

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

**Seventy-Eighth Session  
March 30, 2015**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Patricia Farley at 3:41 p.m. on Monday, March 30, 2015, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Patricia Farley, Chair  
Senator James A. Settelmeyer, Vice Chair  
Senator Greg Brower  
Senator Kelvin Atkinson  
Senator Tick Segerblom

**GUEST LEGISLATORS PRESENT:**

Senator Aaron D. Ford, Senatorial District No. 11  
Senator Pat Spearman, Senatorial District No. 1

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Kevin C. Powers, Legislative Counsel  
Linda Hiller, Committee Secretary

**OTHERS PRESENT:**

Vanessa Spinazola, American Civil Liberties Union of Nevada  
Stacey Shinn, Progressive Leadership Alliance of Nevada  
Kyle Davis, America Votes  
Janine Hansen, Nevada Families for Freedom  
John Wagner, Independent American Party

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Sheila Ward  
Linda Sanders  
Joe Gloria, Registrar of Voters, Clark County  
LuAnn Holmes, City Clerk, City of Las Vegas  
Luanne Cutler, Registrar of Voters, Washoe County  
Sue Merriwether, Clerk-Recorder, Carson City  
Pat Sanderson, Nevada Alliance for Retired Americans  
Terri Albertson, Administrator, Division of Management Services and Programs,  
Department of Motor Vehicles  
Juanita Clark, Charleston Neighborhood Preservation  
Bonnie McDaniel  
Jude Hurin, Services Manager III, Division of Management Services and  
Programs, Department of Motor Vehicles  
Howard Watts III  
Leora Olivas, Silver State Voices  
Lynn Chapman, Independent American Party  
Tara Brosnan, America Votes  
Alan Glover, Special Assistant to the Secretary of State, Office of the Secretary  
of State

**Chair Farley:**

I will open today's meeting with Senate Bill (S.B.) 203.

**SENATE BILL 203**: Revises provisions relating to elections. (BDR 24-573)

**Senator Pat Spearman (Senatorial District No. 1):**

This bill addresses a number of important election issues, proposing changes to help streamline both the election process and voter registration. Much of this bill takes advantage of voting technologies that will make our election procedures more efficient and accessible to all voters. This includes the authority for a vote center that would implement electronic poll books (e-poll books) to better interface between the counties and the Department of Motor Vehicles (DMV). The e-poll books will also provide the ability to obtain sample ballots electronically.

I recently spoke with several county representatives who shared their concerns about this bill, so we have conceptual amendments to propose. I have submitted my written testimony ([Exhibit C](#)).

I submitted a document from the Secretary of State's (SOS) Office on the 2014 costs of sample ballots ([Exhibit D](#)). The cost savings in switching to electronic procedures over paper can be applied to the fiscal note on this bill, which should more than cover that fiscal note.

Recently, the movie *Selma* was seen by many. I remember being alive at that time. The movie reminded us that voting is a sacred right and something we should commit to as part of our civic responsibility. Increasing our civic responsibility as a population also means increasing access to vote. The changes I have suggested in S.B. 203, particularly those that allow for the purchasing of e-poll books, will also protect the integrity of the vote. This is because we will have the Secure Sockets Layer (SSL) certificate system, which is the same system we use to make online purchases. Voter fraud is mitigated and should be eliminated using this SSL system.

**Chair Farley:**

We have been looking at e-poll books on this Committee. Are you aware of the fiscal notes and costs on this technology?

**Senator Spearman:**

Yes.

**Chair Farley:**

Why do you propose to reduce the age for voter preregistration to 16 from 17 as it is in statute?

**Senator Spearman:**

At the age of 16, a person gets a driver's license at the DMV, so that is a good time to preregister.

**Chair Farley:**

Regarding same-day voting, is there any concern about voter fraud?

**Senator Spearman:**

The same identification needed to register to vote before Election Day is what would be required for same-day voting. As we modernize our election systems, we will also have an opportunity to have SSL certificate systems in place to

eliminate fraud. The standard is the same for registering to vote a month before an election or registering to vote the day of the election.

**Senator Settelmeyer:**

Regarding same-day voting, what if the county clerks encounter problems? Usually there is time to remedy issues, such as if an individual does not have the correct documentation.

**Senator Spearman:**

There is a provisional ballot that can be issued then, but keep in mind that the amendments I referenced will push out the date and allow the purchase of e-poll books. This way, the voter's information that would normally be sent through the DMV to the SOS can be verified immediately. This is much like when you go to the store and swipe your credit card. Within a matter of nanoseconds, the bank connected to that store can tell if you have enough money or credit to cover that charge. We are taking advantage of the technology that already exists. Using this technology will allow people to register on Election Day and to vote then. If there are questions that cannot be resolved, just like it is done now, you issue a provisional ballot.

