

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

**Seventy-Ninth Session  
February 14, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 1:35 p.m. on Tuesday, February 14, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to 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/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Olivia Diaz, Chairwoman  
Assemblyman Nelson Araujo, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblyman Skip Daly  
Assemblyman John Hambrick  
Assemblyman Ira Hansen  
Assemblyman Richard McArthur  
Assemblywoman Daniele Monroe-Moreno  
Assemblyman James Ohrenschall  
Assemblyman James Oscarson

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Committee Policy Analyst  
Kevin Powers, Committee Counsel  
Julianne King, Committee Secretary  
Melissa Loomis, Committee Assistant



**OTHERS PRESENT:**

Joseph P. Gloria, Registrar of Voters, Clark County  
Luanne Cutler, Registrar of Voters, Washoe County  
Susan Merriwether, Clerk-Recorder, Carson City  
Kathy Lewis, Clerk-Treasurer, Douglas County  
Terri Albertson, Director, Department of Motor Vehicles  
Cadence Matijevich, Deputy Secretary for Operations, Office of the Secretary of State  
Mike Kelly, Nevada Advisor, VoteVets  
Ryan Gerchman, Private Citizen, Reno, Nevada  
Doug Goodman, representing Nevada Election Modernization and Reform Act  
Steven J. Horner, Private Citizen, Las Vegas, Nevada  
Eric Sutton, Private Citizen, Las Vegas, Nevada  
Matthew DeFalco, Private Citizen, Las Vegas, Nevada  
Angie Morelli, Private Citizen, Las Vegas, Nevada  
Richard "Rick" Koss, Private Citizen, Las Vegas, Nevada  
Aubrey Rowlett, Chief Deputy Clerk, Elections and Marriages, Clerk-Recorder's Office, Carson City  
Dena Abeyta, Chief Deputy Clerk, Elections, Douglas County  
Peggy Lear Bowen, Private Citizen, Reno, Nevada

**Chairwoman Diaz:**

[Roll was taken. Committee rules were explained.] Good afternoon, and happy Valentine's Day to everyone. Today we have a full agenda. In addition to the presentations from the county clerks and registrars of voters, we are hearing Initiative Petition 1. Because I.P. 1 is not a typical legislative measure, we will take some time today to discuss the procedures the *Nevada Constitution* imposes on the Legislature as it considers this kind of a proposal. The clerks and registrars have been invited today to discuss their operations and concerns about conducting elections in our state. Initiative Petition 1 relates to voter registration, which is one of their responsibilities. I recognize that while they are giving their presentations, a question may occur to you about automatic voter registration. I ask that you hold those questions until we get into the discussion on I.P. 1 later in the agenda. First, we will hear presentations from our Committee staff on the constitutional provisions as well as the content of I.P. 1. Then, we will invite the local election officials to comment about the logistics and technical aspects of implementing the provisions. At that time, you are welcome to ask those questions. Finally, we will take comments from the proponents, opponents, and those who wish to provide neutral testimony in regards to I.P. 1. We will start with the presentations from the local election officials. The county clerks and registrars oversee the day-to-day operations of our elections. They ensure compliance with state and federal laws, guard against violations of those laws, register voters, and run our elections. We are privileged to have several of the county clerks and registrars present today. I want to invite them up to the table at this time.

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

Elections in Clark County continue to set the standard for the rest of the nation. This is due to our work to integrate the use of technology in our election support processes and the hard work of our dedicated and experienced election staff in Clark County. Today I am going to go over some information from the 2016 general election; some historical turnout information; our early voting program in Clark County; programs that I feel are working well in the state of Nevada; new technology that is being implemented in Clark County; the most common complaints we received related to the 2000 general election; and 2017 legislative issues.

In the 2016 general election, our staff processed over 333,000 new registrations and changes of address [slide 2, ([Exhibit C](#))]. Over 768,000 Clark County residents cast ballots without any significant problems. Our postelection auditing shows no evidence of fraud. Our security measures continue to protect against fraud, and the people of Clark County can be confident the results accurately reflect the choices they made on the ballots that were cast.

The historical turnout is provided on slide 3 ([Exhibit C](#)). To compare these numbers by presidential cycles, I have provided a historical turnout sheet. The top half of the sheet displays percentages utilizing the total number of active registered voters. The bottom four rows give percentages according to the actual number of voters who turned out to cast a ballot. The number of registered voters in Clark County has nearly doubled when compared to the 2000 general election, so we have seen quite a bit of growth in that period of time. Note the decrease in the number of voters who vote on Election Day. That is evidence of the success that we have had with our early voting program, and shows that the citizens in Clark County prefer to pick a time and place that is convenient for them through the early voting process to come out and cast their ballot. The number of early voters has increased by 290 percent in that same time period, which represents 63.62 percent of our voters who voted in the 2016 general election. Mail continues to steadily drop, and the 2016 general election represented the smallest percentage of voters who voted by mail since the 2000 general election.

Every presidential election cycle, hundreds of election observers visit Clark County. What most impressed them was our early voting program, where we go into the community to supermarkets, malls, community centers, and libraries. We go to places where people would congregate even if we were not there [slide 4, ([Exhibit C](#))]. Second, they were impressed with the fact that in a county with over 1 million active registered voters and an overall turnout of over 75 percent, we did not have long lines on Election Day. In the 2016 presidential election, using just over 700 machines, over 488,000 people voted at one of the 97 early voting locations. That is 63 percent of everyone who voted in Clark County. Over 189,000 people who otherwise might not have been able to vote were able to cast their ballots in our mobile and early voting construction trailers, which represent 38.7 percent of Clark County's early voters in 2016. These trailers are self-contained. They use a generator for power and have wireless connectivity, allowing us to access locations and neighborhoods we otherwise would not be able to support. That number, 488,000, is more than twice the 235,000 people who voted on Election Day.

The preference for early voting in Clark County is clearly evident here. The decrease in mail ballots has represented a drop in the cost for us to provide mail ballots to voters in Clark County. To support that many additional voters on Election Day, we would have to double the number of voting machines, Election Day workers, polling places, and supporting equipment. In 2012, national and international news teams came to film and report on our early voting program. They reported that Nevada does an excellent job of making voting easier and more convenient for its voters.

I just want to give a brief note on the programs I feel are working very well in the state of Nevada. The first is online registration in Clark County. Over 118,000 people utilize Nevada Online Voter Registration (NOVA) [slide 5, ([Exhibit C](#))]. That means my staff did not have to touch those forms. They went into our system electronically, and there were no man-hours involved with getting that information. They are more accurate, and they go directly into the system as the voter puts that information online. It is a very effective system.

The Office of the Secretary of State produced the Effective Absentee System for Elections (EASE), which is also an excellent program that continues to grow. Although the federal government has the 45-day requirement for us to get paper ballots out, EASE allows overseas voters to apply for a ballot, receive it electronically, and return it to us in less than 24 hours. That is an excellent program, and we are very happy that it continues to see increased usage.

The Electronic Registration Information Center (ERIC) is also a program that the Secretary of State's Office signed us up to use. It allows us to compare our voter rolls with other states. It provides us with an effective tool to help keep our voter rolls clean and accurate. Over 20 states are currently participating in the ERIC program.

There is some new technology in Clark County. We want to make sure you are aware of what we are working on down there to keep on the cutting edge of everything. Because we rely so heavily on technology, leading into the 2016 election, we had a lot of work to do to get some of our systems updated. One of the issues was our new ballot system, which we used in the 2016 general election [slide 6, ([Exhibit C](#))]. It utilizes commercial, off-the-shelf equipment. In other words, we are no longer tied into proprietary equipment in that area. It is much easier for us to replace the off-the-shelf equipment because the vendor has guaranteed that they will write software to support whatever we need to replace that equipment with—equipment we can buy off the shelf from Staples. That has been a good trend for us.

We also decreased the time it takes to read ballots by more than half using that equipment. We have provided for electronic adjudication of ballots, which saves man-hours and prevents the duplication of ballots that need to be reviewed and read back into the system because of over-votes or stray marks on the ballots. It definitely represented a cost savings to our mail ballot support budget.

We also updated our tabulation system for the simple reason that it was no longer being supported by Microsoft. It was running under Windows XP. We were in danger with the continued use of that system because, if there were any changes that needed to be made, we would not have been able to do so since that software was no longer supported.

Our early voting browser, which is a tool that we use to sign in voters during the early voting period, was also replaced for the same reason that it was no longer being supported by Microsoft and Oracle.

For the 2018 election cycle, we are excited to report that Clark County will begin replacing its aging voting equipment [slide 7, ([Exhibit C](#))]. The Clark County Commissioners approved \$7.2 million towards the purchase of the new equipment. However, we are still in need of \$9.2 million to replace the full system.

The new electronic poll book will allow us to get rid of the paper rosters on Election Day. It also makes our information more accurate because it is connected directly to the office database. It also provides the capability to implement the use of a vote center. For those of you who live in Clark County and happen to live in Henderson, you are familiar with that concept. What it means is that you will be able to vote on Election Day the same way people are able to vote during early voting. We will have a little over 100 sites set up for voting, if approved by the Commission, and you will be able to vote at any of those sites in Clark County. If you work in Summerlin but live in Henderson, and on Election Day you are trying to race across town to get home and vote before the polls close at 7:00 p.m., you will not be tied down to that anymore. There will be more access provided to you. You can choose to vote on the way to work, at lunch, or even before going home somewhere in the area because all of those ballots will be provided to you with the vote center. Poll books give us that opportunity. They will also provide many efficiencies in our election process. If the Legislature chooses to implement same-day registration, it will make it easier for Clark County to electronically implement the use of that type of voter registration.

Briefly, I want to go over the complaints we see most often. I am only reporting the first line item because I had so many calls. I do not have a solution to offer, and I do not see any bills that address it. I had more complaints about electioneering this election than any other election that I can remember [slide 8, ([Exhibit C](#))]. When it was brought to our attention, we sent someone on our staff to check out the situation and see if there was anything our staff was not doing to try to keep the rules followed at the polls. None of the situations ever occurred to us. They were always marked properly. It was just a matter of having people out there who did not want to follow the rules. We instruct our staff to go out there first to try and deal with it, because they are already there, and after that, to call us. We spent too much of our time during the early voting process and during Election Day trying to deal with electioneering issues.

**Chairwoman Diaz:**

Could you describe what electioneering means?

**Joe Gloria:**

Electioneering is the action of anyone who is participating at the polls to campaign or to support a question or candidate. On Election Day, they are supposed to be 100 feet from the entrance to the polling area. During early voting, they sometimes get confused because the rules are a little different. If you are a private property owner, you do not lose your rights as a private property owner because you have allowed us to vote there. The property owners have the option during early voting to say they do not want electioneering. We had a lot of trouble with those sites where they made that choice, and we had to go out and tell the people who were electioneering that they needed to leave the premises because the property owner has not allowed electioneering. So electioneering is campaigning or supporting any issue.

The next issue was voter registration [slide 8, ([Exhibit C](#))]. We had outside, private groups reporting registration in Nevada. In my opinion, that is where the majority of the problem is. We do not have any issue with NOVA because people are making that transaction one-on-one with our office. There is a good system for it to get checked by the Department of Motor Vehicles (DMV) and the Social Security Administration before it enters our records. The issue is with this outside money that comes into Nevada for major elections where people are circulating petitions and voter registration forms. The quality of the people they have working at the polls is challenging for us. Often, they are more interested in making sure that they are submitting voter registration forms so they get paid for their duties, and not ensuring that the information is accurate or truthful. The workers' behavior in the field is an issue. I am not exaggerating when I say we received hundreds of complaints from people who said they went to register to vote, told the individual that they did not want to register with them and, despite that, were given a hard time about not registering to vote with them. It was definitely a problem that took a lot of time on the phone.

