

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

**Seventy-Seventh Session  
March 14, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:04 a.m. on Thursday, March 14, 2013, in Room 2144 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 Pat Spearman, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Kelvin Atkinson  
Senator Barbara K. Cegavske  
Senator James A. Settelmeyer

**STAFF MEMBERS PRESENT:**

Carol M. Stonefield, Policy Analyst  
Melissa Mundy, Counsel  
Kaci Kerfeld, Committee Secretary

**OTHERS PRESENT:**

Ross Miller, Secretary of State  
Keith Uriarte, Chief of Staff, American Federation of State, County and  
Municipal Employees, Local 4041, AFL-CIO  
Danny Thompson, Nevada State AFL-CIO  
Sam King, League of Women Voters of Nevada  
Sondra Cosgrove, League of Women Voters Las Vegas Valley  
Janine Hansen, Nevada Families  
Patrick T. Sanderson, Nevada Alliance for Retired Americans  
Barry Gold, AARP Nevada  
Richard Boulware, First Vice President, NAACP, Las Vegas  
Mike Cathcart, Business Operations Manager, City of Henderson  
Kate Sedinger, Progressive Leadership Alliance of Nevada

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Daniel G. Burk, Registrar of Voters, Washoe County  
Alan Glover, Clerk/Recorder, Carson City  
Jude Hurin, Services Manager, Management Services and Programs Division,  
Department of Motor Vehicles  
Carol Howell  
Larry Lomax, Registrar of Voters, Clark County

**Chair Spearman:**

Today we will be hearing Senate Bill (S.B.) 63.

**SENATE BILL 63:** Revises provisions governing the administration of elections.  
(BDR 24-384)

**Ross Miller (Secretary of State):**

Nevada runs an outstanding election and is recognized as a national leader in that regard. Nevada has one of the highest levels of scrutiny on our elections, being a battleground state and an important early caucus state. There are many reasons we are able to run such an outstanding election in Nevada, including the work of the county clerks, the election workers, the volunteers throughout the State, the equipment that we have and the regulations and laws that apply to our elections. Even though we are a national leader, it does not mean that we should not be looking for ways to improve the administration, security and accessibility to the election system. Maintaining our position at the top requires that we continue to look for opportunities to improve the system. Senate Bill 63 addresses that issue. This bill will upgrade the antiquated paper-based poll book system to a much more efficient and accurate processing of voters at the polls. It will bring with it a number of outstanding benefits.

Electronic poll books have been implemented in jurisdictions in over half of the states, as noted in my handout ([Exhibit C](#)). This is an area—despite the fact we run outstanding elections—that we lack. Upgrading to an electronic poll book will make the process of voting easier, faster and free from error. It will also result in fewer provisional ballots, which remain a significant problem in this State. Provisional ballots are only allowed to be cast for the federal races, and most of them do not count. Poll workers will be able to identify a voter's precinct and have the entire roster at every precinct.

We have included a provision in S.B. 63 dealing with visual verification, [Exhibit C](#). The bill will require that when the electronic roster is maintained, it

will include imported photographs from the Department of Motor Vehicles (DMV). This will add the opportunity to visually verify that the voter present is the same individual we have on record. To understand how that works, you have to understand the system currently in place.

When a person shows up on Election Day, there is a paper-based, printed poll roster enclosed in a binder. When a person gives the poll worker his or her name, the poll worker finds the person's name in the binder and has the voter sign next to it. That signature is then checked to make sure it matches the signature on file at the DMV. That is an important and effective safeguard in our system to ensure that impersonation does not happen at the polling place. However, there are problems with signature verification. One problem is that signatures change over time. Another problem is that when people register to vote, they may scribble their names, not realizing that signatures will be used for comparison. When signatures do not match, the poll worker is required to ask for a form of government-issued photo identification (ID). The list of IDs acceptable at that point are limited and include a driver's license, a DMV-issued ID card, a military ID or another form of government-issued photo ID with a signature. If you cannot produce an acceptable form of identification, you are only permitted to vote a provisional ballot for the federal races. About 60 percent of the provisional ballots cast in this State did not count.

This bill provides another layer of security which is much more effective than signature verification alone—it provides visual verification. The added step of visual verification does not put an additional burden on the voter to produce identification. The DMV would provide already existing digital color photographs to the Secretary of State's Office and the county clerk's offices. We would then associate the photographs with the voter record. The photographs would be imported into electronic poll books and rosters on Election Day. There would be no onus on the voter to bring anything to the polls.

When a person shows up to vote, he or she would sign as required now. The poll workers would compare the signature to the signature on file and subsequently check the photograph on file to make sure it is the same individual in front of them. If it appears to be a match, the person is given a full ballot. If there is no photo on record for comparison, the poll worker will ask to take the voter's photo. If the voter agrees to have a photo taken, the voter will be given a full ballot. The voter can also provide a DMV-issued identification card and be allowed to vote a full ballot. If people refuse to have their photos taken for

religious or cultural reasons, they would need to sign written affirmations that they are who they say they are to be allowed to vote full ballots.

We estimate that 85 percent of voter records on file already have obtainable photographs stored at the DMV. Through further comparisons, we believe that number is probably upwards of 98 percent, [Exhibit C](#). We have included a provision in the bill that makes it explicit that Election Day challenges cannot be issued by registered voters or poll observers on the visual verification requirement of this bill. The photo is an additional form of verification for poll workers to use to identify individuals when they cast their ballots, just as poll workers visually verify signatures under the existing system.

Most voter outreach groups in this State say in their pamphlets, material and outreach programs to bring identification with you to your polling place. This is not required, but if there is a discrepancy, you may be required to produce identification. This would shift that conversation entirely. Under this bill, there is not a single instance where you would be required to produce identification before exercising your constitutional right to vote. We have shifted the onus of verifying the voter from the individual to the government. We can obtain the photos through modern technology and provide the exact same safeguard that the public feels is important.

If you were to consider this bill 15 to 20 years from now and ask yourself if you would have wanted to utilize the best available technology in order to administer the elections and, as part of that technology, would have wanted to include a photograph as a basic safeguard on a right that is so fundamental and important as casting ballots, you would answer yes.

A public concern about this bill is the fiscal impact of implementing an electronic poll book. There are other things in our State that require money and need to be fixed. Why are we considering implementing this when our elections are already running well? The answer is that having a paper-based poll book is antiquated and inefficient. Other states that have considered implementing this change have shown a cost savings over time in upgrading to an electronic system. We have tried to come up with estimates, but we are not certain what the cost of implementation will be. The \$800,000 fiscal note we attached was intended to cover statewide analysis for the 2014 election cycle. Most of that amount is for buying laptops for every polling location in the State. Washoe County's portion was around \$30,000, and Clark County's portion was around \$275,000.

