

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

**Seventy-ninth Session
April 5, 2017**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Nicole J. Cannizzaro at 5:01 p.m. on Wednesday, April 5, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Senator Heidi S. Gansert (Excused)

GUEST LEGISLATORS PRESENT:

Senator Aaron D. Ford, Senatorial District No. 11

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Kevin Powers, Counsel
Jordan Eglet, Intern to Senator Ford
Janae Johnson, Committee Secretary

OTHERS PRESENT:

Emily Zamora, State Director, Silver State Voices
Alanna Bondy, American Civil Liberties Union of Nevada
Leonard Jackson, Reverend, Associate Minister, First African Methodist Episcopal Church; Director, Faith Organizing Alliance

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Maria-Teresa Liebermann, Deputy Director, Battle Born Progress
Stacey Shinn, Progressive Leadership Alliance of Nevada
Shawn Smith, 100 Black Men of Las Vegas
Lynn Chapman, State Vice President, Nevada Families for Freedom; State
Affiliate National Eagle Forum
Juanita Cox, Citizens in Action
Vicky L. Maltman, Veterans In Politics
Robert E. Frank, Nevada CAN, Conservative Action Network; Citizen Task Force
for Voter Rights
Bonnie McDaniel
Joe Gloria, Registrar of Voters, Clark County
Kathy Lewis, Clerk-Treasurer, Douglas County
Luanne Cutler, Registrar of Voters, Washoe County
Susan Merriwether, Clerk-Recorder, Carson City
Wayne Thorley, Deputy Secretary for Elections, Office of the Secretary of State
Juanita Clark, Charleston Neighborhood Preservation

CHAIR CANNIZZARO:

There were changes to the agenda. We will open with Senate Bill (S.B.) 94.

SENATE BILL 94: Revises provisions relating to elections. (BDR 24-19)

SENATOR AARON D. FORD (Senatorial District No. 11):

I am here with our intern Jordan Eglet who will be testifying for the bill. Senate Bill 94 will make it possible for more people to be a part of our government by making it easier to exercise the right to vote. One of the main parts of the bill will allow 17-year-olds to preregister to vote.

SENATOR FORD:

We want to encourage our youth to engage in the democratic process and to vote. When I first ran for office in 2012, I remember the excitement of watching my oldest son get to vote for the first time. This is something that I think we should encourage all youths to participate in. The bill will allow persons to register to vote on Election Day. One of the stipulations is that if a voter registers at a specific polling place, that person can only cast a vote at that same polling location. In 2012, a study done by Carroll College and Google Headquarters looked for the number of online searches with the phrase "register to vote." It is estimated that three million to four million more Americans might have voted if they had been able to register on Election Day. This is not a new

idea. It was implemented by three states in the 1970s for same-day voter registration.

SENATOR SEGERBLOM:

In 1976, I was in Milwaukee and the general election was the first time they had same-day registration. It was fantastic.

SENATOR FORD:

The three states that used same-day registration were Maine, Minnesota and Wisconsin. These states have same-day registration options and all three consistently lead the Nation in voter participation with an average voter turnout that is ten points higher than states that do not offer same-day registration, according to the Brennan Center for Justice at the New York University School of Law. Another three states implemented Election Day registration in the mid-1990s. Another ten states adopted some form of Election Day registration between the years of 2005 and 2015. The top five states for voter turnout in 2016 were states with same-day voter registration. A proof of residency is a key requirement in all states offering same-day registration.

In a traditional preelection registration scenario, election officials have time to send a nonforwardable mailing to the prospective voter to verify that the voter's residence is accurate before processing the registration application. This way the voting officials can confirm residency. Because this is impossible with same-day registration, the prospective voter must present proof of residency at the time of registration. If this bill passes and same-day registration is allowed, the prospective voter must present proof of residency at the time of registration. A driver's license or an ID card suffices in all states with same-day registration. In some states, a document such as paycheck or utility bill with an address is acceptable. A few states permit an already registered voter to vouch for residency during the same-day registration. All jurisdictions that allow same-day registration require voters to present documentation to verify their identities. Some states require a photo ID, while others, an ID and a photo is not needed. Senate Bill 94 contemplates a number of these identification options.

I would like to remind you the importance of voters to our government and what former President Franklin Delano Roosevelt said, "Let us never forget that government is ourselves and not an alien power over us. The ultimate rules over our democracy are not a President and Senators and Congressmen and government officials, but the voters of this Country." The purpose of S.B. 94 is

to make voting more readily possible for people and to have them be more a part of our government by making it easier for them to exercise their right to vote.