We also received complaints regarding voter notifications from groups, in particular, the Voter Participation Center. It is a group that sent out mailers, and many of the voters thought that these mailers were coming from election officials. The Secretary of State has a cleanup bill wherein she will try to have these people put information on their envelopes that states it is not an official election mailer and has nothing to do with any of our local or state election officials. I feel that will help. We have also tried to convince them to compare that database with our voter registration roll. They send out mailers to people who are already registered to vote, and even in my office, I had several people receive them. My assistant registrar's wife received a notice from the Voter Participation Center at an address where she never lived. I do not know where they get that information, but much of that information is incorrect. It hurts our credibility. If you have someone who has voted for 15 to 20 years at the same address, and they get a letter from this group asking them to register to vote, the person is going to be concerned about what the Election Department is doing, even though it had nothing to do with the information that is going out. We received hundreds of concerned calls from voters regarding this issue. Political groups and political mailers were doing the same thing along those lines. They were sending out information without making sure the outgoing mailers were accurate.

As far as 2017 and legislative issues, I would like to first say that there is an enormous disparity in the size and resources of the counties in this state. If changes are made, please allow the counties some flexibility to implement new requirements in a manner that best suits the citizens of that county. Second, I want to emphasize that I believe all the clerks are committed to the integrity of the election process and want to work with you to ensure that whatever you decide should be implemented is done in the most efficient and economical manner that best serves the people of Nevada. The items that I have here on this sheet are strictly from Clark County and are issues that should be dealt with.

There was a lot of conversation related to voter fraud, and we had absolutely no evidence of illegal voting in Clark County [slide 9, [Exhibit C](#)]. As far as tallying the results, we also had several people who claimed that they were concerned about what we were doing in our office, and how we went about tallying. The *Nevada Revised Statutes* (NRS) requirements that are in place for certification of our system include the use of an accuracy certification board. An accuracy certification board is a group of people from the general public whom we invite in three times to verify that the systems are tabulating correctly: once before early voting starts, once before Election Day, and once after the election. This is a good program, and it pretty clearly indicates on three occasions that our system is programmed and tabulating correctly.

As I mentioned earlier, we had 333,000 voter registration entries that my staff put into the system. The concerns with voter registration are legitimate, but they are very small. We only have a small number of ongoing investigations at this time. We are looking into cases where we think there may have been some voter registration fraud.

The Secretary of State's bill applies more training to the third-party registration groups. I am not going to say that might not help the situation, but in truth, I do not know that it is not more a matter of eliminating the difficulty for people to register to vote. I am not saying that it is overly difficult now with the online registration, but in Clark County we think that same-day registration would give them more opportunity to have a one-on-one registration effort where they would not have to deal with third-party registration groups who might not be doing the work as accurately as we would like.

There is concern with the voter registration notifications. There is a lot of work that goes into these bad registrations and the Registrar's office sending out notices to people and getting these notifications back. It is more an issue with the third-party registration groups.

We are in support of the DMV registration and the effort that is being put forth. We will talk more about that with the I.P. 1 discussion.

Regarding early voting, clerks and registrars must have the flexibility to serve their counties. I would suggest not giving them mandates as far as the times that they should set. I have a much larger group to serve in Clark County than they do in Douglas County or



Esmeralda County. When you try to make the hours consistent for early voting, it makes it difficult for all the counties to be able to serve their constituents. They should be able to make those decisions. Anything restricting access to early voting should be avoided.

The voting machine replacement is a very important issue for Clark County. The Clark County Commission has already stepped up and committed funds in that area. Work needs to be done to make sure that the funding is also there for the rest of the counties in Nevada. It is not enough to have one or two counties that are working hard to replace this equipment. If one county fails as a result of voting machines failing, then the entire state suffers as far as the credibility of our system. I am hoping that we will work hard this session to find the funding for all counties in Nevada to replace their aging voting equipment.

I have not seen anybody attempting to address this next issue. Leading into the election, we were very concerned about some activity that might happen at the polls. There are laws on the books restricting guns on school grounds. I think that should be considered as well for polling places. An individual carrying a weapon into the polling place might serve as intimidation and cause voters to not come into the polling place to vote. There are certainly instances related to mass shootings across the country, and people have changed their frame of mind. I would like to see someone look into the possibility of eliminating guns being carried into polling places at election time.

**Chairwoman Diaz:**

Thank you, Mr. Gloria for making sure the residents in Clark County have access to their rights as stated in the *Nevada Constitution*. I am going to open it up to any questions that some of the Committee members may have for you.

**Assemblyman Hansen:**

Your comments on guns were quite intriguing to me. Almost without exception, mass shootings have been in zones where firearms were officially forbidden. Is there any evidence that anyone in Nevada has ever been intimidated away from voting? Is there some reason that we should expect higher levels of safety when in fact these mass shootings you describe are, almost without exception, in post offices and schools, where there are no concealed weapons allowed? I am intrigued that is on your list.

**Joe Gloria:**

When I met with local law enforcement in Clark County, I was troubled to find out there was really nothing we could do about it because there is no law against people carrying guns.

**Assemblyman Hansen:**

What are we trying to solve? You said there is nothing they can do, but there is no problem to be addressed. In fact, areas where people are not allowed to carry weapons is where mass shootings have occurred.



**Joe Gloria:**

What I am trying to get at is the intimidation involved when someone who walks into the polls and sees somebody carrying a weapon.

**Assemblyman Hansen:**

Can you give us a single example in Nevada where this has happened?

**Chairwoman Diaz:**

Assemblyman Hansen, I think he has already tried to stress his point, but we are not here to deliberate on whether someone has their Second Amendment rights or not. We are really here to talk about the emphasis on voters and elections and his duties. I think he is speaking to how some folks might feel uncomfortable around guns. We are not here to debate this back and forth.

**Assemblyman Hansen:**

It was on his list, and you did ask if we could ask questions of these people. I want to reserve the right to bring that up because I think that was completely inappropriate to have in a forum, which, as you just described, Madam Chairwoman, is about voters.

**Chairwoman Diaz:**

Are there any other questions from the Committee?

**Assemblyman Oscarson:**

Mr. Gloria, thank you for your presentation. You discussed how the NOVA system registered about 118,000 people and saved you a lot of time. Do you have an idea what the dollar amount is of the manpower it would have taken to perform those duties, as opposed to having it done electronically?

**Joe Gloria:**

The estimations that have been given to me by my registration staff say about 60 to 70 registrations per man-hour for someone who is skilled in the work. You can take 60 or 70 and divide it into 118,000, and that number would be the man-hours needed to enter those manually into the system.

**Assemblyman Oscarson:**

Why did I not think you would have that answer? Thank you, sir.

**Assemblywoman Bilbray-Axelrod:**

Could you provide us the states participating in ERIC? It says over 20 states are currently participating. I would just be curious since we have a lot of retirees and people moving. We know from what areas they are moving, so it might be helpful to see if those are the states that are actually participating.

**Joe Gloria:**

We will be happy to get that list to you. I do not have that list with me today.

**Assemblyman Ohrenschall:**

I want to commend you for how well the election went in Clark County. I did not have a constituent call me to complain about difficulties voting, either during early voting or on Election Day. I have a question regarding some data. Last week, we had a presentation by the Secretary of State and one of the deputies. I asked if they could provide me with a number for how many people registered to vote prior to the general election but missed the cutoff. They advised me to check with the registrars, and I was just wondering if you had any of that data, at least for Clark County?

**Joe Gloria:**

We can certainly get that information to you if you provide a stop date. We would run it from the date of the close of registration. When would you want that up to, perhaps Election Day to find those people who registered between that date and November 8?

**Assemblyman Ohrenschall:**

That is what I would be interested in. Thank you.

**Joe Gloria:**

We can certainly get that information to you.

**Assemblyman Ohrenschall:**

Please provide that to Chairwoman Diaz and the Committee.

**Joe Gloria:**

We will provide it to the Chairwoman's office, and I am sure she will share it with everyone.

**Assemblyman Ohrenschall:**

As I mentioned last week, I had the privilege of serving on the Secretary of State's 2016 Election Task Force (ETF). I served with Registrar Gloria, Senator Bryan, and Governor List. One of the things I was most concerned about was having an emergency plan. If power went out, or someone put out a message on Twitter that such and such polling place is shut down so people should not go there, how would we respond to that? How would we make sure that people could vote? I was very impressed with all the different emergency plans Clark County had. Did you have to resort to any of those emergency plans? Did you have to bring the emergency mobile voting site out? Did you have to use any of those emergency plans discussed during the ETF meeting to ensure everything went as planned?

**Joe Gloria:**

I am very happy to say that we did not have those kinds of issues on Election Day, but if you would like to go into a brief discussion as to exactly what we were prepared to do, I would be happy to do that.

**Assemblyman Ohrenschall:**

Please go ahead.

**Joe Gloria:**

We had a concerted effort from the county as a whole for the Continuity of Operations (COOP) plan. This was actually the first year that we had a legitimate plan in place in case we had a terrorist threat or a serious power outage at our actual facility where we tabulate the votes. We had a complete second tabulation area set up within a close proximity and had coordinated with the Las Vegas Metropolitan Police Department that if we had to call, we would be able to implement a secondary tabulation center in Clark County within one hour. We did not practice that. We did not put that into the practice mode that the COOP plan usually requires; however, we were ready and had coordinated that effort. On Election Day, and also during the early voting period, we stationed trucks all over the urban area of Clark County with generators, gas to run the generators, tents, water, electrical cords, and any number of items to ensure we could respond to any polling place and bring it back up to speed as quickly as possible. In cases in past elections where we did have a power outage and had to respond, we have been able to get the election polling place back up and running within thirty to forty minutes. We vote in June, one of the hottest times of the year, and we have had areas where we lost power and were able to respond. We are very proud of what we have put together as far as an emergency response. Again, this was the first year that we actually had a very good plan in place. There was an issue on election night for tabulations, so that is why we made the extra effort.

**Assemblyman Ohrenschall:**

During the ETF meeting, I think Clark County's emergency plans were hailed as the model for the other counties. I have one last question. I do not know if the age of the voting machines and the need to replace them has been discussed at all, or if that is something that we would be open to talking about.

**Joe Gloria:**

I had only one line in my presentation, but I cannot overemphasize the importance of finding the funding necessary to replace the machines as soon as possible. It was a good system. We have had it in use since 2004. It went statewide in that same year, if not 2006. The failure rate we are experiencing and the severity of some of the issues that we are seeing would definitely cause a problem if it continued to increase.

Briefly, I want to discuss what we experienced. There are two redundancies in the system. The information for voting is stored on the CPU [Central Processing Unit], and it is also stored on the cartridge, which is a PCMCIA [Personal Computer Memory Card International Association] card. It is also printed on the record that the State of Nevada requires us to have. We had three other failures to the level that we actually had to go to the paper record to read into the system. The first record that we had to get into the system was in the primary election. There were a little over 90 votes on that machine. It took us four hours to get those 90 votes into the system. You can see how easily that would have been a huge concern for us on election night. If we had eight, nine, or ten failures, we would not be reporting on time. As soon as you do not report on time, people might be concerned that we are not being

completely honest. It takes us that long because we have gone to the second line of redundancy, and it takes a tremendous amount of time to get them in. If we continue to use a system, that issue is going to grow. We will start to see an even larger number of machines fail.

