

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

**Seventy-Seventh Session
February 7, 2013**

The Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:01 p.m. on Thursday, February 7, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, 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. 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 James Ohrenschall, Chair
Assemblywoman Lucy Flores, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Wesley Duncan
Assemblyman Pat Hickey
Assemblywoman Marilyn Kirkpatrick
Assemblyman Andrew Martin
Assemblyman Harvey J. Munford
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Patricia Hutson, Committee Manager
Karen Pugh, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

Ross Miller, Secretary of State
Scott F. Gilles, Esq., Deputy for Elections, Office of the Secretary of State
Harvard (Larry) Lomax, Registrar of Voters, Clark County
Alan Glover, Clerk/Recorder, Carson City
Jim Moneyhun, representing Nevada Clean Up the Vote

Chair Ohrenschall:

[Roll was called.] We are very fortunate today to have two presentations for this Committee. The first presentation is from the Office of the Secretary of State. We have Secretary of State Ross Miller, Chief Deputy Secretary of State Nicole Lamboley, and Deputy for Elections Scott Gilles.

Ross Miller, Secretary of State:

I would like to take a moment to introduce the Elections Division staff. With me today are Deputy for Elections Scott Gilles, Chief Deputy Secretary of State Nicole Lamboley, and Justus Wendland, our Help America Vote Act (HAVA) Administrator, whose duties include overseeing the statewide voter registration database, voter accessibility, and voting machine standards. Shelly Capurro is our campaign finance officer and manages the campaign side of the Division, which includes campaign finance filings. Andrea Allen is an Elections Division officer who oversees the filing of financial disclosure statements, the Confidential Address Program and the updating of the elections content on our website.

The Office of the Secretary of State is the third-ranking constitutional office in the state, and it is comprised of four main divisions. In total there is a staff of 130. Eight staff members are in the Elections Division; two of those positions are federally funded. Our main office is in the Capitol, although we do have offices in Reno and Las Vegas.

The duties of the office vary. We oversee commercial recordings, securities, state business licenses, notaries, and domestic partnership registrations. [Read from presentation ([Exhibit C](#)).] I serve on a number of boards, such as the State

Board of Examiners, the Tahoe Regional Planning Agency Governing Board, the Board of Economic Development, and the Board of State Prison Commissioners.

I believe what the public most commonly associates with my office is my role as the Chief Elections Officer for Nevada. Through those responsibilities, we have oversight over Title 24 of the *Nevada Revised Statutes* (NRS), which comprises the state's election laws. The Office of the Secretary of State is responsible for assisting in the administration of statewide elections, certifying and registering candidates, administering and enforcing the filing of candidate contribution expense reports and financial disclosure statements, verification of initiative petitions and certifying ballot questions in conjunction with the county clerks and registrars, and coordinating with local election officials.

For an initiative petition to qualify for the ballot in Nevada, it requires signatures from 10 percent of the voters who voted at the last preceding general election. Due to the high voter turnout last November, petitions now require over 100,000 signatures, which must include at least 25,417 from each petition district, which are the same as the congressional districts.

Additionally, we are responsible for the administration and enforcement of Nevada's election laws as they pertain to the Help America Vote Act of 2002 ([Exhibit C](#)). After the Florida debacle in 2000, Congress enacted a series of laws that were designed to put uniformity in the elections process throughout the states. As a result of that legislation, we have certain mandates and wide-reaching federal obligations, but we were given significant federal funds in order to carry out those mandates. To date we have received approximately \$23 million in federal funds under HAVA with a remaining balance of \$4 million. At this time, we are waiting to hear if Congress will appropriate any new funding for HAVA. While we are not optimistic that there will be any funds allocated in the future, it is a significant concern for us in terms of the ongoing maintenance of the state's election systems.

We maintain a HAVA compliant statewide voter registration database that we refer to as NevVoter. It is a bottom-up system where the counties maintain their three election management systems and upload the information nightly to our database. Those lists are synchronized to allow the counties to maintain their election management systems specific to their needs, which is important because the requirements of the 17 counties vary so much.

