

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

**Eightieth Session  
February 12, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:02 p.m. on Tuesday, February 12, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Sandra Jauregui, Chair  
Assemblyman Ozzie Fumo, Vice Chair  
Assemblyman Skip Daly  
Assemblyman Glen Leavitt  
Assemblyman William McCurdy II  
Assemblywoman Brittney Miller  
Assemblywoman Daniele Monroe-Moreno  
Assemblyman Tom Roberts  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

Assemblyman John Hambrick (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Carol Stonefield, Committee Policy Analyst  
Kevin Powers, Committee Counsel  
Christopher Roske, Committee Manager  
Catherine Bodenstein, Committee Secretary  
Melissa Loomis, Committee Assistant



**OTHERS PRESENT:**

Barbara K. Cegavske, Secretary of State  
Wayne Thorley, Deputy of Elections, Office of the Secretary of State  
Matthew Tramp, Private Citizen, Las Vegas, Nevada  
Patti Jesinoski, Private Citizen, Henderson, Nevada

**Chair Jauregui:**

[Roll was taken and Committee rules and protocol were explained.] Welcome, everyone. I want to welcome our Secretary of State, Ms. Cegavske.

**Barbara K. Cegavske, Secretary of State:**

Thank you very much and good afternoon to Chair Jauregui and members of the Committee. My name, for the record, is Barbara Cegavske. I am the Nevada Secretary of State. It is absolutely our pleasure to be here today. We want to thank you for having us give the presentation for the Office of the Secretary of State. We are here to give you an overview of the work that the Secretary of State's Office does regarding elections in Nevada. We have, for the record, eight divisions and we have six deputies. At my left is Chief Deputy Scott W. Anderson, and our presenter today will be Deputy of Elections Wayne Thorley.

**Wayne Thorley, Deputy of Elections, Office of the Secretary of State:**

Good afternoon, Madam Chair and members of the Committee. With your indulgence, Madam Chair, I would like to introduce some members of the Elections Division. We are a small team but a mighty team. In the back row here—if you could raise your hands—is about half of our elections team. We also have one county election official from Douglas County here.

I am going to go through this presentation fairly quickly out of respect for your time. Obviously, we are more than willing to answer any questions you might have. On page 2 ([Exhibit C](#)), we provide a brief overview of some of the functions of the Office of the Secretary of State. Although it pains me, we do more than just elections. Elections is the most important, of course. We also have the Commercial Recordings Division. We run the state business portal and the Nevada Lockbox. We license notaries and do a lot of different things. We have offices here in Carson City, and we also have an office in Las Vegas.

On page 3, you will see the specific functions of the Elections Division. The Secretary of State is the Chief Elections Officer for the State of Nevada, which means she is charged with overseeing and administering all elections and enforcing all federal and state election laws. We handle candidate filings. All campaign finance reports are filed with our office through our online filing portal. We enforce the campaign practice laws and everything else with elections. The county and local election officials do a lot of heavy lifting when it comes to elections by actually putting on the election, and we perform a lot of the administrative functions.

On page 4, you will see the recent voter registration numbers from February 1, 2019, by county and by party. We have just under 1.6 million active registered voters in Nevada. We have another approximately 200,000 inactive registered voters for a total of about 1.8 million registered voters statewide.

On page 5, you will see some turnout numbers on the 2018 Primary Election. Total turnout was just under 330,000. That equated to 22.9 percent of active registered voters, which does not sound like a lot, but it actually was one of the highest turnouts we have had for a primary election in the recent past. You can also see how turnout was divided up between Election Day turnout, early turnout, absentee turnout, and mailing precinct turnout.

We distinguish between absentee and mail turnout for reporting purposes. An absentee vote is a ballot that a person requested through an absentee ballot request. It was sent to them; it was marked; and it was sent back. A mail ballot is a ballot that is sent to a voter in an all-mail precinct. Certain precincts with under 200 registered voters can be designated by the county election officials as an all-mail precinct. These are generally rural precincts with a small population. All the voters in an all-mail precinct are automatically mailed a ballot for every election in which they are eligible to vote. They do not have to request a ballot. We distinguish between absentee and mail ballots for reporting purposes, but they are basically the same. It is a ballot that a person marks and returns.

On page 6, you will see the same summary, but the 2018 General Election saw just under 976,000 voters. That equated to a 62.4 percent turnout, which again was the highest turnout as a percentage since 2010. We have the same breakout here. You will see the early voting is very popular. Over half of the voters cast their ballots during the 14-day in-person voting period.

On page 7, we have a history of early voting and you will see how the popularity of early voting has increased over the years going all the way back to the 2000 General Election. During the early voting period, 33.6 percent of the votes were cast, and in this most recent election that number was 56.8 percent. You will see three years ago in the 2016 General Election, early voting reached 62.4 percent. Early voting is always popular, but it is more popular in presidential election years, so you will see it being higher in 2016 and 2012 than in 2014 and 2018. You will also see that turnout via absentee and mail has shrunk over time. As early voting has become more popular, fewer and fewer voters have opted to vote via absentee ballot.

On page 8, we wanted to highlight our election night results website, which is [SilverStateElection.com](http://SilverStateElection.com). I imagine you are all familiar with it. This is a website we built in-house with our IT staff. We are very proud of it. It is mobile compatible so you can pull it up on your cell phone or tablet and it displays in a user-friendly manner with its visual references. We provide live feed to media outlets if they want it so they can post results on their websites also.

On page 9, we have some website traffic statistics from the 2018 General Election. On our election night results website, we had from Election Day, November 6, 2018, and the day afterward, November 7, 2018, 165,481 users on our website, 284,491 sessions, and more than 1.5 million page views from those users during that 48-hour period. The chart at the bottom of the slide compares the 2018 General Election traffic to the 2016 General Election traffic. The blue line represents the 2018 General Election and the orange line represents the 2016 General Election. You can see that our website does not get a lot of traffic until right around Election Day, then it spikes and trails off again.

On page 10, our number of users from the 2016 General Election to the 2018 General Election increased by 63 percent. The number of page views from the 2016 General Election to the 2018 General Election increased by 161 percent. We are getting a lot of use out of this website. It is becoming more popular. You will notice on the line chart at the top, the majority of the traffic is right around the time polls close on election night, then it drops off and jumps again the next morning for either those who could not stay up that late or those who live on the East Coast and went to bed and checked the election results in the morning.

All the counties used new voting machines for the 2018 election cycle. Page 11 summarizes what we did there. Two years ago the 2017 Legislature appropriated \$8 million to our office to grant assistance to the counties for the purchase of replacement voting equipment. We are extremely grateful for that. To those of you who were here two years ago, thank you very much for that. The counties really appreciated it. I can tell you that as I talk to my colleagues in other states, they are extremely jealous of the support that the Nevada Legislature provided for this purpose. Many of them have gone to their legislatures and have not been able to get their legislatures to provide state funding. We are very, very grateful for that and again, thank you very much. This money was granted out to the counties. The counties used it to purchase new voting machines. They also brought in their own funding to make up the difference. Each county had to provide funding that it put together. It was a collaborative effort between the state and the counties to buy the new voting machines. They then rolled those out for the 2018 Primary Election and used them again in the general election.