The bill contains a handful of initiatives. The bill allows those who are 17 years old to preregister to vote. When they turn 18 years old, they are already registered to vote. This initiative concerns new voters, and it encourages youths to engage in our democracy as soon as they are eligible to participate. In this regard, the category E felony that is in section 16 for falsely registering to vote does not apply to a person who has preregistered. The bill allows people to register and vote on the day of a primary or general election at the polling place that is specifically designated for that purpose. This does not mean that every polling place must provide same-day registration, although counties may determine they want this option. Only the sites designated by the county election official and approved by the county commission must offer this registration. Voters will know which polling places are for same-day registration. The bill requires the county to publish a list of sites designated for same-day registration and post the list on any bulletin board used for public notices.

The one stipulation is that a person who registers at a specially designated polling place may only cast his or her ballot at that particular polling place. It is my hope that we can adopt vote-center style voting some of which we have seen in the last municipal election cycle. Registering to vote and voting on the same day will become a standard practice under a vote-center approach.

The bill extends the period during which a person may register to vote for a primary or general election to the last day of early voting for the election, which is the Friday before the election. The current deadline is the third Tuesday before the election. The bill changes the registration period for recall and special elections that are held separately from a primary or general election to the fourth day before those elections. The current registration deadline is the third Saturday prior to such elections.

The bill proposes an expansion of early voting. County clerks may offer polling hours on Sundays during the early voting period. Clark and Washoe Counties already offer early voting on Sundays. Senate Bill 94 would require those counties to include every Sunday during the early voting period. The bill authorizes Clark and Washoe Counties to include any federal holiday that falls within the early voting period and require a permanent early voting site that is

open on Saturday to remain open until 8:00 p.m. The bill specifies that the permanent early voting sites open on Sundays in Clark and Washoe Counties must be open for at least four hours between 10:00 a.m. and 6:00 p.m.

In the 2015 Session, the Legislature approved legislation to authorize county and city clerks to distribute sample ballots by electronic means to registered voters who elect to receive sample ballots electronically. Senate Bill 94 in its initial iteration took this a step further and required each county and city to establish a system to distribute sample ballots electronically. This would not have precluded someone from receiving a paper ballot if he or she wants one; the bill only says that counties must have the ability to distribute sample ballots by electronic means.

I will briefly go over Proposed Amendment 3070 to S.B. 94 as submitted ([Exhibit C](#)).

JORDAN EGLET (Intern to Senator Ford):

I have submitted my written testimony ([Exhibit D](#)) in support of S.B. 94.

EMILY ZAMORA (State Director, Silver State Voices):

I support S.B. 94 and have submitted my written testimony ([Exhibit E](#)).

ALANNA BONDY (American Civil Liberties Union of Nevada):

I am an intern for American Civil Liberties Union of Nevada and I have submitted my testimony ([Exhibit F](#)). I support S.B. 94.

LEONARD JACKSON, REVEREND (Associate Minister, First African Methodist Episcopal Church; Director, Faith Organizing Alliance):

The Faith Organizing Alliance's mission is to increase civic participation through faith-based and civic organizations within Las Vegas Valley, and to advance community and government that is more caring, just and equitable. Our purpose is to educate and train individuals, faith-based leaders and other community organizations on civic engagement and public policy as it pertains to voter education and social justice.

Government has an obligation to the community, not only to educate the community, but to make it more equitable and easier for individuals to not only register to vote but to get out and vote. One of our most successful programs during the last election cycle was to provide transportation to individuals to the

polls to vote. We call this program "Souls to the Polls." Souls to the Polls was successful because we pushed the churches on Sundays to take their parishioners directly to the polls, especially for early voting, to provide them the opportunity to vote. Extending the voting privileges, hours and days makes it easier for individuals and helps the community and us. When the community comes out to vote, it makes the turnout more accessible. We support S.B. 94, and we will take the souls to the polls.

MARIA-TERESA LIEBERMANN (Deputy Director, Battle Born Progress):
Battle Born Progress supports S.B. 94. I have submitted my testimony ([Exhibit G](#)).

STACEY SHINN (Progressive Leadership Alliance of Nevada):
Progressive Leadership Alliance of Nevada will always come to the table when we are increasing accessibility to the polls. This bill offers many provisions for improving Nevada's system and we stand behind all of them. I agree with all of the other statements made today and support S.B. 94.

SHAWN SMITH (President, 100 Black Men of Las Vegas):
We are a chapter of 100 Black Men of America. We support the intent and ideas that enhance voter participation by the voting populace. We believe that the intent of S.B. 94 is to expand voting opportunities and to facilitate a more inclusive voting environment. We specifically support the language that allows preregistration, same-day registration and expansion of early voting in Nevada. With the support of this legislation, it can position Nevada as a progressive leader in voting rights. We wholeheartedly support the intent of S.B. 94.