As a swing state, we saw a lot of use with the voter registration database. Today, 1.3 million voters are actively registered in Nevada, surpassing the totals from November 2010. In terms of turnout for the presidential election, we set an all-time record with 80.79 percent of registered voters, or 1,016,664 voters,

in Nevada casting their ballot on November 6. We also distinguished ourselves by having the highest increase in turnout percentage. We witnessed an increase of 4.5 percent, more than any other state in the Union compared to the last presidential election. In contrast, the turnout for the June 2012 primary was only 199,797 registered voters, which represented 18.87 percent of active registered voters.

Chair Ohrenschall:

Mr. Secretary, could you explain what an inactive voter is and how many inactive voters we have in this state?

Ross Miller:

The definition of an inactive voter is any registered voter who did not vote at the last general election and did not respond to a mailing requesting updated information, but these inactive voters are still counted in the total number of registered voters.

Chair Ohrenschall:

These voters are not purged and are still able to vote if they show up?

Ross Miller:

As per federal law, their registration will be canceled if they do not vote in two successive general elections and do not respond to the request to update their information.

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

We have approximately 150,000 inactive registered voters right now.

Ross Miller:

As part of the administration of the election, we maintain what we call "My Voter File." This very popular tool allows an individual voter to verify his or her registration and polling location.

We have made a significant effort to improve ballot access for military and overseas voters. In the last session, our office worked with former Senator Terry Care to implement the Uniform Military and Overseas Voters Act (UMOVA), which standardized the process for all military and overseas voters wishing to request, receive, and submit absentee ballots. We have received noteworthy recognition from a number of nonpartisan groups that compare states as to the ease with which the military and overseas voters can cast ballots. We are very proud of that fact and are looking to enhance that access even further.

Early voting continues to be a significant success in Nevada. We saw 61 percent of the people who ultimately cast ballots in Nevada do so prior to Election Day. Statistics also showed that 8.5 percent of voters cast ballots through the absentee ballot process. That is very significant when you compare jurisdictions. When you see articles like the one today in *The New York Times* pointing out the problems with long lines and wait times at polling locations, it suggests that early voting is a major reason we do not see those types of irregularities in Nevada. We make it as easy and convenient to vote as we possibly can. All county clerks do an outstanding job of making sure that polling locations provide maximum convenience for voters.

We have developed our election night reporting functions every year with no additional resources. For the 2012 general election, we again redesigned the entire election night reporting website with the idea that we might have the nation's eyes focused on Nevada as the votes were tallied. As it turned out, the race was called prior to Nevada releasing significant results, so we saw fewer visits on election night than we expected. We saw about 30,000 visits, a much lower number than we saw in the 2010 general election.

Our online voter registration system is now available statewide. It was very successful last cycle. The system requires a new registrant to have a Department of Motor Vehicles (DMV) issued driver's license or identification (ID) card in order to complete a new online registration or update registration information. The system matches the voter's ID number and physical address with information in the DMV to verify the applicant's identity, and then it requires the voter to verify his or her signature that is on file at the DMV. It results in much less paperwork for the counties and creates a more efficient process.

In 2010, online voter registration was piloted in Clark County. The public was not generally aware that the service was available, but you can see a significant spike in the final days before registration closed ([Exhibit C](#)), which reflected a 300 percent increase in the number of people choosing to register online. If you look at other jurisdictions, it is the preferred method to register to vote. Notably, online voter registration also takes many of the third-party groups out of the registration process; that is an area where we continue to see problems.

In Nevada, we have an Election Integrity Task Force. This is a multijurisdictional task force, involving law enforcement at the local, state, and federal levels, that allows us to combine resources so that we can aggressively pursue election law violations. Every election cycle we have had notable cases that result in significant prosecutions. The Election Integrity Task Force is now being taught as a best practice at the Federal Bureau of Investigation (FBI) and the

Department of Justice as a model of how to deal with election-related complaints.

The 2012 election cycle was the first in Nevada in which all campaign contributions and expenses had to be reported electronically. This important measure, Assembly Bill No. 452 of the 76th Session was passed last session. It brought in a new era of transparency wherein the public is able to easily see who is funding a campaign.