Sixteen of the counties purchased a direct-recording electronic (DRE) system. Carson City purchased a ballot marking device (BMD) system. If you go to page 12, we have pictures of both types of systems. At the bottom of the left-hand corner is a DRE machine, the actual machine that the 16 counties used. It is from Dominion Voting Systems. There is a giant touch screen where the voters mark their selections. Right next to it is a printer. It is known as voter-verified paper audit trail (VVPAT). At the same time, the votes are recorded electronically on the internal memory of the machine. It is also stored on a removable storage device. There is a paper cast-vote record of every ballot cast. Voters, before they actually cast their ballots, have the opportunity to review their selections on the VVPAT printer, make sure those are correct, then cast their ballots.

We use the paper record for audit purposes after every election. A random sample of machines, between 2 and 3 percent of those used in the election, depending on the county

size, are pulled out for an audit. We compare the paper vote record to what the machine—the electronic vote record—actually said the vote was. Since we have been doing that, it has always matched up 100 percent. If it did not, we would certainly have a problem. This is an audit that is done to make sure that the vote totals are not tampered with—for example, if someone hacked into the machines and was able to change the results. This audit is designed to catch that.

At the bottom right-hand corner is a ballot marking device. This is the system that Carson City uses. It looks very much like a DRE. Voters make their selections on the touch screen. The difference is that it prints out a ballot after a voter makes his or her selections. The voter actually handles this ballot. It is not like the DRE where the paper record is kept on a printer spool. The voters then can check the votes on their ballot. They take it to a precinct scanner at the polling location and deposit their vote into the scanner there. At that point, they have cast their ballot and they leave. A ballot marking device is a hybrid of an optical scan voting system wherein a ballot marking device is used in place of marking the ballot by hand. It is beneficial for accessibility purposes. All the ballot marking devices come with headphones for those who are visually impaired, and it also has accessibility equipment for other people with different disabilities. You can change the text size and the color of the screen. Both the DREs and BMDs are built with accessible features so that everybody can cast a ballot independently.

The Office of the Secretary of State's website is NVSOS.gov. We have a lot of information on our website relating to candidates and important dates relating to the election. Page 13 is a screenshot of our voter registration search. We call it "MyVoterFile." Any registered voter in the state can log onto MyVoterFile and verify that they are registered to vote. They can check their party affiliation, their precinct number, and their polling location. They can even pull up an image of their sample ballot. All that is done through the MyVoterFile portal.

We also run the state's online voter registration portal. It is called the "Nevada Online Voter Application," or NOVA [page 14]. The website is [registertovotenv.gov](http://registertovotenv.gov). The website is connected directly to the Department of Motor Vehicles (DMV) and the Social Security Administration (SSA). While people are interacting with the website and entering their information, we are verifying their information against those databases to comply with the Help America Vote Act of 2002 (HAVA) voter identification requirements. There are nine additional days to register to vote online beyond the mail-in voter registration deadline. That used to be seven days. Two years ago the 2017 Legislature added two more days onto that. For the 2018 General Election, just over 20,800 people were able to either register to vote for the first time or update their voter registration information during those nine days.

We have had online voter registration in Nevada for just over eight years. We were one of the first states to implement that. Since online voter registration has been available in this state, just under 500,000 people have used it to register to vote or update their voter registration information. The chart at the bottom of page 15 shows the number of completed new registrations or updated registrations. The new registrations are represented by the teal color; updated registrations are shown in blue. For the days leading up to the close of

registration for the 2018 General Election, you will see various spikes in the traffic. For example, September 25, 2018, was National Voter Registration Day so there was a big push to get people to register to vote nationwide. That is why there is a jump there. There is also a jump on October 9, 2018. That was the close of registration by mail. On the last day to register to vote, which was October 17, 2018, we actually had the most successful registrations with 5,160 registrations on that day alone.

The Secretary of State's Office is the filing office for statewide initiative and referendum petitions. During the 2018 election cycle, we had various petitions filed with our office. The next couple of pages are just a summary of those petitions. We had three initiatives to amend the *Nevada Constitution* filed with our office during the 2018 election cycle. One was denied pursuant to a court order. One was deemed insufficient for failure to submit signatures by the deadline, and one did qualify for the 2018 General Election ballot. It was the Renewable Energy Promotion Initiative, which was Question No. 6 on the ballot. That was approved by the voters 60 percent to 40 percent. Because it proposes to update or amend the *Nevada Constitution*, it will be presented to the voters again at the 2020 General Election. If approved in the 2020 General Election, it will become law [page 16].

On page 17, you will see that we had one initiative filed with our office to amend statute. That one was deemed insufficient for failure to submit signatures by the deadline. Then we had two referendum petitions. One was withdrawn and the other was deemed insufficient. For the upcoming election cycle, any statewide initiative or referendum petition will need 97,600 signatures statewide, and that includes at least 24,400 from each petition district. A petition district is a congressional district. There are four petition districts in Nevada and they line up geographically with the congressional districts. Petition signature-gatherers are required to gather petition signatures across the state. They cannot just gather them all from, say, Las Vegas. The first day you can file a referendum petition with our office for the upcoming election cycle is August 1, 2019. The first day for constitutional amendment initiative petitions is September 1, 2019. For statutory amendment initiative petitions, the first day to file is January 2, 2020 [page 18].

As I mentioned previously, our office is charged with enforcing all federal election laws. That includes HAVA, which was signed into law in 2002 [page 19]. In addition to requiring the states to adopt certain uniform standards related to voting, HAVA came with a fairly significant amount of money for the states to update their voting systems. To date, Nevada has been awarded \$27.6 million dollars through HAVA. That includes the 5 percent match that the state has been required to provide. Every HAVA grant comes with a 5 percent match requirement for the state to accept it. Last year the United States Congress awarded us approximately \$2.5 million. Again, that is with the 5 percent match through HAVA specifically for election security purposes. Some of the provisions of HAVA include provisional voting; that is where provisional ballots come from. That was a requirement in HAVA. Other provisions include requirements regarding voting information, minimum standards for voting equipment, the requirement for every state to have a statewide voter registration database, and, more recently, election security and cybersecurity practices.

There are also federal laws that cover military and overseas voters. There is the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and there is also the Military and Overseas Voter Empowerment (MOVE) Act. Those are the two big ones. They provide protections for our military members who are on active duty and United States citizens residing overseas, allowing them the ability to vote using an absentee ballot. We have to get those ballots out to them no later than 45 days before an election because many of these voters live in areas where they have unreliable mail service and there are delays in getting the mail to them, so there are very strict deadlines in getting that information out to them.