Clark County has attached a new fiscal note and believes its cost could be about \$3.2 million. That analysis does not include the ability to repurpose the existing equipment. The cost of implementation would be somewhere between \$800,000 and \$3 million.

Another belief people have is that this is a solution begging for a problem. We do not see evidence of voter fraud, and we have not seen many instances of impersonation at the polling place. Some may believe this safeguard is not needed and that we do not need to spend money on this. Voter confidence is a key element in any successful democracy. For any democracy to work and thrive, voters need to be confident that their votes are being counted and that every vote cast is done so legitimately. There is evidence that a lack of voter confidence exists in this Country, [Exhibit C](#).

There were a number of polls about voter confidence before the 2012 presidential election. In Ohio, 62 percent of Republicans believe that Democrats would have engaged in voter fraud to ensure an Obama victory. Fifty percent of Democrats believe that Republicans would engage in voter fraud to ensure a Romney victory. In Florida, 60 percent of Republicans and 55 percent of Democrats think that the opposing party would have engaged in fraud if the opponent won. The numbers are alarmingly high on the amount of people who believe that impersonation at a polling place happens. That is what the visual verification is designed to prevent. Many voters, lawmakers and members of the public have cited the need for photo verification to address those concerns, and this bill provides a solution. It does so without placing an additional burden on voters in a manner that would guarantee we do not disenfranchise any individual's constitutional right to vote and do not suppress the efforts of people who want to participate in the democratic process. Signature identification alone can be improved, which is what we are trying to do.

The other concern is that this bill does not do enough and that problems are small. This bill is a substantial improvement of the system we have. Voter ID proponents claim that visual verification is necessary. This will allow more efficient and accurate processing of voters on Election Day and during early voting. It puts into place an electronic poll book infrastructure that allows Nevadans to take further steps to increase accessibility and participation. This is about election integrity, transparency and accessibility, which have always been top priorities of my administration. This legislation is an opportunity for this State—not the voter—to ensure that every eligible voter is able to exercise the

right to vote. This legislation will help accomplish that goal without disenfranchising voters in the process. We ask for your support of Senate Bill 63 so that Nevada can modernize our election system and ensure that every eligible voter is able to exercise his or her right in Nevada.

**Senator Settlemeyer:**

Would the digital images be loaded onto each laptop, or would the laptops be able to access the Internet to secure the photos from an encrypted server?

**Secretary of State Miller:**

We would obtain the poll rosters at each location and preload the photos.

**Senator Cegavske:**

I am concerned about the clerks and voter registrars having to take the photos. We would be giving them another job to do. The cameras and the computer systems would need to be updated, causing an ongoing cost. I understand striving for convenience to make this as easy as possible, but it would make more sense to have the DMV take the photos. The DMV already has the cameras and equipment set up to do this.

**Secretary of State Miller:**

Implementing that kind of proposal is more expensive. A requirement to bring a driver's license to the polls causes more expense than the proposal we have outlined. The courts have made it abundantly clear that you cannot charge voters a fee before they are allowed to exercise their constitutional right to vote. It is an unconstitutional poll tax, which would require the State to give out free identification cards. We would also be required to engage in substantial outreach to meet the standard the courts have outlined. If a safeguard is implemented in the manner described, it would need to cause zero disenfranchisement. There would need to be extensive efforts to educate the public that the traditional way of voting has fundamentally changed and that you now need to bring your driver's license with you before you are allowed to vote. The states that have implemented this requirement have had to undertake extensive public outreach campaigns to educate the public. Those types of proposals run a very real risk of disenfranchising voters.

There are voters who do not have the means to easily obtain driver's licenses or identification cards. For example, there are members of the disabled community who cannot easily get to the DMV but continue to exercise their right to vote on

a regular basis. This proposal is a more responsible way of implementing this system because it does not disenfranchise a single voter. This can be done in a much more cost-effective way and provide the safeguard that many people believe needs to happen.

**Senator Cegavske:**

People who do any form of transactions including banking, Medicaid or Medicare have to have ID. The DMV is already in place and set up to issue ID. Perhaps there could be a fund that would help those who need assistance obtaining ID. I do not understand why we would set up an additional type of identification that is costly.

**Secretary of State Miller:**

Most people have identification already. At least 85 percent of the voters we have identified through our system already have a photo on file. According to a national analysis by the Brennan Center for Justice, [Exhibit C](#), approximately 10 percent of the public—disproportionately people of color, elderly citizens, disabled citizens, youth and low-income citizens—does not have a government-issued photo ID. We are not suggesting ignoring the established database; we are hoping to utilize those photos. Instead of requiring voters to bring the identification issued by the DMV, we would be utilizing the best available technology to import the photos to the polling place. In this case, if voters forget or have lost their IDs, they are not prohibited from voting.

Our proposed system achieves the same safeguard but does it in a way that is more responsible. This is a much more cost-effective approach when compared to the amounts other states have had to spend when implementing a driver's license requirement at the polling places. We can achieve our goal and provide the same safeguard in a way that makes more fiscal sense and is more responsible. I will let the clerks speak for themselves about the potential burden on them, but from conversations I have had with the clerks, they believe very strongly that we need to have electronic poll books. The clerks have successfully made changes on a regular basis through the administration of elections. This would apply to a small portion of the people for which we would not already have a photograph on file and would not disrupt the voting process whatsoever.

**Senator Manendo:**

Can you talk about what kind of substantial outreach you would be doing and whether you have factored the fiscal impact into the financial responsibility of the State?

**Secretary of State Miller:**

We have factored in a portion of the budget that would deal with outreach. We would be trying to educate the public that despite what you may have heard, this is not a driver's license voter ID bill and you do not need to bring ID to the polls. Most outreach groups recommend that you bring your driver's license to the polls because if there is a discrepancy, you will have to produce it. We would be educating people that under this proposal you can leave your ID at home. There is not a single instance where you would be required to produce ID before you were able to exercise your constitutional right to vote.

When I mentioned the substantial cost of outreach, it was associated with the states that have implemented a driver's license voter ID proposal. Under those proposals, the states have to engage in extensive public outreach to educate the public. The public may not know that before you are allowed to vote, you will have to show identification. Not only do you have to educate people, but you also have to provide resources for people who would have difficulty obtaining identification.

**Senator Manendo:**

Would you be doing public service announcements?

**Secretary of State Miller:**

I do not know if we have factored in enough money for public service announcements, but we would make efforts to reach people via all forms of digital media.