LYNN CHAPMAN (State Vice President, Nevada Families for Freedom; State Affiliate National Eagle Forum):
I oppose S.B. 94. Governor Chris Sununu of New Hampshire was worried about Dartmouth College students who would register at the polls. He made a statement:

It really is just about making sure that our rules are clear, that they are unambiguous, and that people can believe that as a full time resident of the State of New Hampshire your vote is not being watered down by someone who is drive-through voting or drive-by voting.

An American Majority article states:

According to the criminal complaint, Mr. Clancy served as a special registration deputy for the City of Milwaukee in advance of the 2008 presidential election. Mr. Clancy was accused of submitting multiple voter registration applications for the same individuals, and he was also part of a scheme in which he and another special registration deputy registered each other to vote multiple times in order to meet the voter registration quotas. Same-day voter registration requires the voter to complete the application and provide proof of residence documentation. Ballots for same-day registrants are counted in that election, but the actual registration is not verified until after Election Day. For example, in the 2008 election, 62,000 voters registered on Election Day alone in the City of Milwaukee. How many of those registrations were actually legitimate? But, all of their votes were counted in the election.

Early registration in voting does not improve voter turnout. Substantial research by the London School of Economics, an American University, indicates that "Easy voting measures, same-day voter registration, early voting and mail ballots do not improve voter turnout except in certain states."

I would like to address the proof of residency. Before the 2008 election, I noticed I had not received my power bill. I called Nevada Energy and was told that I had changed my mailing address. I said that this change was not made by me, and my residency has been the same for 30 years. I spoke with the supervisor, who began to panic knowing that I was not the one who changed my address. My daughter, in her customer service job, had heard from several people that they also had not received their power bills in the mail. I contacted former Senator William J. Raggio and told him about the situation of at least 50 people who did not receive their electric bills because their addresses had been changed by someone else. I wanted to bring this concern up and you may need to look at it.

SENATOR ATKINSON:

I am trying to figure out where these concerns are not addressed in the bill. I am not sure where those statistics to show and prove measures like this do not increase voter turnout came from. This body and anyone in this room can tell you that these figures can come from anywhere to tell you anything. They do

not mean we should not take any measures in Nevada, or more particularly in the United States, to increase voter turnout. Are you suggesting that statistics show nothing improves voter turnout, so we should do nothing about trying to address it?

Ms. CHAPMAN:

No, I am not saying that. First of all I was remiss in saying that section 3, subsection 3, paragraph (c) talks about providing proof of identity and residence.

SENATOR ATKINSON:

Since that is in there, are you okay with the proof of residence?

Ms. CHAPMAN:

That is why I brought you my personal story of what happened to me and that I was not the only one this happened to. Someone had stolen a proof of our residency. Senator Raggio took a lot of notes and was concerned about what happened.

SENATOR ATKINSON:

That may be true, but that was 25 years ago, or how long ago was it?

Ms. CHAPMAN:

This happened in 2008. Some of my friends said they had the same thing happen to them at the last election.

SENATOR ATKINSON:

Someone stole their proof of residency?

Ms. CHAPMAN:

You call and say that I never received my bill and the response is you must have changed your address. It was changed. We do not know why this happened.

SENATOR ATKINSON:

So you would assume that was because someone was stealing?

Ms. CHAPMAN:

We do not know.

SENATOR ATKINSON:

You are assuming since that was done, someone was attempting to register at your address?

MS. CHAPMAN:

I do not know. But what I am saying is maybe we should find out if that is happening.

SENATOR ATKINSON:

I agree and that is for the Secretary of State's Office. Are you tying this incident to a voter situation? I do not think this is fair since you cannot tell me if that is what really happened. If it is tied to registration, this incident will need to go through the Secretary of State's Office. I am not sure if this has anything to do with S.B. 94. This is not a reason to not register more people and is not a fair assessment.

MS. CHAPMAN:

That happened to me and I brought it forward to make everyone aware of what is going on. I know that I am not the only one it happened to. This incident was evidence I was bringing to the body—that we do need to check into it or be aware of what has happened in the past. I thought it was important to bring forward.

SENATOR ATKINSON:

I will say again it is important, but to tie it to S.B. 94 may not be genuine. Did you file this with the Secretary of State's Office?

MS. CHAPMAN:

I brought it to Senator Raggio and he took all of the information.

SENATOR ATKINSON:

I understand that, but did you personally file it with the Secretary of State?

MS. CHAPMAN:

No, I did not. I gave the information to Senator Raggio, and he said he would take care of it.

CHAIR CANNIZZARO:

Did you have an issue voting in 2008?

Ms. CHAPMAN:
No, I did not.

CHAIR CANNIZZARO:
So there was no one who took your name and address and voted in your place instead?