We also are required to have the ability for these voters to track the status of their return ballots. They can log onto our website through the MyVoterFile and check the status of the ballot they returned. During the 2018 General Election, just under 3,000 military and overseas ballots were counted and the vast majority of those were transmitted electronically via email [page 20]. It is another protection that is provided to military and overseas voters. They can return their ballots via email instead of via traditional mail. It allows them to avoid any hurdles that come with mailing their ballots.

To make that process more efficient, our office has developed a tool called the Effective Absentee System for Elections (EASE). We developed this program with a grant from the Federal Voting Assistance Program (FVAP). It is an online portal that allows qualified military and overseas voters a place where they can register to vote. They can request a UOCAVA ballot. It is called a Federal Post Card Application. They can also pull their ballot up there and mark it there online. Then they can return it. Now, it is important to note that EASE is not online voting. Users are not actually voting online. It just allows them to do a lot of the paperwork up front electronically—even mark their ballots—but they actually have to either print out their ballots and mail them back or save their ballots and email them back to the county election official. There are some obvious security risks that come with email. One of the things we implemented for this election was automatic encryption of their ballots. If they chose to return their ballots electronically, when they saved them from EASE they were automatically encrypted, then the counties had the key to decrypt them. This is so that if a ballot is intercepted in transit over the Internet, it is not readable by whomever may have intercepted it. At the bottom of page 21, you will see the return rate for the users of EASE. It is a great tool that allows these voters to be able to avoid some of the hurdles that come with voting overseas.

We talked briefly about election security. I wanted to give a little bit more detail about what our office is doing [page 22]. I think, as you all are aware, about two years ago election infrastructure was designated as part of the nation's critical infrastructure under the United States Department of Homeland Security. I mentioned there was a grant from HAVA that came with that \$4.5 million. We also secured a just-over-\$100,000 grant from the Department of Public Safety in the Division of Emergency Management for cybersecurity purposes. We have used this funding to become a leader in election security nationwide. Some of the things we have done, and we are a leader in, include having all of our county election offices join an organization known as the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC). This is an entity that was created because of the

critical infrastructure designation. It is a free membership organization that is available to all state, local, and territorial election officials. They provide great services such as information-sharing, threat-monitoring, and risk mitigation; and if you have been the victim of a successful cyberattack, they provide mitigation response and resources. The United States Department of Homeland Security also offers a number of free services to state and local election officials, many of which our office and the county election offices have taken advantage of.

One other specific area in which Nevada is a leader is intrusion detection systems—known as Albert sensors. These are monitors that are placed on your network, just behind the firewall, and the counties are installing them using some of our grant funds on the network that hosts their county voter registration databases. These are databases that we know are targets for hackers—at least two states that we know of have been successfully hacked. We know it is a target—not just for election interference purposes—but it has a treasure trove of information on individuals, so your run-of-the-mill identity thieves are interested in the information on there too. We are installing Albert sensors on those networks. It monitors incoming traffic and aggregates data that the sensors collect nationwide to be an extremely smart system. It looks for certain signatures and network traffic. It alerts on that. We are made aware from the EI-ISAC that there may be malicious traffic either coming your way or attempting to get into your systems.

Lastly, I wanted to point out that last week the United States Department of Justice and United States Department of Homeland Security submitted a report to the President stating that they found no evidence that any foreign government had a material impact on the integrity of the 2018 General Election.

The Secretary of State's Office also runs the Nevada student mock election [page 23]. We do this in conjunction with the Department of Education and the Office of the Governor. It is a web-based tool. The website is [YouthVote.NV.gov](http://YouthVote.NV.gov). Schools can go on that website and register for the program. They can sign up their students. All the voting is done online through the website. The results are available on a statewide basis or on a by-school basis so students can look and see how their peers in the school voted or how their peers statewide voted. We had more than 43,000 students register last year for the mock election in 92 schools, and just under 13,000 ballots total were cast for the student mock election. A thing about the student mock election is that it often acts as an indicator of how the actual election results are going to be. Looking at how the students voted can often be a predictor of the actual election results.

On page 24, we have some information about voter list maintenance. Both federal and state law mandate election officials do routine and uniform voter list maintenance. The duties in Nevada are divided between our county election officials and the Secretary of State's Office. The county election officials in Nevada are charged with maintaining the actual voter registration records. They actually conduct the list maintenance: removing deceased voters from the roles, sending out mailers to voters who they believe have moved, and removing voters from the roles who have moved. The Secretary of State's Office coordinates the



data-matching and validation of the data with our county election officials. We draw in data from a variety of sources such as our State Registrar of Vital Statistics in the Department of Health and Human Services for death certificates. We get information from the Social Security Administration's Death Master File and from the Department of Motor Vehicles.

We are also a member of an organization called the Electronic Registration Information Center (ERIC), a voluntary membership organization. There are 26 members—25 states and the District of Columbia. What the members agree to do is periodically upload their entire state voter file and their entire state DMV database. Then we use sophisticated matching software to look for voters who may be registered to vote in more than one state. The DMV participation is integral to the success. When voters move, they generally do not notify their county election official that they moved. It is just not something that people do, but they generally do notify the DMV that they moved. We get really good up-to-date data from the DMV, so its participation is important to the success of this project. We are one of the 7 founding states of ERIC, and it has grown from 7 to 26 members. There are a lot of other states that are also seeking to join ERIC to participate in the benefits.

I should also mention that it is not a list maintenance tool; it is a voter outreach tool. Part of the membership agreement with ERIC is that we have to periodically reach out directly to individuals who are not registered to vote but who are eligible to register to vote. We time those postcards to go out before the election but close to the registration deadline when people are paying most attention. It is a postcard that says our records indicate the individual is eligible to register to vote and that he or she can do it online—we even provide a link. We have done various treatment types and worked with researchers from different universities to try and design an outreach postcard that is most effective. We have even used Quick Response Codes and Snapcodes to try to target different audiences and see how effective those things are. We have landed on a model that is pretty effective and gets a response rate from anywhere between 10 to 15 percent. For a direct mail piece, it is pretty successful.

Our office runs something that is known as the Election Integrity Task Force (EITF). This was created under ex-Secretary of State Ross Miller, and Secretary of State Barbara Cegavske has continued it [page 25]. It is a partnership with various federal, state, and local law enforcement agencies. What the group does is investigate complaints regarding potential election violations such as voter registration practices, voter fraud, any issues with voter intimidation, and tampering with voting equipment. It has been a very successful partnership. We have a command center that we put together on Election Day which is a central processing center through which we run information. We are able to get information out and send someone out into the field, as needed, to respond to any potential incidents. It has been a very successful program. The Federal Bureau of Investigation and the United States Department of Justice have identified the EITF as a national model for responding to election-related complaints.