I reported that in the primary. As soon as the primary was over, I immediately started working with my management team and encouraged the Clark County Commission to find the money. Because elections are important in Clark County, they found the initial funding, but we still need more funding to ensure that we get the entire system replaced. In the general election, we had 24 of those errors. Because we knew it was coming, and the staff that I had was very good about proactively finding solutions to issues, it did not impact us as hard as it did in the primary election when we were not expecting that to happen. We reported on time, but we had to prepare with a large amount of resources on election night to make sure that we were prepared to read those machines and quickly have more readers available to read that type of record into the system. It is pretty clear that that type of error will continue to happen, and happen at a larger rate, so we need to make sure that we replace the system.

**Assemblyman Hambrick:**

Mr. Gloria, I was one of those ancient people that did the voting registration in the early 2000s. My question deals with your lack of technology. Have you noticed, for lack of a better term, "winter Nevadans" that come out and vote in our elections, and then either go back home or go somewhere else to escape the heat of Las Vegas, and then vote in other states? Have you noticed people multi-registering in different locations and going back and forth? Do you think there is a problem in this area or is it ever happening where individuals are multi-registering in different jurisdictions throughout an election cycle or multiple election cycles?

**Joe Gloria:**

That is the power of the ERIC program that the Secretary of State has initiated. It gives us the ability to check the voting records after the election, so we can find those people. We do not have any evidence from the 2016 general election to indicate that there was activity along those lines.

**Assemblyman Hambrick:**

If at some point you discover an individual voted in two different locations, would you then go forth to try to nullify that vote? What is the consequence of that happening to the election and to the electorate? What is the penalty or consequence? Will you remove that vote at some point? What is that consequence on the ballot?

**Joe Gloria:**

We would aggressively pursue that individual. I believe it is a felony if you are caught voting twice. There is no way for me to pull that ballot out of the system. Once it is registered, we cannot pull it out of the system. It is a private ballot. If I knew what you voted, it would not be a private ballot. The only area where we have that ability is in the

provisional voting, which is a totally different scenario. Then, we try to verify whether they truly are registered. If they are, then we mark that ballot to be counted. If they are not, we do not count that ballot. After the fact, we would give it to our district attorney. We even have a Federal Bureau of Investigation group in Las Vegas that loves to pursue those cases. We would aggressively go after that individual.

**Chairwoman Diaz:**

Seeing no other questions, we will continue with Luanne Cutler from Washoe County.

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

I am the Washoe County Registrar of Voters. There is no question that Clark County is the model in our state, and we all look up to the expertise that they have. In Washoe County, our office is made up of six permanent staff members [slide 2, ([Exhibit D](#))]. For us to administer elections, we hire anywhere from 10 to 50 temporary employees, depending on the size of the election. In last November's election, nearly 60 Washoe County employees from other departments volunteered to work at the polls. We are very fortunate to receive a great deal of support from the Washoe County Commission, our county management team, and other county departments. We have to utilize every resource that we are given.

The 2016 general election brought about historic numbers. We had 264,801 registered voters, which was 23,000 higher than any previous record [slide 3, ([Exhibit D](#))]. The Democratic and Republican voter numbers only differ by about 3,500 in Washoe County, and that seems to bring a lot of media attention our way. Twenty-seven percent of our voters in Washoe County are registered nonpartisan or with minor parties. That definitely seems to be where the growth is happening in our county. We had 210,287 voters cast a ballot in the 2016 general election, and that number is 10 percent higher than any previous record.

Washoe County operated 23 early voting locations in the 2016 general election, 12 of which were open every day of the 14-day early voting period [slide 4, ([Exhibit D](#))]. The remaining locations were open an average of 12 days. On Election Day, we operated six polling places. Our turnout was 79.4 percent, and of those who voted, like Clark County, 62 percent of our voters voted early. Twenty-nine percent voted on Election Day, and only 9 percent voted by mail. The trend is the same in the north as it is in the south. We also deployed a record number of voting machines in this election, leaving only ten in our warehouse that were not assigned to the election.

Regarding voter registration between September 1 and November 1, our department processed nearly 51,000 voter registration-related transactions [slide 5, ([Exhibit D](#))]. This is partially due to the level of voter registration activity in the field immediately prior to the close of registration by the third-party registration drives that Mr. Gloria mentioned. Unfortunately, with those drives, Washoe County also saw a very high number of those that came in were illegible, duplicates of one another or of something we had on file, or incomplete.

Although these questionable forms do not make it through the extensive vetting process, it creates a bottleneck of extreme proportions at a time when we are preparing for the start of early voting. Processing these forms is time-consuming and costly [slide 6, ([Exhibit D](#))]. We agree with the Secretary of State's concerns regarding the need for additional accountability and training for those who are conducting voter registration drives.

In 2016, we are happy to report that we successfully implemented the first stage of a voting equipment upgrade [slide 7, ([Exhibit D](#))]. Washoe County moved from Dominion Voting to a new absentee ballot counting system, which we view as a building block for the future. We also implemented Wi-Fi connectivity to all Election Day polling places, which made the required Election Day reporting much more efficient and timely without impacting our poll workers. This sets us up for a transition to vote centers, which is highly desirable for the future administration of elections in Washoe County.

Our biggest concern moving forward is that the current voting equipment is at the end of its life cycle [slide 8, ([Exhibit D](#))]. More and more maintenance is required each election season, and the equipment that we are using is no longer manufactured. There is no easy way to get replacement parts should we need them. Our vote tally software is operating on a system that is no longer supported, Windows XP.

As Washoe County continues to grow and our election equipment continues to age, we are concerned that our ability to service the needs of our voters quickly and efficiently is diminishing [slide 9, ([Exhibit D](#))]. There is no doubt that the time is now to move forward with the purchase of new equipment and updated technology. It can no longer wait because we cannot make a transition such as this during a presidential election year. Mr. Gloria mentioned the errors that Clark County had with some of their equipment in the primary election and again with the general election. Our first experience with that was in the general election. We were not expecting to have to manually enter votes into the system. It caught us off guard as well.

We are ready and eager to move forward. We believe that the transition will take Washoe County up to a year to complete [slide 10, ([Exhibit D](#))]. For consideration would be the staff training, the creation of new, internal user manuals, and the reconfiguration of our current equipment facility. We would have to prepare new poll worker training materials for our in-person classes as well as the printed manuals that they keep as reference materials. We would have to revamp our online training system for the poll workers. There would be equipment delivery strategies and security plan adjustments that would be necessary. Some new polling place signage would be required. Most essential would be a public education campaign, so voters know what to expect when they go to the polling places.

All of us had a successful election year in 2016. It is our goal to make sure that we can continue to report that in 2018 and beyond [slide 11, ([Exhibit D](#))].

**Chairwoman Diaz:**

Thank you, Ms. Cutler. We are seeing common themes here. Early voting is very successful, and the number of people who want to participate in the elections through this mechanism is increasing. Also, our voting equipment is at the end of its life, and we need to make sure that we look at options to replace it to ensure that everyone is afforded the ability to participate in elections. Are there any questions?

**Assemblyman Ohrenschall:**

I have more of a request. Congratulations on having a successful election this last election cycle. I would be interested if you could provide Chairwoman Diaz and the Committee with any information for Washoe County regarding qualified electors who submitted applications to register to vote but missed the cutoff up until Election Day. I would be interested to know how many voters in Washoe County were not able to vote because of that.

**Luanne Cutler:**

We will get that information to you.

**Assemblyman Hansen:**

Assemblyman Daly and I are the only people from Washoe County on this Committee. I wanted to compliment you. I thought you did a marvelous job. I did not hear a single complaint about any issues as far as long lines and things like that. You guys did a phenomenal job. I want to let you know, from the political end of it, the comments that we received were all favorable, and there was nothing negative. Keep up the good work.

**Assemblyman Daly:**

Even the recount went smoothly.

**Luanne Cutler:**

Yes it did, sir. We agree.

**Chairwoman Diaz:**

Thank you so much, Ms. Cutler. With that, we will continue to the next two presentations. We have Kathy Lewis from Douglas County and Sue Merriwether from Carson City.

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

Thank you, Madam Chairwoman and members of the Committee. Overall, the 2016 primary and general elections went well for Carson City. We prepared for the worst but ended up with minimal lines and few complaints. There are approximately 29,058 active registered voters in Carson City ([Exhibit E](#)). We had just over 91 percent turnout in the 2016 election. Going into the 2017 Legislative Session, the clerks have several concerns, and we hope to work with you to determine the solutions that benefit the voters of the state of Nevada. Kathy Lewis, the Douglas County Clerk, and I have been working closely with the clerks in the rural counties and would like to share some of our concerns.



One of the concerns that you heard about, and will continue to hear about this session, is the need to purchase new voting equipment. We would like to encourage the Legislature to assist with the appropriation of funding to replace the voting equipment. Please keep in mind that each county is unique. What works for one county may not be the best fit for another. Individual counties know what equipment is best for their needs. Voting equipment is a big part of the election process. It is not only a county issue, but a state and federal issue as well.

This is not the only financial issue that the counties will be facing. Unfortunately, one of the most widely used vendors in Nevada for several county departments is closing its doors. This means many counties are also being tasked with the need to purchase new software for voter registration and other departments within the counties, such as the county recorders, treasurers, assessors, clerks, and so on. The counties cannot afford to single-handedly absorb all these costs in such a short time frame.

As mentioned by Mr. Gloria and Ms. Cutler, the counties also continue to see an increase in third-party registrations. These are always troublesome applications for us. They are hard to read, incomplete, duplicates, and not always delivered to the clerk's office on time. We received more complaints from voters regarding these registrations than any other part of the election process. It creates more work for our staff and requires correspondence and numerous telephone calls. There are several bills being introduced this session that will impact the counties. We look forward to discussing the bills and working closely with you this session. We encourage your support on maintaining the integrity of the Nevada elections.

**Kathy Lewis, Clerk-Treasurer, Douglas County:**

We wanted to create a reference sheet of what the rural counties look like ([Exhibit F](#)). If you have driven up from Clark County, you know the vast distance we have. In Nye County, for example, it is 250 miles between two of their polling locations. We have nine polling locations that are over 50 miles away from where the clerk tallies for that night, so they have to bring those cartridges back that night to tally. In Nye County, they actually tally in two different places to get it done on time. Seven percent of our precincts are mail precincts because they are smaller districts with a lower population. I love the White Pine County Clerk's description when she said in McGill, the poll worker has to go out and put one foot on the playground equipment and one on the curb, and then she can make a phone call to the clerk if she has any questions. We also provided a map of the polling locations in Nevada and a chart of registered voters. You will notice those registered voters are a little bit different from what was presented from Washoe County and Clark County. These are from the Secretary of State's website as of January 2017. Also on that chart are the number of direct-recording electronic machines. These are the voting machines. You get an idea of how many voting machines are in each county when you look at it. In smaller counties, the clerks wear many hats. Seven of us, including myself, serve as the treasurer in our counties. Sue Merriwether also serves as the Recorder and Public Administrator in Carson City. Eight of the clerks also clerk the courts. We do marriage licenses, passports, fictitious firm filing, business licenses, and are notaries public. Our main concern is to talk about the aging equipment. When I graduated from college in 1995, I bought a 1995 Toyota 4Runner.

That 4Runner was a great vehicle. It got us through many things, but we kept tinkering with it at the end. You never know when the last tinker will be, and then it is going to be done, or if you can tinker a little bit more and keep it going. That is how the election equipment is. We keep messing with it. We keep playing with it. We keep it going, but we do not know for how much longer.

**Assemblyman Ohrenschall:**

Could you provide to the Committee the data regarding folks who are qualified to vote but missed that cutoff before the general election?

**Kathy Lewis:**

I looked at that last week when I listened to the Secretary of State's presentation. Douglas County had about 200 people who submitted their registration after the deadline and were not able to vote.

**Assemblyman Ohrenschall:**

Two hundred people in Douglas County who were qualified to vote submitted their registration but missed the cutoff?

