

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

**Seventy-Eighth Session  
February 24, 2015**

The Committee on Legislative Operations and Elections was called to order by Chair Lynn D. Stewart at 4:01 p.m. on Tuesday, February 24, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Lynn D. Stewart, Chair  
Assemblywoman Shelly M. Shelton, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblywoman Michele Fiore  
Assemblyman John Moore  
Assemblyman Harvey J. Munford  
Assemblyman James Ohrenschall  
Assemblywoman Victoria Seaman  
Assemblyman Tyrone Thompson  
Assemblyman Glenn E. Trowbridge

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Ira Hansen, Assembly District No. 32



**STAFF MEMBERS PRESENT:**

Carol M. Stonefield, Committee Policy Analyst  
Kevin Powers, Committee Counsel  
Patricia Hartman, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Kelly Martinez, Government Affairs Officer, City of Las Vegas  
Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada  
Janine Hansen, representing Nevada Families Association  
Stacey Shinn, representing Progressive Leadership Alliance of Nevada  
Tara Brosnan, representing Silver State Voices and America Votes  
Deanna Spikula, Senior Deputy, Voter Registration and Elections Office, Washoe County  
Susan Merriwether, Clerk/Recorder, Carson City  
Joseph P. Gloria, Registrar of Voters, Clark County  
Patrick Sanderson, Legislative Committee Chairman, Nevada Alliance for Retired Americans  
Howard Watts III, Private Citizen, Las Vegas, Nevada

**Chair Stewart:**

We have one bill today, Assembly Bill 94, presented by Assemblyman Hansen. We welcome you, and please proceed with the hearing on A.B. 94.

**Assembly Bill 94: Authorizes a registered voter to elect to receive a sample ballot by electronic mail. (BDR 24-518)**

**Assemblyman Ira Hansen, Assembly District No. 32:**

Assembly Bill 94 is straightforward. The bill originated with Washoe County Commissioner Vaughn Hartung, who came up with the idea as an improvement in efficiency of the election system. He discovered a lot of states were starting to do more things through electronic means. That is what the bill really boils down to.

When I started to research the issue of sample ballots, I was surprised to learn that only five states require the distribution of sample ballots. In addition to Nevada, only Alaska, Arizona, California, and New Jersey require that sample ballots be provided to voters. It is optional in Florida, where the sample ballot may be mailed in lieu of publication in the newspaper. Distribution of a sample

ballot is also optional in Maryland, where the sample ballot may be mailed or disseminated by mass communication.

We have had sample ballots in Nevada since 1960. Over the years, the Legislature has amended and revised these provisions many times. For example, we now specify the contents, the font size, what has to be on the front page, what information can be condensed, the location of the polling sites, and so on.

Throughout Chapter 293 of the *Nevada Revised Statutes* (NRS), we use the word "mailed" or "mailing", and it is defined as delivery by the U.S. Postal Service. A sample ballot must be mailed to registered voters. There is no other option.

I am here today to suggest that we revise our statutes to permit the delivery of a sample ballot through email. Three states currently permit or require the delivery of sample ballots by email.

In California, election officials may establish procedures to permit a voter to opt to receive the sample ballot and other election materials by email or by accessing such materials on the county's or city's website. These election officials must keep email addresses confidential. The voter also has the option to change his or her mind and opt back in to receiving paper materials.

In Florida, a sample ballot may be sent to a registered voter by email if the voter has provided an email address and has opted to receive the ballot electronically.

In Kentucky, the secretary of state or any local election jurisdiction that maintains a website makes the sample ballot available on their website. Voters in the military or overseas may request that a sample ballot be sent to them by fax, email, or regular mail.

In 2015, two additional state legislatures are considering bills that permit electronic transmission of sample ballots. In New Jersey, bills proposed that sample ballots for school elections may be sent by email as requested. Another bill would extend that provision to any general, primary, or school election. In New York, a bill proposes to require the posting of sample ballots on the website of the board of elections as soon the ballots are available.

Finally in Utah, the statewide electronic voter information website is designed to inform voters of the offices and candidates on the ballot for election, as well as the content and fiscal impact of ballot questions.

The purpose of A.B. 94 is to provide options to registered voters. If the voter chooses to receive a sample ballot by email, the county election officials will distribute the sample ballot in that manner. Page 2, lines 38 and 39 of the bill provide that the Secretary of State will adopt procedures and regulations to ensure the security of email addresses and the manner in which the county election officials will comply with requests from voters. These provisions also appear on page 4, lines 28 and 29, in the part relating to city elections. The bill also provides that a voter who wishes to continue to receive a paper sample ballot through the U.S. Postal Service will be able to do so. The rest of the bill makes conforming changes to statutory language by deleting the word "mailed" and inserting "distributed" so that the statutes can accommodate delivery by email.