The screenshot on the next page 26 may look familiar to you. It is of our campaign finance reporting system, known as AURORA, which I am sure you all have great feeling toward. All Contributions and Expenses Reports (C&E) and Financial Disclosure Statements are

required to be filed electronically with our office. There is a limited exemption for those who do not have access to a computer, but 99.9 percent of these are filed electronically. It allows the public and members of the media or other interested parties to actually search information regarding contributions or expenditures. We are undergoing a significant upgrade to this website. We get calls from candidates with questions on a not infrequent basis reporting that it is difficult to use, so we have heard those comments and we are working on some enhancements that will hopefully make it a better process. We hope to roll those out sometime this summer.

On page 27, we wanted to show you the usage rate that AURORA gets. For the 2018 election cycle, we had nearly 9,000 reports filed online. You can see that there are those that sometimes file late. We send out "nastygrams," so if you have received a nastygram from our office, I am sorry, but it is what the law tells us to do. There are those who do not file and we send them nastygrams. There are financial penalties associated with non-filing. If we cannot get them to file, then we will turn those cases over to the Office of the Attorney General.

The 2017 Legislature approved some significant changes to the C&E reporting process. The chart on page 28 highlights those changes. Those changes went into effect January 1, 2019. There are municipal elections this year, so the first report due is October 15, 2019. These changes are effective for those reports. You all had to file reports on January 15, 2018, but those changes were not effective for those reports—it is going forward. Under the old law, there were five reports due during an election year and the due dates varied depending on when the primary and general elections were held. The first report was due 21 days before the primary election; the second was due 4 days before the primary election; and then the same sequence for the third and fourth reports in relation to the General Election. Going forward, there will be four reports due on a quarterly basis during an election year, so we will do April 15, July 15, October 15, and January 15. It will be much easier to remember the due dates.

Candidates will also be required to report what is known as an ending fund balance, or cash on hand. Under the old law, every C&E report only had to show money in and money out during that period as contributions and expenses. Now there will be an additional field required and it is going to be the money you have in your bank account: cash on hand.

The other change was related to the itemization of expenses put on your campaign credit card. All candidates and committees now have to itemize those expenses. Instead of just saying, I spent \$80,000 with Visa, you actually have to itemize what those expenses were, so if it was \$20,000 for direct mail pieces and \$30,000 for a TV commercial, or whatever it broke out to be, you will need to itemize that out.

The last couple of pages briefly go over some of our bills. These will all go before your Committee, so I do not want to spend too much time on them. We have Assembly Bill 50, which seeks to change the dates of all municipal elections from odd-numbered years to even-numbered years to coincide with the regular election cycle when we hold federal, state,

and county elections. Right now about half of the cities hold their elections in the off-year and about half hold their elections in conjunction with the regular election cycle. That is a choice that the county can make right now. This bill would take away that choice and force them to go onto the general election cycle. We are requesting this and asking for the Legislature's support because it will dramatically increase turnout. At the off-year elections, turnout is generally under 10 percent, anywhere between 6 and 10 percent of active registered voters. It costs the cities a significant amount of money to put on these elections. If they were held in conjunction with the county elections, it would be a much lower cost to the cities because the counties are already holding an election.

We also have a cleanup bill. Bill Draft Request (BDR) 24-969 seeks to make some minor changes to deadlines and reports and things like that to help improve the administration of elections. There are no major policy proposal changes in there.

Then our last bill, Bill Draft Request (BDR) 24-970, is an election security bill that seeks to implement certain processes to improve the security of elections in this state.

That is it, Madam Chair, for our presentation. I thank you for your time today. We are willing to answer any questions that you or the Committee may have.

**Chair Jauregui:**

Thank you, Mr. Thorley. We do have a few questions.

**Assemblywoman Monroe-Moreno:**

I often, more often than I should, meet people who say, I registered to vote, but then when I showed up, I could not vote. They registered after the online deadline, just before the election, thinking they would be able to vote in the election. By chance, do you have the numbers of how many people registered in that time period?

**Wayne Thorley:**

I do not have those numbers with me, but I will get them and provide them to Ms. Stonefield so that she can distribute them to the Committee. I will say, when a person registers to vote online after the close of the registration period—so after the deadline to register to vote—they are given a pop-up on the screen that advises them that they missed the deadline and that they will be registered to vote, but it will be for a future election. I will certainly get those numbers to you.

**Assemblywoman Monroe-Moreno:**

Thank you. Another thing that we hear about is voter fraud. I personally do not believe that there is a large amount of voter fraud in our state, but I was in a hearing today, listening to someone testify about all the voter fraud in our state. Could you speak more to that? This gentleman talked about all the dead people on our rolls that were still voting, the fictitious names on our rolls that are still voting. Could you speak to that? I think you said something earlier about two counties that were hacked. Were those two counties here? What was the

nature of hacking and did we find out who did the hacking? Those are many questions, I apologize.

**Wayne Thorley:**

It was two states: Arizona and Illinois. We are not aware of any successful intrusion into our voting systems in Nevada.

**Barbara Cegavske:**

Just to let you know about voter fraud, one of the issues that we have and we see as the most significant is in the registration forms. Last session we had a bill in asking for help to make sure that everybody is qualified and that they are certified and trained to be a voter registrar. We do have some issues with groups that come in and they will register somebody. We have some people who have registered, and you will see that all the signatures on about 50 forms are the same. That is where, I think, our biggest problem is, but we have the best—you are very, very lucky, but we have the best—clerks and voter registrars anywhere. They catch so many of those, but we do have an issue with the voter registration forms.

We have had small cases; I am talking about small numbers of issues. Some of it is that you have to have enough information for a prosecutor to take the case. We have had some. We prosecuted one—she is out of jail now; she went to prison. We do not have a significant number that we are aware of. We do take every complaint very seriously. Everybody who ever files anything, we do take that very seriously. We look into those complaints and try to verify the information. Then, if we have a case, we will bring it to our criminal investigators for civil action. We work with the Office of the Attorney General very closely on all of those. We do have some ongoing cases we cannot talk about. They are not large numbers, if that is what you are looking for. I think that is what you were talking about. We feel really good about the elections in Nevada. As I have said, we have 17 counties that really take this seriously and really do a very good job. I hope we answered all your questions.

**Assemblywoman Monroe-Moreno:**

You did, thank you. I have other questions, but I will let other members ask.

**Assemblywoman Miller:**

I know I am just arriving, but I did read through the PowerPoint. I was actually triggered by a question that Assemblywoman Monroe-Moreno asked. On the night of election, I was out there and there were many community members who were stating that they had registered to vote, through another company or another organization, not directly through the Office of the Secretary of State. We were giving people phone numbers and all of those hotline numbers, and they were eventually given the provisional ballot. But when it was provided, I was taken aback, as were the community members, the voters. I guess we all anticipated the provisional ballot would be an actual temporary ballot for the day and yet we discovered that they could only vote for the Governor and United States Senate. Can you explain the reason for that, and what we can do?

