

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

**Seventy-ninth Session  
February 13, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 3:33 p.m. on Monday, February 13, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Nicole J. Cannizzaro, Chair  
Senator Tick Segerblom, Vice Chair  
Senator Kelvin Atkinson  
Senator James A. Settelmeyer  
Senator Heidi S. Gansert

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Brenda Erdoes, Legislative Counsel  
Kevin Powers, Counsel  
Jan Brase, Committee Secretary

**OTHERS PRESENT:**

Peter Long, Administrator, Division of Human Resource Management,  
Department of Administration  
Joe Gloria, Registrar of Voters, Clark County  
Luanne Cutler, Registrar of Voters, Washoe County  
Sue Merriwether, Clerk-Recorder, Carson City  
Kathy Lewis, Clerk-Treasurer, Douglas County  
Wayne Thorley, Deputy Secretary for Elections, Office of the Secretary of State

CHAIR CANNIZZARO:

We will begin our meeting today with Senate Bill (S.B.) 72.

**SENATE BILL 72**: Revises provisions governing the Merit Award Program.  
(BDR 23-239)

PETER LONG (Administrator, Division of Human Resource Management,  
Department of Administration):

I am presenting S.B. 72 today on behalf of the Merit Award Board. The Division of Resource Management serves as Secretary to the Board. The significant changes proposed in this bill include changing the amount of funds, mainly related to travel costs, that may be expended by the Board from \$1,000 to \$5,000; allowing an employee or group of employees to submit an additional suggestion if a previous suggestion submitted in the calendar year has been approved; allowing the Board to extend the response time for the head of a State agency for good cause; and extending, by 90 days, the time an award installment must be paid. The remaining changes are simply to clarify existing language for easier application and interpretation.

SENATOR GANSERT:

Can you clarify the need for an increase in funding?

MR. LONG:

The Board is requesting additional funding to accommodate four annual meetings and one annual award ceremony.

CHAIR CANNIZZARO:

I will close the hearing on S.B. 72.

JOE GLORIA (Registrar of Voters, Clark County):

I have a presentation with an overview of our election processes in Clark County ([Exhibit C](#)). Elections in Clark County continue to set the standard for the rest of the Nation. This is due to our work in integrating technology, to our election support processes, and to the hard work of our dedicated and experienced elections staff.

Today, I will present information related to the 2016 general election, historical turnout, early voting programs, new technology in Clark County, 2016 general election complaints and some legislative issues.

Our staff processed over 331,000 new voter registrations and changes of address in the 2016 election. Over 768,000 Clark County residents cast ballots

without any significant problems. Our postelection auditing showed no evidence of fraud. Our security measures continue to protect against fraud. The people of Clark County can be confident the results are reported accurately and reflect their choices on their ballots. Of votes cast, 44,453 were by mail, 488,972 were early voting and 235,119 were Election Day votes.

I have provided a historical turnout sheet. The sheet compares turnout in presidential cycles. The number of registered voters in Clark County has nearly doubled when compared to the 2000 general election, from more than 555,000 to just over a million in 2016.

Note the significant decrease in the number of voters who voted on Election Day. This reflects the success of our early voting program. It is convenient and allows voters to choose the time and place to vote. The number of early voters increased by 290 percent and represented 63.62 percent of all votes cast in 2016. Votes by mail continue to steadily drop. Every presidential cycle, hundreds of election observers visit Clark County. They are most impressed by our early voting program which provides community outreach in supermarkets, malls, community centers and libraries. They are also impressed by the resulting short lines on Election Day.

In the 2016 presidential election, using just over 700 machines, more than 488,000 people cast their votes at one of 97 early voting locations. Over 189,000 people who otherwise might not have been able to vote were able to cast their ballots at our mobile and construction trailers. This number represents 38.7 percent of Clark County's early voters in 2016. These trailers are self-contained, use generators for power, and have wireless connections to access locations and neighborhoods which we, otherwise, would not be able to support.

The preference for early voting is clearly evident. To serve this number of voters on Election Day, it would be necessary to double the number of voting machines, Election Day workers, polling places and supporting equipment. As in 2012, national and international news teams came to Clark County to report on our early voting program. They reported that Nevada does an excellent job of making early voting easy and convenient.

A number of programs are working well in Nevada. The Nevada online voter registration program, known as NOVA, was utilized by 118,512 people in 2016.

The program is accurate and eliminates thousands of man-hours required to read applications and enter them into the system. The Effective Absentee System for Elections allows overseas voters to electronically receive their ballots and to return them in a 24-hour period. The Electronic Registration Information Center (ERIC) compares voter registration records from state to state. Twenty-two states participate in this program, which provides information on duplicate registrations.

