

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

**Eightieth Session
April 9, 2019**

The Committee on Legislative Operations and Elections was called to order by Chair Sandra Jauregui at 4:10 p.m. on Tuesday, April 9, 2019, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/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:

Assemblyman Jason Frierson, Assembly District No. 8
Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27

STAFF MEMBERS PRESENT:

Rick Combs, Director, Legislative Counsel Bureau
Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Catherine Bodenstein, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Dan Polsenberg, Private Citizen, Las Vegas, Nevada
Marshal S. Willick, Private Citizen, Las Vegas, Nevada
Chase Whittemore, representing Las Vegas Sands Corporation
Janine Hansen, State President, Nevada Families for Freedom
Lynn Chapman, Treasurer, Independent American Party of Nevada
Maurice White, Private Citizen, Carson City, Nevada
Mary Porter, Private Citizen, Gardnerville, Nevada
Andrew Quinn, Private Citizen, Carson City, Nevada
Joe Kinsley, Private Citizen, Carson City, Nevada
Bill Maggiora, Private Citizen, Reno, Nevada
Aaron D. Ford, Attorney General
Matt Griffin, representing Center for Secure and Modern Elections
John W. Lindback, Senior Advisor, Center for Secure and Modern Elections
Emily Persaud-Zamora, Executive Director, Silver State Voices
Eric Jeng, Director of Civic Engagement, Asian Community Development Council
Kimi Cole, Private Citizen, Minden, Nevada
Lorena Portillo, Assistant Registrar of Voters, Election Department, Clark County
Donna West, Private Citizen, Las Vegas, Nevada
Sondra Cosgrove, President, League of Women Voters of Nevada
Briana Escamilla, Nevada State Director, Human Rights Campaign
Cecia Alvarado, Nevada State Director, Mi Familia Vota
Phuong Tran, Student Fellow, Nevada Student Power, University of Nevada, Reno
Fernando Romero, President, Hispanics in Politics
Reverend Leonard B. Jackson, Director, Faith Organizing Alliance
Steven Horner, Private Citizen, Las Vegas, Nevada
Izzy Youngs, representing Nevada Women's Lobby
Jean Laird, Co-President, League of Women Voters of Northern Nevada
Laura Hale, Private Citizen, Carson City, Nevada
Michael Willoughby, Technology Director, Battle Born Progress and Institute for a
Progressive Nevada
Beverly Schreiber, Nevada State Director, NextGen America
Stephanie Alvendia, Private Citizen, Las Vegas, Nevada
Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American
Federation of State, County and Municipal Employees, AFL-CIO
Carter Bundy, Political Action Representative, Political Action Department,
American Federation of State, County and Municipal Employees
Vivian Leal, Private Citizen, Reno, Nevada
Jacob Thompson, Private Citizen, Las Vegas, Nevada
Mark Brandano, Private Citizen, Las Vegas, Nevada
Jim DeGraffenreid, Vice Chairman, Nevada Republican Party; and Chairman,
Douglas County Republican Party
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada
Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada

Julia Moore, Private Citizen, Gardnerville, Nevada
Deanna Spikula, Registrar of Voters, Washoe County
Kathy Lewis, Clerk-Treasurer, Douglas County
Aubrey Rowlatt, Clerk-Recorder, Carson City
Wayne Thorley, Deputy of Elections, Office of the Secretary of State
Jude Hurin, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles
April Sanborn, Services Manager III, Division of Management Services and
Programs, Department of Motor Vehicles

Chair Jauregui:

[Roll was called and Committee protocols were explained.] Welcome, everyone, to the Assembly Committee on Legislative Operations and Elections.

[Assemblyman Fumo assumed the Chair.]

Vice Chair Fumo:

I will now open the hearing on Assembly Joint Resolution 9. It will be presented by our own Chair Jauregui. Before we begin, I would like everybody to know that I will limit testimony in support, opposition, and neutral to two minutes. Once your two minutes are up, I will cut you off, not ask you to wrap up. You will be done and we will move on to the next support, opposition, or neutral testimony. Thank you.

Assembly Joint Resolution 9: Proposes to amend the Nevada Constitution to revise provisions governing the selection of justices and judges. (BDR C-949)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I am going to do a brief introduction and then I would like to turn it over to my two presenters, Mr. Dan Polsenberg and Mr. Marshal Willick, to walk you through the bill. I am pleased to present Assembly Joint Resolution 9 for your consideration today. This resolution proposes to amend the *Nevada Constitution* to provide for selection of justices and judges. I want to start by thanking Speaker Frierson for bringing this bill forward and asking me to carry it. I am not an expert in this subject matter, but I do know that these are nonpartisan offices, and yet the elections have become increasingly more expensive and political. Judges have been expected to be separate and apart from politics. With that, Mr. Vice Chair, I would like to turn it over to my copresenters, subject matter experts.

Dan Polsenberg, Private Citizen, Las Vegas, Nevada:

At the beginning of the century, I was the president of the State Bar of Nevada. I am not speaking in that capacity or for that organization. But as a lawyer, I know that it is a dangerous thing when money gets involved in selecting judges. That is what we have in elections and in retention elections. We would love to have it so that political or judicial elections involved all the people—and I do not want to sound like Jon Ralston—but it actually is so that people electing judges really do not know what the choices are. Because of that, money plays a huge factor. Open contributions, dark money, and special interests are

involved, and they have an incredible effect in judicial elections. We see that across the country, and we have even seen it here in Nevada.

So the proposal you have today does more than just say that we will have appointments for judges, but that we will have performance reviews of judges instead of retention elections. That is a great way to get the corrupting influence of money out of the system. As you can see, this proposal establishes a commission on judicial performance. You will have 17 permanent members. They will be selected by the Governor, the Speaker of the Assembly, the President Pro Tempore of the Senate, and the State Bar of Nevada. You will have people who will be able to come from all areas. You will have private citizens involved. They will be able to give feedback to judges on how to improve as well as make sure that we do not have money involved.

It would be great if we lived in Sir Thomas More's *Utopia* where everything would be fantastic and people could elect their judges, but we know that is not the effect that is practically possible. So this proposal addresses this. Let me turn it over now to Marshal Willick who was very involved in the formulation of this proposal.

Marshal S. Willick, Private Citizen, Las Vegas, Nevada:

I am a private practice attorney. I am not representing any organization. There was not time to go through the bureaucratic steps for bar involvement for this procedure. There is at least one organization which has signed onto it along with a great number of individual attorneys. The American Academy of Matrimonial Lawyers, Nevada Chapter, is in favor of this. Many members of the appellate section who are, of course, intimately familiar with the selection of our appellate judges and justices have also signed on.

The structure of the proposal is different than what has been seen previously. This is not what has previously been called a Missouri Plan with retention elections. Essentially there are three commissions that will be in existence: judicial selection, judicial performance, and judicial discipline. They all have their own roles to play in trying to essentially encourage and police the function of the judiciary.

I think Mr. Polsenberg said it well—the corrosive and corrupting influence of money cannot be overestimated. There was a study in 2008 that indicated that in 60 percent of the civil cases reaching the Nevada Supreme Court, at least one litigant or counsel for a litigant had contributed financially to at least one justice hearing the case. That cannot help but have an impact on perceptions and even on reality. That is what we are trying to eliminate. Judges basically should not be politicians. They should not be concerned. The studies that have been done—and I am referring now to the Brennan Center for Justice studies which were accumulated—indicate that there is a huge amount of deferment by judges to the voter preferences and to donor preferences in the real world. As one retired judge put it, judges would have to be saints to ignore the political reality, and judges are not saints.

We have a situation where we have been increasingly alarmed at the weaponizing of retention elections nationally—Iowa, West Virginia, and Florida—on either social issues or

sometimes on various political issues. We are seeing huge amounts of dark money going into states to target justices or judges who have made unpopular decisions. In Iowa there was an urge by one political faction to go after any judge who had ever supported same-sex marriage. In Florida there was another social issue. In West Virginia it was economic issues. The point is that judges are being targeted individually, and there is no way for them to resist.

Retention elections have the same problems that general judicial elections have because the money has the same effect. The political effect is the same. The knee-jerk reaction that a lot of people have about giving the people their voice—people have their voice basically through you. This body and the Senate and, to some degree the Governor, and the Bar and the lay public get to be these commissions. We are talking about professional evaluations.

There has been a lot of discussion and criticism about the current lack of meaningful feedback to sitting judges in a 6-year term. This is a proposal which will have an ongoing and professional evaluation and review of judicial behavior for temperament, communication, quality, and showing up for work. I am not going to target anybody who has been in the news, but if you read the newspapers, you have seen some examples—I am sure—of some judges who have simply fallen by the wayside and there has been no effective way of reviewing their performance over time. This is meant to correct that by having professional judicial performance standards reviewed so that the judges get meaningful feedback as to how they are doing their job and whether they are doing their job well.

The basic structure of the proposal is that at the end of a 6-year term, there is one of these judicial performance evaluations. Judges who can convince at least 75 percent of the 21 members on this commission that they are doing their job very well are retained automatically for another term. Judges who cannot get at least 50 percent of that commission to say that they are doing an adequate job are ineligible to continue in that position for that term. Judges who fall in between are eligible to apply if they wish to go to the other commission. These commissions are totally separate. The judicial selection has nothing to do with the judicial performance commission.

