

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eightieth Session
March 6, 2019**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:15 p.m. on Wednesday, March 6, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator Yvanna D. Cancela
Senator Heidi Seevers Gansert
Senator Keith F. Pickard

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin Powers, Committee Counsel
Diane Rea, Committee Secretary

OTHERS PRESENT:

Joe Gloria, Registrar of Voters, Clark County
Wayne Thorley, Deputy of Elections, Office of the Secretary of State
Deanna Spikula, Registrar of Voters, Washoe County
Aubrey Rowlatt, Clerk-Recorder, Carson City
Kathy Lewis, Clerk/Treasurer, Douglas County
Emily Persaud-Zamoro, Executive Director, Silver State Voices
Annette Magnus, Battle Born Progress; Institute for Progressive Nevada
Duy Nguyen, Asian Community Development Council
Holly Welborn, Policy Director, American Civil Liberties Union (ACLU) of Nevada
Gariety Pruitt, Nevada Conservation League and Education Fund
Briana Escamilla, State Director, Human Rights Campaign
Sophia Schersei, Make the Road Nevada

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Victor Rivera, Community Organizer, Chispa NV
Quentin Savwair, Make it Work Nevada
Cecia Alvarado, Nevada State Director, MiFamilia Vota
Mark Brandano
Aaron Ibarra
Chris Daly, Nevada State Education Association
Jean Laird, League of Women Voters of Northern Nevada
Kathy Williams, Indivisible Northern Nevada
Marlene Lockard, Nevada Women's Lobby
Gwen Hunter
Patti Jesinoski
Patricia Messinger, Active Republican Women
Paul Strasser, Chairman, Carson City Republican Party
Andrew Quinn
Mary Rooney, Nevadans CAN
Anthony Palmer
John Colaw
Janine Hansen, State President, Nevada Families for Freedom
Lynn Chapman, State Treasurer, Independent American Party
Bob Russo
Daphne Lee
Linda Buckardt, Nevadans CAN
Cher Daniels, Northern Director, Nevada Federation of Republican Women
Diane Baranowski, President, Nevada Federation of Republican Women
Mary Porter
Gertrude Abbott-Dailey, Southern Hills Republican Women's Club
Cyrus Hojjaty
Vicki Dooling
Maurice White
Julie Moore
Harry Greene
Deborah Dwelle
Janet Freixas
Shawn Meehan

Chair Ohrenschall stated today's bill, as requested by the Senate Legislative Operations and Elections Committee, related to elections.

Vice Chair Cannizzaro opened the hearing on Senate Bill (S. B.) 123.

SENATE BILL 123: Revises provisions relating to elections. (BDR 24-726)

Senator James Ohrenschall, Senatorial District No. 21, presented his statement ([Exhibit C](#)) and added the data provided by the various county clerks and registrars of voters for 15 out of 17 counties on page 4 of his presentation ([Exhibit D](#)). The Committee was not able to get data from Esmeralda and White Pine Counties.

Joe Gloria, Registrar of Voters, Clark County, presented a statement identifying the issues of the registrars ([Exhibit E](#)) and Clark County's proposals for amendments ([Exhibit F](#)).

Senator Cancela asked about the difference in a provisional ballot and a regular ballot.

Mr. Gloria explained the difference in the provisional ballot in Clark County is it can be put aside and not counted until the information is verified, showing that it should be counted after the election. As part of Clark County's suggestion, all voters are able to vote on a full provisional ballot if registered to vote the same day. Voters would have access to the same ballot if they would have been active in the system when the vote was processed. Clerks and registrars have the opportunity after the election to review the records and send all of the provisional ballots to the Secretary of State (SOS) to be sure the voter had not voted in another county or location within the current county.

Senator Cancela asked if a vote on a provisional ballot is only voting in federal races.

Mr. Gloria stated that is correct.

Senator Cancela asked if being able to vote a full provisional ballot increases the ability to vote in races that have tighter margins, and does this ensure voters get to vote their full representative slate.

Mr. Gloria stated that is correct.

Senator Pickard asked how the county would verify residence with Mr. Gloria's proposed electronic same-day voting, and Mr. Gloria mentioned extending the canvass period. What would that take?

Mr. Gloria stated with the extension of the canvass period, the amendment suggests an increase from 7 to 14 days. The electronic same-day voting residence verification would not be much different than what is required for regular registration. Voters would need to provide some form of ID. A State driver's license has the picture, name and residence. Military ID or government ID with a picture and name could be used. Voters would also be required to provide documents to prove their residences.

Senator Pickard stated Nevada allows six or eight years on driver's licenses or ID cards. Often, people will move, so does that make the registration fail?

Mr. Gloria replied the registrar would rely on the information provided by the voter. The voter's information should be current. If not, the voter would need to provide one of the forms showing residency. The registrars rely on the voters to provide current information on physical addresses.

Senator Pickard asked if there was anything else done by the registrar's office to verify the information is accurate.