**Wayne Thorley:**

Under current state law, the provisional ballot is only for federal contests. That could be modified with a change in the law. But under current state law, all provisional ballots are only for federal contests. Regarding the voters who registered to vote through a third-party entity, as the Secretary mentioned previously, that is where we see the highest amount of issues—through these third-party groups. Some of our successful prosecutions have been of members of these third-party groups for either failure to turn in voter registration forms or for actually changing information on the form after a voter has already filled out the form and given it back to this person. Every voter registration application in paper form that we issue in this state has a warning where we encourage every voter to turn it in on their own. We encourage voters to register through official sources, either online through our website or at the DMV or other voter registration agency, because of the issues we have seen with these third-party groups. I should clarify that it is not all of them. There are a lot of third-party groups that do a great job at voter registration and we appreciate the work they do getting more people onto the voter rolls. There are a lot of good groups in this state. Both of the major political parties do a good job and there are other groups that do an excellent job. But there is just a small handful that do not do a good job. Every paper application has an application control number on it. We are able to track that application back to the group that we gave it to. If we are aware, if a voter lets us know that he or she registered and has his or her receipt, we can take that number and track it back to a form we gave to a group. We can reach out to that group and ask what is going on. We have had to do that several times in the past.

**Assemblywoman Miller:**

As you stated, it does just state the federal offices. Why would that not include the congressional races? Or does it and I am just going off of what the voters said?

**Wayne Thorley:**

It is federal statewide offices.

**Assemblyman Leavitt:**

My questions go along with the questions of the other representatives. You hear a lot of stories during the election about different things happening, such as trucks full of ballots being delivered insecurely. Maybe we could just clear the air and you could give the truth about it because I guess I trust you over some media source getting out there and saying certain things. That is my first question. How much truth is there to that and if there was any truth to it, are there provisions that have been put in place to guard against that in the future? Secondly, with the DMV registrations, do you have a process in place to run checks on the validity of those registered or the certification of the registered party that does it at the DMV? Although I think it is a great idea and it will increase voter registration, with that increase there is the potential for registration fraud, which you have mentioned is our biggest area of fraud versus voter fraud itself.

**Wayne Thorley:**

Regarding some of the stories that you hear, and generally these are stories from other states about ballots being found after the fact or trucks full of ballots being sent out insecurely, I would encourage each of you, if you have not had the chance to be an election observer in any county, but particularly Clark and Washoe Counties, to observe the process they go through on election night from transporting ballots from the polling place back to the county office where tabulation occurs. There are a lot of checks and security procedures that go into that. Tamper-evident security seals are put on at the polling place and removed at the tabulation location. Those all have a number on them, too, so they are checked to make sure they are the same seals that were put on when they come back and they have not been damaged or removed. Every results cartridge has a serial number on it and those are verified. In the election management system, we are able to see every machine that has been sent out to make sure that the results from those machines have actually been tabulated. If a polling place accidentally did not remove the storage devices from some of the machines before the end of the day, we would be able to know that on election night because we would be able to see in the system that we are missing things. As far as missing ballots, I think we have a pretty good process in place if those procedures are followed, and the counties do a good job following them. We should not have any major issues where we have ballots that either go missing or that are transported in a manner that is not secure.

About your second question regarding the DMV: the federal and state election law requires us to perform what we call HAVA validations. This comes from the Help America Vote Act, which is why we call it that. We are required to verify a person's identity and residency before he or she becomes a no-ID-required voter. If we can validate who you are, then you can show up and vote and you do not have to present any kind of identification. The way we accomplish that is through checks nightly. When we get the voter files from the counties every night, we run a check against the DMV database and the Social Security Administration's database and they let us know that they have a record of this person and it is a real person. We verified their identity and residency. We rely on the work that the DMV and the SSA do on their front ends. When people come in to get driver's licenses, the DMV is verifying that they are actual people, that they actually are residents. The documentation you have to provide to the DMV to get a license is different than the documentation you have to provide when you register to vote. We rely on the information that the DMV collects to vet these voters.

**Chair Jauregui:**

I have a quick follow-up to that. You said that we could go and see the results come in. Is that open to the public, or do you have to sign up to go see them?

**Wayne Thorley:**

Observation of both the voting process at the polling locations and the tabulation process back at the central counting office is all open to the public. I am sure the county election official would appreciate a heads-up, but it is not something you have to sign up for. Any member of the public can observe that process. The other process is that we perform

pre-election testing and post-election auditing. Those processes are all open to the public for observation.

**Barbara Cegavske:**

Also, Clark County, the largest county in the state, gives tours. If you have not been through the Election Department, you need to do that. If one of the smaller counties is something you would like to see, they also would love to have you come through and see their systems. We do a road trip every other year and we go to all 17 counties. We really enjoy it. We go in and find out what their needs are and what they are doing. That is what we did when we calculated and looked at everything for the new machines and what they might have needed. Then we talked to their county commissioners and came back and worked with the Legislature.

Again, I am grateful to the Legislature of the last session. Assemblywoman Maggie Carlton worked really well with us in looking at and trying to secure that money. That was a great gift and I know they are all very appreciative. I have to tell you, everywhere we go through this great country, they all give a thumbs-up to Nevada because they hear nothing but good about our elections. Again, I attribute that to a great elections deputy and his staff, but also to the 17 counties. They do an amazing job. They are on the front lines. They are the ones that are telling us of any inaccuracies or anything they see that they have questions about. We really do appreciate working with them. So, thank you.

**Assemblyman Fumo:**

Speaking of a great staff and a great job, I respect everything you do. You have been tasked with something as huge as same-day voter registration. What is the plan for the counties and the state to implement that?

**Barbara Cegavske:**

This is automatic voter registration. As soon as the Automatic Voter Registration Initiative [Question No. 5] passed, I called Terri Albertson, the director of DMV at the time, and asked her if we could set up a meeting. We have been meeting ever since. We have been in contact with the Governor. We have a little bit of a challenge because DMV, as you know, is about two years behind in its remodernization. They are having to come to you to get funding again for a new vendor. That is one of the issues. The other issue is that they are going to have to put in what they can do and then we will come in. We are trying to work together. We do not have a plan yet because there was no money allocated and there was no staffing allocated for Question 5. We are working the best we can and doing what we can. Again, we have a great team that we have assembled because we do have in-house IT. We are looking at it all, but we just do not know a lot of it right now because, again, there was no plan or anything sent forward to us. We are having to figure it all out ourselves.

**Chair Jauregui:**

I have a follow-up to that. Have you looked to any other states that have implemented automatic voter registration to see their plans so you do not have to reinvent something that is maybe already working in another state?

**Barbara Cegavske:**

Yes, we are right now compiling information from the states. It has been very interesting because we do not want to follow what California did. I do not know whether you have read the paper or not, but they had some issues. I know that Ms. Stonefield knows about those, but you might want to find out and read up on some of that. We are looking at the states that have been successful. Mr. Thorley just got back from his national meeting and heard some testimony about some of the states. There are a couple of other states that have done some things. There are some states you want to follow and some you do not. Then you want to look at what their past practices are, what they are doing, and then take those. We—both the DMV and the Secretary of State's Office—are in the process of doing that. We are both looking at those. You are absolutely right. I would rather have a pattern that we can go along with and then model it to what we need.