**Chair Spearman:**

How many provisional ballots were cast in the last election cycle?

**Secretary of State Miller:**

There were around 9,000 statewide.



**Chair Spearman:**

It is my understanding that if you vote with a provisional ballot, you can only vote for the president and vice president. Is that correct?

**Secretary of State Miller:**

Yes, that is correct.

**Chair Spearman:**

In addition to modernizing the process, what would the other benefits of your proposal be?

**Secretary of State Miller:**

When the process is modernized and electronic poll books are created, the election becomes much more efficient and effective for administration. Rather than having to thumb through binders, names are immediately available to be pulled up on a laptop. At the end of the election, the information that was previously handwritten would be digital and would not have to be manually entered into the system, which saves money. When an electronic poll book is implemented, opportunities can be created so that people would not necessarily have to vote at their precincts on Election Day. Early voting and being able to vote at any location within the county is very popular in this State, and most people take advantage of it. People seem to prefer those options rather than voting at their precincts on Election Day.

The reason we cannot implement a system like the early voting system where people can vote at any location irrespective to where they live is because it is impossible. It is not feasible to print out a million names in Clark County that the election worker would have to thumb through. If you implement and invest in the technology to be able to use laptops—which are used during early voting—there would be an electronic roster capable of holding the countywide database of names. Voting centers could be created to allow anyone from the county to vote at any polling location in the county. That is an upgrade that can only happen if we invest in electronic poll books.

It is not part of my proposal, but when an electronic poll book is in place, there is availability to explore moving the voter registration deadlines toward Election Day registration. The concern that many people have with Election Day registration is that it allows an opportunity for fraud. In many states that have same-day voter registration, a voter shows up, fills out a paper registration form

and is given immediate access to the ballot. Thereafter, the clerks perform the verifications required by law. When the verifications are made, anyone who was ineligible to vote is turned over to law enforcement. The argument against this process is that the verification should be performed before the person votes rather than after. With an electronic poll book, there is the possible capability of allowing people to register through a digital system that provides the same safeguards and is more secure.

We have online voter registration in this State, which works by making comparisons with the DMV to guarantee a person's identity. First, we make sure the person has a driver's license or identification card and a residential address. If the person has those, then he or she is processed immediately.

Implementing a system like that is actually more secure than the paper-based system. When paper registration forms are filled out, the person provides a form of identification establishing residency through the mail and can then request an absentee ballot. Under the new system, the same checks could be performed before the person votes. With the use of technology and an electronic poll book, we could implement a system that would be even more secure.

We should do everything we can to try to increase accessibility and convenience for the polling place. The highest objectives should be the participation of our citizens and the democratic process. Technology allows us to implement this in a responsible and meaningful way and allows us to provide and enhance safeguards to the existing system. We cannot do that without an upgrade to the existing infrastructure.

**Chair Spearman:**

To encapsulate, the benefits are the availability of voting centers because of electronic verification and higher security. You mentioned earlier that there were discrepancies with the fiscal note for Clark County, and you based it upon whether the computers can be repurposed. What process would have to be in place for the computers to be repurposed?

**Secretary of State Miller:**

Many of the computers identified may already be in use through the election system, and it would not be possible to repurpose those. Many of the computers in Clark County's inventory are dated and may not be capable of administering the system as we have contemplated. We would need to include

large amounts of data and photographs, which would take up a lot of storage space. I believe our projection of \$800,000 is unrealistically low. Perhaps there is room if we look at efficiencies and get a better idea of how this would be implemented for Clark County's estimate to decline.

**Senator Cegavske:**

Is this proposal modeled after another state?

**Secretary of State Miller:**

Over half of the states have electronic poll books. Nevada is lagging far behind in the implementation of existing technology. Minnesota attempted to implement something similar in its last legislative session, and the legislation did not go forward. There are renewed efforts to put that in place. I attended the National Association of Secretaries of State 2013 Winter Conference in January in Washington, D.C., and most vendors that deal with election systems are shopping an electronic poll book. Every one of the poll books has the capability to include a photograph. This is the direction things are heading. This approach is a responsible way of implementing a safeguard, and it modernizes the process. In order to do this, it will obviously require an investment in funds. I cannot speak to the competing desires for resources in Nevada, but there is no cause more deserving than protecting the integrity of our elections.

**Senator Cegavske:**

My sister is a resident of Minnesota. I asked her why the legislation was not passed in that state. She explained that even the Democratic Party was opposed to the legislation and that it was something the people did not want. Is there anything different in S.B. 63, or is it identical to the proposal in Minnesota?

**Secretary of State Miller:**

The debate about why the legislation did not pass in Minnesota is still continuing. There was first proposed a constitutional amendment and a piece of legislation in Minnesota by a former secretary of state which would require producing a driver's license before you are allowed to vote. Minnesota Secretary of State Mark Ritchie made this proposal, which was an alternative proposal. At the time, the Republicans controlled both houses of the legislature. My understanding from Secretary Ritchie is that the Republicans opposed his provisions and it could not get through. He believed he had the votes on the Democrats' side. The houses have now flipped, so the Democrats have control

in Minnesota. Secretary Ritchie is optimistic that it will go through. The major barrier he is facing is that his fiscal note for implementing electronic poll books is between \$20 million to \$40 million. The population in Minnesota is only a couple of times larger than ours, but there are rural polling locations that do not have access to power. The idea of putting laptops in those locations requires a substantial upgrade in the Minnesota election system.

**Chair Spearman:**

I just received the information on provisional ballots for the last election cycle. There were around 9,000 provisional ballots, but only 3,629 were counted. What would be your guess as to why two-thirds of the provisional ballots were not counted?

**Secretary of State Miller:**

Most of the individuals who cast provisional ballots are not registered. Some of them may even be visiting from other jurisdictions and were not able to cast a ballot in their own state; they want to fill out their choice for the president, knowing that it will not count. A lot of this would be resolved if we were able to make the registration process easier and make the date closer to the election. Some people will show up to the wrong precinct on Election Day and be told they cannot vote at that location and need to go to the precinct in which they are registered. Finding out what precinct they are supposed to go to is problematic because some polls only have a paper-based roster of the names for that precinct. In that case, the poll worker cannot direct the voter to the appropriate polling location. Some counties have the resources to help resolve that problem, but many of those people do not have enough time. If we upgrade to an electronic poll book, the poll workers could have the entire countywide list and provide the appropriate polling location to everyone. It is not part of my proposal, but if vote centers were in place on Election Day, people could show up in the same manner they do during early voting and cast ballots irrespective of what precincts they live in.