Mr. Gloria said other than having the voter sign an affidavit stating the information is true and correct, no.

Vice Chair Cannizzaro asked when Mr. Gloria says other than the voter providing documentation at the point he or she is registering, would the registrars check the registration for validity.

Mr. Gloria stated if the voter is registering and voting on the same day, Clark County does not have a top-down registration system yet, which is where a person could be sent through the system. This is done with all registrations that go to the SOS Office and are verified against the Department of Motor Vehicles (DMV) and social security records to match the information. By voting a provisional ballot, something would be in place after the election to run those records through and verify the information. There is nothing noted in the bill, and Mr. Gloria has not suggested any amendments to address this issue.

Vice Chair Cannizzaro clarified, with respect to allowing for provisional ballots for all offices and ballot questions, those would be checked. It is not that a voter would fill out a provisional ballot and never be verified or counted. She said the current system would not allow that to happen.

Mr. Gloria said he agreed with Vice Chair Cannizzaro's statement.

Senator Gansert stated a voter is required to live in an area for 30 days before registering to vote. She asked if there is anything that precludes someone from moving within that 30-day period to another district and doing same-day registration, allowing him or her to vote in a district other than where the voter had been living for a long time. Could they reregister or register for the first time to vote?

Mr. Gloria replied the statute Senator Gansert is referring to is 30 days in Nevada and 10 days in a precinct, but there would be no way for the registrar to know that the voter had been in the precinct for the 10 days required by statute.

Senator Gansert asked if a voter is using a utility bill and has not changed their driver's license, is there a way to confirm the voter resides at the address on the bill? Is there any type of official document used to confirm this?

Mr. Gloria said in any registration process, it is an affidavit that claims the information the voter is providing is correct. If it was an automated system, there would be a way for the registrars, after the election, to get those voters into the system and verify their information.

Senator Gansert stated the e-poll books-electronic polling books-are county by county and the information is not shared. To make sure someone is not registered in a couple of counties, the information has to go to the SOS Office.

Mr. Gloria replied the data received on Election Day by registration forms is entered into the system on a daily basis and sent to the SOS Office to compile a Statewide listing. A comparison could be made of voters from same-day registration. Since there is no top-down system in Nevada, the State does not have the ability to check voters. The SOS could set up a required format that would be consistent across all 17 counties.

Senator Gansert asked how much time that usually takes. Is it overnight?

Mr. Gloria stated depending on the format the SOS sets up, it should be a relatively quick process. But all of the poll books need to be at the election site before the registrars could verify the records had been downloaded. It would

take a minimum of two to three days to get the records to the SOS Office in the format SOS prescribes so any type of verification could be done.

Senator Pickard asked how many employees Clark County would need to hire. Would it be possible to hire enough qualified people?

Mr. Gloria stated he estimates an additional 516 workers would be needed at the polls and additional information technology (IT) support staff to prepare the poll books for the polling places. Beginning this July, the registrars will be going out into the community. There are over 1.1 million registered active voters in Clark County. The registrar should be able to find a sufficient number of voters to support the polls if the legislation passes.

Senator Pickard said there is a need for 516 poll workers, IT and translators. He asked if Mr. Gloria had an idea how many total employees will be needed.

Mr. Gloria said in the polls, on Election Day, there is a need for 516 additional workers. The reports will need to be run to determine how many Spanish or Philippine speakers to address the needs of the community. Internally, to support the work and the preparation of the poll books, Clark County is looking at hiring 15 staff for an additional 240 hours of work to begin the preparation leading into the election.

Vice Chair Cannizzaro stated when Mr. Gloria says poll workers, he is referring to individuals who would be regularly called volunteers on Election Day or during a voting day.

Mr. Gloria said that is correct. They are called volunteers, but they are being compensated for being there.

Vice Chair Cannizzaro clarified that would not be 516 additional employees to the Clark County Registrar's Office.

Mr. Gloria said that is correct. Those are poll workers who are trained to work Election Day to support the same-day registration requirement.

Wayne Thorley, Deputy of Elections, Office of the Secretary of State, stated the SOS Office is neutral regarding the policy proposals, but he would like to echo comments made by Mr. Gloria regarding some of the provisions in the bill.

Mr. Thorley added the bottom-up voter registration structure would not allow SOS to perform same-day or Election Day registration in a manner that upheld the integrity of the process. The bottom-up process requires each county to be responsible for maintaining its voter registration database on a nightly basis. All 17 counties send SOS a copy of their voter registration databases. The SOS combines those 17 files into one Statewide list. During this process, a number of checks are run to look for duplicate registrations for more than one county and deceased individuals against the DMV and Social Security Administration records to do the Help America Vote Act (HAVA) evaluations. The county systems do not communicate with each other. Clark County would not know anything about a registered voter in Washoe County.