Ms. CHAPMAN:
Not that I know of.

CHAIR CANNIZZARO:
You mentioned that there was evidence of 62,000 people who had registered in Milwaukee on Election Day?

Ms. CHAPMAN:
Yes.

CHAIR CANNIZZARO:
It was in the course of your statement saying that same-day voter registration does not increase turnout. Does this not indicate that 62,000 people would not have voted if there were not same-day voter registration?

Ms. CHAPMAN:
Yes, that is what it says. Same-day voter registration requires the voter to complete the application and provide proof of residence documentation. Ballots for same-day registrants were counted in that election, but the actual registration was not verified until after Election Day.

CHAIR CANNIZZARO:
Do you happen to have any evidence that those 62,000 people illegally registered to vote? You made the statement that you had no idea how many people were illegally registered to vote of that 62,000. I was curious if you had any evidence if any of those people did illegally register to vote?

Ms. CHAPMAN:
No, it says how many of those registered were actually legitimate, but we do not know.

CHAIR CANNIZZARO:

Do you have any evidence that any of the 62,000 people who voted were illegally registered?

MS. CHAPMAN:

We do not know. The point is those votes were counted.

CHAIR CANNIZZARO:

If you are making broad statements, we would like to have evidence of which ones were illegally registered to vote. In section 3, in addition to residency verification, there also has to be identification verification in order to register to vote. This is more than most voters who register have to provide now. Say you register to vote at the courthouse with a guy holding a clipboard; the bill requires more than what you would have to provide now to address your concerns about proof of residency.

SENATOR ATKINSON:

I believe that verifying voter identity has always been the practice of the election departments. My booklet is scanned since I am a long-time voter. I believe first-time voters have to show their ID. I wonder who would go through all of the effort to change ID and address for the opportunity to vote for someone else?

CHAIR CANNIZZARO:

We do have many experts on this, and I think there are some differences to verify a voter's ID. If a person votes by mail, that person will have to provide an ID when he or she shows up in person. But if you are registering with a guy holding a clipboard and your signature matches, there is not necessarily an identification or residency requirement, depending on how a person is registering to vote.

JUANITA COX (Citizens in Action):

Young people voting sounds pretty good, especially having 17- and 18-year-olds vote. I testified against the 16-year-olds preregistering to vote. Seventeen sounds fairly reasonable. We are concerned about the time preregistering voters takes for the clerks and election department staff and with the greater costs for the county with the new sections of this bill. We feel with modern media, social media and everything we have, people should know and be able to get an absentee ballot or early vote. Our objection is with the day of voting

registration. I live in a rural county, and the rural counties in Nevada have had extremely high voter numbers. They do not seem to have a problem getting people to vote even with the long distances. I do not understand why Washoe and Clark Counties have a hard time getting voters to the polls with all the media and opportunity we have. If you are in this republic knowing that you will be going on vacation or to school and be away from your residence and voting opportunity, then get an absentee ballot. If you want to vote you can, but this bill creates extra costs for the counties. With the electronic voting out, if you accept that amendment, it might be better. We are against same-day voting. I was on the platform committee and it is against the Republican platform. We do not agree with S.B. 94.

SENATOR ATKINSON:

The rural counties do not have any issues because the turnout numbers are larger. Washoe and Clark Counties have issues with low voter turnout; we just saw a city election with less than 10 percent turnout. The rural counties seem to do better with that and take it more seriously. But for us, we see that it is a problem and we are trying help address it. Did you want us to take you out of the bill?

Ms. Cox:

We just think Election Day voter registering is cumbersome and it will cost the counties extra staff and time. I have volunteered to be an observer in the past with Washoe County election officials to help them with their procedure. I personally did a number of affidavits for what appeared to be improper voters. They did violate some things, such as people were not checked for their IDs and they should have been checked.

SENATOR ATKINSON:

Who did not check for their ID?

Ms. Cox:

The people at the registration tables when the voters came in. People were voting for others. When the real voter came in, it was indicated they had already voted. The real voter had to go to the County Registrar's Office. I observed this at that polling place with several improper voters.

SENATOR ATKINSON:

Are you suggesting that is why the rural county vote count is higher than in the urban counties? I would think what you observed would be voter fraud. Both Secretary of State officials have testified on record at the Legislature there is zero proof of voter fraud in Nevada. Barbara K. Cegavske, the Secretary of State, testified this year they have no proof of voter fraud in the State. If you filed affidavits, I am not sure with whom or where they went to.

Ms. Cox:

I filed the affidavits and the proof that I observed these irregularities. The people went down to the County Registrar in Washoe County. This was not in 2016. I decided all of my time spent as volunteer and observer was for nothing. The affidavits that I put in were discussed with the inspectors that the people had a problem voting and there was possible voter fraud.