New technology in Clark County includes a new mail ballot system which utilizes commercial off-the-shelf equipment. Using this equipment decreases the time needed to read ballots by more than half, eliminates the need to buy proprietary equipment, allows less expensive replacement costs, provides for electronic adjudication of ballots and represents a cost savings to our mail ballot support budget.

We have updated the tabulation system, a necessary change because the old version was no longer supported by the vendor. We also implemented an updated browser software used to process a real-time connection to the Clark County Registrar's database during early voting.

We are in the process of implementing a new voting system for the 2018 primary election. The Clark County Board of County Commissioners approved \$7.2 million for purchase. Additional funding of \$9.2 million is still required.

The Clark County Registrar will implement a new electronic poll book system, also known as e-poll books. The Board will approve \$1.7 million in March for purchase of the program. It will provide many efficiencies in the election process. Once approved by the Board, e-poll books will allow for the use of vote centers. This innovation will change the face of voting. The technology will allow voters who decide to vote on Election Day the option of voting at the polling place of their choice.

SENATOR ATKINSON:

Is this system an extension of the process during early voting?

MR. GLORIA:

Yes, for example, during early voting there were ten sites in the City of Henderson from which voters could choose. Our proposal is for approximately 137 voting sites throughout Clark County on Election Day.

During the 2016 general election, our office fielded several complaints, mainly on the subject of electioneering. Electioneering is prohibited within 100 feet of a polling place. In all the reports of violations, our staff had properly marked the polling place. It should be noted when early voting is held on private property, the 100-foot mandate does not apply. However, the mandate applies to all polling places, private or public, on Election Day. This distinction caused some confusion and our staff worked to resolve all complaints.

Independent voter registration drives continue to be a concern. Our office works to train groups and individuals in the approved procedures for registering voters. We have received complaints regarding the unprofessional behavior of workers hired by independent groups. Another area of concern to voters are mailers that appear to have been generated by the County Registrar but are actually sent from independent voter participation centers. Information in these mailers is often inaccurate.

SENATOR CANNIZZARO:

Can you outline the verification process for registration forms received from independent groups?

MR. GLORIA:

The process and verification is consistent regardless of the source. Information is entered into our system and forwarded to the Department of Motor Vehicles (DMV). We verify a match with the DMV and Social Security Administration. If there are inconsistencies, we attempt to contact the voter for additional information. When there is no response, the voter will be required to present identification before casting a ballot.

SENATOR CANNIZZARO:

Is this a common problem?

MR. GLORIA:

Voter registration verification requires an extra effort during even-numbered years, especially during presidential cycles. Because Nevada is a swing state,

we work with a large number of independent groups who are registering voters. This is the source of many of our problems.

Returning to the subject of the voter participation centers, independent voter registration groups and their mailers, much of the voter information in the mailers is inaccurate. When an address is incorrect, voters are concerned they may no longer be registered to vote. The integrity of the election cycle is at risk. We suggest that third-party and political groups be required to send their mailing lists through our office for address verification. Many of these problems could be avoided.

SENATOR CANNIZZARO:

Have these problems resulted in a voter losing the ability to vote?

MR. GLORIA:

No, the voter's registration status does not change. The issue is the integrity of the process and the voter's confidence in the record-keeping system.

Legislative issues of importance to our office include a concern that any changes made will provide flexibility from county to county. All county clerks are committed to the integrity of the election process and want to work with the Legislature to ensure that decisions will be implemented in the most economical and efficient manner possible.

The Clark County Registrar's Office found no evidence of voter fraud in the 2016 election. The tally and compiled results are based on *Nevada Revised Statutes* and were reviewed by the Accuracy Certification Board. The Board is made up of members of the general public who monitor three tests: one prior to early voting, one prior to Election Day and a third after Election Day to verify the equipment is properly tallying and compiling required reports. The public can be assured of a process free of voter fraud.

We work closely with the Secretary of State's (SOS) Office to ensure the integrity of the voter registration process. Third-party voter registration groups continue to require assistance. Often, they hire people who have little training. It may be necessary to require background checks of these individuals. Voters are not confident their personal information is safe.

Same-day registration would provide citizens the opportunity to go through a trusted public entity and feel confident their registrations have been entered into the system. Same-day registration would be a good solution to the problem of inaccurately collected registration forms if all counties and the SOS Information Technology Division can support it.

This Session, the Committee will be hearing Initiative Petition 1, which has the potential of providing more access to the electoral process.