**Vanessa Spinazola (American Civil Liberties Union of Nevada):**

We support S.B. 203. This measure expands access to the polls, which strengthens our democracy. Specifically, vote centers throughout the counties are good as long as those counties and municipalities make sure they are in geographically diverse locations and have disability access. The DMV automation will likely cut down substantially on provisional ballots, which are the biggest problem we see on Election Day. Same-day registration will expand opportunities for Americans to participate in the political process. States with same-day registration actually have a 10 percent to 12 percent higher turnout after the implementation of same-day registration.

There was an unprecedented youth turnout in the 2008 election. Many students are transient and have difficulty getting to their regular polling places. Same-day registration would help them to participate in the state where they are attending school and possibly residing.

**Stacey Shinn (Progressive Leadership Alliance of Nevada):**

We support S.B. 203 because we support any and all policies that increase the accessibility and opportunity for Nevadans to access their right to vote.

**Chair Farley:**

You mentioned the increase in voter turnout where there is same-day registration. Have there been any reported issues with that process, such as burden on the clerks, for example?

**Ms. Spinazola:**

I do not know of any specific problems, but we definitely need the infrastructure in place for this process to work, so I am glad to see the expanded date. We do need the e-poll books to immediately verify a voter's identification and prevent fraud. As Senator Spearman indicated, any application with issues would just go to a provisional ballot, which is what happens now. In Washoe County, some polling places ran out of provisional ballots because they were used so often.

**Kyle Davis (America Votes):**

We support S.B. 203. We believe the provisions contained in this bill expand access to the ballot and protect Nevadans' right to vote.

**Janine Hansen (Nevada Families for Freedom):**

There are some good things in this bill. The clerks have talked about the desire for e-poll books. That is an issue of money, but it would increase ballot security and improve the efficiency of the elections.

I do have concerns about people automatically registering when they go to the DMV. It is not a negative thing for people to have to make some effort to register to vote. We have to take some responsibility for ourselves in participating in our government. I am not sure how those who are ineligible to vote are sifted out in this process.

We want to encourage young people to vote, and having them make an effort to register is not a bad thing. In regard to same-day registration and voting, until a photo ID is required for registration and then shown when the person votes, we will not support this.

**John Wagner (Independent American Party):**

To be able to vote, there are requirements for residency other than just walking into the DMV and getting a driver's license and then registering to vote that day. There should be a provisional ballot for that which can be verified by the SOS or county clerks to make sure the voter is legal and the vote can be counted. We want the elections to be fair and square, but we do not want to disenfranchise anyone.

**Sheila Ward:**

Lowering the age to even preregister is a precursor to lower the voting age. I disagree with that. The age of 18 is early enough to begin voting. We want voters to be educated and honest, not playing games.

**Senator Atkinson:**

Tell me the harm in automatic registration. Many people I have talked to think this is already happening at the DMV. I understand there should be personal accountability, but there are people standing on street corners registering people to vote, so how is this different? It seems like doing it at the DMV would be safer than doing it on the street.

With respect to residency, a person has to continuously reside in the State for 30 days according to *Nevada Revised Statute* (NRS) 293.485. How do you check that anyone has been in the State for 30 days without self-disclosure?

**Ms. Hansen:**

I am not necessarily opposed to this measure, but I do have concerns about how it works. When you fill out a voter registration form, you have to sign it. If someone is getting a driver's license, would the DMV automatically transfer that information to the SOS, or does that person have to go through an electronic or paper registration form and sign it to verify? I am not clear about how it would work.

**Senator Atkinson:**

If there was a mechanism in place where the individual had to sign his or her name, which should not be an issue, would that make you more comfortable?

**Ms. Hansen:**

Yes, instead of automatically transferring the records of someone who just registers for a driver's license, that person should have to make some affirmative participation in registering to vote. I am concerned about the automatic transfer of information, but there are ways to improve that for voter registration and eligibility verification.

**Senator Atkinson:**

Section 10 of the bill clarifies some of your issues: "If a person does not affirmatively decline to have his or her information transmitted to the Secretary of State, the Department shall collect from the person ... ." I hope that helps.

**Ms. Hansen:**

I did read that part but still have some confusion about whether the person fills out the voter registration by hand, or if it is the information on his or her driver's license that is automatically transferred.

**Linda Sanders:**

I am not in favor of impromptu voting.

**Joe Gloria (Registrar of Voters, Clark County):**

We are neutral on S.B. 203. We have been communicating with Senator Spearman on this bill and look forward to seeing some of the amendments we discussed. The costs for the e-poll books for Clark County will be anywhere from \$2.7 million to \$3 million to implement. The same-day registration and the vote center concept cannot roll out in Clark County until we have e-poll books. We support e-poll books, and think that technology needs to be implemented across the board or not at all.