I want to touch on a couple of the bills that we hope to bring in front of this Committee. Senate Bill 49 is what we refer to as the Aurora Act, after our Aurora financial disclosure database. The bill contains significant campaign finance reforms, notably real-time reporting of large contributions and expenses. This bill would require any contribution over \$1,000 be reported within 72 hours. It also seeks to define personal use of campaign contributions, with language largely mirroring the federal standard. Senate Bill 49 also clarifies the definition of a gift and creates a category of restricted donors for public officers while providing direction as to what gifts are acceptable and which ones must be reported on a financial disclosure statement.

The election modernization bill, Senate Bill 63, has been subject to quite a bit of media attention. Despite what you may have heard about this bill, it is not what I would consider a traditional voter ID bill. Senate Bill 63 modernizes a very antiquated process and would create electronic poll books to be used throughout the state. As part of the poll books, it will import photographs from the Department of Motor Vehicles that can be used for visual verification. In the event that someone does not have a photograph on file, we would take their picture when they first come in to vote. Should they object to having their picture taken, they would simply sign an affidavit stating that they are who they say they are. Senate Bill 63 adds important safeguards but also upgrades the system, which I believe could lead to measures that would increase accessibility and convenience for the voters.

Assembly Bill 48, which is now before this Committee, makes various technical corrections to Chapters 293 and 294A of the *Nevada Revised Statutes* that are in response to lessons learned from previous election cycles. I look forward to presenting A.B. 48 to you in more detail in the near future and, with any luck, S.B. 49 and S.B. 63 in the coming weeks.

Chair Ohrenschall:

Mr. Secretary, we have talked about being a swing state and our prominent role in the presidential elections, and I would like to know to what you attribute our election success.

Ross Miller:

We have made very good use of the early voting system. We are the only state that utilizes uniform election machines in every county, with each providing verifiable voter paper trails, thus allowing for accountability and uniformity across jurisdictional lines. As I talk to some of my colleagues around the country that administer elections, I find that many have to deal with as many as 164 counties, each using different election systems, which creates substantial challenges.

The advent of early voting, and its expansion and growth in popularity, are very significant. As you know, we are able to vote in shopping malls, grocery stores, libraries, et cetera. The idea of voting in a grocery store seemed unusual in just about every other jurisdiction. We may be the only state in the country where you are likely to hear a call for a wet mop at voting booth number 8, but it works for us. It is very efficient and reduces the strain on the administration of the election when you have only 30-some percent of the voting population showing up on Election Day.

Chair Ohrenschall:

Has there been a request for a recount since we began using the new machines with the paper trail?

Ross Miller:

There have been some recounts, but we have not had a statewide recount since we had those machines in place.

Chair Ohrenschall:

You brought up the success we have had with helping our service members to vote. Do you have a percentage as to how many registered service people have had success with the system?

Ross Miller:

We can provide some figures.

Assemblyman Elliott Anderson:

Mr. Secretary, can you talk more about the process regarding military and overseas voters?

Ross Miller:

Nevada passed what is essentially the Military and Overseas Voter Empowerment (MOVE) Act prior to the federal legislation that was adopted. The MOVE Act requires that all overseas ballots be sent out 45 days prior to the election. It is also possible for the voter to email the election official, request

that the ballot be sent to him or her electronically, and then send it back. One of the problems that we have identified is that under the existing system, once they receive the ballot emailed to them, they have to print it out, sign it, scan it in, and email it back to the election official. Many of those forward operating bases overseas do not have the equipment necessary to scan documents. However, the technology does exist to send the ballot to the voter and allow him or her to attach an electronic signature when returning it to the election official. I know that is a legislative initiative of yours, and we intend to support it. I believe that it will go a long way toward making the process even more convenient for voters in the military.

Assemblyman Hickey:

Secretary Miller, could you give us a small preview on A.B. 48, which extends the online voter registration period an additional ten days for walk-ins only?