**Assemblyman Daly:**

I apologize if I missed that. I had to go back down to the Committee on Judiciary for a minute. I know your staff was saying that if you are in an all-mail-in precinct, you get your ballot by mail every time as long as you are in that precinct. My question concerns when you have to request the absentee ballot. What is the procedure and has it changed? Do they have to request that every single election cycle? If they requested it in the primary, are they going to automatically get it in the general? People ask me that all the time. And I have one follow-up after that. I thought there was going to be a change where if you asked for the absentee ballot, you stayed absentee until you opted back out.

**Wayne Thorley:**

The 2017 Legislature did approve a limited form of what is known as permanent absentee. This is for voters with disabilities or voters who are 65 years old or older and is on every absentee ballot request form. The process is that the voter has to fill out an absentee ballot request form, and that has to be done if you are not on the permanent list for every election cycle. If you do it at the beginning of the year, you will get your ballot for both the primary and general elections, but if you are not on the permanent list, you will have to do it again for the next election cycle. On the absentee ballot request form, there is a box where voters can indicate they have a disability or are 65 years old or older. The county then will add them to the permanent absentee list. For that voter, it will be the last absentee ballot request that they have to submit. Then for every election in which they are eligible to vote, they will automatically be mailed an absentee ballot. It is limited to just those groups of people. It is not available to everyone.

**Assemblyman Daly:**

So not everybody can register as a permanent absentee?

**Wayne Thorley:**

Just voters with disabilities and voters who are 65 years old or older can. Again, that was a law change that the 2017 Legislature approved.



**Assemblyman Daly:**

People have asked me and they would have questions. I would say, there is a time limit on when you can request that. Obviously, you have to have time to do your work and then mail it to them so they can get it there.

The follow-up was, I had a couple of people who requested their absentee ballots, got their absentee ballots, but then wanted to go and vote in person. Tell me if I am wrong. What I told them was, "Not if you have already mailed your ballot in." I said, "Do not do that." I said, "If you take your ballot that you have and turn it in to that person, then they would let you vote in person." That is what I understood to be the best way to handle it.

**Wayne Thorley:**

That is absolutely the correct way to handle it. Any voter who has requested an absentee ballot but later decides he or she wants to vote in person can bring his or her ballot in and surrender it there at the polling location. If they do not have their ballots with them, they can also sign an affidavit there at the polling place stating they will not vote their ballot that was mailed to them, and then we will let them vote in person.

I did fail to answer one of your previous questions. I apologize. The last day to request an absentee ballot is seven days before the election, so the Tuesday before the election. Quite honestly, that is pushing it. The new mail delivery standards that came out in the last couple of years from the United States Postal Service do not give the voter a lot of time. Within seven days, an applicant would have to get that request to the county; the county would have to fulfill the request and mail the ballot out to the voter; and the voter would have to receive it, mark it, and mail it back. Those seven days are extremely tight.

**Chair Jauregui:**

When do ballots have to be received by the elections department?

**Wayne Thorley:**

All absentee ballots and mail-in ballots have to be received by 7 p.m. on election night, so they must actually be in the hands of the county election official, not just postmarked or at the post office. All the counties are very good. They have good relationships with the mail processing centers in their jurisdictions and routinely send staff over there throughout Election Day to grab any of the ballots that are sitting there so that we have as few voters as possible who are not able to vote because it comes in after the deadline.

**Assemblyman Fumo:**

What are the federal requirements for updating or purging the voter list?

**Wayne Thorley:**

The federal list maintenance requirements are found in Section 8 of the National Voter Registration Act (NVRA) of 1993. It was signed into law in 1993. The process outlined there requires a county to send what is known as a confirmation card or an NVRA-compliant card to the voter. If that card gets returned as undeliverable and then that voter does not vote

for two federal election cycles—so this is a four-year period—then the election official can remove that voter from the rolls. Our state law mirrors federal law in that respect.

**Assemblywoman Monroe-Moreno:**

Regarding our military voters, you said that the absentee ballots have to be in hand by 7 p.m. on election night. In your PowerPoint, only 71 percent of the ballots were returned electronically by email. Were the others returned as paper ballots? A number of our military are serving far away. What happens to those ballots if they come in later? Are they not counted at all?

**Wayne Thorley:**

Any mail ballot, whether it is from an in-state voter who just chooses to vote via absentee ballot or a military and overseas voter, that is received after that deadline is not counted. One of the reasons federal and state laws allow military and overseas voters to return their ballots electronically is precisely so that they do not miss those deadlines. It is another reason we mail those ballots out 45 days in advance of the election to give those voters plenty of time to receive them, mark their ballots, and have them in on time if they choose to return them by mail. There is also a third return method and that is by fax. Hardly any voters choose to return it that way though.

**Assemblywoman Monroe-Moreno:**

On a totally different subject, I believe in getting kids involved early so I love the mock election. Is there a certain grade in which the mock election starts? Does the school decide? Do you decide which grade that starts in? How many schools are doing it? If there are schools in our districts that are not doing it, how do we get them involved?

**Wayne Thorley:**

We are always looking for help to get the word out about the student mock election because we think it is such a great program. Any school, any grade is eligible to participate. We have three different ballot styles and they are tailored to different age groups. There is the full student mock election ballot that is tailored more toward your high school kids, your government classes, and your civics classes. It has the mock election of all the actual contests that their parents will see on the ballot, even the ballot questions. There is also a modified ballot, which is just a shorter version of the full ballot. And then for the younger kids, the elementary school-age kids, we have a very limited ballot with some questions about favorite ice cream flavor and things like that to introduce them to the concept of voting, but they are very simple questions. The school administrator or the teacher who signs up for the student mock election gets to choose which ballot style they want to use. It is up to them; they know their students better. It could be a very advanced fifth-grade class and they may want to see the full ballot or the modified ballot. We leave it up to the schools and the teachers to make that decision. When they sign up they can make that selection.

Regarding assistance in getting the word out: we just talk to schools. We work with the Department of Education. We try to make the process as seamless and easy as possible, recognizing that teachers have a lot to do. They have a lot on their plates. We do not want

them to view this as just one more thing that they have to do that is going to take up their time, so we try to make it very seamless. We send out letters to all the principals and all the superintendents, right after the summer break as school is starting, to let them know about the mock election. I would certainly appreciate any help in getting the word out.

**Barbara Cegavske:**

Madam Chair, if I might follow up a little bit on this: I had the pleasure, when I first started, of going to a fourth-grade class out at Boulder City. I had Clark County bring out ten machines. They came out and they had inputted what the students had decided they wanted to vote for. They decided that they wanted to choose between two teachers. They were fictional teachers—one gave recess and one did not—so I am sure you all know who won. It was really great because we had 160 fourth graders and every single one of them got to vote. Their homework assignment was to go home and talk to their parents about the voting machines and their experiences.