Our concern relates to providing limited vote centers because it could potentially cause confusion to voters no matter how well we publicize the information. There are many challenges in dealing with limited sites for a vote center or same-day registration. Regarding the sample ballot issue, Clark County has no problem implementing that requirement. It poses a challenge for some rural counties in how to provide that sample ballot, whether it is a link or a package sent directly to the voter.

I see the argument on why the age of 16 was selected to capture those getting licenses at the DMV. We already have 17-year-olds who are able to register to vote. We put those in as pending for when they turn 18 years old.

**LuAnn Holmes (City Clerk, City of Las Vegas):**

I am also representing North Las Vegas and am a member of the Nevada Municipal Clerks' Association. We support Mr. Gloria's suggestions for amendments. We would love to have vote centers but only enough to service all our citizens. We do not believe we can have a successful mix of polling locations and vote centers—there should be one or the other. The first step is implementing the e-poll books. We would like to see the funding made available to purchase enough poll books so all areas of the State can utilize them.

**Senator Settlemeyer:**

If you turn 18 years old the week of the election or prior to that, you have the ability to preregister. Is a person turning 18 years old on Election Day capable of voting, or is he or she forbidden for not registering ahead of time?

**Mr. Gloria:**

If the individual preregistered in Clark County, we can track that. During the early voting period, we are directly linked to our early voting database, which is what the e-poll books would do for us on Election Day. Approaching Election Day, on Friday night when we close our poll books and report to the Office of the Secretary of State what the closing poll book will be for the election, we run a process over the weekend that makes those preregistered at 17 years of age, what we call P17 voters, active on Election Day. Those voters names are then printed into the roster. As long as the individuals turn 18 years old by Election Day, they can show up and be eligible to vote if preregistered.

**Luanne Cutler (Registrar of Voters, Washoe County):**

We echo most of what Mr. Gloria said. We agree completely that putting together a mix of vote centers and traditional Election Day polling day places would be a mistake. We have some confusion over the difference between early voting sites and Election Day sites. To throw a third thing into the mix would possibly create chaos for us on Election Day. We support vote centers overall, but we also believe it is an all-or-nothing proposition.



In section 17 where the bill discusses the distribution of sample ballots via electronic mail, Washoe County does not have the capacity to deliver sample ballots by email to each voter who requests one. We have the ability for each voter to go on our Web page and view his or her individual sample ballot. We would like the language to be amended in section 17, much as it was in Assembly Bill 94, to say "delivered by ... electronic means," versus "distributed by ... electronic mail." That way we could either email or send a postcard with a link to where the voters can view their sample ballots.

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

Section 39 of S.B. 203 mentions that when we receive the information from the DMV if it were to be transmitted to us automatically, we are to send a notice to the voter within 2 business days. That is impractical for us. We would like that time period to be increased to 5 days.

We agree with everyone who has stated that without e-poll books, either same-day registration or an extended registration deadline will be difficult, if not impossible, for us to implement.

**Sue Merriwether (Clerk-Recorder, Carson City):**

Our concerns in Carson City may coincide with those from rural counties. We use the e-poll books and I can attest to the fact that you have to know about technology to use and implement them. These rural counties support e-poll books but prefer not to mandate them. Some counties are small and do not have the staff, the technology or the information services technology staff to support the e-poll books.

The rural counties also have issues with same-day registration because some of their polling places are small. People think we just pull polling places out of a hat, but they are hard to procure, especially ones that are accessible to the handicapped and in good locations with parking, etc. This is one reason the rural counties utilize mail-in precincts. That would present another issue—how to handle same-day registration for mail-in precincts.

With my vendors, I have discussed processing same-day registration with the e-poll books we have, and we do have options. One of our biggest concerns is

that if there is one person in charge on Election Day, that person is usually running from polling place to polling place making sure everything is running smoothly. Having same-day registration could potentially attract a large number of people wanting to register and vote at the end of that day when it is the busiest. This concern has been expressed by some from the rural counties.

We have extended the close of registration. It used to be 30 days prior to Election Day because you have to be a resident of the State for 30 days according to statute to vote. We extended that 10 days, plus we have online registration. This gives people plenty of opportunity to register to vote. We also have fail-safe voting, so if you move here after 30 days, you can still vote in your old precinct.

Regarding the age to preregister, we allow teens who will be 18 years old by Election Day to register. Adding 16-year-olds who are not yet qualified to vote would be an extra burden for us.

**Chair Farley:**

What have been the major problems, if any, with implementing e-poll books?

**Ms. Merriwether:**

The main challenge has been the learning curve with the new technology. Other than that, there have not been any big issues. When you have polling places that are not connected to the city facilities, you cannot use networking. In those cases you have to get an air card. You know how your cell phone loses connection? If your air card loses connection, you are dead. There are backup files on the e-poll books, so we can process and update that data once the connection is back up.