Ross Miller:

Essentially, it aligns the online voter registration deadline with the in-person deadline. There are two separate deadlines for voter registration. One is if you want to mail in your voter registration form, and the other is if you appear in person to register. Therefore, the online registration would be lined up with the walk-in registration, because through the online system, we perform the same checks that would be necessary for somebody to register in person but the process is automated. I believe the reason for the discrepancy in dates was the time required for a clerk with the paper-based voter registration materials to perform those checks. With the online system it happens instantly and they can be added to the voter registration rolls immediately, so it makes sense to move that deadline closer to the election.

Chair Ohrenschall:

Mr. Secretary, the text of your presentation ([Exhibit C](#)) brought up the example of the woman in Clark County who attempted to vote twice in 2012. That incident notwithstanding, do you feel that there have been many attempts at voter fraud?

Ross Miller:

We have not seen evidence of widespread voter fraud but have seen limited attempts at voter fraud as well as instances of voter registration fraud. To the extent that we see any evidence of those violations, we have pursued them aggressively, and for the most part they have resulted in successful prosecutions.

Chair Ohrenschall:

Regarding the Aurora campaign financing system, I remember discussions before this Committee concerning candidates in the more rural parts of the state who might not have access to the technology necessary. Has that proved to be a problem?

Ross Miller:

There is a provision under that statute that allows a candidate or elected official to apply for a waiver to submit a paper-based form. It is my understanding, in conversation with Deputy Gilles, that we have had fewer than ten waivers filed statewide since the advent of the Aurora Act.

Assemblyman Martin:

I was very intrigued by the photo-voter ID system that you are proposing. Could you clarify what happens if you do not have a driver's license? Are you proposing that the picture be taken at the polls at the time of initial voting and then in subsequent elections be pulled back in as a reference?

Ross Miller:

We would create an electronic poll book that would include the voter's photograph that is available through the Nevada Department of Motor Vehicles (DMV). For any voter who did not have a photograph or to whom we could not tie a DMV record, the first time that voter showed up to vote we would ask to take his or her photograph and import that photo in to the electronic poll book. If voters had religious or cultural objections to having their photos taken, they could sign affidavits stating that they are who they say they are, and they would be given full ballots to vote. I am confident that this would not disenfranchise a single voter because it shifts the onus on maintaining the photograph from the voter, which you see in many voter ID proposals, over to the government.

Assemblyman Munford:

Is there any effort to move for continuing registration right up to Election Day? What are your thoughts about that?

Ross Miller:

We have seen Election Day registration bills in the past, although I have not seen evidence that one may be presented again this session. My opinion is that we should make the process as easy and convenient for people as we can. We know that Election Day registration can increase turnout about 10 percent, and in the states that have Election Day registration it is very popular on a bipartisan basis. I have concerns as to how it is structured. In some states, a person is allowed to come in, fill out a paper-based form, vote, and the

verification process takes place after they have voted. I believe that with technology it is possible to perform those checks prior to an individual being registered. The barriers that used to exist can be eliminated with safeguards that are available by the use of technology.

Chair Ohrenschall:

In some of the states that allow registration up to Election Day, do you think there have been many cases of fraud?

Ross Miller:

I do not believe there have been significant instances of fraud. My understanding is that many of those states find less than one-half of a percent of instances that could potentially be tied to any fraud. Determining criminal intent thereafter is even more difficult.

The concern is that we have races that are decided by very close margins. I think we all remember the North Las Vegas City Council race not too long ago that was decided by one vote. I think that if we are going to move forward, toward putting that system in place, we should verify a voter's eligibility before they vote, not after. I believe that with technology we can do that.

Chair Ohrenschall:

In the 2007 session, we heard a lot of testimony that if Nevada went to an Election Day registration scheme, it would be incredibly burdensome on the county registrars. Technology has progressed so much since then; do you think it would be such an incredible burden to the registrars now?

Ross Miller:

I will let them speak to the challenges of implementing a system like that, but certainly the online system streamlines that process, and it should not require a significant amount of additional work for the clerks or registrars. However, there could be complications in administering a new system. In states where they allow paper-based voter registration on Election Day, that is a great deal of work for the election officials. In Minnesota, they have about 500,000 people register to vote or update their voter registration on Election Day. The public is just used to waiting until Election Day to do that, and so officials would not know for weeks who had ultimately cast a ballot because that is how long it takes the clerks to be able to input that information. With online voter registration you should know immediately because the process is electronic.