We have tried to distribute—in this proposal—the selection of the selectors such that it is virtually impossible for anyone to gain enough political or other control to corrupt the process. No system of election, no system of appointment, can be made totally corruption-proof, but there has been a great deal of thought, and the models have been studied carefully, to make this proposal as corruption-resistant as possible.

Assemblywoman Jauregui:

Vice Chair, we are open to any questions from the Committee.

Assemblyman Leavitt:

I agree with some of it and am on the fence about some of it, so I want some clarification. I am in support of money not running any election. I am in favor of that. And I am in favor of support of a performance evaluation as long as it does not start drifting into ideology, a

disagreement on ideology. If it is performance-based, great. If the judge does not show up for work and sleeps in, that seems good to me. Regarding the selection of judges: judges are now nonpartisan on the ballot, but being appointed by a Governor who is partisan on the ballot seems to create more partisanship in the selection of judges. On a ballot, judges are not partisan. No one even knows what party or ideology they belong to. But now, as we have seen nationally, judges are appointed in accordance with the ideology of the executive who happens to be in office at the time. So that leads me to believe that it will create more partisanship in the appointment rather than the election of judges.

Dan Polsenberg:

There is no way to completely remove politics from the governmental aspects of the judge. You are right, there is one set of influences by appointment and another one by election. But this process is almost the opposite from the federal process where the President nominates a judge and then the Senate has to confirm. Under this process, it follows the same plan that we use now to fill vacancies. People apply, it goes to a judicial selection commission, they pick the three most qualified, and the Governor has to pick from those three. That eliminates a lot of the mentioned cronyism. The judicial reform back in the 1800s was to go to elections because political appointments were so full of their own type of corruption—people appointing friends, cronies, and people of the same political stripe. They went to elections, but then elections had another problem of their own—the influence of money.

This is what we as a profession have devised as the best way to minimize problems and the way to maximize the good aspects of picking a judge. That is to have appointments go to a judicial selection commission first. They pick the three most qualified and then the Governor has to pick from one of those three. But money is a corrupting influence even when you get to retention. We have seen that across the country. We have seen that. The earliest example—and I am older than most of the people in this room—Rose Bird was not retained as the Chief Justice of California. It was an issue that special interests used as an excuse to get rid of her. Special interests used that she was soft on the death penalty, when in fact they did not care anything about the death penalty, but that is how they used money to get rid of somebody who did not serve their political or business interests. I think that what we have looked for here is a way to use the best method that we have come up with so far for appointing judges and combine that with a way of retaining qualified judges that keeps the corruption and the special influences out. I hope I have answered your question.

Assemblyman Leavitt:

This judicial selection committee, how do you get to that?

Dan Polsenberg:

Well, we currently have a judicial selection commission. The Governor appoints people. The State Bar of Nevada appoints lawyers. So you have influences from all over the state. Then there are special people who are appointed from the county or from the judicial district for which they are filling a vacancy.

Assemblyman Leavitt:

How often is that?

Dan Polsenberg:

Their terms are several years. I do not remember whether it is 4 or 6. Under the current proposal, they will also have terms of several years. The judicial performance commission is appointed in a similar way, but I think an even broader way because not only does the Governor appoint people, the State Bar appoints lawyers, and both houses of the Legislature get to appoint people as well. So this is the broadest means of getting people involved. I think it is even more effective than if we had a legislative ratification such as we have in the federal system. That would be hard to do in our system since we do not meet year-round. This is an exciting proposal. It is at the cutting edge of judicial reform. It is one of the best things that I think anyone has ever come up with. It is a combination of a couple of systems.

Assemblyman Roberts:

It is an interesting system. It is good. So if you had somebody who came off the rails, a judge in between the 6-year term, would the removal of that judge remain the same under current statute? Does the other committee get involved in the removal? If you could clarify that for me.

Dan Polsenberg:

That is a great question because we actually have three commissions that would be involved. Yes, there is a way that if a judge is applying to be retained, as Mr. Willick explained, if they do not get 9 votes out of 21, they cannot be reappointed to that position. But even before they come up for a performance evaluation or come up for retention, you have the judicial discipline commission which is still in effect and that still could get rid of a judge at any course where there is misconduct.

Assemblywoman Monroe-Moreno:

I do have a question, but I also have a comment. I do not believe there is any race in this state that is nonpartisan. They may say nonpartisan, but I think any citizen can tell you they know what party their city council member is affiliated with, and their judges. It is just a statement.

I do have a question from one of my very active constituents who follows a lot of the legislation that goes through this house. He has a comment. He loves the commission idea, but he is also concerned about being a voter who will not be able to participate in deciding who sits on the bench. He is wondering, Has there been any thought to having the commission evaluate attorneys who want to run for office to establish if they are suitable to run for office, and then once they are suitable, their names could be placed on the ballot? Then once a judge is in office, when the performance evaluation is done, part of the qualifications to run for reelection would be to have had that performance evaluation before their name could be placed on the ballot. Have you given that thought?

Marshal Willick:

There are models, as I said. The committee that drafted the current proposal reviewed every model that is in existence in the United States that has been used in the last 100 years. There has not been a serious consideration of a commission to vet lawyers for quality beyond the statutory qualifications. This body added a minimum time and practice rule for judicial candidates. It would be difficult really to determine qualification to be on the ballot. Right now, you have to be able to walk in and pay a filing fee. That is about it.

The problem with these people going to the public—well, compare that with the appointment system we are talking about. The studies that have been done indicate that the public knowledge of judicial candidates, even in terms of the incumbent, is in the low single digits in common elections. The electorate simply has no idea who the people on the judicial ballots are, according to every study that has been done ever. It is impossible without raising the kind of money which leads to corrupting influences we are talking about to change that reality. Putting people on the ballot is problematic.

The current appointment system when we fill vacancies—and we are talking about all positions—is an in-depth vetting of the individuals. They go into their entire history. They go into where they have been and what they have done and how they have done it and who they have been with. All of that stuff is extremely closely parsed by the judicial selection commission before those three people are picked. And that, to answer the earlier question, is part of the way that partisanship is pulled out, because these commissions are looking through a list of qualifications that have nothing to do with political party. The statutory change we are looking for specifically forbids the performance evaluation commission from considering the justices' or judges' political affiliation or any consideration prohibited by law. The idea is performance as a judge. We do not care whether it is pro-defense, pro-plaintiff, pro-business, or pro-plaintiff's bar. That does not figure into the list, which is nonexclusive. Knowledge of the law, ability to communicate, ability to perform the duties, legal experience, judicial temperament, professional reputation, work ethic, these are the things we should be evaluating our judges for, not, obviously, political partisanship.

Now, does that mean that some commission member might not know that somebody is a Democrat or Republican or a Libertarian? Yes, that is possible, but not all 21 of them. That is the point we are making. The picking of the pickers has been distributed so that the Assembly and the Senate and the Governor and the Bar and the public are all participants in this process. We do not believe that anybody can corner all of those selectors. The idea is to make it as corruption-resistant as possible, as crony-resistant as possible, and we have been unable—after reviewing every proposal that has ever been enacted anywhere—to come up with a proposal that does so in a more effective way.

Dan Polsenberg:

Let me tell you about three cases I did in the Nevada Supreme Court. I really believe in the people's right to vote. There is no doubt about it. I start with that premise. I did a case in 1994, the Governor's term limits case, about whether people could vote for who would be Governor of the state of Nevada. But you know, when you are talking about that election,

most people are going to know the difference between Bob Miller and Jim Gibbons. I did another case in that same time period that was decided two years later and that was the judges' term limits case. The Supreme Court made clear there, you know, judges are different from other political positions and they should not be treated in the same way. Then I did a case in 2003 that was the Governor v. the Legislature when I represented 21 legislators. The Supreme Court came out with a decision there which I very much disagree with, but then that decision was blown out of proportion and used in campaigns against Supreme Court justices by moneyed interests who did not really care about that issue. I start with the premise that people have the right to vote, and we should protect their right to vote, but we also need to protect their judiciary.

Assemblywoman Jauregui:

I would like to add to that as well, Mr. Vice Chair, because I want to remind everyone that this is a resolution. So ultimately, we are leaving this up to the voters. It has to pass the Legislature in 2019. It has to come back in 2021 and pass in the exact same format. Then we present it on the 2022 ballot and leave it up to the voters of Nevada.

Vice Chair Fumo:

This would set a term limit on judges to four terms?

Dan Polsenberg:

It would be four up-to-6-year terms, so the most somebody could serve in a particular position is 24 years. If somebody served more than 3 years of a term, that would count, so it could be 21 years.

Assemblyman Roberts:

How many total judges are we talking about? Supreme Court, appellate, districts—what is the total number? I do not want to put you on the spot, but if you could ballpark it.

Dan Polsenberg:

You are putting me on the spot. It is a lot.

Assemblyman Roberts:

Thirty something?

Dan Polsenberg:

There are more than thirty district judges just in Clark County.

Vice Chair Fumo:

We have 52 district court judges in Clark County, and the Supreme Court, 3 on the appellate court and then every other district court in the state with the other 16 counties. That is well over, maybe close to 100, I think, if we are adding up all the other counties.