A few years ago the Legislature decided to go electronic with the Nevada Electronic Legislative Information System (NELIS), and now information about legislation is available online to anyone. It is time to update our election procedures to recognize that the methods of communication have changed. We are a digital society. We get our news electronically, communicate with family and friends by email, text, have personal websites, and bank online. Our students attend school over the Internet. This is not a new idea. Other states are moving in this direction, and there are more efficient methods to meet the needs of voters than traditional paper ballots delivered by mail. Assembly Bill 94 proposes to give voters that option.

There is one amendment proposed by Clark County ([Exhibit C](#)), which they will go over in more detail. Essentially, it adds to the language that voters electing to receive a sample ballot by electronic mail may choose to have their electronic mail address withheld from the public pursuant to NRS. This language is added to protect their privacy, because if you make the request, it potentially becomes a public document. You can see where someone could contact the city or county and ask for those email lists for purposes other than what the people who gave their email address to the county might approve of. With that, I would be happy to answer any questions.

**Chair Stewart:**

Thank you, Assemblyman Hansen. We just received an amendment from Carson City ([Exhibit D](#)). I do not know if you are aware of it. At this time we are putting it on NELIS.

**Assemblyman Hansen:**

I have not seen it, but I assume it is along the lines of the Clark County proposed amendment. That is one we will have them explain.

**Assemblyman Trowbridge:**

It just delineates between the city clerk and the county clerk.

**Assemblyman Hansen:**

That seems reasonable to me. I suspect there will be some fine-tuning of this concept. The idea is that everyone is getting everything electronically. I am of that generation who looks at the Yellow Pages and reads newspapers. For me, the computer is still somewhat of a complicated thing. On a visit with my grandchildren, my three-year old took my cell phone, and in one minute she was playing a game I did not even know existed. The world is definitely changing, and I think this allows voters to have an option.

There is a fiscal note because they have to come up with ideas for a program to do it. I do not know what it costs to mail a sample ballot, but in the long run I believe it could save a substantial amount of money. Guys like me still want to get the paper ballot, but the younger generation would prefer it electronically. In our committees, I like to get everything in paper form, but I have noticed the younger folks do not have any paper on their desks. It is all on their computers, and I assume the sample ballots will be the same.

**Chair Stewart:**

Thank you, Assemblyman Hansen. We have some questions.

**Assemblyman Elliot T. Anderson:**

Assemblyman Hansen, I want to applaud you on this measure. I think it is very smart, a great concept, and I totally support it. I want to note on Clark County's amendment, we also want to put a direct link into the confidential records statute to ensure it is all in one place. I know with all the open meeting laws, the confidential record type of information is put in one statute.

**Assemblyman Trowbridge:**

Assemblyman Hanson, I want to thank your county commissioner for coming up with the idea, but I think it could go one step further. I believe we have the opportunity to get involved in more of electronic communication. Another area that might be worthy of consideration for another bill, on another day, is to address the tremendous mailings that have to go out relating to the property tax rolls. I get a five-pound document once a year that I promptly throw in the trash. It must cost hundreds of thousands of dollars to mail it out.

**Assemblyman Hansen:**

Yes, exactly. In answer to your question, there are definitely some financial considerations involved in making things go to newspapers.

**Chair Stewart:**

That is another bill for another day.

**Assemblyman Hansen:**

Yes, and you will find the Nevada Press Association will have some interesting discussions with you about this.

**Chair Stewart:**

I am sure they will. Are there any other questions from the Committee? [There were none.] Is there anyone in favor of this bill?

**Kelly Martinez, Government Affairs Officer, City of Las Vegas:**

The City of Las Vegas is in support of this bill. We recognize there will be a fiscal impact at the beginning of implementing this amendment, but we believe the cost savings in the long term will help.

**Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada:**

We believe this is a great idea. Nevada has a solid election system, and this will only seek to expand it.

**Janine Hansen, representing Nevada Families Association:**

We support this bill. We think it will encourage more people to get involved in elections and will save money in the long run.

**Stacey Shinn, representing Progressive Leadership Alliance of Nevada:**

We support any expansion to access election information.

**Tara Brosnan, representing Silver State Voices and America Votes:**

We support this bill to make elections more efficient and accessible for all Nevadans.

**Deanna Spikula, Senior Deputy, Voter Registration and Elections Office, Washoe County:**

We support this bill, especially with the amendments submitted by Carson City ([Exhibit D](#)) and Clark County ([Exhibit C](#)).