Mr. Thorley continued saying section 8, subsection 3 says "The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election." It would be difficult to comply with the current process because Clark County has no way of knowing what happened in any of the other counties. A solution to that, as Mr. Gloria mentioned, would be switching to a top-down voter registration system maintained by the SOS to which all counties would have access. That would be extremely costly, and the time associated with transitioning to the top-down system would be difficult, if not impossible, by the 2020 presidential election. Right now, SOS is focused on automatic voter registration implementation. The time to do the top-down system would be a minimum of two years from now and a multimillion dollar project.

Mr. Thorley added Mr. Gloria mentioned another option would be the provisional ballot. Same-day registrants cast a full provisional ballot, which would require our law to be amended to include the full provisional ballot. Then those ballot registrations are verified after the election. If verified, those ballots are counted. It would take a fair amount of time for the counties to verify the voter and work with the SOS to make sure he or she did not vote in another county. The current canvass must take place within six working days after the election and be transmitted to the SOS office on the seventh day. Mr. Gloria mentioned a 14-day period, and the counties are in a better place to recommend what that time frame should be. It will require more time. During this time, close races would remain undecided. All results on election night are unofficial. Under the current process, results do not change much from the unofficial to the official status. With this provisional ballot process for same-day registrants, there is a possibility results would change significantly between the initial count on

election night and the actual canvassed count once all the ballots are counted. Tight races would not be decided until after all the provisional ballots from the same-day registrants are counted.

Mr. Thorley added Mr. Gloria mentioned the need for more poll workers. Without adequate staffing on Election Day, registration could lead to long lines and wait times.

Mr. Thorley stated section 11 of the bill, which is optional, extends the period for early voting for the clerks. Under law, the early voting period ends on the Friday before Election Day, and this provision allows the counties to add two additional days to early voting and would go through the Sunday before Election Day. Not all counties are the same, so the permissive language in this section is appreciated. Because of administrative processes, it is extremely unlikely that any of the counties would take advantage of this permissive language because of the processes that go into changing from early voting to Election Day. Two days are allowed for equipment to be shipped to polling locations, so the county only has Saturday and Sunday to bring the equipment back, load the Election Day databases into all the poll books, prepare the equipment and get it out to the polls.

Senator Pickard asked how Nevada verifies voter eligibility and how would that need to change for people who are eligible to vote.

Mr. Thorley answered that under the current process the counties receive a voter registration application either through the mail or online. They have a number of processes they go through. If the counties see a business address, they will verify that it is not also being used as a residence. On a State level, counties send the data to SOS, and it is compared on a nightly basis to the database at DMV for those with a driver's license number. For those who do not have a valid Nevada driver's license number, the Social Security Administration database is checked. The SOS Office looks for a match from either of those locations. This is where the HAVA validation is done. If there is a nonmatch, the voter becomes what is known as an ID-required voter. The voter is still registered to vote but must provide identification prior to casting his or her vote.

Mr. Thorley stated there are a limited number of incidences where a person will not have a valid Nevada driver's license or a social security number. In those

incidences, he or she will be required to provide documentary proof of residency and identification.

Senator Pickard asked how that process would have to change if Nevada moved to a same-day voter registration, and is that even possible?

Mr. Thorley responded there are two ways to accomplish that. One would be to have a voter registration system that has a live communication or link with the Social Security Administration and DMV databases so at the polling place the validation could be done in real time. Right now, validation is done at night, so SOS is not in DMV or Social Security's systems during working hours to avoid any impact on them conducting business at their offices. The second way would be the provisional ballot where the validations are done after the voting is completed, and those ballots would not be counted until then.

Senator Pickard asked if on the first scenario Mr. Thorley knows if the DMV and Social Security systems are available and accessible. Will DMV and Social Security handle it, or are we going to require them to change their systems? With respect to the provisional ballots, is that why the additional time of 14 or 30 days?

Mr. Thorley stated Mr. Gloria recommended a 14-day period. Fourteen days would be tight but the counties need enough time to do the validations versus having undecided races for a long period of time. We do not use DMV and Social Security systems for validations during business hours. The SOS does it at night and is unaware of what would be required to change the systems and to ensure those agencies could handle the increase during business hours.

Senator Gansert asked with the Statewide database and the systems having to be checked at night, would someone registering in another state and registering the same day in Nevada be verified for having only voted in one state.

Mr. Thorley responded that is not something SOS has the capability to do at this time. The SOS can check after the fact through interstate data sharing, but if a person is registered to vote in another state and then does same-day registration and votes in Nevada with the proper documentation, SOS would not catch that until afterwards.

Mr. Thorley said SOS is part of a group known as Electronic Registration Information Center (ERIC), where states upload voter files and DMV records. There are 25 states and the District of Columbia (DC) that are members. If somebody moves close to election time, it might not be caught.

Senator Gansert asked what the frequency of verification is state to state. How often does SOS update its information, and is there a standard for those states that are members of ERIC?

