it. I believe that election officials in Election Day registration states and those in non-Election Day registration states are equally vigilant about making sure that we have a fair, accurate, and fraud-free election process that is doable in both systems. The EAC report confirmed that there is no significant difference in the incidence of fraud, but we do know there is a significant difference in civic participation, so it is a win-win.

Assemblyman Stewart:

Mr. Chairman, I applaud your effort to broaden the ways of registering to vote, as long as the information is verifiable. Referring to registering to vote on Election Day, as I recall, voters must go to the polling places for their precinct. If you register on Election Day, how would you know where to go to vote?

Lee Rowland:

One part of this bill, the online voter registration system, would allow you to look up your polling place. That system is available to everyone. Right now, I could go online, input a random address, and figure out where my polling place is. Because it is districted by precinct, if someone wakes up on Tuesday and realizes he was not registered, he can easily go online to his county election official and get that information. The Secretary of State's Office also offers this service. There are also third-party groups that will tell you the proper place to go.

Assemblyman Stewart:

Do you think if a person had not even bothered to register that he would know where to go online for that information?

Lee Rowland:

The Internet is magical. The Google search engine can tell you pretty much anything.

Assemblyman Segerblom:

There is a misconception that people are going down to skid row, grabbing a hundred homeless people, and taking them down to the polling place. The reality is that these are often college graduates who, for whatever reason, did not get around to registering. They have computers and iPhones and can figure it out really quickly. The problem is that, under our current law, they cannot vote. It is my perception that this would allow those people to vote.

If possible, I would like to have Mr. Lomax testify now as to what we can do about registering as close to the election as possible under our current system.

Vice Chair Flores:

Do we have any more questions from the Committee? [There was no response.] I see we have one more person signed in, in support of the bill. I would like Mr. Lomax, who is signed in as neutral, to start, and then we will move to those in support.

Larry Lomax, Registrar of Voters, Clark County:

Technically, I am neutral on this bill. Because I just heard this amendment, and a lot of changes have been made to the original bill, there are a number of issues still to be worked out.

I will begin by addressing some of the issues that have just come up. We do have online voter registration in Clark County. I do not want to go into a lot of detail about it, but I will be happy to answer Committee members' or the audience's questions later. Online registration is every bit as valid and accurate as, and equivalent to, registering by paper. When you mail in a voter registration form, the data is entered into the system. That night, that data is compared with the Department of Motor Vehicles' records for the driver's license number, address, birth date, et cetera. If you gave us the last four digits of your social security number, that data is cross-checked with Social Security Administration (SSA) data. The difference is that one of our people entered the data. If it is online registration, it is cross-checked immediately with DMV or Social Security Administration records. The same check takes place, so whether people register by paper or online, the registration data has to match the records on file with the DMV or the Social Security Administration exactly or you cannot register online. That is one thing I want to clarify. The only people able to register online are those who have a Nevada driver's license or Nevada DMV-issued identification (ID) card. Voter registration is not available to anyone else, and I am not sure that was clear in the preceding testimony.

If you do have Election Day registration, we would be doing it the old way. The voter would come in, fill out a voter registration form, and have to show us ID. The kind of ID that would be acceptable would be up to you, the legislators. If this is the way you want to go, you can make it as stringent or liberal as you decide.

Ms. Rowland testified that the registrars and clerks are very good at carrying out elections. What I hope we are good at is complying with the law. Whatever you tell us to do, we will do. Same day registration would be a matter of checking the ID, and then the person would go vote. That is different

from most registration forms, because we do not see an ID anymore. The voter registration information is just matched with the DMV and SSA data, so that is a different way of registering. There is nothing wrong with it. You just need to set the ID standards so you are comfortable with them.

As far as registering with state agencies and the DMV goes, that can certainly work. There was quite a bit of effort needed when we put this in place with the Secretary of State. It is not anything that will be really simple, and there will be an expense. They also do not provide all the data that is needed to register. For instance, they would need to indicate a party affiliation. That is a minor point, but the forms those agencies use would have to be adjusted as well, making certain the wiring is in place that would make it all work. It is an enormous savings for us. When a voter registers online or with the DMV, the data is correct. We do not have to read really poor handwriting or typographical errors, so that works out well for us.

Someone mentioned registering in person. When I testified before you earlier this session, I mentioned that one-size-fits-all does not work in a state like this, where Clark County has 72 percent of the population while some counties have very small populations. For instance, having everyone register at one location on Election Day will not work in Clark County, while it may work in some of the smaller counties; however, I do not want to speak for them. There are an estimated 400,000 unregistered voters in Clark County. In Wisconsin and Minnesota, it is true that 10 to 20 percent of those who vote register on Election Day, although they do not have these automated systems in place there. If voter registration is going to be on Election Day in Clark County, then I would say it would have to be at the polling places in Clark County as opposed to one central location. In smaller counties, that might work differently.

Under the current system, the close of registration is on the fifth Saturday before the election, and then we have ten days of in-office registration. We mail sample ballots in a mass mailing to everyone who registered by the fifth Saturday. The people who register during the ten-day in-office period are mailed their sample ballots on an individual basis. If we want to continue so people can register online, I would ask we not be required to send those people sample ballots. Those people waited that long to register, and it would be overly burdensome to us to try to get them sample ballots in that time frame.

My recommendation is that people be allowed to register online up through the end of early voting, because that causes us no additional work. They go into the system, their records are validated, and it is no problem at all. They can go vote, and it is not going to be any problem or cost for us, but it does need to be terminated at the close of early voting. Early voting ends on Friday, and the

next day, Saturday, we print the roster books. Those books contain over a million names, and in those books it states whether that person is registered and whether he voted. That way we can keep control of that information. We cannot continue to accept registration until the Monday before the election, because the roster books have already been printed.

If you determine you want to go to Election Day registration, there are a number of issues that need to be discussed. We just discussed having a cutoff date for registration, and I just touched on rules for the sample ballots—who gets them and who does not. We can have extra sample ballots available at polling places for the ballot style at each particular polling place, so that would be possible. There would have to be a rule that the voter has to go to his or her correct polling place. If you have Election Day registration, the Help America Vote Act (HAVA) does not allow provisional voting. In Clark County, we would have to get some additional polling places. We use polling places for presidential elections that cannot accommodate all the voting machines needed, because they are so crowded right now. Election Day registration at a polling place, as conducted in the states that do it that way, is conducted in a separate area. They get the registration process out of the way and they go to a separate voting area so as not to interfere with the pre-registered voters. It is done independently, but that obviously requires more space and more workers. We would need a minimum of two additional workers at each polling place because they need a break at some point during that 12-hour day. If we pay a \$120-a-day clerk what we pay every other poll worker, the personnel costs would run about \$80,000 to \$100,000 to implement Election Day registration in Clark County. We would also need some extra polling places, but I do not know how burdensome that would be.

When someone registers to vote, we do not know whether he is a felon. We cross-check our lists on a monthly basis with the Las Vegas Metropolitan Police Department, and the Secretary of State also sends us a list. If a felon registered, and that individual was not supposed to vote, we would not know about it. Data entry of the people who register on Election Day will not occur on that day. In Wisconsin and Minnesota, data entry is finished in January. I will be able to give you the voting totals on election night, and I will be able to canvass the election eight days later, but if you want to know who voted, it will be a month or two before you are going to find that out.

Assemblyman Hickey:

Mr. Lomax, if independent poll watchers, for whatever reason, challenge the authenticity of some of the new voters, could that realistically delay the vote count? What would happen to the process if a number of people were challenged that day?

Larry Lomax:

A challenged voter is usually resolved right there at the polling place. We do not have provisional ballots for challenged voters. There is a process by which someone issues a challenge, and the voter must show ID or respond in a proper way. The way the law is currently written, the voter is either going to be able to vote or not.