This made me think of another question. This resolution would be for Supreme Court, appellate court, district court, but would not include justices of the peace or municipal court judges, is that correct?

Marshal Willick:

That is correct. This is not a limited jurisdiction judge bill. Those would remain elected positions in the communities that are electing them. This is for district court and above which is where the studies have indicated the problems exist.

Vice Chair Fumo:

Seeing no other questions, we will open it up for testimony in support. I want to remind everyone that we will limit the testimony to two minutes each.

Chase Whittemore, representing Las Vegas Sands Corporation:

We are very much in support of this measure. We would like to thank Assemblywoman Jauregui for bringing it forward and Speaker Frierson for putting this important legislation here today. Thank you for your time. I feel like I will be preaching to the choir a little bit, but elections are expensive. You all have been elected and know that. Each one takes money and resources. So when judges or justices run for an office, they have to spend time campaigning, handing out signs, and fundraising. Typically that occurs oftentimes from other attorneys. Like it or not, this sows doubt in the minds of the public and the perception, whether accurate or not, is that the judges could be influenced by the fundraisers and people with the campaign money. This resolution removes those thoughts and restores more confidence in our judicial system. I think sometimes what you see, especially at the judicial district level, is more of a popularity contest instead of selecting judges based on their competence, consistency, knowledge, and hard work. Oftentimes, elections can get ugly. You have not only two people in the same race who might veer down to mudslinging, but you have third parties with special interests that could sling mud. It casts doubt and sows doubt in our judicial system. We think this is a great resolution and urge your support. Thank you.

Vice Chair Fumo:

Is there anyone else in support? Seeing no one, we will close support and open testimony in opposition.

Janine Hansen, State President, Nevada Families for Freedom:

This issue has come before the Legislature in the past and went on the ballot in 1996. The people defeated it by 59 percent. It was also defeated again in 2010 by 57.74 percent. It is like a little child who keeps asking his mother for the same thing until she says to ask your dad who says no, and then they ask the grandma. We are on grandma at this point. The people have already said no. They want to have the opportunity to vote for their judges.

When our Founding Fathers organized this nation, they cast off the idea of appointed judges without accountability. In the 1780 *Massachusetts Constitution*, they said, "All power residing originally in the people, and being derived from them, the several magistrates and

officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to" the people. I think one of the problems with appointing judges is that there will be an elite group that will make the decisions. Now people may not know everything they need to know about electing judges. They do not know everything they need to know about electing legislators, but we depend on them for, ultimately, making the right decisions. We are told that this will make our courts more political if we have them go out and they are not independent. Thomas Jefferson said, "It should be remembered, as an axiom of eternal truth in politics, that whatever power in any government is independent, is absolute also . . . Independence can be trusted nowhere but with the people in mass."

I think it is very important that we continue to elect judges. Arrogant, elitist proposals that judges should be protected from citizens in this day of rampant judicial political agendas is unthinkable in our free society. One of the problems we have is that there are a lot of agendas when judges are not held accountable to the people. History is too instructive on the necessity of direct judicial accountability for its lessons to be ignored today. While judicial accountability through the use of impeachment on the federal level appears to be a thing of the past, judicial accountability through direct election of state judges should not be. Thank you, Mr. Vice Chair.

Lynn Chapman, Treasurer, Independent American Party of Nevada:

I want to start off by saying that this would take away the vote of the people to vote for a branch of their government. This is very scary. This is not right. It does give influence to one small group of people who will make all the decisions on who will be sitting in judgment of us. There is no accountability to the people. Many have argued that the elective system favors women and minorities who are not insiders and would never be appointed to the bench. When these outsiders are competent and talented, they can win elections. Deborah Agosti, former Chief Justice of Nevada, favored election of judges, saying that she never could have become a judge, much less a Chief Justice, in an appointive system.

Those proposing retention elections are not improving state government; instead, they are violating one of the most sacred principles. They are removing the power from the people, something to which Thomas Jefferson strenuously objected. "The exemption of the judges from that [election] is quite dangerous enough. I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them [the people] not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it [control] from them, but to inform their discretion by education."

Noah Webster, himself a judge and man responsible for Article 1, Section 8 of the *United States Constitution*, declared: "[M]en elected to office should be able men, men of talents equal to their stations, men of mature age, experience, and judgement; men of firmness and impartiality. This is particularly true with regard to men who constitute tribunals of justice—the main bulwark of our rights."

Maurice White, Private Citizen, Carson City, Nevada:

As the presenter testified to, this scheme will indeed infuse a level of corruption into the judiciary you cannot imagine. That is why this sort of scheme was disregarded and done away with so many years ago. Just because the voters do not have a complete view of who the candidates are is no reason to throw this system away. It is up to the candidates to get their stories out there. It is up to the voters to go find out who these judges are who want to get themselves elected. As active as I am, I spend a good deal of time at the polls during the elections. The judges are no different than any other candidate. In this last election, I spent more than 30 minutes talking with one fellow about the campaigns that he was concerned about. As you heard, this proposal will end up with the voters. I think the voters have spoken. Right now, on the legislative website, when you look at the results for the comments of this resolution, you have 61 against and 2 in favor. I think the voters have spoken. Thank you for your time.

Mary Porter, Private Citizen, Gardnerville, Nevada:

I am coming from the experience of having practiced law when Rose Bird was Chief Justice of the court in California. It flummoxed all of us who practiced law when she wrote an opinion holding that the mandatory dismissal statute was actually discretionary. That was one of the reasons that voters turned her out. I want to say that this was not a program that just a few individuals with a lot of money fomented. She was not doing a very good job and voters did the right thing. It would be a very good thing if the State Bar in Nevada did look at judges and make recommendations, make good recommendations, so the voters could look at those recommendations and make a decision. But when you have a group of people who are—I have to say it—elitists, who know these individuals, you are weighing their ability to be impartial—and will they be?—against money in campaigns. Both of them can be problems. I have not heard anybody talk about a really bad situation with a Nevada court. Maybe they just want to be kind, but I have not heard that come out. Why change it, except have the Bar be more active in looking over candidates and letting voters know their opinion? We may not share your opinion, but let us know it. Thank you.

Andrew Quinn, Private Citizen, Carson City, Nevada:

You know, we live in an age now of crowdsourcing. That is very popular because it is so effective and allowing the people to vote on these things is crowdsourcing. The more people who are making these decisions, the better. Having a group of bureaucrats make these decisions is really going to lend itself to corruption because there are going to be fewer people that you have to buy off. You cannot buy off the whole electorate. With respect to Rose Bird, when she was not retained by the voters and removed from office, that vote was 67 percent to 33 percent. That was hardly a case of money influencing it. The people had had enough of her. She commuted life sentences or capital sentences to life in prison for the Manson family. Three of the ones who had committed those horrific murders are still in prison to this day: Patricia Krenwinkel, Leslie Van Houten, and Charles Watson Jr. They have been in prison for over 50 years when they should have received the death penalty and they have cost the taxpayers of California a pile of money. The people had had enough of that, and they voted her out. She is the only Chief Justice of California who has ever been

voted out. So it is not a system that is going to get out of control. The people know what they want and they vote for it. Thank you.

Joe Kinsley, Private Citizen, Carson City, Nevada:

For the record, I oppose this resolution. The *Nevada Constitution* should not be altered. The citizens should have the vote concerning these judgeships. I encourage you to vote no. Thank you.

Bill Maggiora, Private Citizen, Reno, Nevada:

What I am hearing and what I have read about this plan is that an imperfect process relying on the people to pick judges is going to be improved by having judges picked by people elected by the people in a process that we have already said is imperfect. I do not see improvement there. I see more of an opportunity for corruption. Please oppose this measure.

Vice Chair Fumo:

Is there anyone else who wants to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position? Seeing no one, we will invite the resolution sponsors back up.

Dan Polsenberg:

Let me address some of the points that were raised because we are looking at this anecdotally. Look, I am against arrogant, elitist judges. I have a list of judges I would love to get rid of. But this proposal sets out the factors that the judicial performance commission will look at. It is under subsection 6 of section 23. It lists all the factors, including judicial temperament. You know, all sorts of people can be evaluated in this: parties, court staff, and attorneys, for example. And, in fact, the Legislature can by law even set out more factors to consider.

We heard a lot about Chief Justice Bird and Chief Justice Agosti. Look, I remember Chief Justice Bird in California. The insurance companies were behind getting rid of her. Somebody used to say, I did not know the insurance companies cared so much about the death penalty.

Should the Bar look over candidates? That would be great. The problem is, the Bar cannot. It would violate the federal *Constitution* under a case called *Keller v. State Bar of California*, 496 U.S. 1 (1990). You cannot use mandatory dues to do political functions.

My last point is that I love Jefferson, but let us remember the federal system our founders came up with, and that was not to have election of judges. That was to have appointment of judges. Thank you, Mr. Vice Chair.

Vice Chair Fumo:

I just have one comment before you close. As I looked over the list of qualifications, there is one thing I was wondering if you had considered. Some countries have attorneys who would like to apply for judge take an exam on ethics, take an exam on evidence, and take an exam

on civil and criminal procedure. I was wondering if you would consider that as part of the resolution and maybe filter out people who are maybe not so qualified to run for the appointment.