**Chair Farley:**

Did the voters have any problems utilizing the e-poll books?

**Ms. Merriwether:**

No, they loved them and so do we.

**Senator Atkinson:**

You said something about extending the 30-day deadline for preregistering by 10 days, I did not understand that.

**Ms. Merriwether:**

The close of registration used to be 30 days before an election. We now close registration on the Tuesday before early voting begins. This is to register in the county clerk's office and also online. A voter registration card is then sent to those voters; if it comes back in the mail undeliverable, that is when we verify. When that person comes in to vote, we verify again.

**Senator Atkinson:**

We have heard mention of some amendments, but we have not seen any. Where are they?

**Ms. Merriwether:**

I believe Mr. Gloria is working with the bill's sponsor, Senator Spearman, on those amendments.

**Mr. Gloria:**

We do not have any amendments written yet, but those we mentioned today were based on a phone conversation between myself and Senator Spearman. She indicated she is willing to work with us on our concerns. I believe she is working on those conceptual amendments and will make them available.

**Pat Sanderson (Nevada Alliance for Retired Americans):**

Anything that makes it easier for people to vote is good. When the kids preregister to vote as they are getting their driver's licenses, is it going to be like the organ donor program where they can sign up or decline? Or will they just be automatically registered to vote?

**Terri Albertson (Administrator, Division of Management Services and Programs, Department of Motor Vehicles):**

We have a fiscal note with this bill. We will work with the sponsor on the bill to see if we can reduce some of the impacts on our Department.

**Senator Atkinson:**

You mentioned the fiscal note. Is the \$1.05 million each year and \$2.1 million for the future biennia correct?

**Ms. Albertson:**

Yes, that is correct. Note that on the fiscal note, one of the provisions within the bill is for the DMV to mail voter registration applications with all the pieces of mail the Department sends out annually. That is about 4 million pieces of mail, which accounts for half of the fiscal note. The remaining \$500,000 is for contract programming to build that interface with the Secretary of State's Office to meet the other provisions of the bill.

**Senator Spearman:**

The legislation says the county commissioners establish the polling places, so the onus is not on the county clerks. The voter registration at the DMV is the same as registration that takes place online. People would not automatically be registered unless they answered "Yes" to the question, "Do you wish to register to vote?" If the answer is yes, then their information would be transferred to the SOS. If the answer is no, it would not be transferred.

The amendments Mr. Gloria and I talked about are still conceptual since we only spoke today about the issues. We will be working with those people who have questions and concerns so we can address them.

We have a handout from the SOS that shows one election cycle with the sample ballot costs as of March 13, 2014, [Exhibit D](#). The total cost was \$1,683,678.04 for one election cycle. By cutting down on the need to mail ballots, this bill proposes a more prudent way to spend taxpayer dollars by taking advantage of available technology.

If we look at the aforementioned cost of sample ballots and double it, we can apply the cost savings to the fiscal note. Mr. Gloria asked me about pushing this out to 2018 so it can be properly funded. I dropped the preregister age from 17 to 16 because that is the age young people go to the DMV for their driver's license. Driving is a privilege, not a right, and so is the civic responsibility to vote.

**Juanita Clark (Charleston Neighborhood Preservation):**

We do not support S.B. 203. I have submitted my written testimony ([Exhibit E](#)).

**Bonnie McDaniel:**

I have a question about section 17 where it says all the sample ballots should be by electronic mail or on computers. I know as many as 30 senior citizens who do not have computers. Without the mailed sample ballots, these voters would be disenfranchised. I do not support S.B. 203 unless you clean it up.

**Chair Farley:**

I will close the hearing on S.B. 203 and open the hearing on S.B. 237.

**SENATE BILL 237**: Makes certain changes relating to elections. (BDR 24-664)

**Senator Pat Spearman (Senatorial District No. 1):**

This bill is similar to S.B. 203, proposing changes to streamline the election process and voter registration. I have submitted my written testimony ([Exhibit F](#)). One of the challenges we want to resolve to provide seamless, integrated services across agencies is to look at software to allow people to talk to each other when across the street or in the same building.

**Ms. Shinn:**

We at the Progressive Leadership Alliance of Nevada (PLAN) support this bill.

**Ms. Hansen:**

We have some of the same objections with this bill as we had with S.B. 203. People registering to vote need a photo ID. The logistics of same-day registration are still a concern.

**Ms. Albertson:**

The DMV is neutral on this bill. We have a fiscal note. We will work with the sponsor to address our issues.

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

With both of these bills, we need to clarify the text referencing the DMV as a voter registration agency. Under the National Voter Registration Act (NVRA) of 1993, DMVs are categorized under a different definition. The SOS classified us as a voter registration agency.