**Chair Stewart:**

Can you tell us how much it costs to mail a sample ballot, and how many you mail out?

**Deanna Spikula:**

The cost is approximately 38 cents per sample ballot, and we mailed approximately 225,000 in the 2014 general election.

**Chair Stewart:**

Is that total around \$80,000?

**Deanna Spikula:**

Yes, the cost is \$65,000 to \$80,000 with postage.

**Assemblyman Ohrenschall:**

I, too, think this is a great idea, Mr. Chair. When I wore the hat you wore last session, and this concept came to our Committee, we were out of bills but found a home for it in Assembly Bill No. 440 of the 77th Session. The bill made it to the Governor's desk, but unfortunately it came back because of the veto on it.

I have one question about the mechanics of the bill. When a person requests a sample ballot by email, but it comes back because of a bad address, would you mail out a hard copy or call the person to correct the email address?

**Deanna Spikula:**

The process is not identified or spelled out in this bill. We believe that if the email was returned, we would mail out a sample ballot to the mailing address that was provided.

**Susan Merriwether, Clerk/Recorder, Carson City:**

I am here today to present a small amendment ([Exhibit D](#)) to A.B. 94 after speaking with several of the rural counties that support this bill. As the bill is written now, it mandates that the county and city clerk provide an electronic sample ballot. Some clerks feel they may not be ready for the 2016 election, so they would like to be allowed to send the electronic ballot only if it is available in the county or city. I believe they will all be working to have this available in time.

**Chair Stewart:**

You will make it permissive at this point, is that correct?

**Susan Merriwether:**

That is correct.

**Chair Stewart:**

Is there anyone else besides the registrars who are in favor of the bill?

**Joseph P. Gloria, Registrar of Voters, Clark County:**

I am here today to do what Assemblyman Hansen has already done, which is to propose the amendment from Clark County ([Exhibit C](#)). We are concerned about the ability of the voter to make the email address confidential, and that language is in the amendment document we have provided. We support the bill. There is potential for cost savings, but it is difficult to predict the number of people who would opt in during the first year. In Clark County in 2014, the cost for a sample ballot was \$1.67. For every 1,000 people who opted in to the program, we could potentially save \$1,670.

**Chair Stewart:**

Do you have a rough estimate of how many people would opt in?

**Joseph Gloria:**

No, I do not have any idea how popular the concept will be. Once it is made available, it would probably grow in numbers similar to online registration. As you can see with the first 1,000 who opted in, it has good potential for cost savings down the road.

**Chair Stewart:**

If voters could print out the ballot from the website, how would you determine they had obtained it from the website? Could this be put into the software?

**Joseph Gloria:**

Yes, it could. The capability for the voter to log on to our registered voters services link allows them to look at their sample ballot prior to the election and print it out. As far as tracking whether or not they were able to print it, I would need to talk to my information technology (IT) staff. We have had conversations, identified the applications we need, and believe we could implement them very inexpensively in Clark County.

**Chair Stewart:**

Could you be ready for this implementation for the 2016 general election?

**Joseph Gloria:**

Yes, I believe so. We would have to do some testing in the off-season starting in July.



**Chair Stewart:**

I have received emails from people concerned about security. I know it is almost impossible these days to be completely secure, but are you fairly sure you could secure these email addresses from hackers?

**Joseph Gloria:**

I would have to get with my IT staff to obtain specific information. We are looking at methods we might be using to strengthen the integrity of our links being used to provide information. Our log-in now is public information, as far as the first and last name and date of birth. I believe that once we have time to work on it, we can put together a program the citizens will feel confident with.

**Chair Stewart:**

Would the cost savings to your department compensate for the cost of implementing the program?

**Joseph Gloria:**

Yes.

**Assemblyman Thompson:**

I really like this concept and thank Assemblyman Hansen for bringing it forward. I have a question for any of the registrars. I am one of those techie people. Will you be able to write over a ballot document in the future, meaning that it is just not a portable document format (PDF) file? Would I be able to make check marks to vote on who and what? Would I be able to save it and take it into the voting booth with me to quickly input my choices?

**Chair Stewart:**

As I understand it, right now, you cannot take your cell phone into the voting booth, correct? Is this by regulation or by statute? Is this true throughout the state?

**Susan Merriwether:**

That is correct. You are not allowed to take a cell phone into the voting booth with you. This is by statute. Yes, it is true throughout the state.

**Assemblyman Thompson:**

Can you write into the document and have people print it out with their marks on it, or will they have to print it out and make handwritten marks on it?

