

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

**Seventy-Seventh Session  
March 19, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:02 p.m. on Tuesday, March 19, 2013, 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 [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman James Ohrenschall, Chair  
Assemblywoman Lucy Flores, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblyman Wesley Duncan  
Assemblyman Pat Hickey  
Assemblywoman Marilyn K. Kirkpatrick  
Assemblyman Andrew Martin  
Assemblyman Harvey J. Munford  
Assemblyman James Oscarson

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Skip Daly, Washoe County Assembly District No. 31



**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Kevin Powers, Committee Counsel  
Karen Pugh, Committee Secretary  
Macy Young, Committee Assistant

**OTHERS PRESENT:**

Scott F. Gilles, Esq., Deputy for Elections, Office of the Secretary of State  
Justus Wendland, Administrator, Help America Vote Act, Office of the Secretary of State  
Harvard (Larry) Lomax, Registrar of Voters, Clark County  
Alan Glover, Clerk/Recorder, Carson City  
Robert A. Conway, representing International Association of Bridge, Structural and Ornamental Iron Workers, Local 433  
Jennifer Batchelder, representing Nevada Women's Lobby  
Janine Hansen, representing Nevada Families for Freedom

**Chair Ohrenschall:**

[Roll was taken.] On the agenda for today we have a work session on Assembly Bill 150 and a hearing for Assembly Bill 175. To begin, I am going to ask our Committee Policy Analyst, Ms. Scholley, to give us some information about the bill we have in work session today.

**Assembly Bill 150: Provides for the legislative review of governmental agencies to promote governmental oversight and accountability. (BDR 17-739)**

**Susan Scholley, Committee Policy Analyst:**

The work session bill today is Assembly Bill 150, sponsored by Assemblyman Skip Daly and others, and heard in this Committee on March 5. This bill would create the Legislative Committee on Governmental Oversight and Accountability as well as a related Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation in the Fiscal Analysis Division of the Legislative Counsel Bureau (LCB). [Read from prepared text ([Exhibit C](#)).]

If you turn to the mock-up of the proposed amendment, you will see on page 4, the deletion of the existing text from section 9, which removes the Bureau of Governmental Oversight in the Fiscal Analysis Division. On page 5 you will find the new text to be inserted into section 9, which would repeal the Committee on High-Level Radioactive Waste. Page 5 also shows the amendment whereby the Public Lands Committee would assess, as one

of its optional topics for review, information and policies regarding high-level radioactive waste facilities, which, of course, would be the proposed Yucca Mountain.

Taken together, these changes would significantly reduce the fiscal notes on the bill. I believe if there are any additional questions regarding that fiscal note; the sponsor will be able to answer them.

**Chair Ohrenschall:**

Mr. Daly, you are transferring the duties from the Committee on High-Level Radioactive Waste to the Public Lands Committee. Does this legislation interfere with the function of the Agency for Nuclear Projects?

**Assemblyman Skip Daly, Washoe County Assembly District No. 31:**

No, it does not. We simply removed one committee and shifted the essential components of that committee to the Public Lands Committee. The oversight invested in the Committee on High-Level Radioactive Waste will be transferred to the Public Lands Committee.

**Chair Ohrenschall:**

Thank you. Are there any other questions for Assemblyman Daly?

**Assemblywoman Kirkpatrick:**

I just want to clarify with the bill's sponsor that he is aware that since this bill has a fiscal note attached to it, it will be referred to the Assembly Committee on Ways and Means immediately upon passage from this Committee.

[Assemblyman Daly nodded his assent.]

**Chair Ohrenschall:**

Are there any other questions for Assemblyman Daly?

**Assemblyman Hickey:**

Mr. Daly, section 7 of the bill refers to enhanced accountability and governmental oversight. Those are, in my mind, very broad definitions. Do you believe they are easily definable and that we can agree on what each means, or is this language copied from existing statute?

**Assemblyman Daly:**

This language mirrors existing statute which was used to create the Assembly Committee on Education. I specifically asked that the Legal Division use the language from that committee when drafting Assembly Bill 150.

**Assemblyman Hickey:**

Then I assume the language in section 8, paragraphs (b) and (c), regarding deposing witnesses, issuing subpoenas, and compelling witnesses, is also in existing statute. I think the intentions of this bill, like most of those we bring forth each session, are good. However, now you are wanting to extend our reach into local agencies, and I must question whether the Legislature should move into those types of activities. Again, this may be in existing statute, but it is a reach for me to see us trying to manage ourselves and now going down into the locals.