By putting us under the correct definition under the federal rules, we can eliminate a lot of the fiscal notes and be identified as an agency that allows voter registration to occur but under the driver's license program. When you place us as a voter registration agency with these bills, we become required to offer voter registration services in every transaction the Department offers. That is why the fiscal note is so high. The intention of the NVRA is to allow driver's license transactions through the Department. By clarifying that in statute, which is NRS 293.504, we can work with Senator Spearman and greatly reduce our fiscal notes.

**Ms. Clark:**

We do not support S.B. 237. I have submitted my written testimony, [Exhibit E](#).

**Mr. Gloria:**

Before we close Senator Spearman's bills, I want to reiterate that the fiscal impact of S.B. 203 in Clark County would be \$2.7 million to \$3 million for the implementation of the e-poll books. We also have concerns about limited vote centers and limited voter registration on Election Day. Those processes would be problematic for us to support.

**Ms. Holmes:**

I concur with Mr. Gloria.

**Ms. Merriwether:**

The information I provided for S.B. 203 also applies to S.B. 237. In section 2, it says "A county clerk may, with the approval of the board of county commissioners, establish one or more polling places ... ." We do not have to get approval of the board of county commissioners for Election Day polling places.

**Senator Settlemeyer:**

Can you tell me what a vote center is?

**Senator Spearman:**

We can add that definition to the bill. It is basically the same locations anywhere in the county that we use for early voting.

**Kevin C. Powers (Legislative Counsel):**

I believe most of the testifiers are using vote center as a simple nomenclature to cover the concept that is section 2 of S.B. 237. Section 2 of this bill states:

A county clerk may, with the approval of the board of county commissioners, establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary election or general election.

The use of the word “may” makes it discretionary. That is the vote center. You designate a place where any voter can go, even if it is outside their precinct, to cast a vote. This is essentially what everyone is referring to as the vote center.

**Senator Spearman:**

I understand the logistics of implementing all the changes proposed in both S.B. 237 and S.B. 203 present a challenge, especially if we do everything at once. But this is not something we plan to roll out next week for 2016 or 2017. Mr. Gloria and I have talked about a time line, ensuring we have the funds to modernize our election system.

Much of what we do now, because our system is antiquated, is spending and wasting money. If we take the time to fund the new technology, I believe that within two elections, the new system will have paid for itself.

Some of Senator Settelmeyer’s concerns about keeping the integrity of the voting process will also be helped with the e-poll books. That system will make fraud very difficult.

**Chair Farley:**

I will close the hearing on S.B. 237 and open the hearing on S.B. 316.

**SENATE BILL 316:** Revises provisions relating to voter registration.  
(BDR 24-652)

**Senator Aaron D. Ford (Senatorial District No. 11):**

This bill will make it possible for more people to be a part of our government by making it easier to exercise their right to vote. One of the main parts of the bill allows 17-year-olds to preregister to vote. We want to encourage our youths to engage in our democratic process and vote. When I ran for office in 2012, I remember having some excitement when my oldest son, Avery, was able to vote for the first time.

Another part of the bill will allow same-day registration and casting votes on Election Day. One of the stipulations is that if a voter registers at a specially designated polling place, that person can only cast a vote at that same location. I have submitted my written testimony ([Exhibit G](#)).

In 2012, a study by Carroll College and Google headquarters looked at online searches for the phrase “register to vote.” It is estimated that 3 million to 4 million more Americans might have voted had they been able to register on Election Day. This is not a new idea. It was implemented by three states in the 1970s—Maine, Minnesota and Wisconsin. These states have same-day registration options and all three consistently lead the Nation in voter participation with an average voter turnout of 10 points higher than states that do not offer same-day registration. That is data from the Brennan Center for Justice at New York University School of Law. The top five states for voter turnout in 2008 were states with same-day voter registration.

The proof-of-residency requirement is key in all states offering same-day registration. In a traditional preelection registration scenario, election officials have time to send a nonforwardable mailing to the prospective voter to verify the voter’s residence before processing the registration application. This way, the voting officials can confirm residency. Because this is impossible with same-day registration, the prospective voter must present proof of residency at the time of registration. A driver’s license or ID card will suffice in all states with same-day registration. In some states, a document such as a paycheck or utility bill with an address is acceptable. A few states also permit an already-registered voter to vouch for the residency of the same-day registrant. All jurisdictions that allow same-day registration require voters to present documentation to verify their identity. Some states require a photo ID, while others require an ID, but no photo is needed.



**Senator Settlemeyer:**

I am concerned about the uniformity of the hours and the date of when these vote centers are open. I hear from constituents who say they have trouble finding a center that is open consistently and predictably. The bill says "on any Sunday," but only in counties over 100,000. Why not have uniformity across all counties so there is predictability for voters? Weekend hours might have to be more limited, but during the week there could be consistent hours of operation.