**Kathy Lewis:**

Yes, exactly.

**Chairwoman Diaz:**

Are there any questions? [There were none.] Thank you ladies. We are going to go ahead and move on to Initiative Petition 1. For those of us who do not understand what I.P. 1 stands for or means, it is basically the automatic voter registration initiative. This measure comes to us as a result of a petition drive. The Secretary of State certified that the initiative received enough signatures to be considered by the Legislature this session. The *Nevada Constitution* provides specific procedures that the Legislature must follow when it considers the provisions of an initiative. I have asked our staff to provide information on the process and content of I.P. 1. As nonpartisan staff, they cannot comment on the intent of those who circulated the petition. Committee counsel, Kevin Powers, will explain the constitutional provisions so that we, as a committee, the audience, and the public have all of this in mind as we proceed with I.P. 1. I would ask the members to restrict their questions to the procedures that Mr. Powers will outline, rather than to the content of I.P. 1. Following Mr. Powers' remarks, I will ask Carol Stonefield, our committee policy analyst, to go through the provisions of I.P. 1.

**Kevin Powers, Committee Counsel:**

As Madam Chairwoman recognized, the Legal Division of the Legislative Counsel Bureau (LCB) is a nonpartisan legal agency. We do not support or oppose any particular viewpoint, policy, or particular piece of legislation. However, we do provide objective legal analysis to the Legislature and its committees and members on issues of law, such as the interpretation of constitutional and statutory provisions. I am before you today to provide an interpretation of Article 19, Section 2, Subsection 3 of the *Nevada Constitution*, which governs

initiative petitions proposing statutes or amendments to statutes. Article 19 also provides for the proposal of initiatives that amend the *Nevada Constitution*, which is a different procedure we will not be discussing this afternoon.

Article 19 provides for referendums in which a statute enacted by the Legislature is put before a vote of the people by a petition. We will also not be discussing referendums during this afternoon's conversation. For sake of ease of discussion, when I refer to a statutory initiative, I am referring to an initiative that proposes a statute or an amendment to a statute. When we look at Article 19, Section 2, Subsection 3, we have to apply some rules of constitutional construction. Seldom does a constitutional provision address every issue; oftentimes, it can be silent on issues. Sometimes a constitutional provision can be unclear, uncertain, or ambiguous. When those situations arise, we have to apply the rules of constitutional construction. Those rules are the same as the rules of statutory construction. They are the same rules we apply to the *Nevada Constitution*. The primary task in applying these rules is to ascertain the intent of the framers and adopt an interpretation that best carries out that intent. The intent of the framers can be gathered from the language of the provision, the subject matter of the provision, its legal effects and consequences, and the reason and spirit of the provision. We will first look to that language to determine whether there is a plain meaning. If the language is unclear, uncertain, ambiguous, or simply is silent on the matter, the courts apply the rules of construction to try to determine the intent of the framers.

The specific provisions of Article 19, Section 2, Subsection 3, establish three stages for a statutory initiative: first, the circulation stage; second, the legislative stage; third, if necessary, the election stage. During the circulation stage, proponents of an initiative file their petition with the Secretary of State. Once they do that, they can circulate the petition to obtain the required number of signatures that qualify the initiative for the legislative stage. In the case of I.P. 1, the proponents circulated I.P. 1, and it received a sufficient number of signatures through the verification process for signatures. Therefore, under the *Nevada Constitution*, the Secretary of State had a duty to transmit I.P. 1 to the Legislature at the beginning of this legislative session for consideration. The circulation stage for I.P. 1 has been completed.

We are now in the legislative stage. Under the *Nevada Constitution*, the Legislature has 40 days, inclusive of the day of commencement of the session, to enact the initiative petition into law, take no action, or reject the initiative petition. To enact the initiative petition, the Legislature must do the same process it would for a bill. Both houses must pass the same version of the initiative petition within that 40-day period. The *Nevada Constitution* specifically provides that the Legislature must pass it without change or amendment. The Legislature does not have an opportunity during that 40-day period to amend that initiative petition in any way. Because the language says that the Legislature must enact the initiative petition within that 40-day period, the portion of the legislative process that is

assigned to the Governor does not have to happen within the 40-day window. As long as both houses take action on that initiative petition within that 40-day window, it has met the initial requirement of the *Nevada Constitution*.

After that 40-day window, the Governor can go through the process of signing the legislation, letting the legislation become law without his signature, or vetoing the legislation. If the Governor vetoes the initiative petition that was passed by the Legislature, the Legislature would have an opportunity to override the Governor's veto. The reason for that is the language of the *Nevada Constitution* says that the initiative petition may be enacted and approved in the same manner as other statutes are enacted. The ordinary bill process applies to an initiative petition except it cannot be amended, and the Legislature must act within that 40-day window. If the Legislature does not act within that 40-day window, or if it does, the Governor vetoes it, and the Legislature cannot override the veto, then the initiative petition has been rejected, and it will go to a vote of the people at the next general election, which would be in November 2018.

There is one other part of the legislative process that is in this constitutional provision. During this legislative session, the Legislature may propose a different measure on the same subject, which is also known as a competing measure. If the initiative petition does not become law under the process I just described, it will go to the ballot. The Legislature has the option during this session to propose a different measure on the same subject. If that happens, and both the initiative petition and the competing measure go on the ballot, then the voters will determine which one takes effect. If both receive a majority of the votes at the general election, then the measure that receives more votes than the other becomes law. That is the situation wherein you have competing measures. If the Legislature does not propose a competing measure this session, then the initiative petition will go on the ballot itself. If it receives a majority of votes at the election, it will become law. The constitutional provision specifically says that the Legislature cannot annul, amend, repeal, or change the initiative petition for three years after its effective date. Its effective date will be on the date of the canvas of the votes following the general election in November 2018 if it receives a majority of votes at that election. That covers the initiative process with regard to statutory initiatives, and I am open for questions that members of the Committee may have.

**Assemblyman Hambrick:**

Does the statute suggest which house has the first shot at this before it goes to the other house? Can both houses have competing measures? If I.P. 1 is coming, will the Senate propose something or would the Assembly propose it? Where does this thing start? What is the genesis of these things?

**Kevin Powers:**

To answer the first part of your question, the *Nevada Constitution* provides that the Secretary of State has to transmit the initiative petition to the Legislature. It does not specify which house. When this has happened in the past, as a matter of tradition, it has always

started in the Assembly. However, as far as proposing a competing measure, that could be proposed and started in either house. Either house can start their own competing measure and can start at any point in the session under the rules of the house.

**Assemblyman Elliot T. Anderson:**

If we were to enact I.P. 1 and the Governor theoretically approved it, the Legislature could come back later and do a trailer measure to amend the statute? Is that correct?

**Kevin Powers:**

That is one of the areas that is not clearly stated in the constitutional provision. In fact, the provision is silent on that. It says that the Legislature may enact the initiative petition into law in the same manner other statutes are enacted. If the Legislature and the Governor end up enacting the legislation, it should be treated as a traditional statute, even during the remaining part of this session. We believe that the Legislature could then amend the statute, like any other statute, by a trailer bill or a separate bill that dealt with that subject matter. That is an open question, so we cannot conclusively say that is the case because the *Nevada Constitution* is silent on it. We believe applying the rules of constitutional construction is consistent with the constitutional provision.

**Assemblyman Daly:**

We are going to hear this initiative petition. Let us say for argument's sake that there are no changes, and we approve it and send it off to the Senate. The Senate then makes amendments, and we concur or do not concur. If it runs through the normal process where we make an amendment and the Senate makes a separate amendment, could there be only one competing measure or could there potentially be one from the Assembly and one from the Senate? Or, if we cannot reconcile all of that in 40 days, just this one measure goes on? I was not clear on your answer.

**Kevin Powers:**

Initiative Petition 1 cannot be amended by the Legislature. Neither house can propose amendments to I.P. 1. If the Legislature wants to enact I.P. 1 into law, it has to enact it as is without amendments. The competing measure issue is a separate issue. If the Legislature does not enact I.P. 1 into law, then they have the option to propose competing measures. The *Nevada Constitution* contemplates a single competing measure. The Legislature could ultimately determine one competing measure to put on the ballot against the initiative petition. The initiative petition either has to be enacted into law as is, or it goes to the ballot.

**Assemblyman Daly:**

The 40-day limitation is only on enacting or not enacting this petition? The other process, the competing measure, could take the regular 120 days if it needed to?

**Kevin Powers:**

That is correct.

**Chairwoman Diaz:**

Are there any further questions? [There were none.] We will now have Carol Stonefield walk us through I.P. 1.

**Initiative Petition 1: Revises provisions relating to voter registration.**

**Carol Stonefield, Committee Policy Analyst:**

As a member of the nonpartisan Legislative Counsel Bureau (LCB), I can neither advocate nor oppose any of the provisions of I.P. 1. It is my purpose today to put the provisions before the Committee for their consideration.

Initiative Petition 1 establishes a system for automatic voter registration or updating of existing voter registration information for persons who (1) apply to the Department of Motor Vehicles (DMV) for the issuance or renewal of any type of driver's license or identification card (ID); or (2) apply to the DMV for a change of address on an existing driver's license or ID card unless the person, at the time of each such application, affirmatively declines or opts-out in writing from such automatic voter registration or updating of his or her existing voter registration information.

Because I.P. 1's system for automatic voter registration applies expressly to persons who apply for driver's licenses or ID cards from the DMV, it does not apply to persons who apply for the issuance or renewal of a driver authorization card from the DMV pursuant to *Nevada Revised Statutes* (NRS) 483.291. I will proceed to walk the Committee through the sections of the initiative petition.

Section 2 requires the Secretary of State, the DMV, and each county clerk to cooperatively establish the system that the DMV will use to transmit voter registration information to the Secretary of State and county clerks. Section 2 also sets forth requirements for the system, including that it must ensure the secure electronic storage and electronic transmission of voter registration information and provide for the DMV's destruction of the information after it is transmitted to the Secretary of State and appropriate county clerk. Section 2 also requires the system to enable the county clerks to receive, view, and collate the information into individual electronic documents.

Sections 3 to 6 require the DMV to follow certain procedures and gather certain voter registration information when a person applies to the DMV for the issuance or renewal of any type of driver's license or ID card or for a change of address on an existing driver's license or ID card. Section 3 provides that when a person makes such an application, the DMV must provide the person with certain information concerning automatic voter registration before concluding the person's DMV transaction.

First, the DMV must inform the person of the qualifications to vote in Nevada as provided in NRS 293.485—that is, the person must be a United States citizen and at least 18 years of age at the time of the next election; the person must reside in this state and in the county for at least 30 days and in the precinct for at least 10 days immediately preceding the next election;

and the person must be legally registered to vote before the next election. Second, the DMV must inform the person that, unless he or she affirmatively declines or opts out in writing, the DMV will transmit to the Secretary of State and appropriate county clerk all information about the person that is necessary to either register the person to vote, or if the person is already registered to vote, update the person's voter registration information. Third, the DMV must inform the person that with automatic voter registration, the person may select a political party affiliation but is not required to do so, and that if the person does not select a political party affiliation, the person may not vote for candidates for partisan offices at primary elections unless the person updates his or her voter registration. Finally, the DMV must inform the person that the decision of whether to participate in or opt out of automatic voter registration will not affect the person's transactions with the DMV or the DMV's services; the person's decision cannot legally be disclosed to the public; and any information collected by the DMV for automatic voter registration cannot legally be used for any purpose other than voter registration.