Assemblyman Munford:

Do you think the municipal elections will ever be moved to coincide with the general elections to help increase voter turnout, which is currently extremely low. Would we move for that in the Legislature, or would you from your office?

Ross Miller:

I believe there was a bill last session that was intended to do just that, to align those races with even-numbered years, which could result in some cost savings and higher turnout in those races. That is a policy decision that could be brought up again this legislative cycle. I do not oppose it.

Assemblyman Oscarson:

To give an example on how important the voting process is, three years ago in Nye County we had an election decided by a card draw. There was a tie in a primary for county commissioner, and the candidates drew cards to determine the winner.

Chair Ohrenschall:

Are there any further questions for the Secretary of State or the Deputy?
[There were none.]

Next on our agenda we have Larry Lomax, Registrar of Voters for Clark County, and Alan Glover, the Carson City Clerk/Recorder.

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

I am here to give you an overview on elections. Currently, the deadline to register to vote is 30 days before the election and falls on a Saturday with the same date as the date of the election. For instance, if the election is November 2, the deadline for registration is Saturday, October 2. In Clark County we processed 288,000 voter registration applications in 2012, of which 57,000 came in the week before the close of registration and 100,000 came in three weeks before the last day to register. My point is simple: It does not matter when you set the last day to register; there will always be people who wait until the very end.

When 100,000 people register in the last three weeks before the election, my people have to enter all that data into the system and have it ready, by Tuesday afternoon, so that we can begin addressing, labeling, and mailing the sample ballots so they will arrive on the Friday before early voting starts, as required by statute. The ten-day in-office extension was originally designed so a person could come to our office to register, and we would go into our back vault and pull out their sample ballot. It turns out that so many people waited to register

until that ten-day period that we were overwhelmed and had to tell them we would mail their sample ballot to them late.

With online registration we have no data entry requirements because the voter or person registering is entering his or her own data; however, those people who wait until those last ten days are going to be treated the same, whether they come in-office or go online, as we are not going to be able to get a sample ballot to them before the beginning of early voting. We will get them a sample ballot well before Election Day, but it will not get to them before the beginning of early voting.

Assemblywoman Flores:

Regarding the requirement for the sample ballots to go out prior to early voting, would we need to do some sort of exemption on the statute that requires that they get a sample ballot?

Larry Lomax:

Obviously, we would not be able to mail them a sample ballot because they are registering at a polling place. Again, I am going to reference Minnesota and Wisconsin because those are the two places I am most familiar with. In those locations, the voter has to go to the correct polling place for the address at which they are registering.

Chair Ohrenschall:

Mr. Lomax, in Minnesota and Wisconsin, do they have early voting programs, and do people register at the site?

Larry Lomax:

I do not believe they do, but I am not an authority on that. I also want to caution you that "early voting program" means completely different things in different states. You are familiar with how we do it in Nevada, but some states allow people to vote by no-fault absentee voting, and they call that an early voting program. Florida has an early voting program that simply allows voters to go to the county clerk's office and vote early.

Chair Ohrenschall:

Would it be easier if all registration was done electronically and not have the worry about paper registration?

Larry Lomax:

It certainly would. An advantage of online registration is the assumption that the voter is going to put in accurate information. The data that is entered is cross-checked with the DMV or the Social Security Administration.

Chair Ohrenschall:

Registrar Lomax, are there any jurisdictions that only allow online registration?

Larry Lomax:

Not that I am aware of, no.

This Committee asked for an explanation on what constitutes an inactive voter. Before we do a large mailing, we cross-check our database with the U.S. Postal Service National Change of Address (NCOA) registry to find out if people have moved. When we find out somebody has moved, the law requires us to send a postcard to him or her, which may be forwarded by the post office, asking the voter to please update his or her address. They have 30 days to return it to us, and if they do not, they are placed on inactive status. An inactive voter is an ineligible registered voter. They are not removed from the records until, as the Secretary stated, they do not vote for two consecutive federal elections.