**Chair Spearman:**

If I understand correctly, the vote centers would be in addition to the regular polling places. Would the electronic poll books solve the problem that the other two-thirds of the 9,000 voters had showing up to the wrong polling place?

**Secretary of State Miller:**

The electronic poll books may not resolve it altogether, but would be a substantial improvement. I am not sure what form the vote centers would take since that would ultimately be up to the Legislature. These are only a couple of the opportunities I see that come with utilizing the best available technology and increasing security and accessibility at the polls. There could be any number of other ideas. When we upgrade from an antiquated paper-based process to computer technology, it carries with it a substantial number of benefits and opportunities.

**Chair Spearman:**

In 2006, Norfolk, Virginia, implemented the electronic poll book. The statistics say the state was able to cut down voting time at the polls 15 to 20 minutes on Election Day. Have you done an actuarial matrix on how electronic poll books may cut down the time for individual voters?

**Secretary of State Miller:**

All we can do is look to those other jurisdictions. My colleagues across the Country who have implemented electronic poll books speak to those benefits. Cutting down time at the polls is one of the major reasons you will hear support from the clerks about the idea of implementing electronic poll books. It is much more efficient. If we implemented this, we could further reduce the lines.

**Keith Uriarte (Chief of Staff, American Federation of State, County and Municipal Employees, Local 4041, AFL-CIO):**

I am here in support of S.B. 63. I had an opportunity to be an election observer in the Spanish Springs area of Sparks in the last election cycle, and I was surprised by the number of people who voted provisional ballots. Provisional ballots usually do not get counted. That is almost like de facto disenfranchisement. Anything we can do to promote and allow people to vote full ballots is something incumbent upon all of us to support.

**Danny Thompson (Nevada State AFL-CIO):**

Provisional ballots are a problem, and most people do not know their precinct number. Anything we can do to eliminate that is very helpful. Being able to access an electronic poll book offers future opportunities that are attractive for people who want every citizen to have the right to vote. For example, I represent the workers in Area 51. They drive a long way or even fly to get to work. It is very difficult for people who they bring to the Nevada Test Site or

people who are working on projects outside of the County to vote. This could someday allow for polling centers where these people could vote that would be similar to the process of early voting. The data is already available and easily accessible through the DMV. The electronic poll book would streamline the process for everyone, and it would be good for Nevada.

**Sam King (League of Women Voters of Nevada):**

Senate Bill 63 reflects checks and balances. The right to vote remains with the individual citizen casting a ballot. We support legislation which preserves the integrity of the election process. The privilege to vote is precious. To ask for confirmation is reasonable.

**Sondra Cosgrove (League of Women Voters Las Vegas Valley):**

I am here in support of S.B. 63. Having fully reviewed the Secretary of State's proposal in light of applicable constitutional principles as well as the League's almost 100-year history of supporting voter rights, I am here without hesitation to advocate for the passage of this bill. The League does not approach new election processes lightly, nor do we endorse changes without exercising caution and due diligence. In states where voter laws have not met current legal and statutory standards, the National League of Women Voters has filed lawsuits in protest. Unlike other voter identification laws, S.B. 63 does not violate restrictions on poll taxes, nor does it unduly burden any group of eligible voters with unreasonable requirements. Instead, it establishes reasonable means for voter verification as well as improves security in the election process. We have no reservations supporting S.B. 63.

**Janine Hansen (Nevada Families):**

I do not oppose the portion of this bill for photographs, but I am concerned about the unfunded mandates and the cost. My concerns have to do with some of the provisions. Pursuant to section 6, subsection 3, if the election board register contains a photograph that can be checked, then the person can vote. In section 6, subsection 3, paragraph (b) says that if the election board officer does not believe that the person in the photograph is the person applying to vote, the election board officer shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury. As stated earlier, two-thirds of the people who voted with provisional ballots were not registered to vote. In this case, they will be allowed to vote if they sign affidavits. If they are not even registered to vote, what difference would it make to them if they sign affidavits? This could actually increase rather than decrease voter fraud.

In section 8, subsection 10 says no person may be challenged when he or she comes into the polls. Under this proposal, if a person's picture is not on file and that person refuses to have a picture taken, or if the clerk does not believe him or her to be the person in the picture on file, the vote cannot be challenged. The clerk cannot say that the person cannot vote. The two-thirds of people who are not registered to vote and were provisional voters in the past can now vote the whole ballot and their votes would count.

This is open to voter fraud because it does not allow the clerk to say a person cannot vote. The language is the same in section 18 under the provisions for early voting. People can still vote even if they do not provide the necessary information or if their pictures do not match as long as they sign affidavits. The picture idea and electronic poll books may be very good, but I am concerned that voters cannot be challenged if their information does not match, and all they have to do to vote is sign affidavits.

**Patrick T. Sanderson (Nevada Alliance for Retired Americans):**

I am not against this bill, but I would like additional safety measures added. Every day, technology is down in part of the State. If I go to my precinct to vote and the technology is down, I still want to be able to vote. I do not want my vote to be taken away from me because of a glitch in technology. You have to protect the voters in case something goes wrong. I have no problems with the bill as it is written, but I would like additional safety measures added in case something happens with the technology on Election Day.

**Barry Gold (AARP Nevada):**

I will read from prepared testimony in opposition of S.B. 63 ([Exhibit D](#)).

**Richard Boulware (First Vice President, NAACP, Las Vegas):**

I am in opposition to S.B. 63 for a variety of reasons. One of the most important reasons relates to the history of discrimination and disenfranchisement of minority and poor voters throughout this Country. It is well-documented that the structural identification laws disproportionately and unfairly impact poor and minority communities. This bill is a solution in search of a problem. There is no documented evidence of voter fraud. All this law will do is potentially increase the disenfranchisement and suppression of votes in the minority community. We have had record numbers of minorities voting and participating in this State and throughout the Country, and it would be a true travesty to have a bill such as this come forward.

The other portion of this bill that I do not like relates to cross-racial identification. There has been extensive research that has documented many problems with cross-racial identification by face. There have been a spate of exonerations for individuals who have been convicted, with a majority of the exonerations relating to misidentification from witnesses. Significant and extensive social scientific research indicates that it is very difficult for individuals from a different ethnic group to accurately identify someone from another ethnic group. I can think of nothing potentially more incendiary in this community than to have a person from one ethnic group tell someone from another ethnic group that it is not him or her in the picture. Our community does not need this bill. We need to spend our money elsewhere and make sure that we are not disenfranchising minority and poor voters in this State.