**Senator Ford:**

I accept that as an amendment. One of my goals with this bill was to avoid fiscal notes, but if counties are amenable to doing this kind of uniform scheduling, I am happy to do it statewide. This is about free, fair and accessible elections for everybody in our State.

**Senator Settlemeyer:**

It would be nice to have uniformity among all the counties in the State. That way, when someone moves from one county to another, there would be some predictability about when and where to vote. When people in my communities move, it is pretty common to cross county borders. The DMV has had a few issues with that in the past with the Motor Voter program. In Lyon County, one house in a housing development is in Dayton and the neighbor one street over is in Storey County.

**Senator Ford:**

We have heard that implementing a newer system with electronic updating will help with keeping voters current. I understand the idea of having a level of minimal standards for scheduling statewide. Beyond that, it seems like each county will have its own requirements and knowledge about how to be available for voters. Clark County may have its own ideas on how to accommodate shift workers, which Clark County would have more of than, say, Storey County, which might have its own community issues to work around. Having a State standard for hours and days of availability could certainly be a basis from which each county could tailor its own specific system to best accommodate residents.

**Senator Spearman:**

I agree. Both bills allow for when a person moves and has to get his or her driver's license updated for voter registration. In 2014, at one of the places

I was poll watching, there were five people turned away in the last hour of Election Day. These voters had changed their registrations, but their names did not show up in the poll books. Those voters were frustrated, not knowing where to go to vote. If voters can update their registration when they update their driver's license or State ID card, this would eliminate the confusion.

**Chair Farley:**

In section 10, subsection 2, paragraph (a), since this has been a hot topic, I am curious about the choice of wording with "shall" and "may." It seems like with all the passion we have for this issue, I am surprised at those uncertain terms instead of something more compelling. It says that in a county with a population of 100,000 or more, the county clerk shall include any Sunday and may include any federal holiday, etc. Would it help to make it more of an enforced direction?

**Senator Ford:**

I appreciate that. The "shall" does speak to the Sunday requirement. The "may" talks about federal holidays separate from Sundays.

**Chair Farley:**

I am just saying there has been some strong language about this in social media. You might want to amend that.

**Senator Atkinson:**

The word "may" in paragraph (b) does not address the issue you have been seeing on Twitter.

**Senator Ford:**

Under paragraph (b), if you are suggesting we change "may" to "shall" to require counties to "include any federal holiday that falls within the period for early voting by personal appearance" and also "require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period of early voting," I am happy to consider that.

**Chair Farley:**

Is there a fiscal note with being open on the federal holidays?

**Senator Settlemeyer:**

Most of our poll workers are volunteers, but they might pay workers in the larger counties. Our county staff is paid, but many of the poll workers are volunteers.

**Senator Atkinson:**

Yes, in Clark County, we do have paid poll workers.

**Chair Farley:**

We may need to clarify the language when it comes to the counties whose populations are less than 100,000.

**Mr. Powers:**

As defined in NRS 0.025, "shall" imposes a duty to act and "may" creates a right that is discretionary. In section 10, subsection 2, "In a county whose population is 100,000 or more ... ," that county has to have, on any Sunday, the early voting polling places available to voters at least 4 hours between 10 a.m. and 6 p.m. This applies to Clark County and Washoe County because of their populations.

**Chair Farley:**

How about the under 100,000 population counties with the word "may." Does that disenfranchise those smaller counties?

**Mr. Powers:**

It is a "may" in counties less than 100,000 population, so it is discretionary and up to each county whether to be open on Sunday for early voting. Each county would probably make a determination based on demand and budget.

**Chair Farley:**

If the goal is to not disenfranchise people, should we say it differently?

**Senator Ford:**

We can make it "shall" for the whole State.

**Senator Settlemeyer:**

If it is the right policy, it is right for the entire State.

**Senator Ford:**

I agree.

**Chair Farley:**

Okay, we will offer that as a friendly amendment.

**Ms. Clark:**

We do not support S.B. 316. I have submitted my written testimony [Exhibit E](#).

**Howard Watts III:**

I support S.B. 316 because it advances the civic education of our young people. I have submitted my written testimony ([Exhibit H](#)). We think the rules should be clear when we are doing our civic education, both as community members and teachers, so all 17-year-olds can understand it simply and clearly.

**Leora Olivas (Silver State Voices):**

I support S.B. 316. I have submitted my written testimony ([Exhibit I](#)).

**Ms. Shinn:**

I agree with the last two testifiers. Generous early voting periods that include weekends facilitate voter participation and strengthen our democracy. In fact, 30 percent of the votes cast in the 2008 general election were cast before Election Day. We were involved in the rally during the Washoe County primary issue during the last election. The rally was a racial equity piece with Souls to the Polls and making sure we have early voting on Sundays. As a nonprofit that engages in classrooms with our youths, talking about registering to vote and the importance of civic engagement, PLAN supports preregistration of 17-year-olds because it engages them in our democracy.