Assemblyman Oscarson:

Mr. Lomax, does the Department of Motor Vehicles actually register people to vote? As I recall, they just hand you a form. How many registrations come through your office that are generated from the DMV? Also, would it be possible at some point to put terminals in the DMV locations to allow people to register to vote when they conduct business at the DMV, thereby eliminating some of that burden from your staff?

Larry Lomax:

The National Voter Registration Act (NVRA), which was put in place in 1993, requires the DMV to register people to vote. When you go to the DMV, you fill out the paper-based form and only have to submit additional paperwork for items unique to registration, such as party affiliation. Unfortunately, Nevada has not had the funding to fully implement that. Yes, we do get many of our voter registration forms from the DMV right now.

Assemblyman Munford:

You could do electronic voter registration at the high schools. I know that when I was teaching, you either brought a registrar out to the school or trained one of our faculty members to become a registrar.

Larry Lomax:

Anybody who has access to the Internet and is eligible to register in Clark County may use the online voter registration system. The only requirement is that the person have a Nevada driver's license.

Assemblyman Munford:

You get a large number of voter registrations from the schools, do you not?

Larry Lomax:

We get some from the schools. Our biggest problem right now is making people aware that this service is available. The Secretary of State has done some press releases, and I try to mention it when I am on TV, but it is very difficult to get the word out that you can register online. The system began in Clark County in 2010. Since that time, about 50,000 people have submitted an application through that system, which represents only about 15 percent of all the applications that we received during that two-year period.

Chair Ohrenschall:

Do you believe that with online registration there has been a major problem with voter fraud?

Larry Lomax:

First, we need to distinguish registration fraud from voter fraud. When we had the Association of Community Organizations for Reform Now (ACORN) here in 2008, we had several instances of registration fraud. This election we did not run into those problems. In the 2012 elections we had very few registration issues, and I am not aware of any significant voter fraud.

Assemblyman Hickey:

Regarding Secretary Miller's election modernization bill, it has been suggested by some that it might complicate the process. Would you give us your opinion on that?

Larry Lomax:

My IT people and I will be meeting with the Secretary of State's Office on Monday to talk more about the details of this bill, so I would rather wait until I learn more about it.

Assemblyman Martin:

This is a general question about the early voting and the early voting sites in Clark County in particular. It seemed, when reviewing the locations, they were not proportional throughout the county. I am curious about the selection criteria

of the sites. Is there going to be any further progress in refining the criteria for future elections?

Larry Lomax:

We break it down by Assembly, Senate, and congressional districts. We also draw a three-mile radius around every site to determine how many people are included in that area and what opportunities they have for early voting. We work very hard to be sure that it is as fair as we can make it. We have used most of our current locations for quite a while. We have found that the more often we use the sites, the better they work, as people become accustomed to the locations and show up to vote in greater numbers.

I am very proud of the way we handle voting in Clark County, and we are recognized throughout the country as one of the leaders in integrating technology in all aspects of the voting process. We had an 81 percent turnout in Clark County this past November, and we had no lines on Election Day.

If you go back 16 years, to 1996, the early voting turnout at that time was 17 percent. The overall turnout in Clark County for that presidential election was 61 percent, and they were still voting after 10 p.m., even though the polls close at 7 p.m., because the lines were so long. In the 2012 election, 63 percent of everyone who voted in Clark County voted at an early voting site, with an overall turnout of just under 81 percent. In 1996, Nevada and Clark County ranked last in turnout as a percentage of registered voters of any state in the West. Now we rank first with the exceptions of Oregon and Washington; Oregon is all early voting because it is all vote by mail, and Washington is the same except for one county. The reason early voting works so well is because it is a modern way to vote. We had 437,000 early voters in Clark County in 2012. On Election Day we had 205,000 voters.

Connectivity is very important to successful early voting. Every early voting site is connected to our central database. As soon as we activate and hand you the card to go vote, we are also putting into our computer that you voted at this place at this time, so you cannot vote at more than one place.

