

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

**Eighty-second Session
February 21, 2023**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:34 p.m. on Tuesday, February 21, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 Skip Daly, Vice Chair
Senator Nicole J. Cannizzaro
Senator Heidi Seevers Gansert
Senator Lisa Krasner

STAFF MEMBERS PRESENT:

Nicolas Anthony, Policy Analyst
Bryan Fernley, Counsel
Jeff Koelemay, Counsel
Barbara Young, Committee Secretary

OTHERS PRESENT:

Paul Catha, Culinary Workers Union Local 226
Annette Magnus, Battle Born Progress
Francisco Aguilar, Secretary of State
Keith Walker
Janine Hansen, Independent American Party
Cindy Martinez
John J. Piro, Clark County Public Defender's Office
Erica Roth, Washoe County Public Defender's Office
Cyrus Hojjaty

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CHAIR OHRENSCHALL:

I will open the hearing on Senate Bill (S.B.) 133.

SENATE BILL 133: Revises provisions relating to presidential electors. (BDR 24-539)

SENATOR SKIP DALY (Senatorial District No. 13):

Senate Bill 133 regards false electors and prosecuting the act of putting in a full slate of false electors. We do not have any measure which prohibits false records from being submitted to the State which could lead to defrauding the State. Having a statute aimed at actions of submitting, attempting to submit or conspiring to submit a false slate of electors after a Presidential election is what this bill aims to remedy. I have a proposed amendment ([Exhibit C](#)).

I presented the amendment to Secretary of State Francisco Aguilar and Attorney General Aaron Ford. The Secretary of State's Office wants to incorporate some details in the bill. The Attorney General's Office (AGO) said in addition to another penalty, there could be a fine or restitution and what the actions would be. The AGO wants to have a definition of submitting a false set of electors and allow the AGO to prosecute under the definition. Filing with the Secretary of State's signature and submitting false electors or alternative slates with the Secretary of State, the National Archives, Congress or the Vice President of the United States: those are some actions someone could take when trying to subvert the Secretary of State. Clarifying those provisions and the changes ensure there would not be a prosecution problem. This will make the bill work better. If there is a violation, it can be prosecuted.

CHAIR OHRENSCHALL:

Do you know if any other states are pursuing similar laws with so many legislatures in session now?

SENATOR DALY:

I do not know. Georgia, Michigan, Arizona and others had similar issues after the 2020 elections. Under the federal laws, electors are selected in accordance with each state's legislature. Those rules are set under the provisions of Title 3 USC Ch. 1. The legislatures have authority as to how the electors are selected.

PAUL CATHA (Culinary Workers Union Local 226):

The Culinary Workers Union believes in democracy. Nevada has one of the most secure election systems in the Country. Working people know that Nevada's election results are legitimate and want to protect the Battle Born State's electoral process. Nevada needs serious penalties to discourage attempts to rig future elections. If Nevada does not take steps now to guard against authoritarians who attempt to subvert the will of the people, there is a danger they will grow stronger and become a larger threat to our democracy. The Culinary Union supports S.B. 133 and strongly urges the Nevada Legislature to protect Presidential elections by passing this bill.

ANNETTE MAGNUS (Battle Born Progress):

We are here today in support of S.B. 133. During the 2020 elections, the problems of mis- and disinformation were witnessed, which is something our organization works to prevent. We saw the embarrassing role Nevada played in that election. We must do better. This is a step to protect our democracy. We hope you pass this bill.

FRANCISCO AGUILAR (Secretary of State):

I am speaking in support of S.B. 133. I appreciate Senator Daly's effort to make this bill a reality and continue to look forward to working with him on the language.

KEITH WALKER:

I am calling in support of this legislation. I am involved in supporting good government. I witnessed with shock what was done when Republicans showed up at a table outside the State Capitol Building in December 2020 with scientific documents seeking to obtain a fraudulent action against the people of the United States and the people of Nevada. It is important to have clear penalties for that kind of action, which is wrong. I urge all Senators to support S.B. 133 with the hopes the media will take to task any of those who do not support the bill.

JANINE HANSEN (Independent American Party):

My testimony ([Exhibit D](#)) is submitted. Please vote no.