SENATOR ATKINSON:

I understand that, and anyone of us can file an affidavit and can say they saw or heard something illegal. It is up to the Secretary of State's Office to make sure to validate or deny the claim. But I would venture to say if both officials said zero voter fraud existed, then those claims were found to be false. The Secretary of State's Office has mechanisms in place to check out every affidavit that is sent in. Submitted claims are validated. If the number of voter fraud claims is zero, it does not sound like voter fraud existed for those affidavits.

VICKY L. MALTMAN (Veterans In Politics):

We are not a democracy, we are a republic. If that has changed in the 65 years of my life, I would like to know when it happened. I am a retired police officer and I have seen lots of fraud. I believe here in Nevada someone was just prosecuted for voting illegally. I will get that information and make sure it comes to your office. We have become such a nanny State that we have to hold everybody's hand. We have to offer people options when they have two years to register to vote. I know of a restaurant in Washoe County with a woman who has four different names and social security numbers because she is here illegally. It will be reported to the proper authorities as soon as I have the information I need to prove it. This is not something that should be taken lightly.

We have the privilege of choosing the people we want to represent us; you are our employees, and you work for us. We elect someone to have our voice because you cannot have 20,000 people from a county making the decisions,

but you have to represent all of us in Nevada. Whether you are from North Las Vegas, Elko, Gardnerville or wherever you are from, you represent all of us. In a republic, things are done differently. My mother taught for 50 years beginning in 1927. I do not know what schools are teaching. If you have to hold somebody's hand to get the person to register to vote, I do not think that on the same-day registration these people are going cast their votes or that you can verify where they live. There is an elected official in Washoe County who, for five elections, has told our Registrar of Voters that there is information coming to her property and a woman is using her address for voting because the absentee ballots are sent there. They will not take this woman off the rolls. This points to a problem. I am against S.B. 94.

SENATOR ATKINSON:

I agree with you that we should not have to do so much to get voters to the polls. This is not about getting them to the polls but about registering them. I think that we have things in place to make sure that we do that. This is an avenue we are trying go down and help get people to the polls. We are making an effort to increase voter turnout.

MS. MALTMAN:

If there is problem in the south with voter turnout, why do we need a statewide bill to handle it?

SENATOR ATKINSON:

We are hearing this bill to increase voter turnout in the State. If the rural counties think this will be a financial burden, they need to make their voices heard.

ROBERT E. FRANK (Nevada CAN, Conservative Action Network; Citizen Task Force for Voter Rights):

I am against S.B. 94. My background is in computer security, and I am qualified as a computer security expert for court purposes. The issue is the policy stated by the Legislature, in the past, that has not given tools needed by the election system to enforce the facts. When you complain to the Secretary of State about something, the response is where is your evidence? I do not see any evidence because they cannot get any evidence or hire a private investigator to take the information to figure out if a power bill was used illegally to vote. There is nothing Secretary of State officials can do when there is no evidence, and they

do not have the authority to go down the chain of trying to enforce this kind of discipline.

Once or twice they finally catch somebody, but in fact the new rules will make it more difficult for the election system. To enforce security and integrity, same-day voter registration will make it difficult for the election system to police itself to make sure it is not being corrupted. I wish you could take a briefing from the Federal Bureau of Investigation to tell you what goes on with document fraud. These documents can easily be tampered with, invented and created from scratch. You can just take a piece of paper and present it as proof of ID. They do not have the time, the tools, the money or the policy to check it out. From a Senate point of view, you need to help the citizens of this State give the power of the policy to the election officials to do the work of investigating fraud.

One of the biggest weakness in the election system when fraud is suspected is at the county level. The district attorney, county clerk and law enforcement have no authority to open the records to see if they can find if there was fraud or a malfunction. It is one of those rare cases in our society where the local county officials do not have the authority to do an investigation of fraud in the election system. We cannot expect the election system to be better than it is if we do not allow the county people to have the authority to open and inspect records concerning fraud. If nobody opens up the record and does not follow up on the claims of fraud, no fraud is detected. Assemblyman Jim Marchant, Assembly District No. 37, is working on specific language toward this issue, and the Senate Committee on Legislative Operations and Elections could take advantage of this work.

BONNIE MCDANIEL:

I am against S.B. 94. Under section 3, subsection 5 none of these documents are proof of citizenship. In the United States and Nevada, you must be a U.S. citizen to vote. None of the areas in the bill show citizenship. In order to show citizenship, a person needs a birth certificate showing a live birth in the U.S. or a passport. These are the only true identifications that prove you are a U.S. citizen or Nevadan. Most these documents of are not government-issued documents. Verification of citizenship is not available on the same day of Election Day registration unless a person has a passport or a birth certificate.