Marshal Willick:

There was a proposal some years ago to have judges in specialty courts pass the attorney specialization qualification test for those various specialties, say, matrimonial lawyers, business lawyers, and criminal lawyers. The judges were rather resistant to that proposal. It is difficult to say that people cannot do the judicial end of the job if they are not qualified to practice in a specialty area. It would be difficult to administer, but not impossible. If this resolution gets amended somewhere to require some sort of specialized testing or vetting, it could be implemented.

My only other comment, if I may—it had to do with the comments that were made a bit ago—the comments I have heard from citizens opposed to judicial selection who have apparently never watched how our judicial selection process works. About a third, maybe a little more than a third, of the current district court bench is the result of appointments through various vacancies. That is how they got there. The evaluations that have been done, the performance reviews that have been done, and the newspaper reviews that have been done by the people who are looking at them indicate that is where we are getting our most qualified jurists because those are the people who are being vetted for qualification, not for who has the most powerful or colorful roadside signs. That is a crummy way to pick a judge. It makes a lot more sense to have that person's actual abilities, works, history, talent, and intellectual capacity be part of the judgment for who should be sitting on the bench. Thank you.

Assemblywoman Jauregui:

I want to thank the Committee for hearing this bill. And to answer Assemblyman Roberts' question, we were able to identify that there is a total of 101 judges. Thank you.

Vice Chair Fumo:

I stand corrected. I said well over 100, and it was just barely over 100.

[Not discussed during the hearing for Assembly Joint Resolution 9 were a letter in neutral submitted by Nevada Attorneys for Criminal Justice ([Exhibit C](#)), and testimony in neutral submitted by Lorena Portillo, Assistant Registrar of Voters, Clark County ([Exhibit D](#)).]

I will now close the hearing on Assembly Joint Resolution 9 and turn over the Chair to Chair Jauregui.

[Assemblywoman Jauregui reassumed the Chair.]

Chair Jauregui:

Thank you, Vice Chair Fumo, for taking over the reins. Before we get started on the next item on the agenda, I would like to remind everyone that we do limit testimony for

opposition, support, and neutral to two minutes. If you have your testimony in writing, and you have not finished by the time your two minutes are up, I would encourage you to submit your written testimony to our Committee assistant so that she can share it with the Committee members and we can review it at a later time. I will now open the hearing on Assembly Bill 345.

Assembly Bill 345: Makes various changes relating to elections. (BDR 24-873)

Assemblyman Jason Frierson, Assembly District No. 8:

I present to you today Assembly Bill 345. I am going to go over a number of provisions and, with the Chair's indulgence, I have some folks who are prepared to provide some testimony to go through the technical aspects of the bill and answer questions as well.

Assembly Bill 345 represents my effort to encourage as many people as possible to participate in the electoral process. We should—and I have said this since I have been in this body—make voting and everything related to voting convenient and easy for every eligible voter. That is the impetus behind this bill.

I propose to use technology as much as possible in order to modernize our election system and also to enhance security and integrity. I think the notion of having same-day registration and that some of the provisions of this bill will make elections less secure, I believe, are misleading. As others will testify, the proposal in A.B. 345 will actually have security measures in place to make elections more secure.

Part of what we have done over the last several sessions in addressing election reform and making it easier for voters to cast ballots has been because of the significant growth in the state of Nevada and the changes. We have had, in recent election cycles, folks show up on the last day of elections and the polling place had changed. They do not have time. It is on the last day. We have had folks who came and they did not realize that the early voting ended on Friday and they came on that last Saturday. To the extent that we can empower and enable local officials to make sure that every eligible voter is able to cast that vote, I think we should put forth efforts to do so.

It is a lengthy bill. I recognize that is, in part, because this bill applies to both county and city revisions. A lot of it is repetition that is going throughout the municipal part of the statutes as well. I will try to be brief. I also want to advise you that there are election officials with whom I have been discussing and working on this bill who are going to provide testimony and answers to technical questions. I will get to summarizing the bill.

The first thing A.B. 345 deals with is vote centers [section 2, subsection 1]. It authorizes vote centers, which are polling places located anywhere in a county where any person is entitled to vote by personal appearance, and they may do so on the day of the primary or general election. We already have these centers. This is already permissive and this puts it in statute and makes it clear that various counties are allowed to have voting centers.

That reminds me of a point that I wanted to make at the outset as well, and that is that there is nothing new in this bill that has not been done somewhere. This has been done and expanded in several states throughout this country and operated just fine. As you will hear later, the state of Oregon made some of these adjustments and implemented it within months at a significant savings and expanded for a number of people to vote who were eligible voters. There is nothing in here that is new. There is nothing in here that is reinventing anything. We are taking things that have been done in other states and trying to make it easier for eligible voters to cast their votes.

Along with the vote centers, A.B. 345 requires the clerk to prepare a roster of registered voters in the county for each vote center [section 4, subsection 1]. That way the voters can vote near work or on the way home, instead of trying to get to their home precinct. That is, again, the whole point of making it more convenient for voters.

The next aspect in A.B. 345 is dealing with voter registration. Existing law requires that if you are registering by mail, the deadline is four weeks before the election. If you are registering in person, the deadline is three weeks before the election. And if you are registering online, you may register through the last Thursday of the early voting period. Assembly Bill 345 proposes to extend those deadlines for registering to vote so that all eligible persons may register to vote during that early voting period by using the computer application provided by the Office of the Secretary of State [section 6, subsection 1].

Assembly Bill 345 also has some transitions. This is to recognize that we have to be realistic about what can be done. The limitations on technical advances that we have to make sure we allow our county clerks to take into consideration are addressed in Assembly Bill 345 as well. It provides that a person registering to vote during early voting may vote during early voting or on the primary or general election day. These folks will cast provisional ballots during that period [section 8, subsection 4, paragraph (b), subparagraph (3)]. That allows local election officials sufficient time to process that registration and verify that that voter has only voted once. Again, we have provisional ballots now. This simply gives folks more time to be able to cast that ballot and have it counted.

Assembly Bill 345 also establishes that on Election Day—the same day—you can register to vote: same-day voter registration [section 9, subsection 1]. A voter will be able to register to vote in person on the day of the election. It sets out requirements to provide proof of identity and of residence. Part of that process of providing proof of identity includes, starting in 2020, a voter will be permitted to vote by provisional ballot only. It should be noted that it revises the provisional ballots. Right now, if you cast a provisional ballot, it is only for your federal election options, but this would expand it to include all offices similar to the regular ballot. I think this is an important one. And as I will address a little bit later, particularly for seniors who have mobility issues, they can cast their provisional ballot for statewide elections as well.

Assembly Bill 345 requires that the clerks prescribe a procedure to verify that the voter has not already voted in the current election. Again, these are additional security measures to make sure that we are dealing with eligible voters.

Of course, in the 2018 General Election, voters approved automatic voter registration and that is through the Department of Motor Vehicles (DMV). That was Question No. 5 in the 2018 election cycle. This attempts to put that into play and to implement it. Assembly Bill 345 provides a process that permits a person to register to vote or not—do not forget that a person may decline to register this way. We will continue to work with DMV on this process and believe that we are coming up with some options to put that in place at a minimal cost. A person who wants to register can complete the form while doing his or her business at DMV. Then they can deposit a form at a container provided by DMV. This is part of what we are still working on to make sure that it can happen seamlessly. As the bill is currently drafted, a person may also take the form home and mail it in. The Department of Motor Vehicles will transmit that information and it will only be for eligible voters. The Department of Motor Vehicles' system will determine if the individual is eligible to register and transmit or stop the application as applicable. Essentially they will be able to weed out—and I know the Attorney General is here and has been committed to making sure that he leads the charge in enforcing and implementing a process to allow DMV to weed out—ineligible voters. So if there is an indication that someone is not a citizen, the system will provide an opportunity for DMV to weed that out and not count that vote.

With respect to the polls, currently the laws provide for the polls to be open from 7 a.m. to 7 p.m. on Election Day. And while this is actually the practice, it is not in writing. If someone is in line waiting and the 7 o'clock timeline hits, A.B. 345 allows that person to still be able to vote so long as he or she was in line before 7 p.m. Again, before I was in this body, I spent years volunteering for election cycles. That has always been the practice to allow someone who is standing in line to vote if he or she were in line by the deadline. This puts this in statute. In addition, after early voting hours have been published, the clerk is granted discretion to extend those hours [section 50, subsection 5]. So if a clerk sees that there are lines around the corner and it is the last day of early voting, he or she has the discretion—not mandated but the discretion—to extend that time.

Assembly Bill 345 also makes changes to accommodate voters who request to vote by absentee ballot. Existing law provides that a person who registers by mail or computer must vote in person at the first election following registration, but this bill exempts an individual from having to do that in person if the individual qualifies under the federal Voting Accessibility for the Elderly and Handicapped Act [section 26, subsection 2, paragraph (d)]. Again, we are trying to accommodate every eligible voter to make sure that everyone has an opportunity to participate in the electoral process.