Mr. Thorley replied there is a standard. All members of ERIC sign a membership agreement and agree to act on the data received from ERIC at least annually. Many states do it more frequently. Nevada is in the process of being able to do a more frequent check. It varies from county to county.

Senator Gansert asked if once a year Nevada is checking the state-to-state database.

Mr. Thorley said the counties have other sources of information available to them. The National Change of Address Database (NCOA) is a national database of movers available through the U.S. Postal Service. Some counties are checking this more frequently than annually.

Senator Cancela asked if there has ever been an instance where someone has voted out of state and in Nevada and if so, how frequent are those.

Mr. Thorley replied that regularly after every election cycle, SOS does a check against information from other states to identify improper voters. The Electronic Registration Information Center did a pilot program for the 2016 election checking five states and out of tens of millions of votes that were cast, the count of improper votes was in the hundreds, less than 1 percent.

Senator Cancela stated improper voting is not a broad category that encompasses different kinds of votes, it only encompasses times where a person votes in another state. Is that correct?

Mr. Thorley stated that is correct. Improper votes refer to individuals who voted in another state and in Nevada.

Senator Cancela asked for specific data and asked Mr. Thorley to get that.

Mr. Thorley said he would provide that.

Senator Ohrenschall asked if a full provisional ballot were implemented and same-day registrars were able to vote full provisional ballot, would that be something the Secretary in the SOS Office could assist the county clerks and registrars in checking to make sure the person had not voted in another county or state?

Mr. Thorley stated the SOS could assist the counties with ensuring a voter did not vote in two different counties in Nevada. The SOS could not check against other states.

Senator Ohrenschall asked if current voters vote in the limited federal provisional ballot, does the SOS help the county clerks check those ballots.

Mr. Thorley stated the SOS's only process in the provisional ballot is to aggregate the results for reporting purposes to the federal government. The SOS does not assist in validation.

Senator Pickard asked which surrounding states to Nevada are members of ERIC.

Mr. Thorley replied Utah, Colorado, Arizona, Oregon, Washington and New Mexico. California and Idaho are not. The full list of states is available at <<https://ericstates.org>>.

Deanna Spikula, Registrar of Voters, Washoe County, stated she would copy what Mr. Gloria and Mr. Thorley have said about their issues and concerns with implementation of S.B. 123. She submitted proposed changes for the bill Washoe County feels would be necessary to facilitate elections and same-day registration, and maintain the security and integrity in the State ([Exhibit G](#)).

Ms. Spikula stated publications need to be required in conjunction with those already done for the elections regarding same-day polling locations. She agreed with Mr. Gloria regarding same-day registration being at all polling locations. Washoe County has 82 locations. To provide same-day voter registration, Washoe County has a fiscal note for an additional two poll workers at each location as well as the necessary equipment to facilitate the registration at those locations.

Senator Ohrenschall asked if Washoe County's Registrar's Office would be able to implement the same-day voters if that was part of the statute.

Ms. Spikula replied yes, Washoe County would be able to implement a full provisional ballot as is outlined in its proposal.

Senator Ohrenschall asked if Ms. Rowlett thought expanding the time recommendation from 7 days to 14 days would be enough to allow for verification of the provisional ballot by a voter who did not vote in another precinct or county.

Ms. Spikula answered yes. Washoe County believes this would give them enough time to process the verifications. It is hard to meet the six-day deadline. Adding the process would depend on how many same-day registrants Washoe processes and how many provisional ballots would need to be validated through the SOS Office. She said to accept and count the ballots, estimating between 5,000 and 10,000, would be cumbersome and a time-consuming process. Fourteen days is what is requested, but it would be tight.

Senator Ohrenschall stated the date given by the clerks shows that in Washoe County, almost 2,300 qualified electors registered between the cutoff and Election Day. He asked if those late registrants did not realize they missed the cutoff and showed up hoping they can vote.

Ms. Spikula replied the figures provided do not include the DMV transmittals received, so anyone who registered after the cutoff, at 28 days before the election, were not included. At the time voters register at the DMV, they should be told they are not eligible for that election. She said she felt a lot of people are aware that they would not be eligible to vote in the election but would be registered for the next one. There are also the voter registration drives. Once the voter registration drives leave the community, the activity is stopped in Washoe County.

Senator Gansert said the data on the screen looks to be applications that were later confirmed, or did they turn in their information late, and were they ever verified?

Ms. Spikula replied the figures are for everybody who submitted an application. Unless there was a reason to reach out to them for information, those would be active registered voters.

Senator Gansert asked if that was a verified count.

Ms. Spikula said she would have to check on that to make sure.

Aubrey Rowlett, Clerk-Recorder, Carson City, stated Carson City and Douglas County agreed with the testimony provided by the county clerks. Carson City's concern is with regard to how the counties and State will verify that a voter has not voted in another jurisdiction. The restraints of the current voter registration system will not make this an easy process to implement in addition to administering the presidential election.