Section 4 provides that if the person does not affirmatively opt out in writing from automatic voter registration, the DMV will collect from the person a paper or electronic affirmation, signed under the penalty of perjury, that the person is eligible to vote in this state. The DMV will also collect an electronic facsimile of the person's signature and any personal information which has not already been provided by the person to the DMV but which is required for the person to register to vote or update voter registration, such as the person's full name, date of birth, residential address, and any political party affiliation selected by the person. Finally, they will collect either the last four digits of the person's social security number or the number of the person's current and valid driver's license or ID card issued by the DMV. However, if the person does not have a social security number or a current and valid driver's license or ID card, the person must sign an affidavit stating as such. The affidavit is transmitted to the appropriate county clerk who must issue an identification number to the person which must be the same number as the unique identifier assigned to the person for the statewide voter registration list. This last provision is intended to mirror an identical provision in the general voter registration statute in NRS 293.507.

Section 5 requires the DMV to electronically transmit to the Secretary of State and appropriate county clerk where the person resides all of the information and documents collected from a person for automatic voter registration not later than five business days after receipt. However, during the last few weeks of voter registration before registration closes for an election, the DMV must transmit this information on a daily basis.

Sections 6 and 16 set forth the responsibilities of county clerks upon receiving voter registration information from the DMV. If the person is already registered to vote, the county clerk must use the information transmitted from the DMV to update the person's registration information on the statewide voter registration list. If the person is not already registered to vote, the county clerk must collate the person's registration information into an individual electronic document which becomes that person's application to register to vote. The county clerk must determine whether the application is complete and has all of the required information. If the application is complete, the person is now registered to vote, and



the county clerk must add the person's name to the statewide voter registration list. If the application is not complete, the county clerk must notify the person that additional information is required in order to complete the person's application.

Sections 7 and 15 provide that if the person affirmatively opts out in writing from automatic voter registration, the person may still register to vote at the DMV using a paper application. Sections 7 and 17 also specify that the decision of whether to participate in or opt out of automatic voter registration must not affect the person's transactions with the DMV or the DMV's services; the person's decision cannot legally be disclosed to the public; and any information collected by the DMV for automatic voter registration cannot legally be used for any purpose other than voter registration. I would add that section 17 adds section 7 as a specific exception to the public records law as provided in NRS 239.010.

Section 7 also directs the Secretary of State to adopt any regulations necessary to carry out the automatic voter registration program. However, the Secretary of State cannot require a person to provide any additional documentation to the DMV that is not otherwise required by I.P. 1 or federal law, including, without limitation, additional documentation to prove the person's identity, citizenship, or residence.

Section 8 provides that on and after the date on which a person is deemed to be a registered voter under the automatic voter registration program, the person may sign any petitions authorized under the elections laws of this state, such as petitions for initiative or referendum or petitions to nominate candidates. Section 9 makes conforming changes.

Section 10 addresses people registered to vote under the automatic voter registration program but have not previously voted in an election for federal office. Under existing law, with limited exceptions, if a person registers to vote by mail or computer, the first time the person votes in an election for federal office, the person must show certain types of proof of identification and residency. Section 10 provides that a person who registers to vote through the automatic voter registration program does not have to show such proof of identification and residency when voting for the first time if the person already provided such proof to the DMV when the person registered to vote under the automatic voter registration program.

Section 11 amends existing requirements that apply to the DMV as a voter registration agency. Under existing law, the DMV and all other voter registration agencies must distribute paper mail-in voter registration applications to persons who apply to the voter registration agencies for services. Section 11 creates an exception for the DMV when it provides services to persons who participate in the automatic voter registration program.

Section 12 provides that when county clerks receive applications through the automatic voter registration program, the county clerks must segregate the applications in a computer file according to precinct or district, as appropriate, and arrange the applications in each precinct or district in alphabetical order. This is similar to how county clerks must segregate and arrange other types of voter registration applications under existing law.

Section 13 adds the automatic voter registration program to the list of authorized methods of voter registration under existing law.

Section 14 addresses political party affiliation in the registration process. Under existing law, the general rule is that a person must select a political party affiliation or indicate that he or she is not affiliated with a political party at the time the person registers to vote. However, because a person who participates in the automatic voter registration program is not required to select a political party affiliation at the DMV, section 14 provides an exception to the general rule. If the person does not select a political party affiliation at the DMV, the person will be listed as "nonpartisan" on voter registration lists, but the person may, at a later time, update their voter registration with the county clerk and select a political party affiliation.

Sections 18 and 19 make conforming changes to the statutes governing applications for driver's licenses and ID cards to indicate that, if eligible, the applicant may be registered to vote at the DMV under the automatic voter registration program.

Finally, section 21 is the effective-date clause. If I.P. 1 is enacted into law this session in accordance with the *Nevada Constitution*, it becomes effective on January 1, 2018. However, if I.P. 1 is not so enacted into law, but instead is submitted to the voters and approved at the 2018 general election, it becomes effective upon completion of the canvas of votes by the Nevada Supreme Court after the general election. Under such circumstances, it could not be "amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect." (*Nevada Constitution*, Article 19, Section 2, Subsection 3).

**Chairwoman Diaz:**

Thank you, Ms. Stonefield. I want to ensure that Committee members know that Ms. Stonefield just provided the overview. If there are any technical or logistical questions, we will have to call the clerks, the registrars, the DMV, or the Secretary of State, depending to whom your question needs to be addressed. Are there any questions?

**Assemblyman Elliot T. Anderson:**

It is somewhat curious that we do not have contact from the group who circulated this. It would have been nice to have them here. I am not sure if they are in the room. This may be an appropriate question for Mr. Powers because it regards the applicability of federal law, specifically 52 U.S. Code § 20506(a)(6)(A), which has certain requirements for voter registration forms, and it references by mail. I wanted to check the applicability of that section to this automatic voter registration initiative because it does not appear on its face. It might need some regulatory action to make it compliant with that statute. Am I missing something?

**Kevin Powers:**

You are correct. The initiative petition on its face does not reference federal law in that regard; however, the DMV, as a voter registration agency, has to interpret and apply Nevada's statutes dealing with voter registration in accordance with federal law. To the

extent that there is any conflict, the DMV must implement state law in accordance with federal law. Because this would become state law, the DMV would have to conform it to the extent possible to federal law to resolve any potential conflicts. By implication of the Supremacy Clause in the U.S. Constitution, federal law is incorporated in all state law.

**Assemblyman Elliot T. Anderson:**

I am clear that they have to apply federal law. I just wanted to air that concern at this hearing because although there is a notification requirement of the eligibility requirements, that federal statute requires the form to notify it, not just for the DMV to notify it. There is a requirement in section 3, subsection 2, paragraph (a) of this initiative that requires the notification eligibility requirements. From my reading of that, if it does apply, it would require it all to be on one form. On its face, section 3, subsection 2, paragraph (a), only requires the notification, although it does try to get there. It is just something that I have noticed.

**Assemblyman Araujo:**

I apologize in advance. I realize that this is a policy committee, and I respect that. With your indulgence, I just wanted to briefly clarify some information in regards to a story that recently came out; its headline may have taken some information out of context in terms of the financial report for I.P. 1. It is my understanding that there are four recommendations from the DMV and the Secretary of State's Office regarding how we could address I.P. 1. The second scenario would cost us \$90,000, and that is if we did not have to make any enhancements and were just to implement I.P.1 with the system we currently have. Additional enhancements would take us to scenario three. The most it would cost is \$221,000. The fourth option that was presented would, in the event we would have to replace the entire system, cost \$4.8 million. I wanted to address this point because we reached out to the Secretary of State's Office and the DMV, and it is my understanding that the fourth option is a very unlikely option. I have to reiterate that. It is a very, very unlikely option. We really are looking at a range between \$90,000 to \$221,000. I did not want that to just come from my mouth. I know that both departments are here so if they want to add additional clarity, they are more than welcome to do so. I just wanted to make sure that we were on the record, clarifying what I felt was a news headline that was taken slightly out of context.

**Chairwoman Diaz:**

I would like to invite the representative from the DMV and anybody from the Secretary of State's Office who might have information in regards to the fiscal impact to comment. Although I want the Committee to know that we are really vetting the policy. I think that sometimes our minds think, Are we biting off more than we can chew? I want them to rest assured that this is easily achievable.

**Terri Albertson, Director, Department of Motor Vehicles:**

Last August, we were asked to provide a fiscal analysis regarding I.P. 1, which the Department did. We have actually achieved a lot towards the implementation of many of the provisions that are contained within I.P. 1. I am happy to report that, as of yesterday, we

completed our interface with the Secretary of State's Office to utilize the Nevada Online Voter Registration (NOVA) system. Again, that would be going back to option two of the four that were described in the fiscal analysis that was provided to the Committee. We have updated our forms to be a single-source, compliant form for both voter registration as well as driver's license and ID card applications. With that, the remaining provisions for the DMV to complete would be revising forms to comply with the provisions that were previously discussed, as far as the notifications and the opt-out only. The DMV's fiscal note would be approximately \$53,000 for a one-year supply of the forms, which would be split between the State Highway Fund and the State General Fund. The Highway Fund would pay for the driver's license application form because it is now a single-source form, and the General Fund would pay for the voter registration application. As of January 31, the voter registration and the driver's license application forms are available in English and Spanish in all DMV offices throughout the state. They are also provided in Tagalog in Clark County. I would be happy to answer any questions.

**Cadence Matijevich, Deputy Secretary for Operations, Office of the Secretary of State:**

I am not typically our elections expert. The Secretary of State and our elections deputy are on their way to a conference in Washington, D.C. I will do my best to answer questions here today, but I may have to take some of them back to the practitioners in our office. I would respond to Assemblyman Araujo's question to say I think you have indeed characterized that correctly. We also prepared our fiscal estimate for the initiative petition back in the summer. There is some question about the way section 2 is written. It does not specifically say which entity ultimately would have to have responsibility. We prepared those four options. Certainly, scenario four is a complete replacement of the system we have now. We have what we refer to as a bottom-up rather than a top-down system. That \$4.8 million figure represents a complete elimination of the existing system.

**Assemblyman Araujo:**

Thank you, Madam Chairwoman. I want to thank you all for clarifying that on the record. It is really important for folks to hear that and for us to portray accurate numbers.

**Assemblyman Ohrenschall:**

I was just wondering if the Secretary of State or perhaps the registrars might have any projections as to how many qualified electors who have not registered to vote would be on the rolls if I.P. 1 became law. I was looking at an article about Oregon. Oregon enacted something very similar a little over a year ago, and the projection that the Oregon Secretary of State made, at least according to this article, was that it would increase the rolls by about 300,000 voters statewide. I am just wondering if there are any projections as to how many more voters who have not registered would be added to the rolls if this passed in Nevada.

**Chairwoman Diaz:**

I am not sure if this is a question for any of you. Maybe it is a question for Joe Gloria.

**Assemblyman Ohrenschall:**

I am willing to wait, Madam Chairwoman.

**Chairwoman Diaz:**

Are there any further questions for the DMV or the Secretary of State's Office? We will take the question from Assemblywoman Bilbray-Axelrod, so we do not move you. If you can hold, Mr. Gloria, to answer Mr. Ohrenschall's question.

**Assemblywoman Bilbray-Axelrod:**

I know when people move, they go to the DMV to change their registration. If they are found to have moved and did not change their address at the DMV, is there a fine associated with that?

**Terri Albertson:**

There is no fine or penalty associated with not updating your address. However, it is our preference to keep current records because the Secretary of State, as well as other agencies, relies on that data. There is a statute that requires you to update your information with the DMV; however, there is no penalty if you do not.

**Assemblywoman Bilbray-Axelrod:**

I would think that people are much more likely to update their information with the DMV than they would with the registrar. This would actually help clean up those voter files. Would that be fair?