Another issue that would have to be dealt with is statewide initiative and referendum petitions. Those are due one week after the election. If we have same-day registration on Election Day, I can assure you the petition gatherers are going to be out there getting signatures on those petitions. If I then have to start verifying the petitions one week after the election, I am not going to have the data entered for the people who registered on Election Day. It will not be possible, so that is an issue that has to be resolved. You, the legislators, have the authority to move the due date of petition submission up to the day before the election, or something like that, so petitions could not be signed on Election Day. It is a quirky but very valid issue that, if not addressed, will cause a problem if you end up going this way.

Finally, if we are going to allow online registration, something could go wrong, such as the system crashing or going down. If people decide to wait until the last minute, and that was how they were planning to register and something goes wrong, it should be addressed ahead of time so that we do not get into legal issues if that should occur. That is all I have to say based on what I understand of the amended bill.

Vice Chair Flores:

Are there further questions from the Committee? [There was no response.] All right, what I am going to do is move back to testimony in support of A.B. 108, because there are several additional people signed up.

Jan Gilbert, representing the Progressive Leadership Alliance of Nevada:

We support this bill. We all want people to vote. If we do not, there is something wrong with our democracy. The idea is to get people who want to vote to the polls. Yesterday, we had a crowd of 1,500 students in front of this building. I heard their stories in the Assembly Committee on Ways and Means. They talked about having three jobs and going to school full-time. It is very possible, since they are the lowest voter-turnout population, that they just did not get around to registering to vote. I believe we should offer them every opportunity to participate in our democracy. If it means registering online or registering at the polls, we should do it. Those young people want to participate, and we should make every opportunity for them to do so. This is a nonpartisan effort. It is not one party or another that is going to benefit by

same day voter registration or by voting online. It is about getting people whose lives are busy to the polls to vote.

The other part of the bill I applaud is the automated agency-assisted voter registration. I cannot tell you how many people call me a couple of weeks before an election saying they moved but had not registered the address change on time. They ask if they can still vote. Passage of this bill would alleviate that problem when they change their driver's license or automobile registration. We should give them every opportunity to change their address. Some people do not get around to doing the mail-in registration form, so I would urge your support of the amended version or whatever version you come up with. I want more people to vote and participate in our system.

Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada:

We are here in support of A.B. 108. Same day registration has been employed across the nation, as you already have heard, and is a primary means of reform. Not only does it lower the fiscal burden to the state as it holds elections on behalf of its citizens, but it is also an opportunity to create a more robust representative republic. From our perspective, the American Civil Liberties Union (ACLU) works tirelessly to ensure that individuals can enjoy all their constitutionally protected rights. Voting is one of those fundamental rights, and administrative burdens or mishaps need not be a reason to disenfranchise people from enjoying that right.

We do engage in voter protection throughout every election season across the nation, and, especially in the last few elections, I have had the opportunity to oversee volunteers doing poll watching to ensure that those rights are protected. One of the most frequent complaints we see throughout election season is related to the situation just mentioned by Jan Gilbert. Most are students who are disenfranchised, particularly students who move across the state, either going from Las Vegas to attend the University of Nevada, Reno, or vice versa, and who are not aware how the law applies to them. They often find they are stuck in the middle.

You have heard the numbers on provisional voting, and one of the boons to this bill is that it would do away with provisional voting. I do not have the numbers, but there were undoubtedly thousands of Nevadans whose votes were not counted because they were at the wrong polling places or, for whatever reason, they were forced to vote with a provisional ballot. This would do away with that and would further enfranchise individuals.

With respect to challenging voters, it is our understanding that under *Nevada Revised Statutes* (NRS) 293.303, Election Day challenges may only occur in person and with personal knowledge of a person's status, for instance, that a person is not who he says he is. We have issued a few memos of this nature to the Secretary of State in the past, and I would be happy to make those memos available to the Committee, if the Chair sees fit.

We would like to see this bill move forward. We think that the more often people are reminded of their right to participate in our democracy, the better off and more robust participation levels we will have. I think privacy concerns will certainly be addressed in the way that this is set up. It is an opt-in situation, which is probably one of the best components of the bill, insofar as an individual has the right to control whether or not his information is sent via the state agency to the Secretary of State's internal database. The individual still retains the right to know what or where his information is going, so we are happy that has been addressed and hope that the Committee moves forward with this bill.

Assemblyman Grady:

You and Ms. Gilbert mentioned university students. They are involved in the process, as we saw yesterday. Do you think they just wake up one November morning and realize they forget to register to vote? If they are that interested, as witnessed by the demonstration they put on here yesterday, do you not think they would register to vote?

Rebecca Gasca:

We are not interested in putting forward some sort of litmus test for voters. How many of you, the Committee members, sat down and read the NRS before you became Assembly members? Maybe a few of you, and it was mainly related to your professional job, I would imagine. As a student, if you did, it was because you were incredibly engaged and probably the reason we see you here now. The average student is interested in getting an education. He does not think about the mechanisms of current law and how that affects his voting rights based on when or how he moves. The ability for the state to be responsive to its own citizens, who are otherwise eligible to vote, is the most important interest you as elected officials can carry out, not preventing individuals who are otherwise eligible from voting.

The ACLU is here to protect those rights of individuals. Would you like to see individuals voting at a much higher turnout rate? Absolutely, and I think this is one of the best ways we can do it. The figures put before you today made it clear that those states that enjoy EDR are those states that have a more robust turnout. If we can use evidence-based theories to support good public policy,

we would encourage that be done, and that is why we are here speaking in support of this bill today.

Assemblyman Hardy:

How much time do you spend studying your sample ballot?

Rebecca Gasca:

It depends on the race. I enjoy the ability to live this kind of system professionally, and certainly you as elected officials do as well. There are many times I know these elected officials, so I may study the sample ballot less than the average person. My personal interaction with the voting system is not what I am here to represent today. I am here to represent the fundamental rights of citizens to engage in the voting process. If there is a way the state can make that more easily accessible, we should do it.

Assemblyman Hardy:

I asked that question because studying your sample ballot is one of the most responsible things you can ever do. I spend hours studying my sample ballot and the people I am voting for. I have concerns about people who just show up to vote on people they know nothing about. I am concerned about people being irresponsible. Do you think our college students want to be irresponsible, not study their sample ballots, and just show up?

Rebecca Gasca:

Your question is unrelated in many ways to what this bill is going to do. This bill is going to allow people to register to vote regardless of the amount of time they have spent looking into the ballot. Thankfully, there are no black and white poll taxes that citizens deal with in order to register. There is currently no literacy test registrants have to pass as we saw during the Civil Rights Era. There are no boxes we have to check that say we have read 200 articles relating to this election season in order to register, and rightfully so. I am an individual who is fortunate to be involved in the process at such an intimate level that a lot of these issues I know offhand, and you do too. I would imagine many of you have friends and relatives who ask for your advice because they have not had the opportunity to spend hours researching people. I know that has happened in your life because people know you are informed. But that is not a requirement in order for people to vote, and we do not say people cannot vote if they do ask for your advice. It is certainly a part of the democratic process to inform oneself by seeking that information by means such as sample ballots, newspaper articles, or asking other people who are involved in the system. I do not think any of those have any bearing whatsoever on the state moving forward or not with Election Day registration or other means that provide opportunities for individuals to register to vote.

Assemblyman Horne:

I am disturbed at the direction of questions on this bill. If I am not mistaken, we are talking about eligible persons' right to vote. We are talking about voting and not someone's level of engagement or whether a light bulb went off for that person a month before or the day of the election. It is one of our fundamental rights. I have always had a problem with Election Day registration, but it is a fair question to ask whether we have a system in place to eliminate fraud. It makes sure that those who are eligible to vote can vote, but not whether they are properly engaged or whether they have read their sample ballot. If a person says he is registered to vote and is a citizen and is planning to vote that day for a person who gave him a jar opener at the door, I do not care. That person is there, no matter who he is going to vote for or what the reasoning behind that decision is. We should be asking whether there is a mechanism in place to allow that person to express his opinions at the ballot box and nothing else. I do not think we should be muddying the waters with other stuff. That does not mean I am going to vote for this bill, but that should be the question.