Existing statute requires that an absentee ballot be delivered to county election officials by the close of polls on Election Day. Assembly Bill 345 allows a clerk to accept an absentee ballot that is postmarked up to and including Election Day if the absentee ballot is received not more than seven days after the election [section 98, subsection 2]. This was in

consultation with the clerks not wanting to hold up final results, but to give them a reasonable amount of time to get those absentee ballots.

Another change: Right now a voter may request an absentee ballot until the seventh calendar day before the election. Assembly Bill 345 changes that to the fourteenth day before the election [section 43, subsection 1]. I know that seems to be going in the opposite direction in providing less time, but this is trying to be responsible and realistic. We depend on the United States Postal Service, and we have received the indication that seven days is just too short of a time in order to accommodate this. Assembly Bill 345 proposes that request be 14 days before the election.

I am not going to read the whole bill to you because I think you all know what we are trying to accomplish here. I cannot emphasize enough how much work has gone into making sure that we make it easier for eligible voters, but we also make it easier to catch ineligible voters and discount those ballots. One of the greatest things that we can do for democracy in this state is to make sure that every eligible voter can vote. We have made progress over the last couple of sessions, and I am committed to making sure that we continue to make progress in that regard.

There are also issues with respect to technology that are addressed in A.B. 345. The bill includes the Secretary of State's Office establishing a system for voter registration on the Office of the Secretary of State's website by January 1, 2020 [section 11, subsection 1]. In other committees we have addressed that and received a timeline from the Secretary of State's Office. They are confident they will be able to meet that deadline.

One of the aspects of this bill that I am actually very excited about is the fact that A.B. 345 encourages young people to vote and gets young people involved in the electoral process. Assembly Bill 345 allows any 17-year-old who has met the residency requirements, but who will be 18 before the next general election, to be able to vote in that primary election including city elections [section 55, subsection 2; and section 56, subsection 3]. This is one of the most crucial things that we can do to encourage young folks to get engaged, to pay attention, and to take part. I cannot imagine how frustrating it must be to hit November and be 18 and not have been able to vote by the time that election comes because you were not 18 before that day. So I think encouraging young folks to vote is something that we as a Legislature want to do. I think we have tried to encourage them with having them involved with this process—this week in particular, having activist groups for young folks here—to give them that motivation to vote if they know they are going to turn 18. I think that is another huge step forward with making progress in democracy for this state.

There is also a requirement right now in statute that there can only be one minor who can volunteer at polling locations. I have not for the life of me figured out why that was ever put in place, but A.B. 345 proposes to allow more than one minor to be able to volunteer and participate as volunteers at polling sites [section 21, subsection 3, paragraph (b); and section 86, subsection 3, paragraph (b)]. Again, it is a long bill because everything that goes toward

the statewide election also applies to city. The other changes in A.B. 345 address the changes in other sections of the statutes that deal with city elections.

With that, Madam Chair, I am excited about this bill. I think that this is not a partisan issue. Not only is this not an issue of compromise and security, but it is an issue of increasing security by allowing provisional ballots so that we have time to verify. We are not rushed. We have sufficient time to make sure that the same security measures that we now do in a couple of days can be done within seven days after the election. With that, I know I want to yield some time to our Attorney General who has a lot going on, and I would like to give him an opportunity to address the aspects of the bill that he is committed to helping implement.

Aaron D. Ford, Attorney General:

My name is Aaron Ford, and I am your Attorney General. Thank you for the opportunity to testify in support of A.B. 345. I would also like to thank Speaker Frierson, Chair Jauregui, Assemblywoman Benitez-Thompson, and Assemblyman Yeager for sponsoring this important piece of legislation. If I, as Attorney General, could cosponsor this bill, I would. This is a good bill. I get goose bumps sitting here thinking about this because this is something that I personally, when I was a member of this body, advocated strongly for and worked with Speaker Frierson and others in order to try to advocate. So I am happy to be sitting here now advocating for this bill.

As elected officials, we took an oath to protect the *Constitution*. As I have communicated to my office and elsewhere, one of my top priorities is protecting the rights afforded to us in the *United States Constitution* and the *Nevada Constitution*. The right to vote, and through that vote, participate in this very legislative body in which we sit today, is one of our most sacred rights. The right to vote in this democratic process is what has set this country apart from all others. It is a right so powerful that, since the beginning of this nation, some have tried to limit who and how a person may vote to preclude certain people from the dignity of practicing democracy.

In order to truly achieve the democracy we seek, however, we must both fiercely guard our elections and also ensure unfettered access to the ballot for eligible voters. That is why I lend my support to A.B. 345. Among other things, this bill would remove barriers to voting for elderly Nevadans and Nevadans with disabilities by expanding access to absentee ballots. It would allow for Nevadans to more easily preregister to vote. I incidentally had a son preregister to vote for the last election. It was gratifying to see him be able to participate. As a father to young sons, I support this effort to encourage young people to exercise their right to vote and to fulfill their civic duty as soon as possible. This bill would also allow citizens who have recently moved to Nevada to quickly become a part of our community and civic life through an automatic voter registration process at the Department of Motor Vehicles.

I pledge to continue to work with the Legislature, with the Secretary of State, with the Department of Motor Vehicles, and any other state and local entity to ensure that the implementation of this legislation comports with federal and state laws and regulations, that it supports the integrity of our elections, and that it protects our constitutional rights.

Again if I, as Attorney General, could cosponsor this bill, I would love to. It is a great bill, and I urge your support. Thank you very much, Madam Chair.

Matt Griffin, representing Center for Secure and Modern Elections:

We have been involved in the process for Question 5 and also assisting in the drafting for this legislation with the Speaker's office. I am happy to answer any of the questions about the provisions of this bill should there be some. I would first like to give a little background about what is trying to be achieved in this bill. It starts with just a brief explanation.

In the State of Nevada, we have what is called a bottom-up registration system. That means that when you register, you are registering with the local county officials. That information is then, in some circumstances, verified against their local databases and then sent to the state. The state, in conjunction with DMV, verifies the information. Then it is sent off to the U.S. Social Security Administration and the federal government does their verification. It is sent back to the state, back to the county, and then you are put into the rolls. It is a long process. It is the process we adopted in 2002. In a lot of ways, it works very well. But it also limits what you can do in a bill like this with respect to same-day registration.

The other system is what we call top-down where everything is handled in one agency. A voter registers with the Secretary of State's Office. They do the verification. Once those verifications are completed, it goes down to the county so the county can use that in their pollbooks. That type of system offers a lot of flexibility in what you can do with same-day registration, automatic voter registration, and things such as that.

Recognizing the type of system we have in Nevada being bottom-up, the Speaker, I think, did a fantastic job of incorporating a lot of people with a lot of knowledge about how Nevada's elections work. That is what comes out in this bill that is in front of you now. It is frankly—in my 14 years of working on elections bills—probably the most realistic and responsible voter enfranchisement bill that I have seen. It is very cautious in its approach. It makes absolutely no compromises to security, but it also expands the ability to vote to a lot of folks who, to this day, I do not think have had the ability, or there have been barriers to their participation.

That is also the other point that is important with respect to what is capable with the Nevada system: this bill, in my head, is couched between the automatic voter registration system on the front end and the same-day registration system on the back end. Both of those systems are designed in this bill to work in conjunction with each other. Another way of saying that is, the more robust automatic voter registration system we have at the DMV, the less the burden is going to be on Election Day. More people will be registered up front. More people will be transacting business with the DMV and offered the opt-out system, so there will not be as many people coming on Election Day seeking to register on Election Day, and there will not be as many people coming during early voting seeking to register during early voting.

There are two other things to reference on this bill. In Nevada, as we all know being a battleground state, we have a tremendous amount of third-party registration activity. Some of that comes from in state; some of it comes from out of state. Years ago when I was at the Secretary of State's Office, we became a caucus state. That, I think, was in the 2008 election when we were inundated. There is not a system to track the people who come. There is not a system to track how long they are here, what forms they have, how many forms they received, who they received them from, or when they return them. It is street-style canvassing of electors that often leads to a system where you are entering information into voter rolls by hand. It is: I will take your information; I will write it down for you or you will write it down for yourself depending on the circumstances; and then that information is taken to the clerks. And the clerks will say, Is my name Griffin with an I or an E, or is the street one word or two words? So there is often a lot of errors that come from that. When you have a system that has automatic voter registration at the front end and has Election Day registration at the back end, there are not going to be enough voters in the state of Nevada for these third-party groups to come in and flood our state. It leads to a much more secure roll. There are fewer errors in the roll.

The last thing I would mention—following my testimony today, we also have with us John Lindback who oversaw the automatic voter registration implementation in the state of Oregon, and he will speak more about the security of it. When you are registering at the DMV, you are providing documentation of who you are and where you live. When you are registering on Election Day under the provisions of the bill, you are providing who you are. In circumstances of automatic voter registration, there is plenty of time for that information to be vetted against the Secretary of State's records, DMV's records, and county records. If you are registering on Election Day or during early vote, as the Speaker mentioned, in both of those circumstances the voter is casting a provisional ballot. At a minimum, the counties and the state are going to have seven days to verify that information to ensure that yes, in fact, Matt did register, his information checks out, and this is the only ballot that he cast.