JOE GLORIA (Registrar of Voters, Clark County):

There has been much discussion on the integrity of the process. Nevada is one of the few states where the federal, state and local levels work together to protect the integrity of the process. I know from personal conversations with the former Secretary of State Ross Miller and Secretary of State Barbara K. Cegavske that they are serious about upholding the integrity of the process. All of my colleagues in Nevada feel the same way. We are neutral on S.B. 94 because of concerns relating to the administration of what we would need to do to implement same-day registration or even extend the deadlines.

In Clark County, we are working hard to implement the use of vote centers for the 2018 election. Yesterday's election was a successful process using vote centers across all municipalities. Adding same-day registration to this effort would make it impossible for anyone who is eligible and has the proper ID and residential proof not to exercise the right to vote. If you are eligible to vote, this process should be in place for you. The administration of same-day registration, however, I do not see as being a successful process at the statewide level. For all counties to take part in the process without the use of real time electronic registration would require a topdown registration system in Nevada. I have had conversations with my vendor related to voter registration. There are two states in the United States where the vendor put the process in for a one-time interaction for voter registration and then the process to vote. The capability is present, but if it does not happen electronically, the use of paper would make the process difficult to administer.

KATHY LEWIS (Clerk-Treasurer, Douglas County):

I would like to echo Mr. Gloria's concerns for S.B. 94. We need a centralized registration system to make this successful.

LUANNE CUTLER (Registrar of Voters, Washoe County):

We would like to have as many people as possible turn out to vote for each election. There are months and months of preparation that go into bringing all parts of an election together, and the work is difficult. As election officials, we would like nothing more than the best opportunities for all voters in each of our counties to express their opinions at the polls. There are a couple of concerns for S.B. 94. As Mr. Gloria suggested, we need a statewide topdown system in order to make this work efficiently. In order to implement it initially, we would have to be allowed to have it take place in only one location. For Washoe County, this would be only way we could implement same-day registration and

voting. The location would have to be at our office. Our office is the only place where we have access to the database. Without the statewide system, I think our hands would be tied.

The other concern was the requirement in section 2, subsection 2 to issue a new voter card to 17-year-olds who had preregistered. We are happy to report that we already preregister 17-year-olds. This would not be a new undertaking for Washoe County. We would hesitate to issue them a voter registration card that they could take to the polls to say "look I am registered." I think this would cause some confusion not only for the poll workers but maybe even on the Registrar's part. In order to implement that particular section, we would need to either have a software change to print new cards or simply continue on as we do, which is not issue those individuals a card until they turn 18.

SENATOR SETTELMAYER:

So you indicated, now for 18-year-olds or anybody, you issue them a voter card free of charge?

MS. CUTLER:

We do issue a voter registration card to every single person that registers or makes a change to his or her registration. It is automatically generated by our system.

SUSAN MERRIWETHER (Clerk-Recorder, Carson City):

I agree with the statements made here today by my fellow clerks and registrars. We do need a real-time statewide voter registration system. The system that we use in Carson City would not be able to support this type of registration. There is concern with the rural counties and their need for reliable Internet connectivity at the polling places.

In Nevada, there is a 30-day residency requirement to vote. The close of registration for all voters in Nevada has been 30 days before an election because you had to be a resident for 30 days before you could vote. The concern of having same-day registration is we will have to determine and make sure those people who are coming in are not just new residents with less than 30 days of residency.

They would have to show us some kind of proof of residency of 30 days to register to vote. During the election time, the voters who did come in that were

not registered to vote in Carson City would be looked up on the statewide voter registration system. Almost every voter who came in who was not registered to vote in Carson City was registered to vote in another county.

I know there is a bill to implement the Department of Motor Vehicles (DMV) automatic voter registration. We went to DMV a couple of weeks ago and saw the way that they handle offering voter registration to people coming in. This is a better following system. I think it is going to pick up and catch all of those voters who changed their driver's licenses and did not register to vote. The new process with the DMV is going to help make sure that everyone is registered to vote.

WAYNE THORLEY (Deputy Secretary for Elections, Office of the Secretary of State):

I would like to echo our local election officials regarding a statewide real-time voter registration system. It would be particularly necessary during the early voting period. According to S.B. 94, you will be able to register to vote online during the early voting period. Under the current setup, if someone registered to vote online, then drove to the early voting polling location, we would not have the voter's information. Because the information is not translated in real time into the roster, there are some technical challenges to address some of the concerns with the verification process when someone registers to vote.

Everybody who registers to vote has his or her information verified and checked against both DMV and the Social Security Administration records. If we get a match, that person can vote and is not required to show ID. If it is a nonmatch, the person becomes an ID-required voter and that person is required to show ID the first time he or she votes. Then after the first-time vote, the voter just signs in on the roster and the signature is verified. There is a provision that certain first-time voters must show ID. But we do match against the DMV and Social Security Administration for all when they register. There is an explanation on our Website about this process if anyone is interested in more details.