**INITIATIVE PETITION 1**: Revises provisions relating to voter registration.

CHAIR CANNIZZARO:

Is it your opinion that an even more convenient registration process provided by the State and counties will reduce the number of inaccurate third-party registrations?

MR. GLORIA:

Yes. If we continue to increase a citizen's ability to register to vote while maintaining the integrity of the process, fewer third-party groups will spend time and money registering voters. Registering to vote at the DMV or by same day registration will improve voter access.

SENATOR SETTELMAYER:

Can you explain the process for verifying a voter registration form which may have been inaccurately completed? What happens if you find the voter is ineligible? How long does the process take?

MR. GLORIA:

The information is tracked on a monthly basis, though we average no more than ten days in issuing notices. Voters are given a deadline for returning updated information.

SENATOR GANSERT:

You mentioned 20 states participating in ERIC. If some states are not participating, how can you be certain voters in Nevada are not registered in another state? How long does the process take?

MR. GLORIA:

We are hoping more states will participate in the ERIC program. When registering, voters are asked to identify other states where they have registered. We notify those states of the voters' new registrations. Again, the information is tracked monthly. We work to complete the process in 10 to 12 days.

Clerks and registrars must have the flexibility to serve their counties. Voting days and hours should be determined by individual counties. There is a significant difference between voting in Esmeralda County and Clark County. Any requirements restricting access to early voting should be avoided.

We are requesting funding for voting machine replacements across the State and hope it will be considered a priority. Nevada experienced challenges during the 2016 election. It should be remembered if one county fails as a result of voting machine problems, the integrity of the entire State is at risk.

Finally, an issue that has not been discussed is guns at polling places. Guns should not be allowed at polling places, and they should be considered a form of voter intimidation.

SENATOR ATKINSON:

Can you identify legislation which addresses your 2016 legislative ideas?

MR. GLORIA:

There is no legislation relating to gun restrictions. I reviewed a bill meant to make voting consistent from county to county. It is difficult to compare a small county's needs with a large one.

SENATOR ATKINSON:

Was this issue addressed last Session?

MR. GLORIA:

Yes, but the issue was not settled.

SENATOR ATKINSON:

*Nevada Revised Statutes* allow employees to take up to three hours off from work to vote. This statute was enacted before early voting and is outdated. Voters have 12 to 14 days to cast a ballot before Election Day. In Clark County,



63 percent of voters in 2016 took advantage of this opportunity. It may be time to revisit the matter.

MR. GLORIA:

We will take the issue under consideration.

LUANNE CUTLER (Registrar of Voters, Washoe County):

My presentation will emphasize the difference between operations in Clark County, Washoe County and other counties. In Washoe County we have only six permanent staff members. We employ 10 to 50 temporary employees. In the 2016 general election, nearly 60 Washoe County employees volunteered to work at the polls. We are fortunate to receive a great deal of support from our County Commission, County management team and other County departments.

For the general election of 2016, we reached a historic high of 264,801 registered voters. This number is 23,000 higher than the previous record. Democratic and Republican voter numbers only differ by about 3,500. Twenty-seven percent of voters are registered as nonpartisan or with minor parties. This is where the most growth in registration can be found.

In 2016, voter turnout was 10 percent higher than the previous record; 210,287 voters cast ballots. Washoe County operated 23 early voting locations, 12 of which were open every one of the 14 days early voting was available, and the remainder were open an average of 12 days. We also provided 86 Election Day polling places. Washoe County had a 79.4 percent turnout; 62 percent of voters voted early, 29 percent voted on Election Day and only 9 percent voted by mail.

Washoe County deployed a record number of voting machines to the polls, leaving only ten machines in the warehouse. Between September 1 and November 1, our department processed nearly 51,000 voter registration-related transactions. This was partially due to the level of registration activity in the field prior to the close of registration. There were numerous voter registration drives. Unfortunately, very high numbers of the registration forms were illegible, duplicates or incomplete.

Although these questionable forms do not make it through our extensive vetting process, it creates a bottleneck when we are preparing for the start of early

voting. Processing of these forms is time-consuming and costly. We are required to communicate with every one of these voters. We agree with the SOS's concerns regarding the need for additional accountability and training for those conducting voter registration drives as addressed in Assembly Bill 45.

**ASSEMBLY BILL 45**: Revises provisions relating to public office. (BDR 24-426)

In 2016, we successfully implemented the first stage of voting equipment upgrades. We moved to a new absentee ballot counting system known as Dominion Voting. We view this as a building block for future enhancements.

We implemented Wi-Fi connectivity to all Election Day polling places, which made required reporting more efficient and timely without impacting poll workers. This sets us up for a transition to vote centers, which is highly desirable for the future administration of elections.