**Ms. Hansen:**

This is one of those bills that is difficult to oppose. We support several provisions of S.B. 316. We testified in the Assembly on people being able to choose electronic sample ballots, and this bill seems to support that and so do we. We support preregistration of 17-year-olds and think they need to be encouraged to participate in our republic.

We continue to have concerns about same-day registration on Election Day. On page 4, it mentions requiring a driver's license. We support requiring a photo ID for registering to vote and for voting.

**Lynn Chapman (Independent American Party):**

In 2007, I did not receive my NV Energy bill when I should have, so I called the company. A customer service agent told me I had called a few weeks prior and asked to change my address. I told them I had not called. I have lived at the same address for more than 20 years. At that time, my daughter worked at a local grocery store processing checks and payments. I conveyed my story about the NV Energy bill to her, and she said she had been hearing from customers complaining about their bills. The people told her the energy company said the same thing—that they had called earlier to change their billing addresses. This is just a small sample, but it made me wonder how many people statewide might have experienced the same thing. For this reason, I wonder if we should reconsider using utility bills for residence verification.

**Ms. Merriwether:**

One item we have not discussed regarding this bill is the processing of voter registration applications. Once an application is received online or manually entered into the voter registration system, that record is sent to nightly processing through the SOS Office, DMV and Social Security Administration. Through this process, the information on that voter's registration form is verified. The voter card is then sent to the voter after that verification is completed.

The schedule for early voting requires smaller counties to remain open until 6 p.m. during the week and for 4 hours on Saturday. The small counties do not have the staff, budget or voters to be open on Sundays. I do not support requiring those 15 counties to be open on Sunday.

**Mr. Gloria:**

I agree with Ms. Merriwether on the hours. Clark County is unique in having up to 65 percent of voters voting early in a big election. If standards are going to be set for hours of operation, I recommend it be minimum standards. That way, Clark County and Washoe County could go above and beyond that minimum with additional hours if necessary.

Regarding S.B. 203 and S.B. 237, I have the same concerns about offering the option of same-day registration at only a few sites. In S.B. 316, extending the close of registration could create a few problems. In Clark County, we already use online registration, so extending the deadline does not concern us. However, the other clerks and registrars will probably agree that if we are forced to take paper applications up until the last Friday of early voting, it could pose a problem getting those records added into the system. If you are going to extend the deadline, make it a requirement that this is for online registration only so those applications immediately enter into the system. With same-day registration, we need the electronic poll book so those would also be entered directly into the system.

Petitions come due shortly after a general election in November, so we need those applications in the system so we can verify signatures. Everything I said in the previous two bills about same-day registration and the need for e-poll books applies to this bill.

**Senator Ford:**

I look forward to communicating with anyone wanting to discuss pertinent amendments or concerns regarding this bill. We have heard that the concerns of the smaller counties involve different challenges with staffing and other issues than the two larger counties in the State. We can still make this a statewide mandate to have vote centers open on Sundays, but that will need to be paid for since it is apparent those 15 smaller counties do not have the budget for this requirement.

**Chair Farley:**

I will close the hearing on S.B. 316 and open the hearing on S.B. 331.

**SENATE BILL 331**: Revises provisions relating to elections. (BDR 24-969)

**Senator Aaron D. Ford (Senatorial District No. 11):**

This bill amends the law to use technology to make a government process more convenient and efficient. This is intended to make elections fairer, freer and more accessible. I have submitted my written testimony ([Exhibit J](#)).

**Chair Farley:**

I think the bill is great and it certainly fits into the strategy of where we need to go as a State with voting. I am concerned about the fiscal note, but I know we can discuss that soon.

**Senator Ford:**

I got the fiscal note this morning and have not had a chance to thoroughly look through it. I request that the policy committees allow us to discuss the bill in the committees; then if we go to a work session and pass it out, we can refer it to the Committee on Finance for review of the fiscal components.

**Senator Spearman:**

When people opt out of receiving the paper ballot, those cost savings are significant, [Exhibit D](#). Last Session, I introduced a bill to go paperless as much as possible because during the first calendar quarter of 2012, the State spent \$750,000 on paper. That is significant.

**Chair Farley:**

I agree. This is absolutely the right direction for us to go.

**Mr. Watts:**

I think this is the most substantial issue the Legislature could take up on elections this Session. I have submitted my written testimony ([Exhibit K](#)).