Rebecca Gasca:

I would like to thank the Assemblyman for his points and echo the sentiments he shared.

Vice Chair Flores:

I also want to note for the record as well, and thank you, Mr. Horne, for saying that, because I was thinking the exact same thing. This bill is not creating a burden or a judgment by which we have to analyze people and whether or not they are competent to vote in any way. It is addressing whether or not we should allow people to vote either on the same day, or online, or the other issues that were discussed in the bill. If we can stay away from that line of questioning, that would be a very good idea for the purposes this bill is trying to achieve.

Jon Sasser, representing the Legal Aid Center of Southern Nevada:

On behalf of our low-income clients, we ask that you support the bill. They are among the more mobile members of our society, so it is very much to their advantage to be able to have their address changes picked up when they go to the DMV and other government agencies. They often tend to have problems with transportation and, from my experience, often do things at the last minute, so we would appreciate your support.

Vice Chair Flores:

Do we have any questions from the Committee? [There were none.] Do we have anyone else wishing to testify in support of A.B. 108? [No one responded.] We will move on to those wishing to testify as neutral.

Alan Glover, Clerk/Recorder, Carson City:

I had originally signed in on the bill as being opposed, but now there are amendments we need to digest.

There has been a lot of discussion here today about eligible voters, and that is what we, the clerks and registrars of voters, are really interested in. We are interested in making sure people who are eligible voters get to vote. In my opinion, if you have same day voter registration, whether it is online or in person, you take that ability away from us because we have no way to verify their information. Online registration will not hit the DMV until that night, so we have no way of knowing if this is a real person or whether the address is correct, et cetera. If you decide to process the bill, I would certainly hope you would give us some consideration and cut that date off sometime before Election Day and, hopefully, before we print the roster poll books.

Nothing in this bill relieves a person from meeting the constitutional requirements of Section II of the *Nevada Constitution*, which require someone to live 30 days within the state and the county and 10 days within his precinct. By passing this kind of legislation, you are not absolutely guaranteeing that somebody will be allowed to vote on Election Day. He can be registered, but he may not be allowed to vote. The example might be a student attending the University of Nevada, Las Vegas. This student moves from Reno, goes online and registers the day before the election or on Election Day, and yet that student has been in Clark County for only two days. Do we follow that? Not really. We do only on very rare occasions when it comes to our attention that someone is not living within in the community. He signs an affidavit under penalty of perjury that he is a qualified voter, and we take him at his word.

If you do online voter registration, you need to be aware that when we are programming the election, we input the number of registered voters. That tells us the percentage turnout on election night. If you get a huge number of people registering to vote after that date, I do not believe we can change the program once it has been set for that election. People in Carson City can win an election by getting 50 percent-plus-1 of the vote. That could skew those percentages; however, that is peculiar to us and something your body probably should not be overly concerned about, but I did want to point it out.

Another comment I would like to make concerns getting the state agencies to help with voter registration. Good luck with that. We were involved in a statewide voter registration project that went on for well over a year. Then, after spending \$3.5 million, Secretary of State Heller scrapped the whole idea, and we went to a ground-up system we developed. Working with state agencies and getting them to do this is not an easy task. You may want to phase that in or allow it and let the Secretary of State handle it. The DMV is the agency we really want to check against.

If a registered voter goes to change his address and get a new driver's license, what do you do if that same person goes to the Division of Welfare and Support Services and provides a different address, and then goes to some other state agency? Which one do we use? I do not know if that could be done by regulation or whether it should be written into the statute, but we need clear direction concerning which voter registration application to accept. Also, what do we do if we receive several with the same date? Which one are we going to use, because we want to get people into their right precincts so that we can give them the right ballot.

As Mr. Lomax said, this bill does have some advantages, because you could get rid of provisional voting. You may be able to change some of the rules on the ten-day voter registration, during which we have to stay open late at night. Online registration has a lot of good advantages to it, it really does, but it is a matter of timing, in my opinion.

Scott Gilles, Deputy for Elections, Office of the Secretary of State:

We reviewed the original version of the bill prior to coming here today, and we were neutral on it. We ultimately think same day voter registration is a policy decision for the Legislature to make. I just wanted to discuss some of the practical considerations in implementing same day voter registration that Mr. Lomax and Mr. Glover have covered here today.

With respect to these new amendments, we have not had a full opportunity to review, digest, and analyze what they would require of us to implement them. Most importantly, we would really need to see the statutory changes that are proposed. I understand Mr. Guinan is working on those, and we should be able to see a mock-up before the work session. We will need time to see those and fully respond to what the actual changes are.

The Secretary of State's Office fully supports increased voter participation in the conceptual changes in the amendments as I read them briefly here today. Our concern would be the actual changes to the letter of the law and how we would implement those changes. It seems to me there might be a significant

fiscal impact to us with respect to online voter registration. It is something we want to do, and definitely something we want for all the counties. It has worked well in Clark County. But as Mr. Glover indicated, it is a timing issue and a matter of working with each county to determine the logistical and technological readiness and implementing that.

With that said, the Secretary of State's Office will need to see the mock-up or the actual changes to the statute to fully address and respond as to how we can or will be able to implement these changes and any fiscal impact that would result from the same.

Vice Chair Flores:

I do not have anyone else signed in as neutral for A.B. 108. Is there anyone else who is neutral? [There was no response.] All right, this is how we are going to proceed with those who wish to testify in opposition to A.B. 108. Quite a few people are signed up both here in Carson City and in Las Vegas. Rather than going down the list and calling you by name, please come to the witness table in groups of three. When we finish each panel's testimony and we are finished with questions, leave the table, and the next three testifying in opposition to A.B. 108 can come up to the table. I would also like to remind you to please keep your comments in relation to this bill quiet and civil. Also, if you are in the overflow room in Carson City and wish to testify, you need to come into this room to do that.

John Wagner, State Chairman, Independent American Party:

We oppose this piece of legislation. Our *Nevada Constitution* spells out how we are supposed to register to vote, and there is a good reason for it. People who have just moved into a town may have no idea who the candidates are or what the issues are. The idea of the "buffer" time allows them to become acclimated to the area and to the issues.

I know Assemblyman Segerblom wants to get more people to vote, and that is commendable, but there are many people already living in our communities who are not voting.

Concerning fraud, I believe up in Idaho a few years ago there was voter fraud, but it was not caught until a couple of months after the election. By that time it was too late, so we are opposed to this bill for the reasons I just stated.

Lynn Chapman, representing Nevada Families:

A friend was getting her driver's license at the DMV. She was asked if she wanted to register to vote. She told them no. Eight or nine months later she moved and went back to the DMV to change the address on her driver's license. She was asked the same question, and that time she said okay. She told me she voted for a number of years. She had a valid driver's license, but she was not a citizen, and she was here illegally. She has since become a citizen, and is now legally voting. Things like that happen all the time and I wanted to bring it to your attention.

Janine Hansen, State President, Nevada Eagle Forum:

Quite a few years ago, this Committee went through a process connected with the Help America Vote Act (HAVA). That was quite a process. In fact, this body was very concerned about the mandates the federal government was handing down. During that period of time, a comment was made that Nevada had election laws that were superior to many that were being imposed on us by the federal government. I view part of this bill as part of that same process. Today, we were even threatened with lawsuits by those testifying in favor of this bill if we did not come into compliance. This issue of voting has always been within the realm of the states, and I believe it should be kept that way. It is important to keep it that way so that the states can respond. As Mr. Lomax said, it might be different in Clark County than in some of the rural counties.