Ms. Rowlett continued, saying Carson City requests that the bill and proposed amendments be thorough and mindful of the task being placed on the county clerks and registrars throughout the State, many of whose offices are short-staffed and under-resourced. She stated it will be a challenge; however, if implemented correctly, the challenge can be met. If rushed or implemented without the proper safeguards in place, this challenge could put the county clerks and registrars in a tight place. Their offices are the forefront to the elections. The forefront administration of the elections falls on the clerks and registrars directly. The clerks are either elected or appointed positions, but the needs of constituents are met in accordance with the law.

Kathy Lewis, Clerk/Treasurer, Douglas County, spoke in support and concurs with what her fellow registrars, clerks and the SOS Office have testified to.

Emily Persaud-Zamoro, Executive Director, Silver State Voices, stated the coalition of organizations called Latin Nevadans Vote (LNV) registered over 127,000 Nevadans in 2018 to participate in the 2018 election. The point she wanted to make over same-day registration is over 10,000 individuals did register after the deadline as shown on one of the charts in [Exhibit C](#). She stated the average individual is not aware of the deadline to register and vote. Being able to do the same-day registration would be granting the ability to cast the ballot on Election Day.

Ms. Zamoro said the other point she wanted to bring to the Committee is the extension of early voting. The LNV received multiple calls the Saturday and Sunday after the close of early voting. They were unaware of the weekend closure.

Annette Magnus, Battle Born Progress; Institute for Progressive Nevada, stated she is representing more than 20,000-plus Statewide supporters of S.B. 123. She stated same-day voter registration is not a radical or controversial idea. It is the law in 17 other states. It is well-documented and studied. It is an important policy and the next step for the State to modernize our electoral system.

Ms. Magnus said the National Conference of State Legislatures (NCSL) has compiled a detailed report of how these laws have been implemented in other states. According to the Pew Research Center, the increase in voter turnout is between 3 and 7 percent, with an average of 5 percent, for states that have implemented same-day voter registration. States with same-day voter registration tend to have higher voter turnout regardless of party.

Ms. Magnus stated her organizations believe this investment in the electoral system is needed and wanted by Nevada voters. Any additional funds used to modernize Nevada's system and implement same-day voter registration is supported by LNV.

Senator Pickard said of the 17 states that allow same-day registration, he believes all of them create provisional ballots with no votes counted immediately.

Senator Ohrenschall said he has the data. The research he has come up with shows that eight of those jurisdictions have some form of either provisional or conditional ballots. Those eight jurisdictions are Wyoming, Utah, North Carolina, Montana, Michigan, Maine, Illinois, District of Columbia (DC) and California.

Senator Pickard asked if the states that allow for same-day registration do not create a provisional ballot, do those numbers go straight to count or are they verified.

Senator Ohrenschall replied he has a table from the NCSL which goes over all 17 jurisdictions.

Ms. Magnus stated it is also in the NCSL document she referred to in her testimony.

Duy Nguyen, Asian Community Development Council, spoke in support of the bill, saying same-day registration will improve voter turnout because it protects voters whose applications were misentered through data entry due to human error or whose applications were incomplete due to the registrants not filling out all the sections. As a community organization that has run a voter registration program and registered over 14,000 individuals in 2018, he has seen countless Nevadans without a voice at election season. The Council has 40 different languages and cultures.

Holly Welborn, American Civil Liberties Union (ACLU) of Nevada, spoke in support of measures that will expand voting rights for Nevadans. Each voting season, ACLU operates a comprehensive voter protection program in Clark and Washoe Counties in partnership with the Lawyers' Committee for Civil Rights and Silver State Voices. She said by expanding same-day voter registration, Nevada will help rural voters, people who move frequently and other Americans who face challenges getting to the polls.

Gariety Pruitt, Nevada Conservation League and Education Fund, spoke in support of S.B. 123 and provided a statement ([Exhibit H](#)).

Briana Escamilla, State Director, Human Rights Campaign, spoke in support of S.B. 123, stating all Nevadans should have a chance to participate in their democracy. One of the arguments against same-day registration is that it will lead to voter fraud. With the systems in place, same-day voter registration will lead to increased voter turnout.

Sophia Schersej, Make the Road Nevada, spoke in support of S.B. 123 and provided written testimony ([Exhibit I](#)).

Victor Rivera, Community Organizer, Chispa NV, spoke in support and provided written testimony ([Exhibit J](#)).

Quentin Savwair, Make it Work Nevada, spoke in support and provided written testimony ([Exhibit K](#)).

Cecia Alvarado, Nevada State Director, MiFamilia Vota, stated same-day voter registration will improve voter turnout and give naturalized citizens a chance to register to vote. She stated same-day registration would simplify the process for the community members.

Mark Brandano spoke on three points in support of S.B. 123, requested an amendment allowing any voter to permanently vote by absentee mail ballot without an annual request and provided written testimony ([Exhibit L](#)).