**Senator Atkinson:**

Those are concerns that I have as well. Some of the communities you are talking about and some of the people I represent are people who do not have an ID or may not look like their ID. A lot of those people will be apprehensive to have a picture taken at a polling site because they may feel they are being accused of not being the persons on their IDs. This has to do with the belief in their minds that they are being accused of something. I agree that this may drive down participation in those areas. Do you know the statistics of people who may not have ID?

**Mr. Boulware:**

We have not been able to accurately document statistics because we do not have a way to track the individuals who do not have identification. I will give you examples of issues we have had in this State relating to poor minority voters. One issue relates to people who are on public assistance not receiving voter registration forms as required under federal law. This has been well-documented. The NAACP and the State are resolving a lawsuit that related to the fact that individuals on public assistance were not receiving voter registration forms. The reason this happened had to do with ID in the public aid office. That does not give us direct statistics, but as a result of the problems in public aid offices, thousands of individuals were not registered to vote over the past 4 to 5 years. We do not have an exact number because it is difficult to track and those individuals do not come forward. In Pennsylvania where there has been extensive litigation related to the level of disenfranchisement, we see thousands of people who are without identification.



There are also other issues that are important to remember. It is not as simple as only giving the person a valid ID card, because his or her address may have changed or the card may have expired. Rather than bringing forward this bill, it would be more beneficial for us to document the extent to which individuals are actually without proper ID when they vote. That may create a basis for a hybrid form of this bill. We believe this bill would disenfranchise thousands of people; we just do not have the exact number.

**Senator Atkinson:**

From your experience dealing with our minority population, do you think that this would be a deterrent for those voters if they were forced to have their pictures taken at the voting facilities?

**Mr. Boulware:**

Many people would be apprehensive, intimidated or angry that when we have supposedly eliminated poll taxes and literacy tests, which have traditionally been used to discriminate against minorities, they would be confronted by poll workers to establish their identification. In my conversations with individuals who heard about this bill, there are many people in the minority communities—African American and Latino—who are extremely upset about the possibility of having to be asked for photo identification when there is no basis other than an attempt to try to create an electronic polling system. As Secretary of State Miller is aware, the Brennan Center of Justice has identified multiple other mechanisms to update an electronic polling book. Photographs are not the only means for doing this. Voters in the minority community—particularly the older voters—would be scared, intimidated and potentially angered upon this intrusion of their fundamental right to vote.

**Senator Atkinson:**

I would like to know what happens at a polling site if an individual refuses to have a picture taken.

**Mike Cathcart (Business Operations Manager, City of Henderson):**

I will read a neutral statement provided to the Committee revising the fiscal note for the City of Henderson ([Exhibit E](#)).

**Kate Sedinger (Progressive Leadership Alliance of Nevada):**

The Progressive Leadership Alliance of Nevada is neutral on S.B. 63. We like the movement toward modernizing our voting system, making it more accessible

and accurate. We also appreciate that it may provide a platform to reduce the number of provisional ballots. However, we do have a few concerns. One of our major concerns is how the media inaccurately portrayed this as a voter identification bill. We are aware that is not the intention of this bill and that is not what this bill will do. However, the overwhelming public perception of this bill is that it is a voter identification bill. We have heard that there is a small amount of funding for a public education campaign, but we have not heard a specific plan of what that will look like to ensure that all voters understand what the voting process is going to look like with these changes. We also have concerns about the vast amount of research that has been done indicating that humans as a species have difficulty with cross-cultural recognition. The outcome of that possibility is disenfranchisement of some of our already marginalized populations. We are also concerned about how this may possibly disenfranchise our transgendered citizens who may have transitioned in the interim between having their DMV photos taken and showing up to vote. We are concerned about the cost, both where the money is going to come from and how much we can expect this to cost.

It is important to note that electronic poll books and visual verification are two different things. Many states have implemented electronic poll books, but we do not have a working model of visual verification. I will confirm what the Secretary of State said, that many states have saved money with electronic poll books; however, we do not know what the impact is going to be with visual verification. Finally, while electronic poll books do set the stage for a more accessible voting system, including vote centers and Election Day registration, those pieces are not included in this bill. It is important to identify that what we are talking about here is only visual verification, and those other pieces have not been included. We are essentially buying a plot of land and pouring the foundation without a blueprint for the house we are going to build on top of it. If we can get a solid plan for how we are going to use this to make the voting process easier, more accessible and more accurate, we could get more on board. As it stands, we have to remain neutral.

**Senator Manendo:**

I asked the Secretary of State what kind of public outreach is going to happen and how much money is going to be allocated to that. We need that information to alleviate concerns.

**Senator Settlemeyer:**

You mentioned that you were concerned about the public perception of S.B. 63 being about voter identification. What is wrong with voter identification?

**Ms. Sedinger:**

At the very least, 11 percent of United States citizens do not possess a form of photo identification. Many of those people live 10 or more miles away from the nearest government identification-issuing center. Many of those centers are not open on weekends—they are only open 2 days per week. These individuals may not have transportation. Alluding to the issue of a poll tax, does that come only in the form of money or does that also come in the form of having to go above and beyond what other citizens have to do in order to obtain identification? Those of us who live in larger cities may take it for granted that it is relatively easy to obtain identification. It is easy to overlook that it is much more difficult for marginalized citizens and some rural citizens to obtain identification.

I am also a mental health counselor, and I work with individuals who live on social security income. Spending \$25 on an identification card can be cost-prohibitive for those people. As the Secretary of State alluded to, in all other states that have implemented a photo identification law, the U.S. Supreme Court has mandated issuance of free identification cards, which gets very expensive very quickly.

**Chair Spearman:**

An article on the Social Security Administration's Website about paper checks announced: In an effort to decrease the occurrence of these kinds of errors, the Social Security Administration is implementing a new direct deposit system, mandatory for all recipients of social security benefits by 2013, regardless of payment dates. Currently, beneficiaries are encouraged to have payments directly deposited into their private bank accounts. Further, if you apply for disability benefits on or after May 1, 2011, you will be required to receive payments through direct deposit. My point is that if you have to have a bank account for direct deposit, what are the people using for identification?

**Ms. Sedinger:**

I do not have an answer for that.

**Chair Spearman:**

Whatever identification people are using at the bank should comport to what is required as identification when voting. If anyone is available from the DMV, I would like to know if there has been an increase in the number of people applying for state identification since that law was implemented at the beginning of 2013.

**Senator Cegavske:**

Is a fee proposed at the polling place for the photograph?

**Secretary of State Miller:**

No, there is not a fee.