**Terri Albertson:**

People normally come into the DMV once a year to do their vehicle registration. Because we have disparate systems within our own DMV system, updating a vehicle registration record does not necessarily update your driver's license record. You are going to hear a little bit about the DMV system modernization effort, wherein we hope to have one record for one person to rectify that. Again, for the driver's license or ID card renewal process, you only have to come in once every four or eight years. Most of our citizens do not make a special visit to the DMV for the simple purpose of changing their address. However, after implementing the MyDMV portal, the customers now have the ability to update their address information with us online. Prior to that, they either had to come into the office or submit it by mail. Again, there is a very large percentage that do not update their information until such time that they have to come in to the DMV to do specific business.

**Chairwoman Diaz:**

Mr. Gloria, do you want to address Assemblywoman Bilbray-Axelrod's question about keeping the rolls cleaner? I do not know if you can answer that or give her an idea.

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

We have looked at many different aspects of what this might do for our office. I was going to reserve that for when I testified later. However, we think that it would be a positive aspect, and that it could help us to keep a cleaner roll and give us an opportunity for people who interact with DMV to have a one-on-one opportunity for voter registration, which we consider the best opportunity. It is a way to get records into our system more accurately.

**Chairwoman Diaz:**

You are still on hold because Assemblyman Daly wants to ask the Secretary of State's Office a question.

**Assemblyman Daly:**

We heard DMV testify that they have already met or would be in a position to meet a lot of this if it passed. I was going to ask something of the Secretary of State, who is charged with the part of adopting regulations. Let us assume this passes and is going to go into effect January 1, 2018. Has the Secretary of State's Office started to look at what they would need for regulations and how soon they would be ready with regulations? I know they have to wait for the Legislative Commission, but have they started working on that or anticipating what they are going to need to work with the other agencies?

**Cadence Matijevich:**

We have not. There is an expense that our office incurs in promulgating regulations. We, like most other state agencies, do not have additional funds to begin efforts that have not yet been enacted or that we do not have the statutory authority to move forward with. Certainly, we have contemplated that, if our office has the requirement to adopt those regulations, we will do what is necessary. We will work with the Office of the Attorney General, the LCB, and the Legislative Commission to do that as quickly as possible. We do have a little bit of a benefit with this one in that we will know in 40 days, so it will let us get started a little bit sooner. We have not taken any formal action yet.

**Chairwoman Diaz:**

We have two more questions for the DMV coming from Assemblyman Oscarson and then Assemblyman Elliot T. Anderson.

**Assemblyman Oscarson:**

If someone were to change their address through the portal, would it also change their voter registration address?

**Terri Albertson:**

We are working that in as a phase two enhancement. It is not what went into production yesterday with the Secretary of State's Office as far as that particular interface. We hope to have that out in the next few months. I am going to be very specific. That is only regarding transactions that are done through the portal, not through the web.

**Assemblyman Elliot T. Anderson:**

I think this question is for the DMV, but legal counsel could also chime in. Section 7, subsection 2, talks about confidentiality. I am trying to wrap my head around what exactly under this law is confidential. I do not think the intent is to make voter registration records confidential. I do not see how that would work. It says that a person applying to register to

vote pursuant to section 4 of this act and declining to do so must not be disclosed to the public. I do not know how that would work in practice, considering that the voter rolls are public.

**Chairwoman Diaz:**

I think our legal counsel, Mr. Powers, wants to weigh in as well.

**Kevin Powers:**

As I read the initiative petition, the goal is to make the information collected by the DMV confidential, not to put confidentiality on the actual voter registration information in the possession of the county clerks. The idea is that once the person applies for the DMV services and engages in the automatic voter registration program, that information collected by the DMV is what must remain confidential, not the information that goes to the county clerks. The idea is you cannot inquire whether the person participated in automatic voter registration, whether they declined to, or whether or not they selected a political party affiliation. The idea is that the process at the DMV is confidential, not the voter registration information that ends up in the hands of the county clerks.

**Assemblyman Elliot T. Anderson:**

That is what I thought, but I wanted to clarify and create a record. Thank you.

**Cadence Matijevich:**

I do not want to overthink this, but there are provisions in NRS Chapter 293 that require our office to keep certain persons' voter registration information confidential. Those would be participants in the state's confidential address program. Perhaps they have been victims of domestic violence and go through that fictitious address program. Those are considered to be already in our systems and would have to be contemplated in whatever system modifications are put in place for this. Certainly, there may be some confidentiality provisions there, but there are already processes in place, and we would replicate and perhaps enhance those with this process as well.

**Chairwoman Diaz:**

I do not see any further questions for the DMV and the Secretary of State's Office, so we will go back to Assemblyman Ohrenschall. Can you repeat your question to Registrar Gloria, so the record is clear?

**Assemblyman Ohrenschall:**

Do you have any projections as to the increase in the rolls in your jurisdiction if I.P. 1 becomes law? Oregon's projection was, at least from one article I read, 300,000 more voters. How many more voters that are not on the rolls might be added to the rolls?



**Joe Gloria:**

It certainly was not a scientific effort, but we did take a look at the numbers from Oregon and made an estimation of approximately 10,000 per month. We generated a cost for National Voter Registration Act (NVRA) notices and future sample ballots that came to a number of 120,000 per year. That was just an estimate that we came up with that made sense at the time. It could be more.

**Assemblyman Ohrenschall:**

How many of those 10,000 voters per month would be new registrations versus voters who might have gone inactive because they did not update their address and the postcard was returned? They are still a qualified elector wanting to vote, but they did not update their address with the registrar, but maybe they did with the DMV. Do you have any idea how that would break down to new registrations versus people who have been registered but just had not updated their address with the Election Department?

**Joe Gloria:**

Part of what we thought about when we came up with that number was that some voters were going to come in and would already be registered, and so there would not necessarily be an update. Some would need an update. We tried to play all of those numbers into the estimate, and what we came up with is 10,000 a month.

**Assemblyman Ohrenschall:**

The 10,000 might pull from the inactive voters?

**Joe Gloria:**

Absolutely.

**Chairwoman Diaz:**

Are there any further questions from the Committee? Will it be short and to the point, Assemblyman Elliot T. Anderson?

**Assemblyman Elliot T. Anderson:**

All my questions have been technical.

**Chairwoman Diaz:**

This will be your last technical question then. Go ahead.

**Assemblyman Elliot T. Anderson:**

I wanted to inquire about section 5. It is another procedure that talks about transmittal. Could you give me your interpretation of what section 5, subsection 1 requires?

**Terri Albertson:**

For the data that we collect today for voter registration purposes, we would continue to provide the paper forms to the county clerks and registrars, but since we have the new interface that we have developed in cooperation with the Secretary of State's Office, this allows us the provision to submit that electronically. The timelines listed in section 5, subsection 1 in the initiative are consistent with current statute as far as the timeliness of us submitting the information, so we do not see that this particular section of the initiative would have any impact on us or make any changes to our processes.

**Joe Gloria:**

I would also like to just put forward that there has been a tremendous amount of work from the DMV to get those records to our offices electronically. I am going to assume that they would be using some of the same procedures that they are using now. I know that they have utilized the NOVA piece that we had discussed previously when we were hoping that DMV would start transferring things over electronically. Not to get too technical, but I think that they are probably going to use something that is already in place. In fact, yesterday, we implemented the records that came over for the first time to our office. I am assuming it would be something similar to what they are already building.

**Chairwoman Diaz:**

Thank you very much. Are there any further questions? [There were none.] I am going to move to the support of I.P. 1. Those of you here in support of I.P. 1 and wish to testify in favor, please come to the table. I have Mike Kelly here in Carson City, and I think I will have Joe Gloria come back.

**Mike Kelly, Nevada Advisor, VoteVets:**

Today, I am speaking as a Nevada advisor for VoteVets. I am a former Army officer, an Army captain. I was on active duty and in the reserve from 1990 to 2006. I have been stationed in a variety of places all throughout the United States, Southwest and Southeast Asia, as well as in Europe. I am here to testify in favor of I.P. 1. I have been very politically involved, so I have had an opportunity to work with voter registration, ensuring that, specifically, veterans are registered to vote. This is something I am very passionate about. I believe that this petition is very important to improve the participation of veterans in voting in Nevada.

Let me make it clear, this has been an issue that has gone on for some time. Veterans have not been able to receive full access to voter registration simply because of their moving from place to place during the course of their responsibilities. When they move, whether it is a permanent change of station or a temporary change of station, their voter registrations often drop. They do not have an opportunity to participate. This petition would be a wonderful opportunity to be sure that veterans, military families, and military members have an opportunity to participate here in Nevada. There are approximately 10,200 active duty military members in Nevada spread across five different military installations. It is very important to reach out to them as well as to those who are serving across the world in places where they are in danger, places where they are on top of the ocean, or in fact, under the

ocean. It is important to remove the barrier that prevents them from registering. Veterans want to participate in our democracy. We want to continue to serve the places we are so willing to place our lives on the line for. A more modernized registration system that leverages existing lists and technology would ensure that all Americans, and particularly those of us who are willing to place our lives on the line for this great democracy, are registered to vote accurately and with up-to-date information. It is key for our state to modernize our election system, and I ask you to support I.P. 1. This is very important for us who have been so willing to place our lives on the line. We believe in our democracy and, as Nevadans, we love our state. We certainly want to participate. I am sure that every one of you is committed to making sure that Nevada becomes the most veteran-friendly state in the United States. This is just one more method that is going to be used to ensure that.

**Ryan Gerchman, Private Citizen, Reno, Nevada:**

I am a Marine Corps veteran who served from 2002 to 2006. I am here to support this initiative. I believe that it would make it much easier and help veterans to be much more proactive in the voting process. As Assemblywoman Bilbray-Axelrod mentioned, people go to the DMV more often to update their information than they do to update their information for voter registration. I know moving back and forth between two homes, the Marine Corps and then Nevada, and then figuring out where I wanted to settle down, I certainly went to the DMV to update my information a whole lot more than I ever did to update my voter information. I feel that if I had had the opportunity to receive a sample ballot and different information through the mail, I may have been more proactive earlier in my life in deciding who my elected officials would be, and who I would choose to represent me as a Marine Corps veteran.

**Chairwoman Diaz:**

Thank you for your service, and I forgot to say that to Mr. Kelly as well. Thank you so much.

**Doug Goodman, representing Nevada Election Modernization and Reform Act:**

I am with Nevada Election Modernization and Reform Act. If I may, I will first attempt to answer Assemblyman Ohrenschall's question. Early last year, I compared some census data. I compared the number of voting-age residents to the number of actual registered voters, and the difference was about 41 percent. With I.P. 1, with automatic voter registration, the argument you hear sometimes is personal responsibility. I do believe that personal responsibility is very important, but when you look at how our society is changing, convenience becomes very important. A lot of times now, especially with the younger generation, convenience enters into the actual decision-making process. Automatic voter registration answers that. It provides a convenient way for those who are not registered to complete that process. Of course, there is a challenge. Once you increase the voter rolls, the challenge is making sure that those new registered voters actually vote. I hope that later on this session the Senate will send Senate Bill 103 over to you, and we can discuss that more. I think I.P. 1 definitely makes it convenient and is something that needs to be implemented.

**Chairwoman Diaz:**

Thank you very much. We are going to go ahead and switch to Las Vegas because I am hearing that our live feed might be cut short here. I want to make sure that I do not leave them out. I would like to call Steve Horner, Eric Sutton, and Matthew DeFalco up to testify in support of I.P. 1.