I have not seen the amendment, but as I listened to the description of it, there may be some complications. The clerks outlined those, and they are important issues as well.

In HAVA they endorse using Real ID, although for many years I have rejected Real ID and the federal mandates that come with it. We cannot always be sure that just because the federal government is promoting or mandating something, that it is exactly what the people in the states will want.

Another issue that concerns me is the increased opportunity for identity theft as they have what they call the "seamless data transfer."

In Milwaukee, Wisconsin, where they have same day voter registration, during the last election, 62,000 voters decided to register on the last day. I think that might really create some complications at the voting sites as they try to deal with large numbers of people. I am certainly in favor of people getting registered to vote. We are always trying to register people to vote and participate in the process. However, we need to have a process that ensures that people are eligible to register to vote and that the process can work for the

clerks as well as the people who are involved in the process. We oppose this bill.

Vice Chair Flores:

Are there any questions for these witnesses? [There was no response.] I want to remind those testifying, if you have additional information to add to the testimony, by all means please do. If you are just agreeing with what has already been said, a "Me, too" also does the job.

Robert Ruppert, Private Citizen, Las Vegas, Nevada:

I am a registered voter in Las Vegas, and come as a neutral participant for the time being. I have not read the entire proposed bill, but I do want to speak because I am a member of the Lions Club, an international organization that deals with the vision-impaired. From what I can see in the documentation in front of me, I do not see how in any way, shape, or form, the vision-impaired will benefit by this proposed change to the law nor how it would be implemented at the state and local levels.

In regard to the testimony of several who have testified previous to me, there have been some excellent ideas, both pro and con, but I take a neutral position at this point in time due to my concern about not knowing how the vision-impaired are going to be assisted with this change in the law.

Vice Chair Flores:

For the record, that testimony was neutral. We are now moving on with testimony that is in opposition to A.B. 108. If I could have the next person in Las Vegas state your name for the record, and then proceed. If we have any questions, I will let you know.

Darwin Rockantansky, Private Citizen, Las Vegas, Nevada:

[Mr. Rockantansky read his opposition to the bill from prepared text ([Exhibit D](#)).] We the people of the State of Nevada respectfully ask that A.B. 108 not be passed.

I would like to address some technical issues. For the record, I have two computer companies. The technical issues concern me greatly. There was a mention made as to the validity of the process of online voting. If it is what I suspect it is, then I should probably form another computer company to staff the boiler room in Tijuana for the next voter registration drive.

We do have a disjointed mechanism right now. The Secretary of State has a voter ID and so does every county except for White Pine County. White Pine County, being small, tends to issue the same number to several people. The

issue I have heard many times here today is about increasing voter participation. I assure the Committee that everyone here today in all the cities participating in this hearing want that very much. We are all working on it in our own ways.

Personal responsibility matters. As some members of the Committee have already mentioned, if you have not got it figured out a month or two beforehand, you probably do not have a good idea who to vote for. Yes, I will change my decision as I walk into the polling booth. Our concern is about the validity of the registration, the control of the registration, and the security of the data. If those issues can be addressed to my satisfaction, not only will I support this bill, but I will lobby for its passage in this state.

Vice Chair Flores:

I want to mention one more time that we have about 30 to 35 people signed in both in Las Vegas and here in Carson City to testify in opposition to this bill. In order to give everyone who would like to speak an opportunity to do so, I ask that you please keep your comments brief. Again, if someone has already said what you want to say, a "Me, too" works. I do want to give everyone the opportunity to speak, but our floor session starts in about an hour, and we also are scheduled to hear another bill today. I just want to let you know, if your comments are running a little long, I will cut you off.

Rita Hickey, Private Citizen, Las Vegas, Nevada:

I was not born in this country. I could have lived here with my green card for the rest of my life; however, I chose not to do so because I wanted to vote. So I studied for my citizenship test, renounced my German citizenship, and became a proud American who has voted in every election since.

I consider voting not only my right but also my responsibility and my privilege. I resent the fact that this bill would make it so easy for people to abuse this privilege. People who are serious about voting and what is happening in this country and in this state, will make the effort to register to vote at the appropriate time. I am always amazed at the apathy of the people who were born here who do not take these rights seriously. I do not think we should make it any easier for them to decide at the last minute who they want to vote for, not knowing what these candidates stand for nor what the issues are here in the state.

The only people who benefit from this bill are the ones the casinos are busing to the polls. These people are given a book with marked names indicating who to vote for, and those are the people who benefit. An earlier witness was speaking about the poor students who do not have time to register to vote. It is time for us to teach these young people responsibility. If you do not pay your

gas bill, your gas gets shut off. If you do not register to vote on time, you are out of luck, you cannot exercise your right.

Jim Wheeler, Private Citizen, Minden, Nevada:

I am here in opposition to A.B. 108, which some people have called the "vote first and vote often" bill. In my opinion, this bill offers a propensity for fraud that is unequalled. Something no one has mentioned is hacking. You cannot tell me something cannot be hacked. For instance, when Wikileaks was going through all their tribulations, Visa, Mastercard, and all sorts of banks got hacked. This can be hacked.

As Assemblyman Hardy said, there are responsibilities in a democracy. Freedom comes with, and depends on, those responsibilities, and voting may very well be the most important of those.

While it may be a citizen's right to vote, his responsibility is to study the issues and vote based on those studies. In closing, I would like to remind you that we used to have many instances in this country of voter fraud, politicians buying votes, double and triple registrations, voter intimidation, et cetera. We long ago passed laws to make the voting process fair and aboveboard. I see no reason to usurp those laws based on a frivolous new law. As my grandfather used to say, and yours probably did, too, "If it ain't broke, don't fix it."

Carol Howell, Private Citizen, Carson City, Nevada:

I am a field voter registrar. I came to this meeting completely opposed to A.B. 108 and have been all along. I looked at the bill with the automated voter registration in it, and literally hit the ceiling until I talked with Mr. Glover. We went over the process by which voters could register online. There is a lot about the mechanics of that process that is actually very, very good. It would keep our voter rolls updated, give us complete rolls, and is something I would be in favor of if there were some details that were clarified. For instance, who is going to change the registration if someone wants to change parties? Who is going to do the input? I have a list of people who registered at the DMV, but the registration forms never got to the county recorder. Those people had registered, but could not vote. Is the clerk behind the desk at the DMV or at some other government office the one doing the data entry? I would want to know the details before I could totally support that.

As it stands right now, *Nevada Administrative Code* (NAC) 293.395 states that "The Secretary of State interprets 'official identification' to mean a government-issued, or otherwise official, article or combination of articles, which establishes both the identity and residence of a person submitting an application to register to vote." In conjunction with that, as a field voter

registrar, that means I can take a driver's license from the State of California from someone who has moved to Nevada. It does not say "valid," it just says "issued." Someone comes from California with his driver's license, and according to NRS 483.245, to establish residency, all he has to have is a current utility bill. That utility bill automatically says someone has been in the state for more than 30 days, or he would not have it in hand. That means the driver's license he is using to establish identity under the DMV is no longer a valid driver's license.

I have distributed to you packages ([Exhibit E](#)) in each of your names to show you that a person or group of people could take fraudulent copies of utility bills, that out-of-state driver's license, and in one day hit six different counties in this state and register and vote in all six of them and still have 30 minutes for lunch.

I want to submit a petition that has 1,086 signatures ([Exhibit F](#)) asking you not to process this bill, but also to establish one for voter ID. If you check your website, under the "Share Your Opinion" poll, you will find 745 people have responded with only 7 in favor of this bill. I printed that and am submitting it ([Exhibit G](#)).

Vice Chair Flores:

Because we have another bill on our agenda, I am going to take testimony for ten more minutes on this bill. I urge you to be very, very brief so that we can allow as many people as possible to give testimony.