CINDY MARTINEZ:

My written testimony ([Exhibit E](#)) is submitted. Please vote no on S.B. 133.

JOHN J. PIRO (Clark County Public Defender's Office):

We only take issue with section 1, subsections 2 and 3 of S.B. 133 and have a proposed amendment ([Exhibit F](#)). We take justice for all seriously. Even in the face of public outrage and popular opinion, justice means nothing if it is not proportional, meaning the punishment must fit the crime. In S.B. 133, as drafted, this punishment is not proportional. The people who stormed the U.S. Capitol and broke into former Speaker Nancy Pelosi's Office on January 6, 2021, will get a lesser sentence than is proposed in this bill. This bill is a step backwards. What we are asking for is a positive move forward, so we are not using the criminal justice system as a hammer to hurt the people who made a mistake with political rivals. I urge, unless this bill is amended to change subsections 2 and 3 in section 1, not to pass the bill as it stands.

ERICA ROTH (Washoe County Public Defender's Office):

I echo the sentiments of my colleague, Mr. Piro, as to the proportionality of the crime. As a public defender, I stand in my commitment to defending everyone's constitutional rights despite the conduct. Part of my job is to advocate to maintain measured and proportional penalties. An example from the January 6 insurrection is Devlyn Thompson who was sentenced to 46 months in prison for assaulting a police officer with a speaker and a metal baton. His sentence is less than someone who would be sentenced under S.B. 133. When we consider who we imprison, whether convicted of violent felonies or not, I ask this Committee to consider the amendment to S.B. 133, [Exhibit F](#), to ensure we keep moving forward progressively within our system.

CYRUS HOJJATY:

Ditto with all the others who have spoken in opposition. A great deal of suspect and questionable outcomes was present in the last primary and general elections. The mail-in ballot votes coming in days after the election somehow flipped the results of the election. I do think January 6 was a serious matter, but please vote no on S.B. 133.

SENATOR DALY:

Nevada's elections are secure and fair. Testimony in opposition to this bill should not be partisan. It is a bipartisan bill. Election results are certified, and our law is prescriptive on who the electors are, how they are appointed and their duties. I am offended and disappointed in the testimony that suggested anything other than that. I take exception to any person characterizing what

happened after the election by submitting the fake electors as a mistake. It was deliberate.

As far as the penalty and the amendment, I have spoken to people who suggest it is does not go far enough. I reject the proposal from the public defenders.

As to other testimony in opposition, I would characterize it as misinformed. In Title 3 USC, it clearly gives state legislatures authority to enact how the electors are completed on the Electoral College. Senate Bill 133 is not in violation of the U.S. Constitution and has nothing to do with the cleanup or the attempt to clean up and make sure the Vice President's role is only ceremonial. How electors are selected is a state legislature issue, and the federal bill did not take away or change it. It has nothing to do with S.B. 133.

CHAIR OHRENSCHALL:

I close the hearing on S.B. 133. We will open a work session with the work session document ([Exhibit G](#)) on Assembly Joint Resolution 10 of the 81st Session sponsored by Assemblyman Howard Watts.

ASSEMBLY JOINT RESOLUTION 10 OF THE 81ST SESSION: Proposes to amend the Ordinance of the Nevada Constitution and the Nevada Constitution to remove language authorizing the use of slavery and involuntary servitude as a criminal punishment. (BDR C-496)

CHAIR OHRENSCHALL:

This measure passed unanimously during the Eighty-first Session in both the Assembly and the Senate. We had the opportunity to participate in that joint committee hearing and ask questions.

SENATOR KRASNER MOVED TO DO PASS A.J.R. 10 OF THE 81ST SESSION.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR OHRENSCHALL:

The work session is closed. We are adjourned at 4:08 p.m.

RESPECTFULLY SUBMITTED:

Barbara Young,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 133	C	2	Senator Skip Daly	Proposed Amendment
S.B. 133	D	3	Janine Hansen / Independent American Party	Testimony in opposition
S.B. 133	E	3	Cindy Martinez	Testimony in opposition
S.B. 133	F	4	John J. Piro / Clark County Public Defender's Office	Proposed Amendment
A.J.R. 10 of the 81st Session	G	5	Nicolas Anthony	Work Session Document