Aaron Ibarra said with a student's prospective, voting may not be the biggest priority for students because of dealing with the stress of midterms. It is important to expand the time so students are able to register to vote and implement early voting to make sure they have more of an opportunity to get to cast ballots.

Chris Daly, Nevada State Education Association, spoke in support of the bill, saying same-day voter registration provides another obstacle overcome to increase participation.

Jean Laird, League of Women Voters of Northern Nevada, spoke in support of increasing voter access and the bill with the registrars receiving the resources they need to implement and maintain the efficiency and security of the votes.

Kathy Williams, Indivisible Northern Nevada, spoke in support of S.B. 123 and provided testimony ([Exhibit M](#)).

Marlene Lockard, Nevada Women's Lobby, spoke in support of S.B. 123, stating the Lobby feels strongly that access to voting is a fundamental right.

Gwen Hunter stated she is a member of Indivisible Northern Nevada, has worked elections since she was 19 and has seen the people who do not realize when moving they need to reregister to be able to vote. She has worked with students at University of Nevada, Reno, who did not realize when they moved they had to register in Washoe County. Had they been able to register and vote a provisional ballot that day, it would have given them an opportunity to participate. They were unable to vote because of how things are now.

Senator Pickard said his understanding is that either a provisional ballot is required or a voter has a top-down verification process. He asked Mr. Thorley if

any of the states that allow same-day registration and go to a vote without a verification process are moving to the provisional ballot.

Mr. Thorley stated he does not know but will get the answer.

Senator Ohrenschall referenced questions about the data sharing between the states and said Mr. Thorley mentioned a five-state comparison looking at tens of millions of votes case and that there was a number in the hundreds that may have voted in two states. He asked if SOS finds any information, is there anything that prevents the Secretary from recommending that person be investigated or prosecuted.

Mr. Thorley responded SOS does investigate those when they are made aware. There are instances of administrative errors in which people are credited with vote history when they did not vote. Sometimes, people will sign the poll book on the wrong line or the election worker will give the vote history to the wrong person. There are instances of administrative errors caught during the investigation. Once the investigation is completed and SOS finds someone who did vote twice in different states, he or she is referred to prosecution. They are difficult cases to prosecute. Most states have prohibitions on voting, and the language of their laws might be different. Generally, it prohibits voting more than once in the same election, depending on shared candidates on the ballot.

Senator Gansert stated everyone wants individuals to be able to vote if they are eligible to vote, but the integrity must be maintained. Looking at the ERIC website in 2018 for 19 states and DC, there were about 700,000 people who moved across state borders. In-state updates are about 1.7 million, in-state duplicates show 177,000 and deceased were 37,000. She stated the data given earlier was from a five-state audit, not the 19 states plus DC. Nevada just needs to look out for integrity and make sure those eligible to vote are able to vote.

Patti Jesinoski spoke in opposition to the bill, saying the physical impact on the counties for the added election costs will be on the cities. In Henderson, four of the five city officials have been elected by the city council instead of having an election for those positions.

Ms. Jesinoski added that according to the SOS, the costs for the new systems to upgrade the election process did not include a computer system. Two of the

proposals given would be \$3 million to \$5 million with an additional annual \$1.6 million, and the third option was on a 2016 estimate of \$4.8 million. In addition to all this overtime to salaries, there is also Public Employees' Retirement System and the future that is already in a deficit. Nevada is looking at \$2 billion this year for spending. This should be brought to the ballot for a vote.

Ms. Jesinoski stated she worked at the polls last election, and people were told it would take at least six weeks to get them into the voter registration system. The SOS Office said if ERIC noted duplicates, it would be two years before a person would be removed from that form. Registration is available year-round, and the college students have plenty of time to get registered.

Patricia Messinger, Active Republican Women, stated ERIC has no accountability as far as California is concerned. She worked the Trump election, and Clark County had documentation of buses coming in from California. She said she worked voter registration for the past six or seven years and knows what it takes to do a voter registration. A lot of people move from California and do not go the DMV. Registrars would have to go to the SOS the day of registration to make sure that person is correct. She said Nevada needs to make sure illegals are not voting. She stated on the campus at University of Nevada, Las Vegas, voter registration was offered.

Paul Strasser, Chairman, Carson City Republican Party, stated the main reason it is not in support of the bill is registering and voting is an important civic duty. People know when the registering deadline is and wait until the last minute, diminishing the importance of their civic duty. This also creates an opportunity for impropriety. The county clerks struggle to verify a voter is not creating impropriety. The Republican Party included in its platform the opposition to same-day voting.

Andrew Quinn stated he would echo what Mr. Strasser said. He said it seems like a lot of people in favor of this bill are afraid people will not get to vote and are concerned about the deadline information getting out to voters. Mailers and ads on the TV or radio could cure that issue and make people better informed of the deadlines. A provision could be available to people who know they are going to be moving into a county, even though they have just an estimated date for their move, and to let the old county know they will be moving.