**Ms. Olivas:**

Over the past 18 months, we met with election officials and others to determine how to best improve our election system. The modernization of voter registration at the DMV came out as our top priority for the reasons Mr. Watts mentioned. We met with the SOS, DMV and the registrars and clerks in the counties of Clark, Washoe and Carson. Each of these counties is interested in making this happen. The sooner we implement this, the more money we save in the long run. It is a commonsense change that is overdue. This language lays out a path for this to become a reality by the next election.

**Ms. Shinn:**

We strongly support S.B. 331.

**Tara Brosnan (America Votes):**

We also strongly support this bill.

**Mr. Gloria:**

We are neutral on this bill. We would support it, but have a few concerns. This is something we have been trying to get done for some time. If structured properly, the records should go to the SOS. The DMV is already in the habit of sending their records to SOS first before disseminating to the counties. If the records had to be sent to the SOS as well as the counties, there might be some programming time involved with getting the information from DMV to the counties. We recommend it go to the SOS first.

**Ms. Merriwether:**

I have a couple of amendments I would like to share. In section 11, the way the added language reads is confusing. The purpose of NRS 293.510 is to indicate how the voter registration applications are stored. The previous language was from the old days when the clerk would get the applications in and we would store them in binders by precinct. Those binders would then be taken to the polling places to verify voters' signatures. There are only two counties—Eureka and Lincoln—that still do not scan the voter registration applications. Instead, these county election officials store the originals and attachments in binders. My suggestion would be to clean up the language in section 11 for the counties that use electronic storage and the storage of their attachments for their applications.

In section 14, subsection 9, paragraph (b), the bill requires mailing voter registration cards within 2 business days. This is already in statute to mail to all registered voters within 10 days. I would suggest removing that part of the bill because it is redundant and conflicts with statute.

**Chair Farley:**

Can you put those amendments in writing and get them to the Committee and Senator Ford?

**Ms. Merriwether:**

Yes.



**Ms. Hansen:**

We support the security measures in this bill. On page 3, section 3, subsection 2, paragraph (d), subparagraph (3), starting on line 9, says:

A person who consents to the transmission of information and who does not indicate a major political party affiliation will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation.

That current law makes a person registered nonpartisan or in a minor party unable to vote in another party's primary election. I do not know why this language is here because it seems unnecessary. These voters could still vote for judges or nonpartisan offices such as school board trustees, and this information might discourage people from voting.

Page 4 lists requirements for an individual to register to vote. That was missing in similar election bills but well done in this bill.

In section 4, subsection 3 on page 4, I do not understand this:

If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 2, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number.

I support photo ID and am concerned about this section of the bill. This section goes on to say, "Upon receipt of the affidavit, the county clerk shall issue an identification number to the person ... ." I have concerns about not having an easily identifiable ID when people are asked to register people to vote.

**Ms. Albertson:**

We are neutral on S.B. 331. We do have a fiscal note. We would appreciate the opportunity to work with the sponsor on that. We can reduce and mitigate a number of these expenses with some friendly amendments. Our preference

would be to have our interface with the SOS and to not interface separately with each of the counties.

**Senator Settlemeyer:**

Will getting a new computer help reduce those fiscal notes?

**Ms. Albertson:**

Yes, it would.

**Alan Glover (Special Assistant to the Secretary of State, Office of the Secretary of State):**

We support having the DMV interface with our Office directly. We can then push the information to the counties.

**Senator Ford:**

To Ms. Hansen's question about the information on page 3: regarding the transmission of information on political party affiliation, that information is contained within a section specifying how the Department shall notify each person described in that section. The intent is to let people know that if they do not identify a party, they cannot vote in a primary. It is not doing anything more than that; it is just informing the voter to pick a party in order to vote in its primary. I am happy to entertain amendments and hope representatives of the counties will reach out so we can make our elections fair, free and accessible.

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**Chair Farley:**

I will close the hearing on S.B. 331. I will adjourn the meeting at 7:11 p.m.

RESPECTFULLY SUBMITTED:

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Linda Hiller,  
Committee Secretary

APPROVED BY:

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Senator Patricia Farley, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness or Agency</b>	<b>Description</b>
	A	1		Agenda
	B	6		Attendance Roster
S.B. 203	C	7	Senator Pat Spearman	Written Testimony
S.B. 203	D	1	Senator Pat Spearman	2014 General Election Sample Ballot Cost Figures
S.B. 203 S.B. 237 S.B. 316	E	1	Charleston Neighborhood Preservation	Written Testimony in Opposition
S.B. 237	F	6	Senator Pat Spearman	Written Testimony
S.B. 316	G	3	Senator Aaron D. Ford	Written Testimony
S.B. 316	H	1	Howard Watts III	Written Testimony
S.B. 316	I	2	Silver State Voices	Written Testimony
S.B. 331	J	2	Senator Aaron D. Ford	Written Testimony
S.B. 331	K	1	Howard Watts III	Written Testimony