For us in the Secretary of State's Office, we go out to schools all over the state. I bring all of the deputies wherever I can and we go to all different schools and sometimes they put out the names. In fact, one of the schools we went to here in Carson City put names out of groups I had never heard of—I mean singing groups I did not know anything about, but they knew—and they voted on them. It was really cute as to who they wanted as president and who they wanted as a United States congressperson or senator. It was very entertaining because they knew their sphere and, of course, I knew mine. I think I knew one—Justin Timberlake was the only one, and none of them knew who he was—so that was even more interesting to me. But it has really been a lot of fun.

We also have the Advisory Committee on Participatory Democracy. We have a wonderful group of individuals and we get together and try to think of different ways that we can get people, students, and teachers involved.

I go to the We the People Program and do judging on a regular basis. One of the things that really surprised me was when I asked the classes if they did the student mock election. In all the ones I was in, not one of them participated. Their instructors, even though they do debate things with them, said that they just did not have enough time. It was one of those learning moments for us, telling them about it and that we would like them to participate and be a part of it. It is all about who you talk to and who you can get to. We love it. We enjoy it. We love going out. I think the students really enjoy it as well. We would appreciate anything you can do to help us.

**Chair Jauregui:**

I have a few questions for you as well before we head to some of the other members. When you were speaking about the total number of registered voters, you mentioned that there were 1.6 million active registered voters and 200,000 non-active voters. Is a non-active voter someone who has not voted in the four-year, two federal election period cycle? Is there any outreach effort to them, like what you do with ERIC when you try to reach out to potential voters to get them to register?

**Wayne Thorley:**

The inactive registered voters are registered voters. If they do show up on Election Day, they are fully registered and allowed to vote. They get moved from active to inactive when the counties mail out the NVRA confirmation card. Once that gets returned as undeliverable, then they are moved to inactive. As far as I know, our office—I do not want to speak for the counties—does not do any outreach to those individuals. From what I understand, you will be hearing from some of the county election officials on Thursday [February 14, 2019], and maybe they can address that issue from their perspective. These are voters who we are pretty confident no longer live where they lived.

One of the other data sources that we used and I have not talked about previously is the National Change of Address database from the United States Postal Service. That is another data source that we use to keep our records up to date. When a person is moved to inactive, we have a pretty high degree of confidence that they no longer live at that residence.

**Chair Jauregui:**

I have a follow-up to Mr. Daly's question. Would you recommend that the *Nevada Revised Statutes* be revised to move forward the request for the absentee ballots to ten days or to two weeks, or is there any possibility that those can be sent to voters via email, an electronic method as sent to the military who are overseas?

**Wayne Thorley:**

Regarding the seven-day deadline or the seven days before election which is the last day to request an absentee ballot, I do think that sets voters up for failure and gives them a false sense that if they have seven days, they are going to have enough time to get their ballot in, marked, returned, and counted. That is not always the case. Something along the lines of ten days before the election—you kind of need to balance giving voters as much opportunity to participate in the election as possible, but not setting the deadline so close to the election that we are administratively not going to be able to get them the ballot and get it back in time. Ten days would allow a little bit more time for that process to take place and hopefully not have instances in which voters request a ballot on the seventh day but are not able to get it back in time. They get it back after the deadline.

Regarding the mailing on the front end, we get ballots out 45 days before the election for any UOCAVA voter—these are military and overseas voters—who have requested a ballot. We get ballots out by 40 days before the election for any in-country but out-of-state voter who has requested a ballot. And then for any in-state absentee voter who has requested one by 20 days before the election, we mail it out by that date also. Those three dates are in state law. Of course a person can request a ballot after that time, but those are the dates on which we send those out to give those voters enough time to receive their ballots, mark them, and send them back.

**Chair Jauregui:**

I know the voters have the possibility of getting their sample ballots online, but is there any possibility of giving them their actual ballots via an electronic method as you do with the military?

**Wayne Thorley:**

It is certainly an option that our office would be willing to explore. There are security issues that come with introducing an electronic component, not issues that cannot be overcome, but they are things that need to be kept in mind. Not everybody signs up for or uses email. I do not think it would be good to be the default option, but as an opt-in alternative, it is certainly something I think we would be willing to explore with you all to look at the viability of doing something like that. Again, the counties will be presenting to you. The email delivery of sample ballots has not been super popular. It has been a little disappointing. Right now Clark County and Washoe County provide that option and have spent a considerable amount of effort in promoting it to their voters. It is just something that voters have not really taken advantage of.

**Chair Jauregui:**

I have one last question. Do you have any suggestions for recruiting poll workers?

**Wayne Thorley:**

This is another good question for the counties. They are the ones directly involved in recruiting poll workers. I can talk through my experience in working with them. As more and more technology gets introduced into the voting process, it is becoming more and more difficult to recruit and retain poll workers who are comfortable overseeing and working the voting equipment. Being a poll worker is very rewarding, but it requires a significant time commitment, which generally means our poll workers are on the older side. They have a little bit more time to commit to that. We would love to get more younger folks involved in the poll-working process. Our poll workers are paid. It is not a lot of money, but the counties do pay them for their service. It is a constant issue that the counties have to confront in recruiting and retaining and training good poll workers.

**Chair Jauregui:**

Is the office doing anything to try to recruit younger poll workers?

**Wayne Thorley:**

For the Secretary of State's Office, we are not. I am not aware of the specific initiatives that the counties are doing. That would be a question they could answer.

**Assemblyman Leavitt:**

It sounds like you guys are doing a fantastic job and I commend you for it. One of my questions is: When we are talking about voter fraud, which has been investigated through the EITF, how much voter fraud have you found? Specifically for the last election, was it very, very minimal? Where are we at with that because it sounds like you are working really well

with that program, so I wonder how much voter fraud was even found. And my second question is, which ice cream flavor was voted best?

**Barbara Cegavske:**

We will split this question. There are some things that we cannot discuss with you here today because there are investigations going on, so I cannot talk to you about any specifics and what we are doing exactly. As I said, the numbers are low. I really believe that our main issue is the filing of registration forms, but again, our clerks are really good at verification. One of the things I do have to tell you is that there is no list to tell us if you are eligible. You are signing an affidavit that says you are doing this under penalty of perjury. That is where we are able to take them to court in either a criminal case or civil case, depending on which law has been broken. We are very vigilant. We do respond, as I said before, to every concern and every complaint that is filed with our office, but we do need proof, and we do need evidence, and we do need a prosecutor. Those are all in line for some of the things that we need, but I will let Mr. Thorley talk a little bit more.

**Wayne Thorley:**

I just wanted to add that we are very happy with how the 2018 General Election went. We believe the administration of that election went very well. We are very confident that the official results that we published represent the will of the voters.

**Assemblyman Leavitt:**

Thank you. I think all of us here are pretty happy with the way the 2018 General Election went as well, at least in certain areas. Thank you.

**Assemblywoman Torres:**

My brother is a former Nevada guardsman, and as I understand our laws right now, if you are in the military but not overseas, you are not able to vote electronically, correct?