Jim DeGraffenreid, representing the Nevada Republican Party:

At our convention in July 2010, delegates from all over Nevada voted overwhelmingly to oppose same day voter registration. Despite that fact, I believe this is a nonpartisan issue. What I will be testifying to applies to any party and any political persuasion. The right of a citizen to vote is one of the cornerstones of our representative republic. This right comes with a great responsibility. Registering to vote in Nevada, under current law, does not present very much of a hurdle. You can register at any number of locations in person, including at community events. If that is inconvenient, you can register by mail, and now, in the amended version of this bill, you can register online. We have not had a chance to review that, so I do not have an opinion yet, but it has some possibilities.

Asking voters to register as little as three weeks prior to the election ensures that the registrars can do their work to produce an accurate eligible voter list without the issues they mentioned today in their testimony. The founders of this nation established the right of the people to have a vote in their government. Generations of our military men and women have fought and died

to protect those rights. In other nations, citizens lay down their lives for the right to vote. Those of us with the precious right to vote owe all those who have fought for that right the respect to exercise our right to vote responsibly. Existing Nevada law allows us to do that without inconvenience, and we respectfully urge this Committee not to pass this bill.

Russell Best, Private Citizen, Nevada:

I am in opposition. First, we do not need to spend the money. I also believe sections of the bill are a violation of privacy. If this bill is allowed to pass, people can vote one day and then leave. There is no verification of people or proof of where they live or how long they have lived there. Of course, this makes fraud easy.

Carole Long, Private Citizen, Las Vegas, Nevada:

I am Chairman of the Voters Rights Committee here in Las Vegas. Our group was started over our concerns about the voting rights of the citizens of Nevada. I would like to speak to the previous testifiers who wanted to ensure voter rights and allow everyone to vote: If you want to do that, please, teach them what voting is. Teach them what their responsibilities are. I ran for office last year and spent time on the telephone calling my constituents. You would be surprised to know there are people who do not care. They think it is not important to them. If you want to ensure their rights to register and to vote, then start teaching. We are bombarded with election news and election information regarding when Election Day is, who is running for which offices, and what they stand for. That information is on the TV, in the newspapers, and on the radio. If people cannot register to vote in a timely manner, then they are not concerned.

Vice Chair Flores:

We have already established that this bill is not about whether someone is competent to vote. Do you have anything else to add?

Carole Long:

We are all here and testifying because we are concerned. I have a right to say what I am going to say. We are concerned citizens, and we expect our representatives to do their jobs. I see several people are not sitting in their seats, so they are not listening or concerned, and we will take that into consideration.

Vice Chair Flores:

May we hear from the next person in Las Vegas, please?

George Ingram, Private Citizen, Las Vegas, Nevada:

I am a World War II and Korean Conflict veteran. I have watched this country deteriorate progressively as our rights have been removed. I am also an engineer and a computer scientist. As far as computer science is concerned, I will soon be joining the Internet Society and the Internet Engineering Task Force Working Group which will change the way you can log on to the Internet so that a person cannot claim to be anyone he wants to be. Right now, you can register and be anybody you want to be on the Internet. There is your fraud. I am working on a patent to stop fraud as well as asset and identity theft. As far as I am concerned, there has been no understanding about how bad this is. International fraud involving asset and identity theft costs us approximately \$1 trillion per year. If you proceed with this bill, you are going to find all the repercussions that will occur from it but it will be too late.

Tony Dane, Private Citizen, Las Vegas, Nevada:

Dane and Associates is my company. One of my clients was Congressman Tom McClintock of California. I worked on his fraud task force after the election. There were a number of ACORN ballots in his district and they had voted. We found thousands of them. We also found that the county registrars do not spend money looking for fraud. When the person testifying from the Brennan Center in support of this bill stated she could not find fraud, that is because there is no way to look for fraud. The county registrars do not have money in their budgets to look for fraud; however, Registrar Lomax found several voter registration forms in Clark County in the names of members of the Dallas Cowboys football team. Due to his diligence, those registrations were located and they did not vote, but do not tell me there is no fraud occurring, because I have actual proof of fraud that happened in McClintock's district. A lot of that occurred because people living on the Nevada side of Lake Tahoe voted illegally in California. I believe fraud is occurring, but the resources are not available to locate it.

Candidates have the burden of looking for fraud. The ones who win tend not to look, although McClintock was the exception to the rule. The candidates who lose do not have the money to do it, and the State of Nevada does nothing about it. What this bill is doing is making it a lot easier to commit fraud. We have a 30-day rule during which people are not allowed to vote. What resources are going to be put into place to make sure that person has lived here for 30 days? As far as providing a utility bill to prove residence, you can scan the bill, change the name, and reprint it. Those are very easy to forge. It does not take a rocket scientist to do it; it takes about three minutes.

With early voting, a person could go from location to location, registering under a different name, and vote several times in a day. People were being paid by ACORN to register voters, which was fraud. So people could have full-time jobs committing fraud on the voters of the State of Nevada, and this bill would assist that in happening. There is no provision in this bill to stop fraud; however, it does open the door to the creation of more fraud than what is already being committed.

Vice Chair Flores:

Sir, we need you to wrap up your testimony.

Tony Dane:

I am wrapping up, but I would appreciate having as much time as the people who supported the bill. You are showing bias by telling those in opposition to wrap our testimony up, as you did not to those in support of the bill.

This bill is in violation of our rights as voters, and any attempt to support this bill will be met with voter repercussions when you are up for reelection.

Vice Chair Flores:

To those who do not get the opportunity to testify, because you signed in, we have your names so you will be on the record as wanting to testify in opposition to A.B. 108. You will not be left out of the record. We are going to wrap up this testimony in just a few minutes, so I will ask the last two people in Las Vegas to give their testimony. Then we will move back up to Carson City and allow those people to testify in opposition. After that, we will close the hearing on A.B. 108.

Ellie Ahern, Private Citizen, Las Vegas, Nevada:

I wish to thank Assemblywoman Marilyn Kirkpatrick. She wrote this email to Mr. Robert Kessler, who gave me permission to read it: "Thank you for writing. I do not support being able to register the same day that you vote. I feel that Nevadans have plenty of time to get registered to vote."

I would also like to read a letter from Robert Kessler that he wrote to all of you. [Ms. Ahern read from the letter ([Exhibit H](#)).]

Betty Lemon Gilmour, Private Citizen, Henderson, Nevada:

I am vehemently opposed to A.B. 108. This is nothing but a thinly veiled attempt by certain interests to pack the polls with people who may or may not be eligible to cast votes in this state or country. We have ample time for interested citizens to register, as there are ongoing voter registration opportunities provided by numerous religious, civic, and government entities,

including colleges. Voting is a right and privilege of legal citizens. It should not be so lax and easy that just anyone, regardless of qualification, can register and vote with impunity or without providing proper identification.

What is being proposed would open the floodgates to voter fraud. Once the election is over, it is done, and even if it were proven that numerous voters were ineligible, the candidate is in office to stay. I personally do not want someone in office placed there by persons not qualified to do so. It appears to me that this is the exact intent of this very unwise bill. Any citizen who is interested in the election process has time to register within current guidelines. This is an extremely dangerous piece of legislation and should be killed immediately.

Elicia Huffaker, Private Citizen, Las Vegas, Nevada:

I am a voter in Las Vegas. One thing has not been discussed—the increase in politicking that will be occurring at the polls if this bill is passed and people can register right there at the polling site. Another issue concerns the bill's sponsor, Assemblyman Tick Segerblom. He has stated in a "Veterans in Politics" interview that illegals voted for his election. This bill is only going to make it easier for illegals to go to the polls in droves. The vans drive them from the casinos, and about 80 percent of casino workers are illegal, according to the Pew Research Center.