The balance we are trying to strike here is recognizing limitations of the system that we have in Nevada and then providing a bill that allows the most people to participate in the electoral process. With that, I am happy to answer any questions that you might have about the provisions of the bill, and if not, as I said, we have Mr. Lindback here from Oregon who has worked on this measure as well.

Chair Jauregui:

Is Mr. Lindback going to be giving testimony, or is he just here to answer questions?

Matt Griffin:

He is going to provide some testimony, at least as far as his experience in implementation in Oregon and the benefits Oregon has seen.

John W. Lindback, Senior Advisor, Center for Secure and Modern Elections:

I am a former director of elections in Oregon. I had oversight of elections in Alaska for six years prior to that. I am a former director of the Electronic Registration Information Center,

the interstate cooperative that trades voter registration data and DMV data with fellow states of which Nevada is a founding member, and Wayne Thorley is currently the chair of the board of that organization.

I retired in 2017 with the intent of doing nothing. My retirement is an epic failure, and therefore I am before you today because I am a firm believer in automatic voter registration. It is going on throughout the nation. You are not alone. There are states that have gone before you. You do not have to do it exactly the way other states have done it, but I can talk to you today in particular about the Oregon experience that when an automatic voter registration system works well, you can dramatically increase the number of people who are qualified to vote on your rolls, and you can do it in a secure manner, and you can make your system more secure all at the same time. It really does work.

So I will talk about the Oregon system. When I was director of elections in Oregon—I left in 2009—we were lucky if we got over 2 million voters. That was a big thing when we climbed over that 2 million-voter barrier. Since the implementation of automatic voter registration in Oregon, they are now up to 2.76 million voters in the last three years, an almost 35 percent increase. The percentage of eligible voting population that is registered went from—it was south of 70 percent. It is now, as of today, about 86 percent and at various times since implementation of automatic voter registration, it has climbed up to near 90 percent, which is a good goal. Why did Oregon do this? Because voter registration at DMVs was not working as well as they wanted it to.

So they implemented an automatic voter registration system in which they know when people go to the DMV in Oregon, people provide documentation on their proof of legal residence. Most often that is a passport or a birth certificate, and it might be a green card. The registrant is standing at the counter. You know he or she is a real person. It is not a fake registration handed in by someone at a third-party voter registration drive who is getting paid. You know it is a real person. You have the documentation that they are in this country and they are citizens. The data on those people goes electronically to the Secretary of State's Office, which then sends a letter to the individuals after their transaction at the DMV and gives them an opportunity to opt out of registration if they want to by returning a card and pick a party by returning a card.

That is the way it works there. They decided that is the way it would work best for them. There are various ways of doing this; not all the states are doing it the same. We do have pretty phenomenal numbers out of Oregon. I congratulate Nevada on passing this initiative and putting the implementation of this law into effect by consideration and passage of this bill.

Let me talk just a second about security. Why does this kind of system make your elections more secure? First of all, you are cutting down on paper voter registration forms that are floating around out there. Is there anything less secure than a voter registration collected where you hand over all of your personal data to somebody—a stranger on the street at a third-party voter registration drive—and let them walk off with your card? Would you not

rather provide that data to a government agency like the DMV which will care for it and make sure it is transmitted, and that your personal data is not going to be carted off and used for some other purpose? The security and transfer of the data in the various states that are employing these systems have proven to be effective. You know they are a real person when they are standing at the counter at the DMV. They are providing you documentation of citizenship in most cases in Nevada because they are applying for a Real ID form of driver's licenses. The security cannot get any better than that when you are actually seeing a person register in person.

Lastly, I would like to talk to you about the impact of the automatic system in Oregon on local election officials. I will leave you with a comment from Tim Scott, who is the supervisor of elections in Multnomah County in Oregon. That is the largest county. He said that since the Oregon system was implemented in January of 2016, Multnomah County has added 80,000 voters and at the same time reduced temporary staff and overtime that used to input data from paper registration forms. Last-minute surges in registration are now smaller and more manageable because voter registration activity is steady throughout the year, and third-party registration drives in Oregon now primarily focus on getting out to vote rather than registering voters on paper. I will leave my comments at that and am happy to answer any questions.

Chair Jauregui:

Thank you, everyone, for presenting the bill, and thank you, Speaker Frierson, for bringing it. You said you were excited, and I share your excitement with this bill. One of the questions I had asked Mr. Gloria from Clark County—this number blew me away when he came into the presentation—I had asked him how many people registered to vote thinking they could vote in the 2018 election after deadline, and it was 7,358 people—7,358 people who registered after the deadline who would have been able to vote in 2018 had we had same-day voter registration. That is just one Nevada county. I am really excited to see what that is going to do to the 2020 elections. I believe there are people on the Committee who have comments and questions.

Assemblywoman Miller:

I echo the Chair's comments about the excitement. I am a bit shocked about 7,000 people. That is quite an incredible number. I would also like to say that I echo your sentiments about the safety of election registration. I know when I was canvassing, there were four instances when I went to the door and people—first of all, they were scared to say it, but they said, What are you doing here? I am not registered to vote. I am not a United States citizen. I have a green card. I have this and that, but how do you have my name? How do you have my information? If anything, they were more scared that they were going to get in trouble, but somewhere, there are some vulnerabilities to the paper process, as you state. My question for the Speaker is—and I know that you are definitely passionate about this bill and I know you have been working very hard on it for quite a while—I notice the amendments that Clark County put in and I am specifically looking at section 46, subsection 3 [page 6, [Exhibit E](#)]. I am wondering if that is a friendly amendment.

Assemblyman Frierson:

Yes. The Clark County amendment I consider to be a friendly amendment as a whole. The reality is, when you have the responsibility of managing the election for 80 percent of the state, I should probably take your input. Clark County has been very involved, and I welcomed anything that would make it easier for them to implement without overly burdening them. I do consider their amendment to be a friendly amendment.

Assemblywoman Torres:

I really wanted to make a comment. Thank you for presenting this piece of legislation. I can think of numerous accounts where individuals have been unable to vote because perhaps, first of all, they might not realize that they are not registered to vote. I think of my high school students back home and how many of them were so confused about the election process. In fact, they were tweeting me—of all places. My graduates found me on Twitter and they were tweeting me, How do I register to vote, and, Is it too late? I had to send them the information and make sure they registered in a timely manner.

Additionally, I think of our naturalized citizens. I am a daughter of a naturalized citizen. I remember when my father was naturalized in 2008, it was too late for him to register to vote in time for the caucus. So he was not able to participate in the caucus for that election. He was able to vote that November, but I think about how we are breaching the rights of our naturalized citizens by not allowing them same-day voter registration. That same thing actually happened to many naturalized Nevadans this last election because they were naturalized after that deadline. I really appreciate this piece of legislation. I think this is a really big step forward for the state of Nevada.

Assemblyman Roberts:

I have a couple of questions. The voting centers, basically now that is every polling place. Are they restricted? You could register the same day anywhere, correct? That is the first question.

Matt Griffin:

The way the legislation is—it is kind of two different issues—the voting center legislation is enabling; it is not mandatory. It is not required, but every jurisdiction, every county in the state, can do vote centers if it wants. But the same-day registration is at all Election Day polling places. That was a function of the recommendation from the clerks. It is simply too hard for them to do it at a couple of locations and not all of them.

Assemblyman Roberts:

In Oregon, do they have same-day registration?

John Lindback:

Oregon does not.

Assemblyman Roberts:

So maybe from the panel—just out of curiosity—for states that have automatic voter registration and same-day registration, do you see people waiting until the last minute, or do they actually not because it is so convenient? In the instance that was brought up here about 7,000 voters who waited until the last minute, in other states that have implemented same-day registration and automatic voter registration, has that declined so there is not a mass of people showing up at the last minute? Because it is so convenient, do they register more frequently? What has been the experience, if you know? If you do not, I understand.

John Lindback:

One of the problems that we are having right now with testifying on these kinds of bills is the lack of data from a lot of states because it is new. But the thinking is that if you have a robust automatic voter registration system and people are already registered, when they go to the polls, they do not have to register on Election Day. So the more robust and efficient your automatic voter registration is, the less activity you will have on Election Day in terms of same-day registration, but you still want that fail-safe.

Matt Griffin:

If I could just add on: I do not have the exact numbers from Oregon and Mr. Lindback is exactly right about the data, but if you look at what happens in states that implement it, it is usually front-loaded. So the year you enact it, there are a lot of people who use the automatic voter registration system and then it is cut in half and then it is cut in half as time goes forward and as people cycle through. Within a two- to three-year period, you have captured a large swath of the eligible folks who are not registered. I think you will find out, but I think all indications are that Election Day registration is going to drop off significantly over a three-year period when people start having to go to the DMV.

Assemblyman Roberts:

Thank you. Human nature is such that if you give me a homework assignment and it is due Friday, I will do it on Thursday night. I am curious as to how that automatic voter registration worked into that and whether it actually tapered off that effect. It sounds like it does.

Assemblyman Leavitt:

There are a lot of parts of this bill that I am excited about. I agree with you wholeheartedly that this should not be a partisan issue, and I hope that my comments are not viewed this way; I have some concerns that popped up as you were talking. I like the DMV registration; it is a good way to vet and make sure we have qualified and eligible voters. I think that is a good thing. I like the fact that polling locations can be anywhere because I work 30 miles from my home, so if I do not early vote, I have to take time off work and drive 30 miles to vote on a Tuesday. That is often difficult. I do agree with that.