**Assemblyman Daly:**

That is the exact language contained in several other committees, including the Legislative Commission. I understand the concerns expressed; however, every local government is established by this Legislature through either charter or statute. As we testified in Committee, this legislation represents the fourth leg. The Legislature establishes the policy and implements it through various laws; it forms boards, agencies and other mechanisms to carry out the policy; it appropriates funds; and now, with this, the fourth leg, the Legislature will have the oversight to see that policy is carried out.

**Chair Ohrenschall:**

Assemblyman Hickey, I recall previously asking a question about the powers of deposition. They are fixed within the Legislature and the Legislative Commission, so it is simply an extension of that authority to one of our committees. It is nothing out of the ordinary. Are there any other questions? [There were none.]

Since there are no further questions, I will accept a motion.

ASSEMBLYMAN ELLIOT ANDERSON MOTIONED TO AMEND AND  
DO PASS ASSEMBLY BILL 150.

ASSEMBLYMAN MARTIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DUNCAN, HICKEY, AND  
OSCARSON VOTED NO. ASSEMBLYWOMAN FLORES WAS  
ABSENT.)

**Chair Ohrenschall:**

We will now open the hearing on Assembly Bill 175. Assemblyman Anderson, thank you for presenting this bill today.

**Assembly Bill 175: Revises provisions relating to uniformed-service and overseas voters. (BDR 24-635)**

**Assemblyman Elliot T. Anderson, Clark County Assembly District No. 15:**

Assembly Bill 175 finishes the job for military and overseas voters that this Committee started last session. In 2011, this body passed the Uniformed Military and Overseas Absentee Voters Act, which is codified in *Nevada Revised Statutes* (NRS) Chapter 293D. It created a system whereby covered voters, which include uniformed military voters, their spouses and dependents, and overseas voters, can vote more easily. It allowed a covered voter to receive the ballot material electronically and register via a federal postcard. [Read from prepared text ([Exhibit D](#)).]

The Act exempted covered voters from many of our existing election requirements in NRS Chapter 293D because of their unique status. It also provided some certainty for election officials in dealing with covered voters. [Read from prepared text ([Exhibit D](#)).]

I spent some time at a very remote base in Afghanistan that had two computers with Internet access, no scanners that I know of anywhere on the base and one printer for about 300 or 400 people. [Read from prepared text ([Exhibit D](#)).]

A digital signature is an electronic signature issued for use by one person on one computer. To clarify, there is a separate definition in the bill in section 12 describing an electronic signature, which is best understood as a photo or scan of someone's signature that is attached to a ballot. [Read from prepared text ([Exhibit D](#)).]

We will be amending section 13 with the friendly amendment ([Exhibit E](#)) from the Office of the Secretary of State, which will allow the other materials to be signed as well. [Read from prepared text ([Exhibit D](#)).]

I want to mention what other states are doing. Mississippi, Montana, and North Dakota all have online systems that do not require a signature in the traditional sense. They all have electronic, computer standards, and Montana has something very similar to what we are proposing here, which is basically a portal where you can register and vote online. I have uploaded to the Nevada Electronic Legislative Information System (NELIS) some frequently asked questions from Montana because they offer the best representation of what we are trying to do ([Exhibit F](#)).

**Chair Ohrenschall:**

I know that the military voting experience is something unique that you have gone through yourself, and I hoped that you would share with the Committee what you went through in order to vote while you were deployed overseas.

**Assemblyman Elliot Anderson:**

As a person who is thoroughly engaged in current events, history, and politics, I am not easily dissuaded from exercising my right to vote, but in 2002, I found the system so convoluted that I did not vote. In 2004, I actually arranged to take leave before I deployed to Afghanistan in November so that I could come home, pick up my absentee ballot, and fill it out before leaving the United States. The 2011 Act did wonders, and I do not want to shortchange it. Assembly Bill 175 is just trying to fit in a couple of needed components to make the process even smoother. I can tell you from personal experience that it is not easy to participate in the election process, even when you are stationed in the continental U.S., when serving in the military.

**Chair Ohrenschall:**

Thank you, Mr. Anderson, for sharing your personal experiences with us. Are there any questions for Mr. Anderson at this time? [There were none.]