**Susan Merriwether:**

It depends on what type of format will be emailed to you. In a PDF form, you could create a writeable document. I do not know if the counties will go to that

extent, but the use of cell phones and iPads in the voting booth, because they are prohibited, would require us to place a warning on the link. It would indicate that the voter must print out his or her sample ballot and take it to the polls while stating that cell phones are not permitted in the polling place. I believe people would think they could take their cell phones to the polling place.

**Chair Stewart:**

Does that answer your question?

**Assemblyman Thompson:**

Yes.

**Chair Stewart:**

Why can you not take your cell phone to the polling place?

**Joseph Gloria:**

The issue in connection with the statute was so there would not be any disturbance in the polling place. There are voters who want to have a conversation in the polling booth, which is inappropriate and causes disruptions. We have to instruct people to put their cell phone away and not have conversations in the voting booth.

Regarding the discussion of Assemblyman Thompson, making the PDF interactive would implement another wrinkle that would introduce more costs than what we had anticipated, but it is possible. The Secretary of State's Effective Absentee System for Elections System (EASE) already allows that technology, as the overseas voters can get their ballot electronically, mark their ballot, and send it back to us for duplication. So, the technology is there, but that would definitely incur more costs than what we are talking about here.

**Chair Stewart:**

Would you keep things as they are for now, as far as the cell phones?

**Joseph Gloria:**

If we are looking at mitigating costs, that is a concern, because I would not even be prepared to tell you what that cost might be.

**Chair Stewart:**

Can you get with your IT staff on what they can do, and a timeline on the implementation, and send us an email when you have answered some of these questions?

**Joseph Gloria:**

We certainly can.

**Assemblyman Thompson:**

I think it would be cost-effective, if it costs money now, to build it because we plan to keep it for a very long time. Using the example, it would be \$1,600 per thousand ballots that are mailed out. If it could be more interactive, it would be interesting to look at the numbers.

**Joseph Gloria:**

We will definitely look into that for you, Assemblyman Thompson, and Mr. Chair.

**Chair Stewart:**

Washoe County, would you be operational with this by the 2016 election?

**Deanna Spikula:**

Yes, we will. I want to add to the issue of prohibiting the use of cell phones in the voting booth. We also do that for no photography, video reproduction, or sound reproduction in the polling place. It is twofold, but one part of it is voter privacy, so people do not feel as if someone is taking pictures of their votes over their shoulder.

**Chair Stewart:**

That is a good point, thank you. Carson City, would you be ready?

**Susan Merriwether:**

Yes, we would be ready.

**Chair Stewart:**

Would it be the other 14 counties that could have a problem?

**Susan Merriwether:**

Some of the counties that emailed me had concerns about the cost, but I believe Mr. Gloria has provided us with options of how to do the process. If the cost is low enough, I think they would be willing to participate.

**Assemblyman Thompson:**

We can use the bar code when checking in for an airline flight. What if we try to be cutting-edge and create a similar interactive form? It could be used by people who like electronic devices. It would have a unique bar code link for each voter. The voter would scan the device, view the ballot for accuracy, and then transmit. Voters would not be in the polling booth forever, reduplicating

what they already have. That would be awesome and something to think about.

**Susan Merriwether:**

When you first mentioned it, I was thinking our electronic poll books would be useful if the sample ballot is on the cell phone and could be presented to our election worker with a bar code on it. We would just scan the bar code off the cell phone, and it would bring up the voter. As far as voting, I do not think our voting equipment has enough technology. It is too outdated. Maybe it would work on our next system.

**Kevin Powers, Committee Counsel:**

As a follow-up on the issue of cell phones in the polling places, it is in regulation, not in statutes. It is *Nevada Administrative Code* (NAC) 293.245. Because this bill authorizes the Secretary of State to adopt regulations with regard to distributing the ballots by email, the Secretary of State could adjust its regulations accordingly to allow the use of phones in certain circumstances and deal with the situation raised by several of the Assembly members.

**Chair Stewart:**

The Secretary of State could do it by regulation, correct?

**Kevin Powers:**

Correct, because the requirement prohibiting the use of cell phones in the polling place is presently in regulation, not in statutes.

**Chair Stewart:**

Would that have to go through the Legislative Commission?

**Kevin Powers:**

Yes, that is correct.

**Deanna Spikula:**

We have NRS 293.274, which is part of the basis for disallowing cell phones in polling places. We would be fine with the regulation as long as that issue was also addressed. The section begins, "Members of general public allowed to observe conduct of voting at polling place; photographing or otherwise recording conduct of voting by members of general public prohibited." If this is something that could be addressed and made allowable, we are fine with it.