There are two things I have a little bit of concern about. You have kind of answered them, and I am not trying to reach too far. Concerning same-day voter registration, logic would tell me that you cannot vet a voter that fast or a potential voter that fast. So they are voting

provisional ballots. Well, by the time you vet them, the election is over. You have counted the votes and you have counted their provisional ballots. It could be several days later before you have vetted and made sure that they are qualified voters. At that point, sometimes it is too late, or it causes some sort of controversy, or whatnot. So that is my one concern with that.

As far as electronic registration, I think everyone is—in the back of their minds—concerned about some sort of fraud being eligible when you do something online or you open it up to the Internet with identity theft so present in our society today. My main concerns are about the ability of fraud to creep in or not giving the polling locations enough time to really vet these provisional ballots.

The last thing is, when you are talking about an eligible and qualified voter which—you use that terminology and I like it—at 17, under the law you are not eligible or qualified to vote. If my 17-year-old daughter has to wait until she turns 18 and she happens to turn 18 before a general election versus a primary election, I think that is just, you know—she was born on that day. Maybe her parents should have had her six months earlier or whatever, but it did not work out that way. The 17-year-old thing is that at 17 you are not qualified or eligible, so although it is heartbreaking that you cannot vote in a primary election and only in a general election, I think that is valid.

Assemblyman Frierson:

I welcome my colleagues answering technical questions, but with the anecdotes, I would like to address them as they pertain to our jobs and my particular experience. When you are 18 years old, you are held accountable as an adult in every single way. You can serve in the military. You do not have to wait for two years for the next election to serve in the military. You do not have to wait for two years until the next election to be able to be held accountable for crimes or to get jobs that require you to be an adult. In every single way, an 18-year-old is considered to be an adult and responsible except for this. The notion that you would have to wait two years—to wait until you are 20 years old—if you happen to turn 18 just before November. Two years to exercise such an important right goes around the spirit of democracy. This is 18 years old by November. The structure and timing of primary votes are creatures of statute; we made them up. We created them. We set the timelines. We set the schedule. Heaven knows, I do not like having to walk door to door when it is 115 degrees out, but that is what we do. We set those, but a fabric of our election is that first Tuesday in November. I cannot fathom making an 18-year-old wait two years to be able to exercise that. That is the rationale behind it. It may be easy to say, Tough luck, see you in two years, but I think with the way that elections are changing and more folks are engaging and younger folks are engaging, these are the kinds of exclusions that get them disillusioned. They either fade away—which I hope is no one's intention—or they come back in two years fired up and ready to take names. We want to include them and welcome them as a part of this process, and I think two years is too long to make them wait.

The comment about registering online and concerns about security, obviously anytime you are dealing with the Internet, you are concerned about security. You can already register

online. That is not new. I think there are no more security concerns in this bill than currently exist with respect to registering online.

I think you mentioned there being concern about time. As I set forth, this actually gives more time than we currently have. Assembly Bill 345 gives more time for folks to register and file their ballots, and it gives the clerk more time to assess them. I cannot tell you the number of times that I walked door to door and saw a lockbox on a door. I saw an empty house where someone had just been evicted or moved. It is not just waiting until the last minute necessarily, but life happens. We end up having to do outreach to try to eliminate those doors that are no longer valid, but I also cannot tell you the number of times that I had somebody—I will never forget I had a constituent and I will just say her first name of Queen. You cannot forget that name. She is now passed away, but I saw her every two years. They invited me in to watch the game, and I could not say no to Queen because she was so sweet. The last time I saw her, her husband had passed away and her son had moved to California. It was the weekend before Election Day, and she needed a ride. I cannot tell you the number of times that folks needed a ride to the polls. I think that these are not anecdotes; these are real situations.

The other—the most real situation I can point to when we are talking about whether or not this makes a difference—is that I lost in 2015 by 40 votes. I cannot be convinced that it does not make a difference.

Chair Jauregui:

Assemblyman Leavitt, we are going to move on. I think you rolled five follow-ups into one question.

Assemblywoman Monroe-Moreno:

I do not have a question; I just have a comment. I want to thank you for bringing this bill. It is vitally important to our state. We are doing anecdotes. We have been working collectively as a state to get young people involved. We are in middle schools getting children engaged. We are in high schools getting children engaged. It was a rite of passage in my household that at 18 you could go cast your ballot. We have taken our children with us to the polls since they were knee-high so that they would be excited about it. This last election, there was a young lady at a high school just outside my district who had been volunteering on the campaign for months. She was able to vote, but her best friend was not able to vote because of when her birthday was. It was sad. She was 18, but she was not 18 in time to cast her vote. This is very important to the next generation of leaders in our state. I thank you for that.

Chair Jauregui:

Thank you, Committee. I think that is all of our questions. We are going to go ahead and move forward into testimony. I want to remind everyone again, because we will be taking testimony in support, then in opposition, and then in neutral, that in this Committee we are respectful. Being in support of the bill means that you support all of the bill and there is nothing you oppose from it. Being in opposition means that you like some of the bill, you

oppose some of the bill, or you are just in opposition to the bill. Neutral means you do not care if you support or oppose; you are completely neutral. And we are always respectful in this Committee. Please keep your public comment to the merits of the bill only and be respectful to each other. Before we open up testimony in support, I would like to give the lay of the land. I will be calling people up here in Carson City three at a time and then we will go down to Las Vegas three at a time. We will come back and forth between Carson City and Las Vegas.

Emily Persaud-Zamora, Executive Director, Silver State Voices:

Before I begin, I wanted to say that there are numerous folks we have who have turned out here, and to be respectful of time, I wanted to give the opportunity to allow them to stand up in support so you all can see how many folks are here. So in Las Vegas and here in Carson City, these are all the folks that we have turned out who support this bill. Thank you.

Chair Jauregui:

If you would please stand in Las Vegas if you are in support of the bill, I would like the camera to pan out and see how many people are in support in Las Vegas. Thank you so much. You can continue with your testimony.

Emily Persaud-Zamora:

Thank you. As we know there are various aspects of this bill, but there are a few that I would like to uplift. Automatic voter registration and agency registration modernization is an affirmative reform that has gained nearly unprecedented traction in the last few years. Most states are already required to provide registration opportunities at government agencies, such as DMV. Automatic voter registration takes this model further by making registration an opt-out process. California, Colorado, Connecticut, District of Columbia, Illinois, Maryland, Michigan, Vermont, and Washington are all states that have implemented automatic voter registration and same-day voter registration.

While both reforms are advantageous on their own, they can be highly effective together. Automatic voter registration would mean more registrations can be processed on a consistent, ongoing basis well before the busy election period. It would improve administration efficiency around the election by decreasing, but not eliminating, the need for same-day voter registration, which is still an important safety net for those missed by the automatic voter registration process because they may not have access to a Nevada ID.

Section 11 of this bill makes various positive changes to the online voter registration page that is operated by the Secretary of State's Office. As we began our 2018 voter registration programs, we noticed that various changes had been made to the online portal that made the process of registering online longer and a bit more intimidating. After conducting an analysis on our 2018 voter registration, we evaluated that our partners experienced a massive decrease in online voter registration numbers in comparison to 2014 and 2016. Online voter registration is supposed to be a convenient process, and we believe that A.B. 345 restores that.

We are appreciative that A.B. 345 centers and empowers our youngest voters. Sections 21 and 86 will allow polling locations to have more than one poll worker who is a student. This section will encourage more students to become poll workers and is a step in creating a more diverse pool of poll workers. Sections 55 and 56 allow for 17-year-olds who are preregistered and will be 18 years of age for the general election to vote in the primary election.

Chair Jauregui:

Your time is up. I know that you have written testimony. Our Committee assistant has been instructed to collect it and share it with everyone on the Committee so that we can continue to review it. Thank you.

Eric Jeng, Director of Civic Engagement, Asian Community Development Council:

I am here to testify in support of A.B. 345. As mentioned, in 2018 Asian Community Development Council conducted a third-party voter registration program where we registered over 14,000 Nevadans including naturalized citizens. In our center, we speak over ten different languages, and we have unique outreach to the fastest-growing minority here in the state of Nevada.

In 2018, due to the voter registration deadline in October and the schedule of the naturalization ceremonies, between the 12 ceremonies scheduled between the deadline to Election Day—12 ceremonies with 50 citizens being sworn in at that time—about 600 of the new Americans missed this election. These are individuals who have lived in the community for years and have gone through the process to gain their citizenship. Right now for a green card holder to apply to become a lawful, permanent resident, that takes five years. After waiting five years, he or she applies. Right now, the current wait time is 15 to 18 months. That is another year and a half. After applicants go there, take the exam—both an English and civics test—have an interview, and then once they pass, they must wait another month to get to the ceremony. For people who have already waited for almost two years to become U.S. citizens, and missing that by days, I think that, for us, is a very sad fact. Once they are finally eligible to participate in America's democratic process, they are unable to do so because of arbitrary deadlines.

We support A.B. 345 because it ensures that all eligible voters have the ability to participate in our democracy. Thank you very much.