**Wayne Thorley:**

It is active duty, so even if you are not overseas, but you are active duty, you are covered under UOCAVA, so the extra protections that are provided to the military and overseas voters are extended to even those voters who are in-country but active duty. It also extends to their family members. Their dependents also are covered under the UOCAVA.

**Assemblywoman Torres:**

So when they are in the field, they are oftentimes without Internet for long periods of time and that is why we sometimes do not hear from them for many, many weeks. Correct? Is there anything we are doing to accommodate them, especially since many of our guardsmen are not active duty?

**Wayne Thorley:**

One of the nice things about the EASE program we developed is it allows a voter to complete the entire process from registration to marking his or her ballot in one single session. If a military or overseas voter can get access to the Internet for about 10 or 15 minutes, he or she

can complete this entire process. It does not require them to have back-and-forth communication with their county election official or mail in an absentee ballot request, which the county election official would have to get processed and send back. These individuals oftentimes are halfway around the world so when they are awake, our offices are closed. It is hard for them to pick up a phone and call our offices because nobody would answer. This is why this online portal, EASE, is such a benefit because it is available 24/7 and the voter can prepare all his or her documents—voter registration, federal postcard application—and mark and print out their ballot and, if they choose, he or she can send it back via email all in one single session.

**Assemblywoman Torres:**

Have we done any work with the Nevada National Guard to make sure that all of our guardsmen are aware of that? I have spoken with a number of them who were really confused about how to register.

**Wayne Thorley:**

Thank you for reminding me. We have done a lot of work there. We work continually with the Nevada National Guard. We have a couple of contacts there who have been very helpful. We have been invited on occasion when guardsmen are preparing to go out on active duty and they have the predeployment exercises or training. For instance, prior to the 2016 General Election, we were able to go to Fort Bliss in El Paso, Texas. The Law Dawgs—I do not remember the unit number from the Nevada National Guard—is a military police unit from the Nevada National Guard. The unit was deploying to Kuwait for a 12-month tour and it was in Texas doing some predeployment training. The Secretary and I and one of our staff were able to go out there. This was in September prior to the general election. We were able to give a presentation to about 120 guardsmen and women and inform them about the EASE process. It was very well received. We received a lot of good comments from those individuals. These are young voters, many for whom it would be their first time voting, generally young individuals who were able to vote for the first time and found the process very easy. We have been doing a lot of outreach and we are going to do any continued outreach we can with the Nevada National Guard.

**Assemblywoman Torres:**

Just one more point of clarification: a lot of our guardsmen are not going on deployment. They are just gone for four or five weeks and then they come back. I am wondering, does the Secretary of State's Office treat them the same as individuals who are going out on active duty?

**Wayne Thorley:**

Whether or not they would be eligible to use EASE, which is, again, our tool for voters who are covered under federal military and overseas voter laws, I would have to look at exactly which type of deployment they were going on—if it were just the two-week-per-year training as opposed to actual active duty deployment. I think that is certainly an area we could maybe do better on, focusing on more ongoing outreach to Nevada National Guard members and not just those who are preparing for deployment.

**Assemblywoman Torres:**

I think that would be phenomenal, especially since all of our guardsmen are going out right during the voting period, as my brother did.

**Chair Jauregui:**

Thank you, Committee, for all the great questions. Thank you, Secretary Cegavske, Mr. Thorley, and Mr. Anderson. Thank you for your presentation and for indulging all of our questions.

**Barbara Cegavske:**

Thank you, Madam Chair and Committee members, for allowing us to be here with you today.

**Chair Jauregui:**

At this time we are going to move forward with public comment. Is there anyone here in Carson City who would like to give public comment? [There was no one.] We will move to Las Vegas.

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

I would like to speak today about the issue with the process of filling vacancies when an elected position seat is open—for example, in the event of a resignation or when they get elected to another office. Right now in the current process, as we know, legislators get appointed by the county commission in the county in which they reside. With this method, seven people—many times, as in this situation, who do not even reside in the district—are making a decision of whom the people get to elect. Recently there has been a lot of negative backlash about this procedure.

I am here today to speak of some alternatives. Obviously, the most common solution is a special election, but unfortunately we know it costs taxpayer money. So I am here to talk about another alternative, what they do in Kansas, for example. In their situation recently their Governor had been a state senator in the middle of her term. When there is an opening, the party of that elected officer holds a special meeting. Anyone who is a precinct captain or member of that county's central committee will meet and they get to make a decision of whom they get to vote for to fulfill that seat. Obviously, I know that in this session you probably will not be able to have time to address this issue, but I do hope in a future session this issue could be addressed. Thank you very much.

**Patti Jesinoski, Private Citizen, Henderson, Nevada:**

I did not make all of this meeting; I was in the Committee on Judiciary's meeting. However, I did hear the comment about recruiting poll workers. In Clark County on the last off-season voting that we just had in 2018, I called about being an active paid worker and I was told by the person who does all the training that they were not going to take anyone. They were only going to use the people who they had already trained. I said, "Well, is there somewhere in the regulations that you can do that? As far as volunteering goes, can you discriminate this



way?" She said that this is just the way they do it. Is there a county regulation on this? Is there a state regulation? She could not cite any of it.

I would like to see that we do move more people in too, and I would like to see that it is more evenly divided—whether they are Democrats, Republicans, liberal—because they seem to be heavy on one side. I think that is going to be fair too. I have been active as a poll watcher. I do see things going on and when I try to contact the person who is running that area, a lot of it seems to be pushed aside as far as things I am seeing, like when there is talking in between the booths. It would be one way to possibly to do a presentation to some of the political organizations as far as interest in recruiting poll workers. Thank you.

**Chair Jauregui:**

Thank you for your testimony. Being a poll worker is a nonpartisan position, so I appreciate you coming and testifying. If you ever have any issues, I would encourage you to reach out to us because one of the issues they are facing is a shortage of poll workers. They are actively looking for people to come out and participate. I am sure they would be happy to have you in any future elections.

**Patti Jesinoski:**

Could I make one more comment? It would be easier to learn in the off-season during the smaller elections, like I was trying to volunteer to do, so that they would do training at that time as well instead of just waiting for the major presidential elections.

**Chair Jauregui:**

I would encourage you to check their website. There is an application process and a training process that you have to go through that is conducted before the major election. Maybe try reaching out and seeing if you can attend one of the training sessions and fill out the application. Thank you.

Is there anyone else in Las Vegas for public comment? [There was no one.] Our next meeting will be scheduled for Thursday, February 14, 2019, at 4 p.m. Thank you. We are adjourned [at 5:35 p.m.].

RESPECTFULLY SUBMITTED:

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Catherine Bodenstein  
Committee Secretary

APPROVED BY:

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Assemblywoman Sandra Jauregui, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a PowerPoint presentation titled "Elections Division Overview," dated February 12, 2019, presented by Wayne Thorley, Deputy of Elections, Office of the Secretary of State.