**Kevin Powers:**

That statute does not prohibit cell phones in the polling places; it prohibits certain conduct, which is photographing the voting and audio or video

recordings. You can certainly use the cell phone to do those things and violate the statute, but just bringing the phone into the polling place is not prohibited by this statute; rather, it is prohibited by the regulation.

**Chair Stewart:**

Thank you for the clarification. Are there any other questions for the three registrars? [There were none.]

**Patrick Sanderson, Legislative Committee Chairman, Nevada Alliance for Retired Americans:**

I am definitely in favor of A.B. 94. It is something we can move toward in the future, and if it can be done safely and without someone hacking into it, it is a wonderful thing. I was born and raised in a rural county, and most of these counties do not have the money. I hope you remember this bill and put it out in two years, if necessary, because we might need to help rural Nevada in terms of technology and finances.

**Chair Stewart:**

Thank you, Mr. Sanderson, for sticking up for our rural friends. Is there anyone else in favor of the bill?

**Howard Watts III, Private Citizen, Las Vegas, Nevada:**

I am testifying in support of A.B. 94. I would be one of the first people to sign up for it, and I think that a lot of the groups who testified would be helping to get the word out. Hopefully, we can get thousands of people to sign up for it in advance of our next general election. I know there are some ambiguities with the language, but I believe with the Secretary of State's ability to make the regulations and communication with the local election administrators, the language of this bill will allow everything to be worked out.

This is a great idea and a commonsense reform. I would compare it to online registration, which has become a great success repaying the investment that we have made in technology through a reduced demand for paper forms and less staff time spent deciphering handwriting. The result is more accurate voter rolls, a more efficient election system, and an increased access for voters. With the money we could save by implementing this bill, we can use the opportunity to invest in other reforms discussed by the county officials. Those include digitizing the voter registration process at the Department of Motor Vehicles, implementing electronic poll books, and upgrading our aging voting hardware and software. I encourage this Committee to consider these issues, all of which are strong investments that improve security, accessibility, and efficiency.

**Chair Stewart:**

Is there anyone else in Las Vegas in favor of A.B. 94? [There was no one.]

**Assemblyman Thompson:**

I have a question for any of the registrars. I think emailing sample ballots is an awesome idea, but how do we get the word out about the changes? If people feel they are getting to use something electronically, when they get to the polls, the last thing we want to do is to allow that voter to get discouraged and leave the polling place. Will there be built-in education and outreach dollars for the voters?

**Susan Merriwether:**

We can have a check box on the voter registration application and put it out on our websites and the Secretary of State's website. I believe Mr. Gloria talked about doing a mailing to all of his registered voters. We can indicate it on the voter registration cards and through publications. The Secretary of State's Office could also make public announcements.

**Chair Stewart:**

I think we need to leave this up to the registrars to be creative on how they do this, and I believe they are very capable of doing it.

**Joseph Gloria:**

We would make a push working with our public information officer (PIO) and put out public service announcements (PSA). My number-one method would be through our Nevada Voter Registration Card (NVRC) program. Every active registered voter would get with their registration card some type of notification, advising them that they can opt in for the electronic sample ballot. There are several nonprofit organizations in Clark County that I know will be working hard to get the information out.

**Chair Stewart:**

Is there anyone else in favor of A.B. 94? [There was no one.] Is there anyone opposed? [There was no one.] Is there anyone neutral? [There was no one.] We will close the hearing on A.B. 94.

I would like to make a comment on Assemblyman Ohrenschall's statement when he said the Governor vetoed a similar bill. The bill he vetoed had various parts to it, and I do not think he vetoed it because of this part. Is that correct, Assemblyman Ohrenschall?

**Assemblyman Ohrenschall:**

I was just reading the Governor's veto message on Assembly Bill No. 440 of the 77th Session, and he does not mention any problems with the portions dealing with a voter electing to receive a sample ballot by email. His concerns were with the expanded voter registration.

**Chair Stewart:**

Is there anything else, Committee? [There was no response.] Is there any public comment? [There was none.] We are adjourned [at 4:38 p.m.].

RESPECTFULLY SUBMITTED:

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Patricia Hartman  
Committee Secretary

APPROVED BY:

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Assemblyman Lynn D. Stewart, Chair

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

**EXHIBITS**

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

**Date:** February 24, 2015

**Time of Meeting:** 4:01 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 94	C	Joseph Gloria Clark County	Proposed Amendment
A.B. 94	D	Susan Merriwether Carson City	Proposed Amendment