In addition, the question of registering at the polls should not even be addressed until voter intimidation at the polls is resolved. So you cannot really move forward with onsite voting until people's freedom to go to the polls to make an informed decision has been resolved.

Charlene Bybee, representing Nevada 9-12 Americans:

After hearing Ms. Rowland's testimony, I would support the fully automated and online proposal for voter registration. I think it is a great idea and could save the state money; however, I would not be in support of same day registration. I do not think anyone in this room or down in Las Vegas denies that all of us want accessibility and the ability for people to vote. The right to vote is critical in this country, and we all support that. There is accessibility now due to voter drives and registering at the DMV. Early voting gives people the access to vote that day. Both voter fraud and registration fraud could occur simultaneously if people were allowed to register to vote on the day of an election.

My biggest concern is how voter eligibility is ensured, and that has not really been addressed. Just because they go online, how do we know they have lived here long enough or whether they are legal, illegal, or just moved from

someplace else? With today's budget crisis, every dollar counts, and the initial cost for this is concerning to me. There would also be additional costs if voter fraud comes into play after an election.

In conclusion, I would support the automation of voter registration, but I ask that you retain the current registration time period, or at the very least allow online voter registration up until the end of the early voting period, as was proposed. I think this would expand accessibility to people, and the costs would be lower. I believe in our fellow American citizens. I think we should encourage self-reliance among our fellow citizens, and I believe Americans do not need their hands held by the government. I encourage you to support the automation but definitely not same day registration, and I appreciate the chance to talk today.

Kim Bacchus, Private Citizen, Washoe County, Nevada:

I am a former precinct chair for the Washoe County Republican Party. I would like to state my absolute delight to learn that there is no voter fraud happening in the United States of America. Having just gotten through the last election, I would have to say that is not my experience.

I would like to address the idea of UNR students not having the opportunity to vote: There were representatives from both parties on UNR's campus from August until October. They had plenty of opportunity to register to vote.

A litmus test for voting? Absolutely. I absolutely demand a litmus test that says you are a U.S. citizen, live in the State of Nevada, and reside in the county and precinct in which you are voting.

From my experience working with the Registrar in Washoe County, they have three to five employees to monitor the 200,000-plus voters and whether they live at the address they say or whether they even exist. No one canvasses neighborhoods. We have taken it upon ourselves to canvass those neighborhoods and have found that there is not a precinct free of mistakes in terms of addresses, et cetera.

Finally, I would like you to know that during a random phone calling effort for our election process, we made a phone call and asked for Dana Nelson. The woman who answered asked why we were calling. We replied that we were just taking a survey for the election. She said, "Are you aware that Dana is 11 years old?" Our caller replied, "Are you aware that Dana has voted in the last two presidential elections?" Further investigation unearthed the fact that there were 11 people registered at that address who had been voting but had never lived there, so, in fact, my experience shows that we do have a problem

with voter fraud. To open the opportunity for that to continue on Election Day, when there is no opportunity to check, would be irresponsible.

Hermann Glockler, Private Citizen, Nevada:

I am a not-recent transplant from California. I am an immigrant and a citizen by choice and not by fortuitous accident. I came to this state for the many recreational opportunities available near Reno and for the low taxes. I have invested my life savings in Nevada, and am therefore interested in keeping Nevada's business-friendly environment and keeping Nevada prospering.

Less than a year ago, ACORN organized an extensive effort to register as many new voters as possible for the upcoming 2010 midterm election using fraudulent methods, such as paying workers for each registration form that was completed. Some of the registration forms bore the names of Disney characters and famous sports personalities, as has already been mentioned. In 2008, ACORN also tried to register new voters in Nevada. An investigation found about 60,000 to 70,000 of those registration forms to be illegal. During the prosecution of this case in early January 2011, in Las Vegas, an ACORN executive was sentenced for her role in the notorious voter fraud and conspiracy. Investigating, tabulating, and processing the registration fraud cost the State of Nevada hundreds of thousands, if not millions, of dollars. Assembly Bill 108 makes it far easier to commit voter fraud in the future. Every fraudulent vote cancels out a vote by a registered, responsible citizen who took the time and effort to register on time and get informed. Assembly Bill 108 would make detection of such voter fraud much more difficult and make the ability to confirm voter identity ahead of voting more difficult. Any contested vote would then be litigated endlessly, as was demonstrated after the 2008 U.S. Senate race in Minnesota, where the total vote count for both candidates actually exceeded the number of registered voters in the district.

I am appalled that less than four months after this attempt at Nevada election fraud has been adjudicated, the Assembly is introducing new legislation that would make the detection and correction of any voter fraud more difficult.

Vice Chair Flores:

We are going to close the testimony on Assembly Bill 108. Now we are going to open the testimony on Assembly Bill 301.

Assembly Bill 301: Revises provisions governing the restoration of civil rights for ex-felons. (BDR 16-687)

Assemblyman Tick Segerblom, Clark County Assembly District No. 9:

We have identified 40,000 new voters in Nevada who we hope to register. Currently in Nevada, felons are not allowed to vote, but there is a process by which they can regain their voting rights. The problem with the process is that it is very convoluted, very complicated, and applied disparately around the state. Ms. Rowland from the Brennan Center for Justice is here to testify about the bill, and Ms. Gasca will report the results of a survey conducted in the counties asking how felons could be allowed to vote.

Lee Rowland, Counsel, Democracy Program, Brennan Center for Justice, New York University School of Law, New York, New York:

I am delighted to be here today testifying on another bill that is incredibly important. It will automatically restore voting and jury rights to anyone who completes a felony sentence of imprisonment, parole, or probation. Right now, Nevada has one of the most convoluted and complex felon-disenfranchisement laws in the country. It is also one of the most restrictive.

After several changes in 2003, Assembly Bill No. 55 of the 72nd Session automatically restored voting rights to everyone with a felony conviction, but then instituted a very complex system going forward that depended on a combination of certain crimes for restoration of rights. This system is not workable. When I was an attorney working here with the American Civil Liberties Union (ACLU) of Nevada, we frequently received documents from people inquiring about their voting rights. We were unable, based on the current convoluted law, to figure out whether or not they were eligible.

This is a real setup for people. If they are not eligible and they try to vote, that is a felony in and of itself. Simply because of the complexity of Nevada law, eligible voters are being turned away from the ballot box out of fear. This bill aims to fix that by streamlining the system and moving it closer to that of the majority of states. Since 1997, 19 states have changed their laws to restore voting rights and streamline the restoration process. We want to bring Nevada into that fold and simplify this law. It will benefit voters, and, more importantly, it will benefit election officials who are currently in the uncomfortable position of being criminal investigators under this complex set of laws.

In addition to the fact that this would automatically restore voting rights of ex-felons, the bill would also increase information sharing between the clerks, the Secretary of State, the Parole Commissioners, and the Department of Corrections. That would ensure that the clerks had better up-to-date

information about people's criminal records and eligibility to vote. As you heard Registrar Lomax say earlier, this is something they must check continually. They actually have no idea when someone shows up to vote whether he is eligible or not.

We want to remove the complicated process that surrounds the restoration of voting rights and treat ex-felons like everyone else. If they are eligible, once they have completed their sentence, the right to vote is restored. They, like anyone else, will have to affirm on a voter registration form under penalty of perjury that they are eligible, and it will remove the complicated paper process and check system currently being enforced through the clerks.

In your Nevada Electronic Legislative Information System (NELIS) file are letters in support of this bill from several law enforcement and criminal justice experts across the nation ([Exhibit I](#)), including the American Correctional Association, the American Probation and Parole Association, the Association of Paroling Authorities International, and the National Black Police Association. The reason groups like this have joined in support of a bill that restores the right to vote is because they, along with other social workers and criminal justice professionals, believe that restoring one's right to vote is a critical piece of successful reentry. Giving someone a stake in his community and a voice in his community helps that individual rehabilitate, become a productive member of society, and, most importantly, stay out of prison. It reduces recidivism and furthers the goals of public safety. Correctional experts agree that it is counterproductive to public safety and preventing recidivism to penalize someone with a life sentence regarding his fundamental rights. Assembly Bill 301 is an opportunity for you to show that you are serious about preventing recidivism by adopting the best practices endorsed by these corrections and parole experts.