**Scott F. Gilles, Esq., Deputy for Elections, Office of the Secretary of State:**

With me today is Justus Wendland, our Help America Vote Act, or HAVA, Administrator. My portion of this presentation will be very brief, as I believe Assemblyman Anderson covered the mechanics of the bill quite well. The Secretary of State's Office does support this bill. It will allow our state's Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters to more easily register to vote, request, receive, and cast their ballot for Nevada's elections. Essentially the provisions in the bill will allow the election clerks to accept a digital or electronic signature as defined in the bill. That process will allow somebody to receive and cast his or her ballot completely through access to the Internet. The current process requires a voter to request and receive his or her ballot through email, print it out, fill it out, and then sign it with a pen, scan it into the computer, and email it back to the clerk. As Assemblyman Anderson pointed out, that is just not feasible for a lot of our military voters, and this provision will allow us to get around that requirement.

Assembly Bill 175 will also allow us in the future to develop a more user-friendly system where UOCAVA voters can access the ballot directly through a portal and vote without having to wait for the ballot to come in via email. There are many innovations that can come through this legislation down the road, which we intend, through regulations and office resources, to take full advantage of for our military and overseas voters.

**Chair Ohrenschall:**

Are there any questions for Deputy Secretary Gilles?

**Assemblyman Martin:**

I may be questioning the obvious, but could you give us more detail on what a digital signature is? Two points I would also like to confirm are, one, if someone wanted to print out and mail his ballot in, that is not precluded, and two, that the timelines have not been changed with regard to notification of receiving a ballot.

**Scott Gilles:**

No, the timelines have not been altered; they remain as they are now. Should a voter want to, she can still request her ballot by mail and send it back by mail. She can also request it by email, print it out, sign it, and send it back by mail if she wanted to. With respect to digital and electronic signatures, I will defer to Justus Wendland.

**Justus Wendland, Administrator, Help America Vote Act, Office of the Secretary of State:**

A digital signature is essentially what you would see coming from an Adobe document where it is typewritten but with additional security features. It comes with a certificate stating that the document has not been modified since the signature was applied to the document.

I would like to add that I have been working with the Help America Vote Act (HAVA) and the Military and Overseas Voter Empowerment (MOVE) Act since their respective passage dates at the federal level, and Assembly Bill 175 is completely within the spirit of both of those bills. I have also had the pleasure of implementing similar measures in other jurisdictions and have seen overwhelming success with it.

**Chair Ohrenschall:**

Are there any questions for Mr. Wendland or Mr. Gilles?

**Assemblyman Oscarson:**

I am concerned about the security of the Internet and how information is to be transmitted. I am not well versed in this technology, but I know there are secure websites and such. Can you provide any details on how the Secretary of State's Office will handle this?

**Justus Wendland:**

We will implement a secure website at the state level, so it will comply with all existing state standards. With email, we essentially still have all of the

current levels to verify that the email is coming from the address provided by the voter. There are also the added checks, such as verification of a driver's license number or Department of Motor Vehicle (DMV) identification number—things that an outside source would not likely have. This information will be provided by a person who registers to vote during the registration process to a county election administrator, so anything coming in after the fact will be checked against it, just as under the current procedure. All we are adding is the ability for them to sign the ballot, and other related documents, with a digital signature.

**Assemblyman Elliot Anderson:**

Digital signatures are already commonly used in high-stakes financial and legal transactions. In fact, I met with Assemblyman Duncan, and he stated that they are something he commonly used while serving in the Air Force. There are processes that are already created for global high-stakes transactions, and we are basically applying them to voting. The state has already developed the processes to enable their use. We would just be applying that same sort of secure technology to the covered voters who would be using this Act.

**Assemblyman Oscarson:**

I'm not questioning the validity, just how it is supposed to work. I want to make sure that the smaller counties and outlying areas are capable of doing the type of things that you are talking about doing, so everything works the way you want it to work.

**Assemblyman Elliot Anderson:**

There is a flow chart ([Exhibit G](#)) that was uploaded to NELIS that explains the process visually.

**Scott Gilles:**

I just want to clarify that the flow chart ([Exhibit G](#)) has, on the right-hand side, an example flow for an online system. That system is not what is in place now, but it is what could ultimately be achieved with this legislation. The process right now is that the ballot is emailed back to the clerk.

**Chair Ohrenschall:**

Are you saying that right now the ballot comes from the county clerk to the Secretary of State's Office and then to the servicemen and servicewomen?