Early voters are happy voters. You see early voters standing in lines, but they do not complain because they are at an early voting site at a time and place of their choosing, and they are willing to do it. If you had those same lines on Election Day, you would have an enormous amount of grumbling. We would be in the newspaper headlines for having those kinds of lines.

The other factor that allows us to vote early is the electronic voting machines. For a general election we have approximately 300 versions of the ballot, and for

a primary election, because you have a Republican, Democratic, and nonpartisan version, it can easily go over 1,000. We also must have English, Spanish, and Filipino, or Tagalog, versions of each ballot. With the voting machines, we can load all those ballots on to the machines' memory, and any registered voter can show up and vote at any polling place.

Chair Ohrenschall:

You have highlighted what is a minor problem that I usually see every Election Day. I believe an early voting program that allows people to vote anywhere they want in the county spoils them. Then, come Election Day, they forget to go back to the old-fashioned system that requires them to go to their official polling place. Why is that?

Larry Lomax:

Right now, for Election Day, the law stipulates that we print a roster book to be used to verify the signatures of the voters within that precinct. Those books are hard copy, not electronic, and so cannot be made available at every polling place within the county. A possible solution to this is vote centers, which are used in several states now. Henderson uses vote centers for their municipal elections. A vote center is nothing more than an early voting site on Election Day, in that voters can go to any vote center in their city or other jurisdiction, regardless of where they live in the city.

Assemblywoman Kirkpatrick:

It would seem that vote centers would be a huge manpower issue, as you would not know where the influx of people would be on Election Day.

Larry Lomax:

The challenge for us, if we went to vote centers, is we would need about 120 vote centers to conduct voting without enormous lines. That is more than a third of the number of polling places that we already have on an Election Day. You are correct that the voters would have to travel a little farther to get to one of these vote centers, but the upside is they can go to any one of them. We would still have to arrange a system that is fair, because in some communities many people do not have the transportation to go far from their home or work. There also is a cost when you go to vote centers because you now need connectivity at every site. When we do early voting, we wire the sites and use the wireless connectivity because we cannot afford to go down on Election Day. It is something that could be done, but a lot of thought and planning would have to go into it.

Chair Ohrenschall:

Do you have any idea what that would cost?

Larry Lomax:

I would not want to try to estimate that cost. You would make it up over time, because you will not need as many workers and you would have fewer sites, but there would definitely be an initial cost.

I hope I made the point that our voting machines are critical to the success of early voting. If we ever go to a paper-based system, early voting goes away.

The other area I want to touch on is our ballot language. We conduct elections in Spanish, Filipino, and English in Clark County. After each census, the director of the U.S. Census Bureau looks at each jurisdiction and decides what languages the elections must be conducted in. After the 2000 census we were directed to add Spanish, and after the 2010 census to add Filipino. We met with members of the Filipino community in Clark County and let them decide which dialect should be used. They chose Tagalog, so we now conduct our elections in that language. The Census Bureau's criteria is if 5 percent of the people in a jurisdiction speak a language other than English, and have difficulty reading or writing in English, that qualifies that specific language. Another way to qualify is if 10,000 or more people in the jurisdiction meet that language criteria, then we will translate ballots into that language.

Currently, of the almost 900,000 people we have as active registered voters in Clark County, 1 percent of them have requested to have their voting materials in Spanish and one-tenth of 1 percent have requested voting materials in Tagalog.

Chair Ohrenschall:

Mr. Lomax, do the demographic trends point to any other languages for which we will need translations?

Larry Lomax:

There is a significant Asian population in Clark County, but they are from many different countries. It would most likely be another Asian language, but that will not be until after the 2020 census.

I do want to state, on behalf of all the clerks, that we believe the process goes smoothly in Clark County. This past election we had well over 2,000 military personnel vote by email, and at least half of those returns came back to us with very nice thank-you notes for making it so easy for them to vote. There were a lot of frontline troops in Afghanistan, because they let me know where they were. They were able to get those ballots back to us, and they were very grateful for that. The clerks are proud of what they do, and regardless of the circumstances, we are going to make sure to do it right.