**Daniel G. Burk (Registrar of Voters, Washoe County):**

While our board has not taken a position in support of or against this bill, we understand that we have a keen need for electronic rosters in Washoe County. During the past three primary elections in Washoe County, the average number of people out of the total number of registered voters—active and inactive—who utilize the written rosters on Election Day is about 9 percent. We had two very large general elections in 2008 and 2012, and even during the general election, only about 25 percent of the total number of registered voters actually need the paper roster. At least 75 percent of the data is never used, and we end up wasting all that time assembling the 25,000 to 28,000 pieces of paper. It takes valuable staff time to assemble those rosters and poll books. It also takes a huge amount of time after the election for us to scan the various signatures of people who signed on given pages in order to update their voter files so we know if they voted or did not vote. We need to move forward with an electronic roster.

My testimony is not about the issue of having or not having photos at the polling place, but from an administrative point of view for Washoe County. We would be able to save between \$50,000 to \$60,000 an election cycle. Many states already have electronic rosters. It is a simple process of a reproduction of a person's signature given on a pad like those at department stores. The signature would appear on the pad and be compared to the signature on file. Whether you add photos is a different question.

Section 11, subsection 1 and section 19, subsection 2 provide for electronic rosters. This is a way to move forward. We are already using electronic rosters

during the early voting process. We create it with label systems but are actually using electronic systems. There have been concerns about the electronic system going down. In order to avoid that, redundancy is built into the system. On Election Day, we are not connected to a central location as we are during early voting. Instead, each unit stands individually, containing all of the information of all of the registered voters of the County. If one malfunctions, there would still be another one that works. In Washoe County, there is never a polling place that has fewer than two laptops, with some places having as many as three or four for processing voters on Election Day. We build redundancy into the system so that if something does go wrong, there is something to back it up. We need to move forward with electronic rosters to speed up the process before and after in preparation for the elections.

**Senator Settlemeyer:**

Rather than having one laptop with all the information loaded, would it make more sense to have a regionalized system that could be accessed by the Internet? I understand some locations do not have Internet accessibility, but it would work for the counties that do. If something went down, there would be the ability to get on another laptop and using an encrypted key code, have a secure system. Would that make more sense than everything on individual laptops?

**Mr. Burk:**

When we went to electronic voting with the voter-verified paper audit trail, we were concerned something would go wrong, so we actually built regionalization. We had regions in Washoe County where all of the voting machines in that region were exactly the same. That way, if something went wrong at one location, we could send people to another polling place and they could still vote. Your idea is great if you are concerned about systems going down. We found reliability using the current system during early voting. With two laptops at every polling place, we have not seen fatal errors in our system for almost 8 years. We have 35 people in the field testing on Election Day to see if there is anything wrong. I agree that you cannot have only one laptop at the polling place. If you rely on an electronic system, you have to have a backup.

**Senator Settlemeyer:**

This bill discusses the concept of having two computers at each polling place. I am talking about the concept of accessing the database from any computer with Internet capability in case something went wrong.

**Senator Cegavske:**

In the proposal, the equipment would be given to you. How are you going to sustain the cost of the system updates? Sometimes you cannot even obtain cell phone service in the rural areas, so how would the connections be managed?

**Mr. Burk:**

On Election Day, people are required to go to their specified polling locations. Every laptop is loaded with the entire file of registered voters in Washoe County on Election Day. We have occasional problems with connections in the rural areas, but at least 95 percent of our locations throughout Washoe County have solid connections. Every laptop contains complete information for every voter in the County, not just the voters assigned to a certain polling place.

We have been discussing the costs—including the initial setup cost and maintenance cost—with our voter registration vendor, Data Information Management Systems (DIMS). It appears that the ongoing maintenance will cost around an additional \$13,000 a year. We pay about \$65,000 a year for the system we have with DIMS. It appears there may also be front-end costs to switch over to an electronic poll book and allow photos. There already is a system that allows us to do signature verification as we have talked about.

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

Every provisional ballot cast in Carson City that did not count was because the voter was not registered. I timed the voters at our major polling spot when the polls opened; from the door, it only took 10 minutes to enter the booth to vote.

We are in the same situation with our vendor, Election Systems and Software (ES&S). Carson County and Douglas County use ES&S for software management and voter registration, and we use Dominion for counting votes. Dominion and ES&S do not talk to each other. We have not received an estimate of the cost of updates yet, but the cost is a major concern. I am going to look to the Secretary of State to pay for the updates because we do not have extra money to pay for the system.

My office is in favor of electronic poll books. Having a photo along with a digital signature is a good idea. Carson City is very compact, having only two polling places—one at Fuji Park and one at the Community Center. We have Internet connectivity in both places. We would be using both our Internet connection and a backup on laptops.

Nothing in this bill repeals the provision that we have to compare a signature. As the bill is written, a person cannot be challenged if the photo on file does not match. The person would only be required to sign an affidavit and would then be allowed to vote. If a person came in and the photo and signature did not match, we would ask him or her to produce identification—not under the photo section of the statute, but under the identification section. Section 6, subsection 3, paragraph (b) could be problematic. I could show up at a polling place and say I am Kelvin Atkinson. The poll worker could say the photo does not look like me, but I can say it is my photo. If I am willing to sign an affidavit, the poll worker would be required to give me a full ballot. Then I could go to the other precincts in Clark County and pick a random name and swear that I am that person. That afternoon I could catch my plane and head off to the state where I actually live. Both the signature and photo need to match. There could be reasons the photo does not match. For example, the person may have aged, had a stroke or had a serious accident.

**Jude Hurin (Services Manager, Management Services and Programs Division, Department of Motor Vehicles):**

I will read a statement expressing the neutral stance of the DMV on S.B. 63 ([Exhibit F](#)).

**Senator Cegavske:**

We were looking at Senator Manendo's driver's license, and there is a picture and his signature underneath, which would verify his signature. Is that correct?

**Mr. Hurin:**

Yes, that is correct.

**Senator Cegavske:**

The reason I ask is because of my statement to Secretary of State Miller that the DMV should be the originator of the photo identification with the signature and address. We do not need duplication of that. I understand moving toward digital, but could it be something in which you could work with the counties? It

would be helpful if the information could be transmitted so the DMV would have the photo identification and the signature. Would it be practical to have it done through you so we would not have duplication?

**Mr. Hurin:**

We have a working relationship with the Secretary of State's Office providing the signatures on file. Whatever the Legislators decide, the DMV will honor. We will work with this Committee, the Secretary of State and the counties to ensure that whatever is agreed upon will be achieved.

**Senator Cegavske:**

Digital photographs are not as detailed as photos taken with stationary cameras at the DMV. The cameras at the DMV are a better quality than what a computer system has. Depending on variables, the pictures can look different.

**Mr. Hurin:**

We have to follow national standards for a certain standard of pictures.