**Scott Gilles:**

To clarify, a request for a ballot from a UOCAVA voter can be received by email by the clerk. The county clerk emails the ballot directly to the voter, and the



voter would print it out, fill it out, sign it, scan it, and then email it back directly to the clerk. The Secretary of State's Office is not involved in the process.

**Chair Ohrenschall:**

In the last election, do you know how many deployed servicepersons actually voted from abroad?

**Assemblyman Elliot Anderson:**

According to the Secretary of State's Office, there were 2,910 servicemen and servicewomen who voted.

**Chair Ohrenschall:**

Do we know how many could have voted but became frustrated and gave up?

**Assemblyman Elliot Anderson:**

According to the Secretary of State's Office, there were 3,705 uniform ballots transmitted, and out of those 2,910 were returned.

**Chair Ohrenschall:**

Are there any questions for Mr. Anderson, Mr. Gilles, or Mr. Wendland? [There were none.] We will next go to Las Vegas to hear testimony in support of A.B. 175 from Mr. Lomax.

**Harvard (Larry) Lomax, Registrar of Voters, Clark County:**

Clark County strongly supports this bill, and there are a couple of key components that I would like to point out. When you have the voter digitally entering his or her data onto a ballot, there are advantages for us as well. Currently, we take the information provided by the voter on his or her Federal Post Card Application, Voter Registration and Absentee Ballot Request ([Exhibit H](#)), and enter that data into our system ourselves. Under this new system, we could feed that application directly into our voter registration system, where it can be cross-checked with the data on file with the DMV and Social Security Administration, resulting in time savings for us. The data would be more accurate, as it always is, when entered by the voters themselves.

There is one concern I have about this bill, and it is in regard to the deadline for implementation of January 1. I spoke with Mr. Gilles and Mr. Wendland today, and the bill simply states that the Secretary of State's Office is going to do this, but it does not say how. There are many details that must be decided and agreed upon. I am sure we will come up with a good system, but I hope we can have a system that allows us to take full advantage of what is out there.

**Chair Ohrenschall:**

Is there an alternative date that would give you a greater comfort level?

**Larry Lomax:**

I do not have a specific date in mind. I just do not want us to rush this and then end up shortchanging ourselves in a hurry to get something in place.

**Chair Ohrenschall:**

Mr. Lomax, do you know how many servicemen and servicewomen participated in the last election in Clark County?

**Larry Lomax:**

We provided that data to the Secretary of State, but I do not know it off the top of my head. I know we currently have 2,700 individuals in our system that fall under this UOCAVA category.

**Chair Ohrenschall:**

Those are the covered voters living abroad?

**Larry Lomax:**

That is correct.

**Chair Ohrenschall:**

Are there any questions for Mr. Lomax? [There were none.] Is there anyone else at the Grant Sawyer State Office Building who wishes to speak in favor of Assembly Bill 175? [There was no response.] Is there anyone in support of A.B. 175 here in Carson City?

**Alan Glover, Clerk/Recorder, Carson City:**

I believe Mr. Lomax has summed up the support of this bill by clerks and registrars very well. One piece of information about this type of voting that we really like is, if we do not receive a ballot back from an overseas voter, we have the ability to email him and remind him that he has not sent in his ballot yet. Previously we could not do that and we never did hear from those people. I believe that the Secretary of State also has our figures on the number of UOCAVA voters, but as I remember, the response was about the same percentage, approximately 89 percent, as the rest of the population.

**Chair Ohrenschall:**

Are there any questions for Mr. Glover? [There were none.] Is there anyone else who would like to speak in favor of Assembly Bill 175?

**Robert Conway, representing International Association of Bridge, Structural and Ornamental Iron Workers, Local 433:**

The Ironworkers Local 433 strongly supports this bill. We support anything that helps the men and women in uniform who protect our freedom.

**Chair Ohrenschall:**

Mr. Conway, do you have many members of the local who were either deployed or are facing deployment?

**Robert Conway:**

Yes, we have several.

**Chair Ohrenschall:**

So this legislation would affect your members. Are there any questions for Mr. Conway? [There were none.] Is there anyone else who wants to speak in favor of Assembly Bill 175?