Chair Ohrenschall:

Are there any further questions for the Clark County Registrar? [There were none.]

Alan Glover, Clerk/Recorder, Carson City:

I agree with the comments made by Mr. Lomax.

The question was asked earlier why Nevada had a successful election, and I believe there are a number of reasons. One is that Nevada election law is very good. It is simple. We as clerks understand it, and I believe the voters understand it. Carson City had an 89.9 percent turnout, which was slightly less than it was four years ago. We even had an 89 percent return of military e-ballots.

Another reason is the June primary. That primary date gives us the needed time to get out those military and overseas ballots. Additionally, online voter registration has been very good for us. We do not have to do the data entry but, more importantly, the records match exactly with DMV's information.

One of our problems involves addresses that do not match. A registrant puts in an address that is a legitimate local address, but it is a business and not a residential address. We have come to the conclusion in the office that a lot of people are doing this for tax reasons, as they want to establish residency in the state of Nevada but do not actually live here. When we get an address on Carson Street and we know it is a business, we have to write a letter stating that the person is ineligible to vote in Nevada.

I see two challenges. First, no one seems to have looked at how we are going to pay to replace the voting machines that are now ten years old. The cost could run into the millions of dollars. Normally the state sets aside 10 percent of the purchase price of a high-valued item they are buying every year for replacement. That has not been done. The Secretary of State has a contract with Dominion Voting Systems to service the machines, and maybe we will keep doing that. However, the screens are starting to go out. The votes are all there, it is all protected, but that machine cannot be used any longer, so we have to take it off line. In our case, we have backup machines, but this body should talk about how it is going to take care of this issue.

The other issue is the National Voter Registration Act (NVRA). That act said that when you registered your vehicle or obtained a driver's license, the data would be sent to the local jurisdiction and you would be registered to vote. That has never been implemented anywhere that I know of. Now the Department of Motor Vehicles is sending us the change-of-address information

they receive; however, they are sending all such changes whether the person is a registered voter or not. In some instances, people are checking the box on the DMV form that asks them if they would like to change their address for voting purposes, and they believe that registers them to vote. The DMV has changed the wording on the notices they send out, and we will do everything we can to remind people that simply checking that box does not guarantee that they are registered voters. It is the same with people who move and send in a change of address to the post office. It is an issue that we are going to be facing.

If there is anything that our office can do, or if you would like to come over to see how the machines work, we are just a couple of blocks away. We are more than happy to have you come over and take a look at any of the equipment. We had a good election last time, and we anticipate that we will continue to be a leader in elections in the country.

Chair Ohrenschall:

Are there any questions for the Carson City Clerk/Recorder? [There were none.]

Next on the agenda are possible Committee bill draft request (BDR) introductions, but we do not have any today, so I am going to pass that agenda item. Unless there are any other comments from the members, I will open it up to public comment. [There were none.] We have one person who has signed in and requested to speak, Mr. Jim Moneyhun.

Jim Moneyhun, representing Nevada Clean Up the Vote:

I am the Northern Nevada Coordinator for Nevada Clean Up the Vote. Our organization was very pleased when Secretary Ross Miller introduced his intent to implement a picture voter identification procedure in Nevada. [Continued to read from prepared text ([Exhibit D](#)).]

We have found very often that there are deceased voters on the rolls, but they are not taken off. As I recall, down in Clark County, Mr. Lomax was informed of something in the order of 260 deceased voters who were still voting.

The same is true of a social security number assigned for a child, regardless of citizenship status. [Continued to read from prepared text ([Exhibit D](#)).]

Chair Ohrenschall:

Are there any questions for Mr. Moneyhun? [There were none.] I do not see any other members of the public who wish to make public comment. The meeting is adjourned [at 5:29 p.m.].

RESPECTFULLY SUBMITTED:

Karen Pugh
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Legislative Operations and Elections

Date: February 7, 2013

Time of Meeting: 4:01 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Ross Miller	Elections Overview PowerPoint
	D	Jim Moneyhun	Remarks concerning picture voter ID