JUANITA CLARK (Charleston Neighborhood Preservation):

Our group is in various communities around Nevada. We are concerned about S.B. 94 and interested in this bill. Voting is a constitutional right both within the Nevada Constitution and with the U.S. Constitution. We are for voting and we want everybody to vote in a manner that is legal in the State of Nevada.

SENATOR FORD:

I would just like to make a couple of points. Wisconsin has been the leader in same-day voter registration since the 1970s. The State has been a good role model to follow and in other incidences it has not. One of the testifiers mentioned Milwaukee and 62,000 people voting and potentially some of them being illegal. One of the recent headlines I am reading talks about the Milwaukee elections head saying the voter ID law hurt the city's turnout; 41,000 people were not able to vote during the last election cycle based on an onerous ID law. This makes it harder for people to vote. We are not Wisconsin, we are Nevada, and we are working hard for hardworking Nevadans. We want to make it easier for them to vote, not harder.

I am open to hearing from the clerks who spoke today concerning how they deal with the 17-year-old registration card issue. I would like to hear some suggestions from them and create an amendment on the new resident proof issue and the centralized registration system issue. In Wisconsin, the concern is that same-day registration leads to voter fraud. What it does is improves the opportunity to vote. In Wisconsin where same-day registration exists, the turnout in this last election was one of the top turnouts in the Country. We should model ourselves here in Nevada at the top of that list.

SENATOR ATKINSON:

How much dialogue or conversation have you had with the clerks, and have they reached out to you to work on S.B. 94?

SENATOR FORD:

Clark County reached out to me on some of the concerns for the bill. I have not heard from any of the other counties. I would love to hear from them after this meeting to figure out what amendments they could propose to address their concerns. This bill was introduced in the 2015 Session. Many of these concerns were discussed then, and we knew of the issues. We attempted to address some of them with an amendment.

SENATOR ATKINSON:

Have any of them indicated concern about a financial burden on the smaller counties? Has that been brought up or is it an issue?

SENATOR FORD:

Yes, there were fiscal notes attached to the bill. I think these will be revised at

this point. For example, we are not requiring the electronic ballot box and a few other requirements.

SENATOR SETTELMAYER:
Why the deletion of section 12?

SENATOR FORD:
My instruction to the Legal Division was to remove the requirement for mandatory sample ballots. To the extent section 12 deals with the sample ballots requirement, that is why the Legal Division would have removed it.

SENATOR SETTELMAYER:
I would like to comment that some of the disagreements with same-day registration comes down to difference of responsibility between how certain people think things should be done. I was raised the day you hit 18 you go register to vote and participate in the next election cycle. Some people are saying that registering to vote is an individual responsibility versus the government needing to be responsible to afford that to you on the same day of the election, whereas I was taught to get it done a half year in advance.

SENATOR FORD:
I think there is a philosophical difference of opinion on this approach. I come from being born in 1972 after the Civil Rights Movement where people fought to ensure all communities were able to vote, where government had subjected people to tests so they could not vote. My efforts are to ensure that government now undo what I consider to be remnants of discriminatory behavior. Instead of suppressing the vote, we reach out to try to enhance the ability to enfranchise and rather than disenfranchise. That's why I support ideas like this that expand the franchise and make it easier for people to vote.

CHAIR CANNIZZARO:
We will close the hearing on S.B. 94.

SENATOR ATKINSON:
We will open the hearing on Senate Bill 491.

SENATE BILL 491: Makes various changes relating to mechanical voting systems and mechanical recording devices. (BDR 24-491)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

Senate Bill 491 is to assist our counties whose population is under 100,000 to purchase new voting machines. Many of the rural counties struggle to buy new voting machines. Our voting systems in the rural counties are old, and it leaves the rural counties wondering how they are going to pay for new voting machines. There is a bill draft request with the Assembly Ways and Means Committee to appropriate money for this purpose. The request will be separate and apart from appropriation and will create another option for counties to acquire voting equipment if such an appropriation were to be made.

Existing law authorizes a board of county commissioners to purchase mechanical voting systems and mechanical recording devices or to lease mechanical voting systems and mechanical recording devices from the Secretary of State with an option for the county to purchase these systems and devices. This bill provides an additional option for counties with populations less than 100,000, excluding Clark and Washoe Counties, by authorizing the board of county commissioners of such a county to lease mechanical voting systems and mechanical recording devices from the Secretary of State without the option to purchase.