**Steven J. Horner, Private Citizen, Las Vegas, Nevada:**

I am here to testify on behalf of my military brothers and sisters in favor of the automatic voter registration. I served in the United States Army from 1973 to 1979 with permanent duty stations at Fort Carson, Colorado; Camp Darby, Italy; and Redstone Arsenal, Alabama ([Exhibit G](#)). My primary military occupation code was working with ordinance, in particular, special weapons. I was a Specialist 5 when I left the service. Since then, I have dedicated my life to democracy and ensuring people can vote. I have spent my weekends the past few years registering people to vote at local libraries.

One of the things that I have noticed during my volunteering is that voter registration is not as straightforward as we assume. Military families, veterans, working people across Nevada, and young people may move multiple times in a calendar year and have dozens of new forms to fill out each time they move. People in the rural communities are often cut off from the DMV where urban Nevadans usually update their registration. For these reasons, Nevada has a significant challenge with voter registration numbers and participations in our elections. Automatic voter registration can help us with these key issues for all families, but specifically for military families. This is an easy solution to ensure that voters can participate in the process. We need to pass automatic voter registration to get ahead of the curve and to ensure that our election system is as modern and inclusive as possible. Please pass this important piece of legislation.

**Eric Sutton, Private Citizen, Las Vegas, Nevada:**

I live and work in Las Vegas. I was in the United States Air Force from 1998 until 2006 ([Exhibit H](#)). I was in Afghanistan and Iraq during my service, and even as a civilian from 2007 to 2012. I was stationed in the United Kingdom for three years, Crete for one year, and I spent four years at Nellis Air Force Base. I hold a degree in political science from University of Nevada, Las Vegas, and I have done voter registration over the years as a way to empower my community to participate in the process. We have an opportunity in this state to be a leader in the way we help our military families and veterans participate in our democracy. Nevada has always been at the forefront of a good voting process, and this bill would help us continue to be ahead of the curve.

This bill is a simple, commonsense update to our voting process, and we need it for all Nevadans. Members of the United States Armed Forces and their families face unique challenges to participating in our elections. If their votes are to count, and their voices are to be heard, these citizens must overcome hurdles not faced by most Americans. They deserve better. Nevada must make it a priority to remove barriers to political participation for those who dedicate themselves to defending our country.

I support this simple update to our voter registration system. With a small change, we can ensure that Nevadans who care about their state can have a choice in their government through their vote.

**Matthew DeFalco, Private Citizen, Las Vegas, Nevada:**

I served on active duty with the United States Army from April 2008 through April 2011 and with the inactive reserves from April 2011 through April 2016. I completed basic training at Fort Sill, Oklahoma and advanced individual training at Fort Bliss, Texas. I served as a Patriot Missile Operator/Maintainer with the 108th Air Defense Artillery Brigade under the 18th Airborne Corps at Fort Bragg, North Carolina. I spend ten months deployed overseas in support of Operation Enduring Freedom in Afghanistan. Last year I received an honorable discharge from the Army. I am here today to testify in favor of automatic voter registration in Nevada. I have registered voters in southern Nevada, and I know the challenges that exist, specifically for our active military personnel and veterans.

Members of the military have barriers not faced by most Americans to have their votes counted. They are required to move frequently while on duty, and consequently, must register to vote or update their voter registration status each time. Switching to a system of automatic voter registration could remove the barrier to political participation for our servicemen and servicewomen. We have a responsibility to make sure voting is easier for these patriots and ensure that they participate in the process while still serving our country. We have Nellis Air Force Base in our backyard. Would it not be great to be able to ensure that families who move here for military service can also easily register to vote in their new community? You all have a responsibility to ensure all Americans can vote, especially our active military and veterans who have fought for that right.

**Chairwoman Diaz:**

Thank you gentlemen, first and foremost, for your service to our country. I also wanted to thank you for stepping up and making sure people do not lose their vote in the process for those two of you who mentioned you registered voters as well. Thank you so much for this double duty. I would like to invite any others in Las Vegas in support of I.P. 1 to come up to the table.

**Angie Morelli, Private Citizen, Las Vegas, Nevada**

I served as a United States Marine from 2001 to 2006 ([Exhibit I](#)). I deployed to Kandahar in 2004, and a significant part of our mission was to fight for democracy in Afghanistan, ensuring voter registration to Afghans. I never would have imagined that 13 years later I would be fighting for this back in my home state of Nevada, especially an issue that significantly impedes the democracy of active duty troops.

To give you some statistics, I would like to point out that these are a little bit dated, but they are still worth talking about. Specifically, in the 2006 election, voter turnout was 39.8 percent for the general population, but only 20.4 percent for military voters. The registration rate for military voters is 64.86 percent as compared to 83.3 percent for the

general population. Military voters report registration problems nearly twice as often as non-military voters. In 2008, nearly 24 percent of experienced overseas voters had problems or questions with registration.

Last night, I spent four hours trying to look into the process of registering while deployed and ended up more confused than when I started, especially considering the Federal Voting Assistance Program had very inaccurate information on its website.

It should not be this difficult. It should not be difficult at all. Our troops should not be struggling to simply and arbitrarily register to vote at home while at the same be sent to risk their lives to ensure democracy in third world countries.

While my fellow troops have already spoken loud and made me proud, I have an additional point to make. Last June, the Senate passed a military spending bill that included an amendment that required women to register for the draft. Considering this last election and that bill's 85 to 13 support vote, I do not anticipate Congress backtracking on this. We will soon be living in a country where we are compelling all 18-year-olds to sign up for the draft to fight for democracy in other countries, yet still supporting outdated obstacles to their participating in their own democracy at home. If we are going to focus on doubling the draft of American citizens into our military, I would like to use Senator John McCain's words when speaking about the female draft approval. "It's only fair" to also "draft" all citizens into voter registration at the same time. If you support selective military service and all of the rules and restrictions of that program, you cannot look at this bill we are supporting and argue with its contents.

Please do not put Nevada in the situation where our country is compelling registration for military service, yet our state is still hindering registration for them to vote. I would also like to point out that the online site has had many issues with security certificates under at least two different secretaries of state. It looked as if those were fixed as of this morning and last night, but I think that was also an issue and would be curious about how many people have complained about that in the past. I would like to respond to Assemblyman Araujo's statement about how much this would cost. There is a significant amount of data from Oregon, California, and a couple other places, specifically Maricopa County, Arizona, where they have already implemented automatic voter registration and given the information as to how much it costs and also how much it ends up saving in the long term.

**Chairwoman Diaz:**

Thank you for your service, Ms. Morelli.

**Richard "Rick" Koss, Private Citizen, Las Vegas, Nevada:**

I am a United States Air Force veteran of 23 years, having served in nine states, several foreign countries, and several tours at North Atlantic Treaty Organization (NATO) headquarters ([Exhibit J](#)). I want to thank you for the opportunity to speak about automatic voter registration in Nevada.

I support automatic voter registration for many reasons. First, I believe it is imperative we make it easier for our active military, their families, and our veterans to participate in our political process. I also support automatic voter registration for other reasons.

In 1993, the United States Congress passed the National Voter Registration Act, or the "Motor Voter Act." It requires states to offer voter registration at DMVs as well as disability centers, public schools, and libraries. Presently, 6 states and the District of Columbia have approved automatic voter registration bills and, in 2016, 28 more states began considering automatic voter registration proposals. Since January of this year, 22 states began considering bills to implement or expand automatic voter registration. Allow me to take a moment to explain why Nevada should pass such a bill. First, most industrialized nations including Australia, Canada, Denmark, Germany, Israel, and others have automatic voter registration. Meanwhile, the United States stands with the likes of Bahrain, Saudi Arabia, Nicaragua, Colombia, and Egypt as not having nationwide voter registration.

There are many benefits to passing an automatic voter registration law. First, it provides a statewide and, ultimately, a nationwide electronic database of voters. Secondly, it reduces the chance of intentional and unintentional voter fraud. Lastly, it reduces the costs associated with voter registration.

Presently, Nevada has an outdated and antiquated registration system because of two major problems: paperwork and political parties. The paperwork burden is illustrated by the fact that between the 2006 and 2008 elections, states had to manually process over 60 million handwritten registration applications. This information was then manually entered into a statewide database, which is an operation wide open for error. Later, if a voter changes any of their information, they must notify election officials, allowing more chance for error.

An automatic voter registration law will clean up over 14 million errors currently on the books nationwide. Most of these are not direct voter fraud, and the individuals are most likely honest citizens.

Cost is another factor. In Canada, where 93 percent of the eligible voters are automatically registered to vote, it costs approximately 45 cents per voter. In the United States, using the system we currently have, it costs over \$4 per voter to register manually. Voting has been considered the touchstone and the very heart of our democracy, yet we force potential voters to jump through numerous and unnecessary bureaucratic hoops in order to perform this sacred act of citizenship. Automatic voter registration is the right thing to do for many reasons: ease of registration, cost, poll center volunteer time, and reduction of frustration, and it makes the democratic process more accessible to everyone. Thank you for this opportunity.

**Chairwoman Diaz:**

Thank you, Mr. Koss, for your service and for being here today to testify in support. Are there others in Las Vegas wishing to testify in support? [There was no one.] Is there anyone else in Carson City wishing to testify in support? [There was no one.] We are going to move

to opposition. Is there anyone in Las Vegas wishing to testify in opposition to I.P. 1? [There was no one.] Is there anyone in Carson City wishing to testify in opposition? [There was no one.]

Is there anyone in Las Vegas wishing to testify in the neutral position? [There was no one.] I see there are a few folks in Carson City wanting to testify in the neutral position.

**Joe Gloria:**

Since this is not a proposal coming directly from Clark County, I am testifying in the neutral position; however, I do want to take the opportunity to note that there are many positive aspects that could come from the implementation of this legislation. Transmittal from the DMV has become much better. As I mentioned earlier, the work that is being done between our offices, the Office of the Secretary of State, and the DMV has proven to provide us with what we experienced yesterday. We are starting to receive records from the DMV electronically, which is a big cost savings for all of our departments and also cuts down on bad information. It is more accurate when it comes in electronically, with that one-on-one interaction. There is a good potential for a large number of transactions coming into the DMV with the requirement of the REAL ID. Very soon, there could be a large number of people who will need to have a transaction with the DMV, and this will give them a great opportunity to automatically be registered. They would have to opt out. I would not want to miss the opportunity of getting these clean records into our system.

I do want to note, though, that LCB did not carry forward some of our fiscal notes that we had processed. If we had more voters, there would be an increased cost for notices going out and also more sample ballots that we will have to put in the mail for those voters. I think those are positive costs. If you are putting more voters in a position to vote and giving them a great opportunity to do it very easily and get it in the system accurately, it eliminates the need for so much activity with the third-party registration groups.

**Luanne Cutler:**

I mostly would like to echo what Mr. Gloria said. I think it would do a great deal of good in regards to making our rolls cleaner. It would hopefully cut down on the third-party registrations. It is really not very different than what is currently happening. Yes, the DMV has implemented this new process whereby records are coming to us electronically, but technically every customer at the DMV in the driver's license window is offered a paper form now. They are offered the chance to decline if they do not want to fill it out. This would simply be enhancing that process in my eyes. As Mr. Gloria also stated, we would be remiss not to mention that there would be some increased costs with regard to the notices that we mail out when we receive returned mail through the postal service, and our sample ballots, and so on. My other concern would be how possibly overinflated our rolls could become with people who really are not interested in participating. My hope would be that does not happen, but I would be concerned about these statistics related to voter turnout in any election. Overall, I believe we are very much in support of I.P. 1 passing. I just had those few concerns I wanted to express.