**Senator Settlemeyer:**

How many driver's license photos or identification cards do we have in the State?

**Mr. Hurin:**

I do not have the exact number, but I believe there are around 1.2 million. I do not know how many of those are identification cards. That may be a separate number.

**Carol Howell:**

I have been involved with the past two general elections and the special election. I support voter identification. We cannot do anything without a form of identification to prove who we are, and voting should not be something eliminated from that requirement. However, I do have concerns about this bill. How are absentee ballots going to work with this bill? I strongly oppose same-day voter registration, and I am bothered by Secretary of State Miller's statement that this is a step in that direction. Assembly Bill No. 108 of the 76th Session was a same-day voter registration bill that died because of public opposition. With same-day voter registration, a person would have the ability to move from one polling place to another to register and vote and then leave the State. I am also concerned with the security of the system without having a



paper trail of who actually voted. What access will the poll workers have to this system, and what effect does that have on security for voter identification theft?

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

There is a lot of confusion about what this bill does or does not do. This bill has nothing to do with provisional voting. I do agree with Secretary of State Miller that Nevada runs the best elections in the Country. A reason for that is after every election in Clark County, we try to figure out how to make it better. Providing pictures to poll workers who have to confirm the identity of individuals showing up to vote seems like common sense. This will make it easier on poll workers.

The first concern I have is procedural. We currently verify a voter's identity with a signature, which is exactly what the law says to do. The law does not state what to do if the signature does not match. If the signature does not match, we have been asking the voter for identification. This is my sixteenth year as the Clerk and Registrar, and I am not aware of any voter who has not been able to provide identification if the signature did not match. We have never turned a voter away for that purpose. This bill needs clarification of the procedure if a picture does not match. As written, if the election board officer does not believe the person in the photograph is the person applying to vote, we shall allow that person to vote. That does not make sense to me. If we are going to use pictures as a means of verifying identity and the picture does not match, we should not have to let the person vote anyway.

I understand the concern minorities may have about their pictures being taken or being challenged. The verification process needs to be a combination of the picture and signature because signatures and looks change. Rather than just letting the person vote when the picture does not match, we should also look at the signature. If there is a question about whether people are who they say they are, we should be able to ask for identification. If we cannot ask for identification, then anyone could claim he or she is someone else, sign an affidavit and leave, and we would never be able to track that person down. This can be fixed by allowing us to also compare the signature, and if the signature and photo do not seem to match, we would then ask for identification. People do not complain about the procedure we use when we ask for identification if the signature does not match.

To clear up items mentioned about provisional voting, if your name is in the roster book, you are registered. If your name is in the roster book and it says identification is required, that means the data provided when you registered did not match the data on file with the DMV and the Social Security Administration; therefore, you will be asked for identification. In the last election, there were over 6,000 provisional voters. Around 2,000 were accepted in Clark County, and the rest were rejected. Only three were rejected for identification, and all three of those were because their data did not match, they did not have identification and they never subsequently provided their identification.

I can provide the Committee with how we came up with our estimate of costs regarding the discrepancy and cost between Clark County and the Secretary of State's Office. I am in favor of electronic poll books; it is just a matter of being able to afford them. The system we have now works well, but I think it would work better with electronic poll books. Electronic poll books allow the voters to go to any voting center in their county. Vote centers are essentially the same as early voting on Election Day. It is clear the voters prefer that if it is possible.

**Senator Cegavske:**

I would like you to answer the same question about the sustainability for the system and what that would mean to Clark County.

**Mr. Lomax:**

The difference in our cost versus the Secretary of State's cost is caused by the significant requirement of loading 1 million images onto laptops before each election. Clark County would need about 1,000 laptops, and the data cannot be loaded onto the laptops until after early voting has completed. That only gives us 2 or 3 days to complete that process. There is a large cost involved to program and configure 1,000 laptops in such a short amount of time. There are also ongoing licensing fees for software.

**Senator Cegavske:**

I am considering the cost of maintaining the system with updates. Would the suggestion of continuing to use the DMV for identification be reasonable? That way you would be able to obtain the photo because it is already in place. What are your thoughts on that?

**Mr. Lomax:**

For anyone who registers online, that is where we get the signature for the voter. That is why, in order to register online, you have to have a Nevada driver's license so we can get the signature on file at the DMV. We already have a working relationship with the DMV. Hopefully, we could work it out so the DMV could feed these pictures down at the same time as we get the signatures. Then there are two ways you go from that point. On early voting, for instance, we do have connectivity as Mr. Burk was describing with our centralized database, so that you do not have to have everything preloaded on the laptops and you can pull things down and communicate back and forth. On Election Day, we do not have connectivity at all of the polling places, so everything would have to be preloaded onto the laptops.

**Senator Cegavske:**

It makes more sense to give the DMV this responsibility. The DMV should be taking the photographs and obtaining the signatures to be fed to the clerks instead of having the poll workers take pictures and signatures and feeding them back to the DMV.

**Mr. Lomax:**

Once we get a person's information from the DMV, we keep it and do not have to get it again.

**Senator Cegavske:**

I am talking about new voters who are not on file with the DMV. The clerks and voter registrar would be responsible for taking those pictures and obtaining signatures through the system that is being discussed.

**Mr. Lomax:**

We are trying to make this as convenient as possible for the voter. When a voter registers, we are going to continue to cross-check the data with the DMV. If there is a picture on file, it would be downloaded at that time. If the person does not have a driver's license or identification card, there would be no picture

downloaded. When the voter shows up to vote, we would have the ability to take a picture if the voter was willing. The bill does not compel a voter to have a picture taken, it only offers the opportunity if the voter does not mind. We have envisioned this system working with laptops, since most laptops have the ability to take pictures. The poll workers would simply take pictures of the voters sitting in front of them, and the photos would download into the laptop and database.

**Senator Cegavske:**

Would that be only in your database, or was that something you would submit to the DMV?

**Mr. Lomax:**

I do not understand why the DMV would have a need for it because the person does not have a driver's license. If there is a reason for us to feed the images to the DMV, then I am sure that could be possible.

**Secretary of State Miller:**

The concern raised by Ms. Hansen about the specific provision of section 6 is simply a misunderstanding. A person is not allowed to vote under this system unless he or she is already registered. This system preserves the registration process.

There were also concerns about whether this bill will invalidate the ability to challenge a voter. This proposal does not do that. It does have a provision stating that outside observers cannot challenge voters based on the proposition that the individual does not appear to be the same individual as in the photograph. Voters can be challenged if there is personal knowledge that the voters are not who they say they are or not qualified to vote. We have left those provisions intact. There is a policy justification for taking that out. If out-of-state observers were allowed to come to Nevada and claim photos do not match, many additional hoops would have to be jumped through. Allowing out-of-state groups to do this would significantly disrupt the process and cause longer lines. We have preserved the ability of registered voters in precincts to challenge if they have personal knowledge that an individual is not qualified to vote.