If the State ultimately appropriates enough money to buy voting machines outright for the Secretary of State's Office or even a partial purchase, then the machines would already be owned by the State. The option to rent would not obligate the counties to come up with a way to pay for the entire value of the machines. Under the bill, the county would agree to maintain and insure the machines for the duration of the lease agreement, but the State would retain ownership. The new nonpurchase option would require a two-year agreement between the county and the Secretary of State, with an exclusive option for the county to extend the term of the agreement for two years at a time as long as that voting equipment is being used and is operational. Since the machines would be owned by the Secretary of State, the rental payments under the agreement could have a rather favorable return for the county. The measure provides that the aggregate rental payments under the 2-year agreement must not exceed 10 percent of the purchase price of the systems and devices described in the agreement.

Senate Bill 491 is forward-thinking in contemplating setting aside money for future voting system purchases. Existing law provides that the rental payments from the lease option to purchase voting machines must be deposited in the

State General Fund. This bill specifies that all rental payments be deposited into a separate account in the State General Fund. Those funds will be used to pay the cost of replacing aging and outdated mechanical voting systems and mechanical recording devices in the future. In my conversations with some of rural clerks, a big topic of discussion was the outdated voting machines.

While looking at the statutes on the different rental and lease payment options that are provided within *Nevada Revised Statutes*, the option for counties now is to enter into an agreement to pay the entire cost of the voting system to the Secretary of State, with those funds going to the General Fund. This can be a burden for the rural counties because they have to figure out a way to come up with lease terms that will allow them, with a much smaller tax base, to fund the purchase of those machines over a longer period of time.

The idea behind this bill, and it may be amended, allows counties an additional option to enter into a shorter lease term, which would be more affordable to the counties to pay off portions of the cost of the voting machines. Ultimately, those funds could eventually provide a fund for the State to continue to update its voting machines.

The effect of this bill depends on where the funding comes from and whether there is an appropriation from the State. The purpose of this bill is to give an option in the statute for those smaller counties as a way to update their equipment when figuring out how to fund the entire purchase for what can be an expensive set of machinery. For the larger counties, it is still an issue because these are expensive machines. However, there is also a larger tax base and there is more opportunity to get those funds and acquire them. This is an effort to help the rural communities.

MS. LEWIS:

We support S.B. 491. This has been a big concern since the last election. I met with Senator Cannizzaro before the Session started about our concerns with the rural counties and having to replace the equipment. The rural counties have to replace a lot of systems with the Advanced Data Systems closing its doors within two and half years. We appreciate this bill and finding a funding mechanism. I do like the idea of keeping the money, then turning it over and keeping the equipment fresh.

MS. MERRIWETHER:

We are very appreciative of this bill to help the rural counties fund voting equipment. The clerks have been working closely with Secretary of State Barbara K. Cegavske to find solutions to assist all counties with purchasing voting equipment. We are asking the Legislature for the funding; however, if all the funding is not provided, we believe S.B. 491 will assist the rural counties.

SENATOR SETTELMAYER:

Has there been discussion with the Secretary of State in trying to coordinate this with previous efforts? I know all counties are trying to work on the idea of coming up with their own funds to help pay for some of this. The State was looking at trying to do some of it, and there were discussions and agreements. Clark County had indicated it did not need any money to do this, then later put in a fiscal note asking for millions of dollars. Clark County's fiscal note put the whole thing into chaos because the amount of money that was being found would only take care of some of the smaller counties and not take care of the large number of machines needed in Clark County. Has there been any coordination on this aspect?

SENATOR CANNIZZARO:

I did have preliminary discussions with representatives from the Secretary of State's Office to talk about how this bill would impact that issue. Obviously, there may be some issue with the actual appropriation and how it all comes out and whether there is money for all these machines. The idea of the bill is to put in statute potential options should the counties need help to find some of that money and limit it to the rural counties for this particular option. This option is with the understanding that there are issues with the appropriation side of it and the question of whether fiscal notes may or may not come in and whether the counties may or may not be able to give money. To some extent, yes, those discussions are occurring and to some extent, they are separate from what this bill intends to do.

SENATOR ATKINSON:

We will close the hearing on S.B. 491.

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CHAIR CANNIZZARO:

Seeing no further business, I adjourn this meeting at 6:46 p.m.

RESPECTFULLY SUBMITTED:

Janae Johnson,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	7		Attendance Roster
S.B. 94	C	21	Senator Aaron D. Ford	Proposed Amendment 3070
S.B. 94	D	1	Jordan Eglet	Testimony
S.B. 94	E	1	Emily Zamora / Silver State Voices	Testimony
S.B. 94	F	1	Alanna Bondy / American Civil Liberties Union of Nevada	Testimony
S.B. 94	G	1	Maria-Teresa Liebermann / Battle Born Progress	Testimony