**Terri Albertson:**

There were just a couple of points I wanted to put on the record. Regarding the fiscal analysis that both the Secretary of State's Office and the DMV were asked to provide, I want to state for the record that if an option other than the second one were to be selected, that could potentially amend our fiscal analysis. The second point that I would like to put on the record for clarification is there is a provision within the initiative that if a person does not have a driver's license, an ID card, or a social security number, the DMV believes that these provisions will be required to be implemented by local governments as they are today, and that would not be an additional responsibility that would be placed on the DMV.

**Assemblyman Hansen:**

We passed a law last time about electronically sending out sample ballots. Do you have any information as to how many people are currently taking advantage of that? One of the concerns of this is that it is going to result in an expansion of costs. Each sample ballot costs around 75 cents or something to actually print up and mail out. Are you aware of how many people are taking advantage of the electronic sample ballots?

**Terri Albertson:**

That would be a question that would have to be answered by the Secretary of State's Office or the county clerks.

**Joe Gloria:**

We were very excited to implement the use of that electronic sample ballot. It took a lot of work on our end to get that into place.

**Assemblyman Hansen:**

Good. It was my bill.

**Joe Gloria:**

Yes, of course. I remember. In the primary election, we had approximately 7,000 people who had opted in, and that saved us a little over \$8,000. It is basically about \$1.20 that we saved per person. For the general election, it was a little bit over 14,000. We are starting to see a cost savings there, and I am sure it will continue to grow. Although the way that we implemented it, it was a very arduous task to get them out. We learned that there are a lot of challenges with sending records out to Hotmail and Gmail email accounts because they have their own programs in place to protect their users from receiving spam. We learned a lot. We are going to make it better, and I am sure that that is going to continue to grow in Clark County.

**Assemblyman Hansen:**

If people do not want to register, are we almost forcing them to participate in something that they are voluntarily deciding not to?

**Terri Albertson:**

The new process that we implemented as of January 31 is a single-source form. The top form is a driver's license or ID card application, and attached to that is a separate voter registration application. On the driver's license or ID card application, we give the instructions for registering to vote. If a person wants to do that, they complete part two, which is the voter registration application. It is then separated from the driver's license application, entered into the system, and ultimately passed along to the county clerks and registrars. With that, if a person chooses not to register to vote, they simply do not fill out the second page of the form. It is not a yes or no question that is asked of them. They are provided the opportunity every time they complete that application, which is required for a new driver's license or ID card as well as a renewal.

**Assemblyman Hansen:**

Very good. Thank you Madam Chairwoman. That actually raises a lot of interesting questions about pushing people to do something and the additional costs from people who, on their own, decided not to participate.

**Chairwoman Diaz:**

I think we have a difference of opinion. I think it really streamlines and modernizes a system for Millennials and future generations that do things much more differently than I learned, going through school with a chalkboard and writing everything out. I think that we need to keep up with the changing times and make sure that it is fast, expedient, and as painless as possible. If we are going to do one thing, why not do two things for one?

**Aubrey Rowlett, Chief Deputy Clerk, Elections and Marriages, Clerk-Recorder's Office, Carson City:**

I will be speaking on behalf of Sue Merriwether, who had to leave for an emergency phone call. We just wanted to put on the record that Carson City is in support of all safe and secure voter registration. Carson City also supports the comments made by Mr. Gloria as well as Ms. Cutler. As Ms. Cutler and Mr. Gloria stated, there are going to be fiscal impacts on the counties if this goes through, and our concern is for the rural counties that have limited resources and staff.

**Dena Abeyta, Chief Deputy Clerk, Elections, Douglas County:**

I echo the remarks of our other clerks but wanted to share some information that likely could have been shared during the technical piece. I would like to address a couple of things very briefly about section 16, subsection 9, which would require the counties to mail to voters who are registered automatically through the DMV a voter notification card within five working days. To be consistent with other statutory requirements, we are required to mail notification cards to voters within ten days, so just for the record, I wanted to make that note. It would be great if they could be consistent if this is addressed afterwards. In addition, something that may be unique to rural counties, and specifically Douglas County, is that 13 percent of our voters only receive mail through post office boxes or mailing addresses. Section 16, subsection 9 specifically requires that the notification card be sent to the current residential address or the current address. That could likely disenfranchise a good percentage

of our voters. I would like to reiterate that we are in support of this bill but do have some concerns about some of the language in section 16, subsection 9. We would be happy to support it if that language could just be changed to match what is required currently in NRS 293.517, subsection 6, and NRS 293.5235, subsection 5, which specifically points out that when we mail notifications to voters, we just mail them to the voter. It does not specify that it is a residential address. Once the process of mailing the notification card to the voter is complete and the card comes back undeliverable, you follow the NVRA process outlined in NRS 293.530. This would be an unintended financial consequence to some of the counties. If we were required to mail these notifications to the residential address, they would all come back to us as undeliverable, which would be an unintended consequence and financial burden on the county. Additionally, it could disenfranchise 13 percent of our voters who do not receive mail at their homes.

Regarding Assembly Ohrenschall's question about Oregon's implementation of automatic voter registration, I am the former project manager from Multnomah County, and I was there when we implemented the process. When Oregon went to automatic voter registration, it did an opt-in from the get-go. Basically, we took everyone that was already issued a driver's license and registered them to vote, then mailed them a card that said they had been registered and to please return this to our office if they would like to opt out. The approach we are taking in Nevada is that when the person comes in, we will then automatically register them or give them the opportunity to opt out. This is just to give some background information.

**Assemblyman Ohrenschall:**

In Oregon, did you find that many voters exercised the opt-out?

**Dena Abeyta:**

I actually left right before that happened. In speaking with my colleagues that are still in that office, it was overwhelmingly successful, but I do not have any of the actual statistics to back up the number of voters that were originally registered and then opted out.

**Assemblyman Ohrenschall:**

Did voter turnout increase? I know there is some concern about registering folks who are not interested.

**Dena Abeyta:**

Voter turnout did increase. Again, I do not have the exact statistics, but since Oregon is an all-mail ballot state, voters received their ballots in the mail as opposed to here, where registered voters would still have to show up at the polls to vote.

**Chairwoman Diaz:**

Thank you for your testimony. Are there any others here to testify in the neutral position? I think everyone is ready to get on with their Valentine's Day dinner and events and be out of

here. Thank you so much to everyone who has been here, and I look forward to seeing you next Tuesday. Before that, I need to close the hearing on I.P. 1. Before we head out of here, I will open it up to public comment.

**Peggy Lear Bowen, Private Citizen, Reno, Nevada:**

Good afternoon, and happy Valentine's Day. I am talking about voter intimidation and voter ID being enacted when it was against state statute. I was told that this was allowed to be done because the law was vague. I would like to refer to early voting in the Washoe County Registrar office location on 9th Street with cross streets Wells and Sutro in Reno, Nevada. My 98-year-old and I went to vote. We got there and instead of the 98-year-old being asked her name, she was asked where her ID or sample ballot was. She did not have either with her that day. I turned and said, "Are you not supposed to ask her name so that she can write her signature and then you compare signatures?" They continued to ask, "Where do you live, when is your birthdate? and other information of that nature." Finally, I said, "She needs to write her signature to have it compared so she may vote." Finally, they produced the signature page, she signed it, and they complimented her on what good handwriting she had.

Next, I said, "I will be helping her vote." The answer to that was "No, we will." I said, "No, I will be helping her to vote." Finally, I turned to her and said, "Who would you like to help you to vote?" She said, "Peggy." My name is Peggy Lear Bowen. That is how it was conducted.

Then, we get over to the voting machines and go through everything. She casts her vote the way she wants to. There was a rather interesting item at the end of the ballot that asked if I wanted a paper record of my vote. I was on the committee that established that Washoe County would not have touchscreen voting unless there was a paper trail. We had people testify that after the voter registrar would go in with their people and verify that the machines were okay, that they could be hacked into. We had people from Gardnerville and Minden show them how they could be hacked into and put back online the way they should have been. Those were all things that I have participated in throughout the years. I thought maybe it is just because I was with a 98-year-old and that was different.

Then I went back to vote for myself. I can speak to this in Washoe County; I do not know if it was statewide. In Washoe County, they asked me, "May we have your sample ballot?" I said, "Sure." It did not scan, so they started to interrogate me as to my living location, birthdate, and those sorts of things. I said, "No. I need to sign for my ballot. Thank you." Finally, I signed for my ballot. My signature had not changed even though I was 21 when I originally registered. Now that I am 67, that is the way it is. It has not changed that much. It was accepted, and I went and voted.

When I took my 98-year-old home and came back the next day, Ms. Cutler was fantastic at following the rules. I went in to see if the rules had changed. I asked very quietly and in a nice way. Luanne came out, and I have known her previously. There was no animosity. I said, "What is it you need to vote?" She started telling me about the address and all that

other stuff. I said, "Where does it say that?" First, she said, "It is the law, I think." I said, "Show me in the law where it says that." Then she said, "Maybe it is in the rules." I said, "Show me in the rules where it says that." She very kindly said she would check with the Secretary of State and get back to me, which she did. I went back in and the answer was that the law is vague. I do not think you want, as policy, any part of Nevada state statute on voting to be vague.

They were cleaning up the rolls, and the process of interrogation prior to being allowed to sign to get your ballot to vote was carried out and continued to be carried out. The Secretary of State's Office told Ms. Cutler, as she related to me, that that was continued. I took this story to the *Reno Gazette-Journal*. They did the research on it. On November 6, in Section A, page 6, they wrote an article headlined, "Signature is usually all you need to vote." I went into grocery stores in various locations during early voting and watched from a distance. Again, people were being asked all this information before they were being allowed to sign for their ballot to vote. Most Democrats and Republicans have tried to get voter ID laws passed in this state, and we have said no, only if there is a problem with the signature in comparison. I hope that you maintain that. I am probably close to my three minutes, so I did not get to talk about your voter machines. One sentence, please. I came up with a concept for 18-year-olds to vote. You guys send out words, messages, and letters through all sorts of governmental involvement. I said, "Why don't you guys start a program of 'put a bow on it?'" When young adults have their eighteenth birthdays, send them registration forms. When my nephew turned 18, part of his birthday present was a voter registration document. Put a bow on it might be an idea that you want to talk about. If you want to ask me a question about the voter machines, I have more information than you were given today. Thank you very much. Happy Valentine's Day.

**Chairwoman Diaz:**

Thank you, Ms. Bowen. I appreciate your kind remarks. We will make sure that we continue to protect and preserve your right to vote. I do not see any further public comment. This meeting is adjourned [at 4:06 p.m.].

RESPECTFULLY SUBMITTED:

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Julianne King  
Committee Secretary

APPROVED BY:

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Assemblywoman Olivia Diaz, Chairwoman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Clark County Election Department: 2017 Legislative Operations and Elections Briefing," dated February 13 and 14, 2017, presented by Joseph P. Gloria, Registrar of Voters, Clark County.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "Washoe County Voter Registration and Elections 2016," presented by Luanne Cutler, Registrar of Voters, Washoe County.

[Exhibit E](#) is written testimony presented by Susan Merriwether, Clerk-Recorder, Carson City, regarding election and voting concerns.

[Exhibit F](#) is a document titled "Clerks of Rural Nevada," presented by Kathy Lewis, Clerk-Treasurer, Douglas County.

[Exhibit G](#) is written testimony presented by Steven J. Horner, Private Citizen, Las Vegas, Nevada, regarding Initiative Petition 1.

[Exhibit H](#) is written testimony presented by Eric Sutton, Private Citizen, Las Vegas, Nevada, regarding Initiative Petition 1.

[Exhibit I](#) is written testimony presented by Angie Morelli, Private Citizen, Las Vegas, Nevada, regarding Initiative Petition 1.

[Exhibit J](#) is written testimony presented by Richard "Rick" Koss, Private Citizen, Las Vegas, Nevada, regarding Initiative Petition 1.