There is a specific reason a bill like this is incredibly important to Nevada as a state. That reason is the fact that it is an issue of racial justice. Of the total disenfranchised population in Nevada, which as of 2004 was 43,594, 29 percent are African American, yet the state's African American disenfranchisement rate is 12.4 percent ([Exhibit J](#)). More than one in ten black Nevadans cannot vote because of a prior conviction. That is five times the statewide disenfranchisement rate. That is an unacceptable level of racial impact, and it is one that we can fix by helping to streamline these laws and making sure that we do not have a second-class community that, unfortunately, has overtones that are incredibly racial.

The final reason to vote for this bill is because the complexity of these laws leads to confusion for the county election officials. Rebecca Gasca is now going to testify on behalf of the ACLU about a recent study that really puts a

fine point on that. They surveyed the county clerks and received widely inconsistent responses. If nothing else, it shows the need to simplify this law so election administrators, as well as the people whose votes are restored, know whether or not they are eligible to vote. We can make certain that all eligible voters, and only eligible voters, are able to cast a vote and understand their rights at the polls.

Vice Chair Flores:

Are there any questions for Ms. Rowland? [There were none.]

Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada:

The ACLU of Nevada fights for fair, full, and equal access to the right to vote. In that vein, we decided to look a little deeper into the status of Nevada's disfranchisement policies. During 2010, a student researcher called all 17 county clerks to ask questions about their enforcement of Nevada's disfranchisement policies. The results of that survey are seen in our "Voting With A Criminal Conviction in Nevada: Administrative Problems and the Need for Reform" report and accompanying brochure ([Exhibit K](#)), which was delivered to your offices last Friday and is available on NELIS. All the questions we asked of the county clerks' offices are available as well as a summation of the answers that were given.

Suffice to say that not a single county clerk responded with a full, complete, and accurate answer that fully characterized the status of disfranchisement laws around the nation. As Ms. Rowland testified, the Nevada web of disfranchisement policies is incredibly complex. This does not mean that the clerks and Secretary of State are not doing their jobs. On the contrary, it is just to underscore the fact that those people who are employed specifically to carry out these laws do not understand them, and that is problematic.

We believe that streamlining the disfranchisement would ease a burden on the administrative officials who are charged with carrying out these laws, and allow individuals the opportunity to fully understand, in an accessible and understandable manner, when they are actually eligible to vote.

As was noted in testimony on the previous bill, the ACLU does a lot to engage voters to ensure that their right to vote is protected. This is one of the most complex areas of law we deal with. Just last week, I spoke with someone who had been given documentation from the Division of Parole and Probation that stated he was eligible to vote when, in fact, a cursory review of his record actually made it seem, per the laws, that he was not eligible to vote. He is one of the lucky ones, insofar as he actually got paperwork from the Division. Most

felons who have finished their sentences receive no notification whatsoever about whether or not their right to vote, or right to serve on a jury, have been restored. Couple that with the fact that there is a kind of unwritten policy, which is being enforced piecemeal throughout the state, that asks that they produce this documentation that they sometimes do not receive. That is problematic.

The NELIS system also has a copy of the brochure the ACLU produced in summary of what the current status of laws are ([Exhibit K](#)). If you will take the time, it is set in a fairly friendly question-and-answer layout, but despite that, there are still some major loopholes that need to be addressed.

I will not repeat the racial impacts this kind of status of the laws has on the Nevada population. I just want to iterate that this bill would simplify Nevada law. It would notify clerks about voter eligibility, which is currently not happening. It would notify affected individuals, and it would eliminate the paperwork requirements that create administrative burdens and prevent eligible voters from registering. This, over the long term, could certainly save the individual clerks time and money, as they would automatically receive this information.

We did follow up with all the clerks to whom we sent a copy of our report. The individual feedback from each office was quite interesting. One clerk actually got angry with our office and asked, "How am I supposed to know whether somebody was convicted of a crime? Nobody is telling me." Another clerk said, "That's wonderful. I am so glad you are working on this, because this is so difficult to understand, and it really needs to be resolved at the state level."

I would encourage you to talk with the clerks in your own counties, as I am sure you will hear various opinions regarding the status of these laws. Suffice to say, the ACLU values this right to vote. We believe that the correctional associations around the nation are right. Evidence has shown that those individuals who are invested in their communities, who have a say in what their community does and how they are affected by it, are those individuals who care most about their communities and who are less likely to make decisions in the future that would negatively impact their own communities.

We really encourage you to move forward with this so that the complex laws will be less complex, the individual voters will understand, and the election officials charged with carrying out these laws will understand what they are supposed to be doing as well.

Vice Chair Flores:

Are there any questions from the Committee? [There were none.] All right, we are going to move to those who are in support of A.B. 310. Please keep your comments brief. We have quite a few people signed in who are in opposition, and I want to give them every opportunity to testify, but we have to be out of here in 15 to 20 minutes.

John Cracchiolo, Executive Director, Nevada Catholic Conference:

The Catholic Conference is a member of the Religious Alliance in Nevada (RAIN), an interfaith group of mainline Christian denominations, and I am here on its behalf as well. I have written testimony by Larry Struve ([Exhibit L](#)). As a member of RAIN and the Catholic Conference, we support this bill. We believe if people have served their time, it is in their best interest, and that of society and public safety, to have individuals fully reenter our communities in an involved and productive manner, which would include the ability to vote along with other civil rights. The alternative is to be disenfranchised in a continuation of a punitive action for the wrongs of the past. We believe in redemption and in less punishment. This is something we are very strongly in support of, and we urge you to pass this bill.

Jan Gilbert, representing the Progressive Leadership Alliance of Nevada:

We also are in support of A.B. 301. Our group has been trying to fix this law. I have a whole file of documents from the Legislative Counsel Bureau trying to interpret the law. This is going to finally clean it up and get people the right to vote. It is about people who have paid their debt to society being allowed to vote.

My organization is going to be compiling a Nevada Racial Equity Report Card, and this bill will be one of the bills graded. We also spend a great deal of time trying to register ex-felons to vote and know firsthand how difficult it is for the county clerks to get the documents. We helped people walk through the process, and it is very, very convoluted. I really hope you will pass this bill, clean it up, and get people the right to vote.

Steve Burt, representing Ridge House and the Statewide Prisoner Reentry Coalition:

I wish I could present you with a specific statistic that would tell us restoring the right to vote would reduce recidivism by a certain amount. I cannot do that; however, I am one of those reentry professionals who can tell you that it absolutely will, much like allowing a former offender to go to school to get a job, to get a career, and to get a mortgage. We are working on all of those things in the reentry community.

Please see the exhibit in NELIS, which is a statement from Barbara Robinson ([Exhibit M](#)). It is testimony by a former offender. I hoped to fill this room with former offenders in support of this bill, but I think the lawbreakers are afraid of the lawmakers, so they did not want to come. Many offenders I spoke to were unwilling to come speak, but all indicated they would love the opportunity to vote if the process to restore their rights was simpler.

Vice Chair Flores:

Is there anyone else in support?

Richard Boulware, Vice President, National Association for the Advancement of Colored People, Las Vegas; President, Black Attorneys Association; Member, Nevada Attorneys for Criminal Justice; Assistant Federal Public Defender:

I am speaking on behalf of the National Association for the Advancement for Colored People (NAACP) and the other attorney groups. I will try to keep my comments brief. I do want to reiterate that I think this bill is a step in the right direction in terms of civil rights, but it also promotes public safety, as studies have demonstrated that there is a reduction in recidivism for individuals who have been fully reintegrated and whose rights have been restored.