Mary Rooney, Nevadans CAN, stated the right and privilege to vote is the bedrock of our representative republic. Throughout the years, Americans have been asked to fight and die to preserve that right; therefore, Nevada needs to ensure our elections are fair and accurate. We need to avoid any possibility of fraudulent votes being counted. She said there is nothing wrong with same-day voting as long as the registrations are verified before the votes are counted. Nevada is not there as yet. Residency in more than one state allows registration in those states. With same-day registration, early voting and absentee ballots make the possibility of voting in multiple sites easier. Even where there is evidence of people voting in two states, there is no prosecution according to the testimony heard earlier today. She stated those incidences would rise with same-day registration. If people want to vote, there is ample opportunity for them to register with numerous voting drives throughout the communities.

Anthony Palmer provided written testimony against the bill ([Exhibit N](#)). He added to implement this new system would cost millions of dollars. There are probably about 300 days a year that a person can register to vote. He said he heard the SOS Office state that voter fraud occurred in the hundreds of thousands and has never been prosecuted or investigated. If the system now is broken, what will happen with expansion with the same-day voting?

Senator Ohrenschall stated that SOS is not a prosecutor agency. What he heard was SOS can recommend prosecution, but the SOS Office does not do the investigating or prosecuting, and they are not aware of any case that has gone to prosecution. The SOS can only recommend to other offices.

John Colaw stated Clark County has found 118- and 117-year-old voters that voted in the 2018 election. Mr. Thorley looked into this and found the 118-year-old was an 18-year-old. The status of the 117-year-old was undetermined and that vote was deleted. Once a voter is registered, it is nearly impossible to remove a voter. It takes years. Not one state, including Nevada, checks the citizenship of registered voters. If no one is verifying the citizenship, how can an election result be accurately and confidently verified?

Mr. Colaw said an honor system is not honorable when there are no checks in place to validate a manipulated process. This bill will destroy the ability of the election departments and SOS to do their job in vetting voter applications in a timely and affective manner. It is evidenced that the process to maintain accurate rolls is overburdened, not validated and not audited. An election

integrity violation report has been filed with SOS. On advice of counsel Clark County will be making additional filings under the National Voter Registration Act. There is no way someone who shows up at the polls on Election Day to register can be properly vetted and verified.

Mr. Colaw said a vote against S.B. 123 is taking a stand for election integrity. A vote for the bill is rubberstamping voter fraud.

Janine Hansen, State President, Nevada Families for Freedom, stated she is speaking to maintain the security and integrity of Nevada's voting system. The positive alternative is the complete provisional ballot which can be verified if a person is eligible to vote. Although it may take some time, a provisional ballot is verifiable and takes away many of her concerns about registering to vote on Election Day. It is a plausible alternative that resolves many of the issues which have been brought forth and a reasonable one to look at.

Ms. Hansen stated in another hearing the DMV identified 50,000 people who have received driver authorization cards. These are not people who are necessarily legal residents or citizens in our state. She wants to be sure that under page 3 of the bill, lines 1 and 2—"Any identification card issued by the Department of Motor Vehicles"—and lines 5 through 7—"Any other form of identification issued by a governmental agency which contains the signature and a photograph of the elector"—are not allowed because she wants to make sure the people who are voting are citizens.

Lynn Chapman, State Treasurer, Independent American Party, stated there is almost an entire year of days to register between elections. The Civitas Institute is a group that is suing the North Carolina State Board of Elections to verify eligibility of same-day registrants before counting ballots. The Civitas Center for Law and Freedom has filed a suit against the North Carolina State Board Elections to halt counting of potentially invalid ballots cast through the same-day registration in the 2016 election until the registrants' eligibility can be verified. The Fourth Circuit Court of Appeals in North Carolina cited evidence that only 3 percent of the same-day registrant applicants failed the mail verification process, and there were 90,000 ballots cast in the same-day general election. A similar failure rate would yield 3,000 invalid ballots. The North Carolina General Assembly passed a law to eliminate the practice. The president of this group said to count ballots without verification of same-day registration information discriminated by treating one class of voters differently

from another. Furthermore, this calls into question the outcome of close elections. Legitimate voters should never have their votes cancelled by illegitimate voters.

Bob Russo stated he is in opposition to the bill. He wanted to say ditto to Janine Hansen's statement regarding DMV IDs to make sure that legal Nevadan residents do vote and only them. People have ample time to register to vote. He does not understand how anyone serious about voting or who understands the values would wait until the very day of the election to register to vote. He said ballots for same-day registrants are counted in the given election, but the actual verification is not until after the election the way it is set up now. This could be an invitation for voter fraud. This bill also appears to be costly to implement in order to accommodate people waiting until Election Day to register. It is imperative for only those people to vote who have been verified as eligible to vote so our election results are accurate and untainted.