**Jennifer Batchelder, representing Nevada Women's Lobby:**

On behalf of the Nevada Women's Lobby, I would like to express my support. As a military spouse, I have been through five moves throughout the country and the world, and my husband has gone through 11 deployments. I can tell you that one of the last things on the mind of our military, when they are getting ready to move or go on deployment, is registering to vote. For our citizens in the Navy and Marine Corps who are onboard ships during an election, this will make the process much easier since mail can often be delayed. We need to remember that our military members and their families make every effort to vote. Therefore, anything we can do to make this process easier is something that deserves our full support.

**Chair Ohrenschall:**

Thank you and I appreciate your providing your unique perspective. Are there any questions for Mrs. Batchelder? [There were none.] Is there anyone else who wishes to speak in favor of A.B. 175?

**Janine Hansen, representing Nevada Families for Freedom:**

I would first like to mention a couple of people who are in support of this bill but could not be here today to testify. Lynn Chapman, who is the president of American Legion Auxiliary, Duby Reid Unit 30 in Sparks, has provided testimony for the Committee that I have submitted to the Committee Secretary ([Exhibit I](#)). Also, the state chairman of the Independent American Party, John Wagner, had emergency surgery about two weeks ago and has not recovered sufficiently to come in to testify, but he was in the military and he wanted to be here to support the legislation. In addition, I would like

to thank Assemblyman Anderson for taking the time to talk to me about the bill and answer all my questions. We fully support this bill.

**Chair Ohrenschall:**

Are there any questions for Ms. Hansen? [There were none.] Please wish Mr. Wagner a speedy recovery. Is there anyone else who wishes to speak in favor of A.B. 175 in Carson City or Las Vegas? [There was no response.]

**Assemblyman Elliot Anderson:**

Mr. Chairman, I did want to note that Daniel Burk, Registrar of Voters in Washoe County, offered his support of Assembly Bill 175, but he was not able to be here today.

**Chair Ohrenschall:**

We will note that in the record. I am not seeing anyone else who wishes to speak in support of the measure. Is there anyone who would like to speak in opposition to Assembly Bill 175? [There was no response.] Is there anyone who is neutral on A.B. 175? [There was no response.] Are there any Committee members who wish to add anything to the record?

**Assemblyman Duncan:**

I want to commend my colleague Assemblyman Anderson on presenting this bill. I was deployed to Iraq in 2008 and 2009. Fortunately, I was able to vote before I went, but there definitely are many who struggle to vote. I appreciate his efforts in dealing with all the stakeholders because this is an important issue. I know that our service members will appreciate this and will thank you for your efforts.

**Chair Ohrenschall:**

Is there any other Committee member who would like to comment?

**Assemblyman Martin:**

I also wish to thank Assemblyman Anderson for bringing this forward. I believe that it is a very strong anti-fraud piece of legislation and it is to be commended. I have long held opinions about mail-in ballots, and the digital signature goes a long way in terms of knocking out any potential fraud issues. I believe this is a really good step for our state.

**Chair Ohrenschall:**

Is there any other Committee member who would like to comment?

**Assemblyman Oscarson:**

I, too, appreciate this bill. I have a son who serves in the military, and I certainly want him to be able to vote. So thank you very much, Mr. Anderson, and I appreciate your hard work and efforts on this.

**Chair Ohrenschall:**

Is there any other Committee member who would like to comment? [There was no response.] We will open the meeting to public comment. If there is anyone in Las Vegas or Carson City who wishes to make a public comment, please come forward. [There was no response.] I will close today's meeting of the Assembly Committee on Legislative Operations and Elections. The meeting is adjourned [at 4:49 p.m.].

RESPECTFULLY SUBMITTED:

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Karen Pugh  
Committee Secretary

APPROVED BY:

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Assemblyman James Ohrenschall, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Legislative Operations and Elections

**Date:** March 19, 2013

**Time of Meeting:** 4:02 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 150	C	Susan Scholley	Work session document
A.B. 175	D	Assemblyman Elliot Anderson	Talking points for presentation
A.B. 175	E	Scott Gilles	Secretary of State amendment
A.B. 175	F	Assemblyman Elliot Anderson	Frequently Asked Questions (FAQ) Montana Military and Overseas Voters
A.B. 175	G	Assemblyman Elliot Anderson	Covered voter ballot request process flow chart
A.B. 175	H	Assemblyman Elliot Anderson	Federal Post Card Application (FPCA)
A.B. 175	I	Janine Hansen	Statement in support of by Lynn Chapman