It is important to recognize that there is also a financial impact associated with that reduction. As people on this Committee are probably well aware, it is quite expensive to house individuals. It costs approximately \$17,000 a year to house an inmate, so anything we can do to support the reduction of recidivism is important.

In my work as a public defender, I have encountered many offenders who have told me about the stigma associated with not being able to vote. Something the Committee should appreciate about this bill is the fact that when a person has served his time and is in the process of being reintegrated, this offers an incentive to exercise his rights responsibly. Obviously, if a person makes another mistake, the bill again takes away that right to vote, so it is not as if a person who then goes on to make mistakes or recidivates is permitted to vote again. The important part of this bill is recognizing that one of our goals is, and should continue to be, rehabilitation.

Vice Chair Flores:

Sir, I am going to have to ask you to wrap up.

Richard Boulware:

As I said, there has been sufficient testimony, so I ask the Committee's support of A.B. 301.

Yvanna Cancela, Political Director, Culinary Workers Union Local 226:

Being in an organization that has helped facilitate voting in the City of Las Vegas and in the State of Nevada, we have encountered numerous hurdles when folks just want to get the right information to ensure that they have the ability to exercise their right to vote. We are in support of this bill, because we believe it streamlines the process of getting information as to how to exercise your right to vote.

Vice Chair Flores:

If we do not have anyone else in support, we will move on to those who are neutral. Please be brief.

Alan Glover, Clerk/Recorder, Carson City:

We would like to propose some amendments that I can get to the Chairman and Patrick Guinan. These would be technical corrections. Several sections in the bill require different prisons to send us names and addresses of people who have been released. That is absolutely useless to us. It does not mean anything, and the next paragraph in the bill says we cannot use the information anyway. They are right. We cannot figure out what the current law is.

Vice Chair Flores:

Thank you. We will have you work with the sponsor of the bill.

Brian M. Campolieti, Executive Secretary, State Board of Pardons Commissioners; Program Officer, State Board of Parole Commissioners:

The Pardons Board has no opposition to this bill, as it will not change our operations. The Parole Board also has no opposition; however, we are requesting a correction. On page 4 of the bill, at lines 7 and 19, references are made to the "State Board Parole of Commissioners." That needs to be corrected to the "State Board of Pardons Commissioners."

Vice Chair Flores:

Could you work with the sponsor of the bill to get that changed? We are going to move to those who are in opposition to A.B. 301.

Mark Woods, Deputy Chief, Division of Parole and Probation, Department of Public Safety:

We stand in opposition to the bill as it is written for two reasons, although one problem, giving information to the county clerks, has just been cleared up with the proposed amendment. You just heard that part, so I will not talk any more about it.

The other part of the bill we are concerned about concerns honorable versus dishonorable discharge. This state is one of the few states that distinguishes between honorable and dishonorable discharges. If our offenders have an honorable discharge, we give them a piece of paper either by mail or by hand. It goes to 100 percent of the offenders who are discharged and is a court or parole document that states what rights they have. If they lose that piece of paper and call us, we give them another one. So I am not really sure where the information that we are not giving them the proper paperwork is coming from. We do provide it to all of them.

Our biggest concern relates to dishonorable discharge. We give dishonorable discharges to people who basically have not complied. A dishonorable discharge will be given to someone who is an absconder, one who has not done everything that was required of him. If he was under supervision, he has not gone to his counseling or he tested dirty for drugs. He has done about everything he can, but had not been bad enough to have his parole revoked. He also has not made full restitution to his victim when he had the capability to do so. If he does not have the capability to make full restitution, we still give him an honorable discharge. These are people who had the opportunity of supervision, but did not do what they were supposed to. If they get all their rights back when they get discharged, what incentive is there for someone to be honorably discharged? We have no problem with people who have been honorably discharged getting their rights back, and we do everything we can to make sure that happens, but those who get a dishonorable discharge have not fulfilled their obligation to the state.

Sam Bateman, representing the Nevada District Attorneys Association:

Our objections are related to sections 4, 5, 7, and 8 of the bill. This bill does not just address voting. It addresses jury service. Currently under the statutory scheme, there are certain circumstances in which felons can sit on juries. I am really concerned only about criminal juries, because this bill opens up the right of all felons to sit on criminal juries. That would include category A felons, such as people who have been convicted of murder, sexual assault, molestation of children, and things like that. So those are our concerns with the bill. The balance of the issues addressed in the bill is outside our purview.

Rita Hickey, Private Citizen, Las Vegas, Nevada:

As far as I am concerned, people who commit crimes serious enough to be classified as felons should think about the fact that they might lose their rights as citizens before they commit those crimes. Obviously, they did not care about their rights or their victim's rights when committing the felony. They should not be rewarded by having those rights restored. I also agree that they should not be able to serve on juries.

Elicia Huffaker, Private Citizen, Las Vegas, Nevada:

I second the notion about dishonorably discharged felons not being able to vote. I think that is wrong. I also think they should not be able to serve on juries. In addition, I question the integrity of this bill. I believe it is just a way of accomplishing the initial bill's goal of allowing onsite voter registration. There would be no other way to have purview over the felons who would be registering on voting day. I question the integrity and oppose this bill.

Ellie Ahern, Private Citizen, Las Vegas, Nevada:

I am speaking again for Robert Kessler.

Statement opposing [Assembly Bill 301](#): I strongly oppose [A.B. 301](#). The rights and responsibilities of citizenship are precious and must be protected. None of these rights and responsibilities is more important than voting, where we choose those who will lead us, and jury duty, where we pass binding judgments on fellow citizens. Legislation already exists which restores civil rights to ex-felons after certain conditions have been met. Those conditions include honorably discharging all terms of their sentences, in effect, paying in full their debts to society and to their victims. [Assembly Bill 301](#) would relax these conditions to allow restoring civil rights to ex-felons who have not honorably discharged their terms. Without that honorable discharge, their debt to society cannot be considered paid. Society should not trust them with a voice in judging others until they have earned back that trust. I strongly urge this Committee to vote against [A.B. 301](#).

Vice Chair Flores:

I am going to close the testimony on A.B. 301. For the record, I do want to note to those in attendance who did not have the opportunity to testify that if you signed in, your name is on record as opposing this bill. Do not be concerned that your opinions are not recorded. We have run out of time, and if you signed in, your name is recorded as opposing A.B. 301. The hearing is closed, and I am turning this meeting back over to the Chair.

Chair Segerblom:

The meeting is adjourned [at 4:18 p.m.].

RESPECTFULLY SUBMITTED:

Terry Horgan
Committee Secretary

APPROVED BY:

Assemblyman Tick Segerblom, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: March 22, 2011

Time of Meeting: 1:38 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|-------------|----------------|-------------------------|---|
| | A | | Agenda |
| | B | | Attendance roster |
| A.B. 108 | C | Lee Rowland | Proposed amendment |
| A.B. 108 | D | Darwin Rockantansky | Prepared testimony |
| A.B. 108 | E | Carol Howell | Letter, map, and fraudulent utility bills |
| A.B. 108 | F | Carol Howell | Petition in opposition |
| A.B. 108 | G | Carol Howell | Poll results |
| A.B. 108 | H | Ellie Ahern | Letter in opposition from Robert Kessler |
| A.B. 301 | I | Lee Rowland | Letters in support |
| A.B. 301 | J | Lee Rowland | Statistics concerning Nevada's sentencing |
| A.B. 301 | K | Rebecca Gasca | ACLU report and brochure |
| A.B. 301 | L | John Cracchiolo | Letter in support from Larry Struve |
| A.B. 301 | M | Steve Burt | Letter in support from Barbara Robinson |