Our biggest concern is our aging voting equipment. More and more maintenance is required each election season. The equipment is no longer manufactured, and there is no easy way to obtain replacement parts. The vote tally software runs on an operating system that is no longer supported.

As Washoe County continues to grow and our election equipment ages, we are concerned about our diminishing ability to service the needs of our voters quickly and efficiently. There is no doubt the time is here to move forward with the purchase of new equipment and updated technology. It can no longer wait. We cannot make a transition such as this in a presidential election year.

We are ready and eager to move forward now. The transition will take Washoe County up to a year to complete. Many issues will need to be addressed: training staff and writing new user manuals, reconfiguring our current equipment facility, preparing new poll worker training materials, adjusting equipment delivery and security plans, placing new polling place signage, and developing public education campaigns.

The election cycle of 2016 was a successful effort. It is our goal to make the same report in 2018 and beyond. I have submitted my presentation ([Exhibit D](#)).

SENATOR GANSERT:

You addressed a high number of questionable voter registration forms. Can you provide a percentage? What is the process when you identify a questionable form?

MS. CUTLER:

We do not track the number of these forms. The volume of new registrations makes it difficult. All forms are verified in the same manner. They are reviewed and forwarded to the DMV and the Social Security Administration. In one case, we identified a voter who had completed 14 separate forms. The forms were copied and forwarded to the SOS for further investigation.

SUE MERRIWETHER (Clerk-Recorder, Carson City):

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. We had just over 91 percent turnout in the 2016 general election.

Going into this Legislative Session, the clerks have several concerns that we hope to work through with you and determine solutions and benefits for Nevada voters. 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 concern you have heard about, and will continue to hear about through this Legislative Session, is the need to purchase new voting equipment. We would like to encourage the Legislature to assist with the appropriation of the funding for the replacement of the voting equipment. Please keep in mind 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 in the election process. It is not only a county issue, but a State and federal issue as well.

This is not the only finance issue some 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 software for other departments within the counties, such as recorder, treasurer and assessor. The

counties cannot afford to single-handedly absorb all these costs in such a short time frame.

The counties also continue to see an increase in third-party registration drives. These drives produce troublesome applications. They are hard-to-read, incomplete, and duplicate applications and are not always delivered to the clerk/registrar's offices on time. We received more complaints from voters regarding these registrations than any other type during the 2016 election cycle. It created more work for staff as it requires correspondence and numerous telephone calls to applicants. Several bills introduced this Session will impact the counties. We look forward to discussing the bills and working closely with you this session. We encourage your support in maintaining the integrity of Nevada elections.

KATHY LEWIS (Clerk-Treasurer, Douglas County):

I have submitted a handout from the clerks of rural Nevada ([Exhibit E](#)). The election process in rural Nevada is unique. There are nine polling locations which are more than 50 miles from the tally location. In Nye County, there are 250 miles between two polling locations. Mailing precincts are required in the distant rural parts of the State.

Lack of connectivity is also a problem. In White Pine County, poll workers have to walk outside, put one foot on a piece of playground equipment and one on the curb to get a decent signal to call with questions or concerns.

The handout identifies polling locations in rural Nevada as of January 2017. We have included a column outlining the number of voting machines in each county. In smaller counties, officials wear multiple hats. In seven counties, the clerks also serve as treasurers. In Carson City, Sue Merriwether serves as County Clerk, Recorder and Public Administrator. Eight clerks also serve as court clerks. Clerks are responsible for marriage licenses, passports, dog licenses and other duties.

SENATOR SEGERBLOM:

Can you provide information regarding election sites in precincts with Native American populations?

Senate Committee on Legislative Operations and Elections  
February 13, 2017  
Page 13

WAYNE THORLEY (Deputy Secretary for Elections, Secretary of State):  
The recent court case has been resolved. A lawsuit was brought on behalf of two tribes, the Walker River Paiute Tribe and the Pyramid Lake Paiute Tribe. As a result of the settlement, two polling locations in Mineral and Washoe counties will be staffed during both early and Election Day voting.

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Senate Committee on Legislative Operations and Elections  
February 13, 2017  
Page 14

SENATOR CANNIZZARO:

There being no public comment, I adjourn the meeting at 4:33 p.m.

RESPECTFULLY SUBMITTED:

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Jan Brase,  
Committee Secretary

APPROVED BY:

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Senator Nicole J. Cannizzaro, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	2		Attendance Roster
	C	9	Joe Gloria	2017 Legislative Operations and Elections Briefing
	D	11	Luanne Cutler	Voter Registration and Elections 2016
	E	1	Kathy Lewis	Clerks of Rural Nevada