Another concern raised by Mr. Sanderson and members of AARP was about making sure the result of this bill did not have unintended consequences for the

elderly. Mr. Sanderson acknowledged that he may give up his driver's license at some point, but does not want to be precluded from voting when that happens. I would not bring this bill forward if I thought there was a chance of disenfranchising those voters. What we are contemplating is not any different than the early voting system we already have in place. In essence, we already use an electronic roster in early voting. We know how to deal with situations of technology failing by creating redundancies and having additional laptops. The paper-based system also has vulnerabilities. There have been instances across the Country where the poll roster is involved in a car accident and catches on fire or there is flooding. Emergencies happen, and when you work with elections, you have to deal with those contingencies. I am confident we can resolve those issues.

**Secretary of State Miller:**

We have previously had discussions with Mr. Boulware from the NAACP. I want to address the concerns he raised because those are extremely important, especially as they relate to potential disenfranchisement due to cross-racial identification. His concerns are in line with concerns others have had as to what happens if the photograph looks different than the person. To be clear on this point, I will explain how the process will work. If a person shows up to vote and the photo on file does not match, he or she will be asked to sign an affidavit confirming identity and will then be given access to a full ballot. I understand that conflicts with concerns raised by Mr. Glover and Mr. Lomax about not going far enough and potentially creating a vulnerability in the system. This is an enhancement to our current system. Having a photograph in place allows for an additional piece of evidence. When choosing between having as secure of a system as possible versus the risk that you may disenfranchise a voter, I stand on the side of letting people vote. That is what this does. If there is an instance of someone impersonating another individual, there would be a red flag that the election official did not believe it was the same individual. We would also have a signed affidavit. That information is more than we currently have.

With that information, we would start an investigation and hold the person accountable. If we can track the individual down—as we have in other instances through the Election Integrity Task Force—we would have the person in handcuffs. Recourse exists because there are substantial penalties for that. We are not willing to craft a bill that could disenfranchise people. Concerns have been raised that there is potential for election workers to bring with them potential racial or political bias that could influence decisions. As a policy

matter, it is much more appropriate to set up a system that makes absolutely certain that no voters would be disenfranchised.

Concerns were also raised about the absentee ballot process. This bill does not address the absentee ballot process and is no different from the voter identification proposals sponsored in other jurisdictions. This leaves those provisions intact and does not place any additional requirements or change the absentee ballot process whatsoever.

I also want to briefly address the ongoing costs and maintenance that Senator Cegavske has asked about. The clerks and registrars appropriately responded to that question. The only thing I would like to add is that Clark County estimated a cost savings of \$100,000 by implementing an electronic poll roster because there is a substantial cost in printing the paper-based binders for every location. Washoe County estimated a cost savings of \$60,000 per election cycle. Those cost savings should offset some concern about the ongoing maintenance.

**Senator Settlemeyer:**

If the DMV system was down or if the pictures did not appear for some reason, would a person be able to vote if he or she presented a driver's license?

**Secretary of State Miller:**

Yes. There is a provision stating that if you provide your driver's license, you are given access to a full ballot.

**Chair Spearman:**

The concern about the affidavit is that if the person does not have identification and the motive is mischief, how would we hold a person accountable? People have said that as part of the redundancy and identification, you may revert back to the signature—similarly to when you are at a store and you have to sign to match the signature on a credit card. Is there a possibility of incorporating that as a way to preclude any mischief?

**Secretary of State Miller:**

We left the provisions intact regarding the signature verification process, and we would also have the photograph. For some, that does not provide enough security, and it becomes burdensome to others. Currently, if the signature does not match, you are required to produce identification in which a visual verification is made by looking at the photograph. The concerns about cross-racial identification and the fact that appearances change is already a problem under existing law.

**Chair Spearman:**

The same procedures seem to be in place at the grocery store or the mall when you use a credit card and are required to produce identification. The Transportation Security Administration (TSA) has somehow managed to get it 98 percent right. The TSA is able to train employees so the cross-cultural and ethnic bias that may exist does not impede a traveler's ability to fly. The training TSA uses may be something you would want to consider.

**Secretary of State Miller:**

That is an outstanding observation, and that could be part of it. We are currently asking poll worker volunteers to be signature verification experts. They are who we rely upon. Verifying a signature is more sophisticated than checking a photo to make sure it matches the individual. That is something people do every day and are very familiar with. The credit card analogy you alluded to is also appropriate. In the 1970s before the current technology, the only means of verifying the proper cardholder was the signature. Now you can have your photo on your credit card, which most people believe adds an additional layer of security. It is common sense that is easier to make that comparison than it is to rely on a signature.

**Chair Spearman:**

A study was conducted in 2011 called "Ethnicity- and Gender-Based Subject Retrieval Using 3-D Face-Recognition Techniques." That might allay some of the fears in terms of cross-cultural or ethnic bias. The Social Security Administration is now requiring direct deposit for all of its recipients regardless of the category of benefits. You could check with the TSA to find out how it is verifying ID and if that method of ID would be compatible with what you are trying to do in terms of acceptability.

**Secretary of State Miller:**

That is a very good suggestion. We will follow up on that.

**Mr. Sanderson:**

I have tremors, and my signature never turns out the same when I sign my name. My father had a stroke near election time, and I took him to vote. He was in a rural county where everyone knew him, so they did not worry about his signature matching. This is why the words "either and or" need to be added in between the picture, voting records from the past and your signature. Today my signature will look one way, and tomorrow it will look different. You cannot go by the signature alone. If I went to vote and was not allowed to, I would be angry. My voting record is on file, and I bring my driver's license. You cannot verify identity by a signature alone because there are people who have problems like I do. This is a great bill; just make sure it is done properly.



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**Chair Spearman:**

This meeting is now adjourned at 10:17 a.m.

RESPECTFULLY SUBMITTED:

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Kaci Kerfeld,  
Committee Secretary

APPROVED BY:

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Senator Pat Spearman, Chair

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

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	7		Attendance Roster
S.B. 63	C	2	Secretary of State Ross Miller	SB 63 – Election Modernization Bill
S.B. 63	D	1	Barry Gold	AARP Comments SB 63
S.B. 63	E	1	Mike Cathcart	Statement Revising Fiscal Note for the City of Henderson
S.B. 63	F	1	Jude Hurin	DMV Testimony