Daphne Lee stated that she understood State ballot Question No. 5 had passed, so there will be automatic registration with driver's licensing coming forward. She asked why the State would want to spend almost \$6 million plus \$2 million a year so possibly up to 5 percent could vote the day of the election. Everybody should be able to vote, but people need to register to vote prior to that day.

Linda Buckardt, Nevadans CAN, testified in opposition and provided written testimony ([Exhibit O](#)).

Cher Daniels, Northern Director, Nevada Federation of Republican Women, stated she is in opposition to the bill. She stated citizenship and legalized voting is important.

Diane Baranowski, President, Nevada Federation of Republican Women, stated the 1,153 members are hoping the Committee will vote in opposition to the bill. The people need to be informed of the deadlines and responsibilities for exercising the right to vote as Americans.

Mary Porter said a lack of awareness has resulted in 10,758 individuals who filed their applications late. What she has not heard talked about is what is being done to make people aware of the deadlines, which would save the State money.

Gertrude Abbott-Dailey, Southern Hills Republican Women's Club, stands opposed to the bill, stating there is ample time to register to vote, and it is the person's responsibility to know the cutoff date. She presented written testimony ([Exhibit P](#)).

Cyrus Hojjaty asked when people register to vote, how does the registrar's office know they are actually U.S. citizens? This allows potentially 50,000 people to come to Nevada, register to vote and affect the election outcome. He said the best way to counter the issue is to implement voter ID.

Vicki Dooling stated she is opposed to the bill for all of the same reasons that have been stated before.

Maurice White testified voting fraud is irrelevant to this bill. The bill creates an opportunity for voter fraud. Ways to eliminate voter fraud are what is needed.

Julie Moore testified she was in Douglas County registering voters last year. The weekend before the cutoff, she spent two days in Carson City registering voters. When the registration was cut off, she worked in the headquarters and had to tell people who came in to register they were too late, the cutoff already happened. She would tell them they could register and would be able to vote next time. People are registering all the time and have over 300 days a year to do so.

Harry Greene testified it is easier to register to vote in this State than it is to avoid being able to register to vote. If people do not take advantage of it, they are probably not interested in voting. Many citizens in the State do not have either a driver's license, ID card, a registered vehicle or driver's authorization card. Two years ago, the motor-voter law passed, and all applicants are automatically registered unless they tell DMV not to register them. This does not expand voting rights. Those are in our Constitution and cannot be expanded without doing a constitutional amendment. This expands the possibility for fraud because verifying people's names and addresses does not verify if they are citizens or if they had their voting rights taken away because they are felons or for any other reason.

Mr. Greene went on to say he is against extending early voting. If you cannot get there on Election Day, you are probably not interested in voting. It makes it easier to harvest votes.

Senator Ohrenschall reminded him that automatic voter registration was an initiative petition that was passed by voters at the ballot.

Deborah Dwelle testified in opposition of the bill, stating everyone who votes for this insults voter integrity.

Janet Freixas testified she is opposed to S.B. 123.

Shawn Meehan stated the fiscal notes attached to the bill may need to go up before finishing the bill. Will this allow felons to same-day vote and not be checked? If bad votes of any type occur, will those votes be removed from the tabulation? Former Attorney General Catherine Cortez Masto got convictions on Association of Community Organizations for Reform Now for 26 counts of voter fraud and 13 counts of compensating for signatures. Those are felonies. Mr. Meehan said the issues with our voting system and potential for fraud, if this bill is passed, press against the concept of equal protection. These problems should be addressed before this bill moves ahead.

Senator Ohrenschall made his closing comments and said the extension of early voting is permissive and not mandatory. The counties would be allowed to do that if they had the resources, ability and desire.

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Chair Ohrenschall closed the hearing on S.B. 123 and adjourned the meeting at 6:55 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	8		Attendance Roster
S.B. 123	C	4	Senator James Ohrenschall	Statement
S.B. 123	D	7	Senator James Ohrenschall	Counties Assessment
S.B. 123	E	1	Nevada Association of County Clerks and Election Officials	Same Day Registration Overview
S.B. 123	F	5	Clark County Election Department	Clark County Review
S.B. 123	G	1	Deanna Spikula / Washoe County	Proposed Language
S.B. 123	H	1	Gariety Pruitt / Nevada Conservation League	Written Testimony
S.B. 123	I	1	Sofia Scherse / Make the Road Nevada	Written Testimony
S.B. 123	J	1	Victor Rivera / Chispa NV	Written Testimony
S.B. 123	K	1	Quentin Savvoir / Make It Work	Written Testimony
S.B. 123	L	2	Mark Brandano	Written Testimony
S.B. 123	M	2	Kathy Williams / Indivisible Northern Nevada	Written Testimony
S.B. 123	N	2	Anthony Palmer	Written Testimony
S.B. 123	O	1	Linda Buckardt / Nevadans CAN	Written Testimony
S.B. 123	P	1	Gertrude Abbott-Dailey / Southern Hills Republican Women	Written Testimony