Kimi Cole, Private Citizen, Minden, Nevada:

I am a constituent from Douglas County. As a rural Nevadan, I strongly support A.B. 345. This bill will not only secure and modernize our electoral systems, but it will ease the entire process for all Nevadans, especially for those who live in more rural parts of the state.

Same-day registration benefits rural Nevadans because it would now allow for the ability to update their voter registration information the day they show up to vote, such as name change, new address, or party affiliation. Should there be an error in my voter registration, I personally would love to have the ability to correct my registration there at the polling

location without having to worry about my voice not being heard at the polls. Currently, same-day registration is the law in 17 other states. These include Montana, Idaho, Utah, Colorado, and Wyoming, which all have significant rural populations.

Assembly Bill 345 would also allow Nevadans to request to have an absentee ballot automatically sent to their mailing address. They will no longer have to request it every election cycle. Currently the only exceptions are given for voters over the age of 65 or if they have a documented disability. For many rural Nevadans, having a permanent absentee ballot is more convenient and practical. Please pass A.B. 345. Thank you.

Lorena Portillo, Assistant Registrar of Voters, Election Department, Clark County:

I am here today to present comments on behalf of Joe Gloria, Registrar of Voters in Clark County, as he is unable to attend today's meeting due to an obligation to attend the U.S. Election Assistance Commission's Standards Board meeting.

Nevada has a long history of ranking high among states in providing voting services to its citizens. Assembly Bill 345 provides election officials with the ability to further expand access to all voters in Nevada, ensuring our ability to rank among the best in the nation for providing services to voters across the United States.

More than any other piece of legislation I have worked on as an election administrator, I am proud to have had the opportunity to work with fellow clerks, registrars, and the bill sponsor to ensure that A.B. 345 upholds the integrity of our election process, but still allows administrators to efficiently do the work associated with the requirements of this bill. I want to thank Speaker Frierson for allowing us the ability to thoroughly review this bill language and provide detailed feedback for possible amendments. He made it very clear that input from the clerks and registrars was important to him and to the success of the bill ([Exhibit E](#)).

We have proactively confirmed with our vendor that our software can be modified to support the proposals outlined in this bill. We support this bill and the wide spectrum of increased voter access this bill includes, providing that the funding is provided to cover the fiscal note we have submitted to support these programs in Clark County. Thank you.

Donna West, Private Citizen, Las Vegas, Nevada:

I am a retired Nevada state employee who spent most of my career managing the branch offices for the Nevada Department of Motor Vehicles. I support every aspect of A.B. 345 to make voter registration and voting easier and more readily available to all Nevadans. Today I would like to talk about my experience with Motor Voter and why I strongly support automatic voter registration.

I was the southern regional manager for the driver's license division at the DMV when Congress passed the National Voter Registration Act of 1993, also known as Motor Voter. It was my privilege to work with Catherine Cortez Masto who was then serving as chief of staff to Governor Bob Miller on implementing Motor Voter in our state. Since then, the DMV has

helped thousands of residents complete voter registration forms and ensure that those forms were delivered to the election departments and clerk's offices throughout our state.

I was also the DMV's project leader on the IT project that created a combined customer-centric database to enable all employees to serve all customers. That computer system was launched in 1999 as part of the agency's solution to Y2K. So that tells you it is now 20 years old. While I do not know everything that happened to that system since I retired in 2002, I do know that Motor Voter was part of our process when the computer system was designed.

Motor Voter in Nevada has evolved and continues to be part of the program the DMV employees use when providing driver and vehicle licensing services. Forms are still printed and delivered to those responsible for registering voters.

I support automatic voter registration and know that it is possible. If we listen to and take lessons learned from the other 15 states and the District of Columbia, implementation of automatic voter registration in Nevada should make progress.

Sondra Cosgrove, President, League of Women Voters of Nevada:

I am a history professor at the College of Southern Nevada and the president of the League of Women Voters of Nevada. I am here to speak in support of A.B. 345.

Currently, MIT's [Massachusetts Institute of Technology's] Elections Performance Index ranks Nevada as sixth in the nation for how we manage our voter registration and election processes. This is a really good list that includes Nevada in a top-ten ranking. It is very important for the League of Women Voters of Nevada that we do everything possible to maintain this gold-standard rating by both proposing bold policies that enhance fair access to the ballot and funding those policies at sufficient levels to ensure election integrity.

Through the automatic voter registration system approved by voters, we will see most eligible voters easily registering at the Department of Motor Vehicles and under A.B. 345, most of the remaining eligible voters will be able to utilize the secure online voter registration portal to register and update their registration during the early voting period.

The League of Women Voters of Nevada is, therefore, happy to support this legislation in tandem with the full implementation of automatic voter registration to maintain our gold-standard election practices. Thank you.

Briana Escamilla, Nevada State Director, Human Rights Campaign:

I am testifying in support of A.B. 345 as it will expand access to the polls for all Nevadans. I would like to specifically mention that updating the online voter registration portal is particularly beneficial for low-resource communities, including transgender Nevadans who, if this bill passes, will have an easier time updating their names on the voting rolls. Currently the process for updating your name for your voter registration is to fill out a new voter registration form with your new name. Creating an alternative process to do a legal name

change on our voter registration saves time and resources for both the elections departments and voters. I ask legislators to support A.B. 345. Thank you.

Cecia Alvarado, Nevada State Director, Mi Familia Vota:

I am here to testify in support of A.B. 345 and I am going to focus my testimony on sections 12 and 13. In November of 2018, Nevada voters adopted ballot Question No. 5 requiring the creation of a system to automatically register eligible Nevadans to vote whenever they apply for or renew a driver's license. Mi Familia Vota has continued its close collaboration with Nevada officials to ensure that any implementation of automatic voter registration achieves the goals of ballot Question No. 5 and satisfies the requirements of Motor Voter. Assembly Bill 345 provisions on automatic voter registration in sections 12 and 13 give the DMV and the Secretary of State's Office flexibility to devise a system that will accomplish these goals. Automatic voter registration is a natural next step in Nevada's evolution toward improving Motor Voter and making voting easier and more accessible. Most importantly, it will bring more Nevadans into the electoral process. Voters will no longer have to provide the same information to two different agencies—the DMV and the county clerk. Voters will no longer have to remember to update their voter registration when they move. Automatic voter registration increases confidence in elections, which increases turnout. Mi Familia Vota urges the legislators to pass A.B. 345 which provides a good framework for implementing an effective automatic voter registration system. Thank you.

Phuong Tran, Student Fellow, Nevada Student Power, University of Nevada, Reno:

As someone whose job is to encourage students to engage in their civic duty, I am in support of Assembly Bill 345. I am here because in the 2018 election cycle, I was helping to register and turn out voters at the university. Through my work, I came across many students who had missed the opportunity to vote. Some of the reasons as to why they missed the voting periods were because of timing conflicts on Election Day due to a lack of transportation, inconvenient hours due to class time conflicts, and voter registration problems such as lacking proper ID or being out of town and not receiving an absentee ballot in time to vote. These issues are all accessibility issues related to our unique position as students. We have limited time and focus. By allowing more time and access through this bill, we can ensure more participation from more folks under 35 years old. Younger voters remain significantly underrepresented among registered voters. We need to shift that and make our process more transparent, inclusive, and accessible. This bill would create a stronger path and greater access for youth to participate in our democracy. Today, I urge you to support A.B. 345 for the sake of young folks like me. Thank you.

Fernando Romero, President, Hispanics in Politics:

I am a 52-year resident of Nevada and am the president of Hispanics in Politics. I have been in the hospital almost all day today where doctors uncovered that I possibly have three or four torn tendons in my right arm. Nonetheless, the reason I opted to come to testify on this bill today with my feeling as ill as I do is in memory of my father, Raul Romero Sr., an American of Mexican descent whom I, when I was a young boy, remember having to pay a poll tax in Texas in order to have the privilege to vote. He felt it was right and an honor to cast his vote. Obviously, I do as well. I am here today in support of A.B. 345. As a

Republican, I stand in support of anything that secures our elections and makes things less bureaucratic. Why should any arbitrary paperwork deadline exist to determine whether someone is eligible to vote or have their vote counted? I, as my father before me, believe in personal responsibility, and voting is far too important to make it difficult for people to vote. Besides, we might find out who a James Ray Houston is on the day of. I urge you to please support A.B. 345.

Reverend Leonard B. Jackson, Director, Faith Organizing Alliance:

I am testifying in strong support of A.B. 345. As an organization that runs a voter registration program, time and time again we encounter folks who are misinformed or completely unaware of deadlines for voter registration. This is not necessarily because they do not care about voting or they are not bright enough to figure it out, but the reality is that the average person is unaware there is a deadline or what the deadlines are. This bill makes our entire process to vote—from registering to actually voting—easier and accessible for the everyday Nevadan. Assembly Bill 345 will make voting more convenient, less bureaucratic, and combat subtle forms of disenfranchisement that decrease voter turnout. We see this disenfranchisement firsthand and it is heartbreaking. That is why I ask that you support A.B. 345. Everyone has the right, and the priority is to make Nevada bright again. Thank you.

Steven Horner, Private Citizen, Las Vegas, Nevada:

I live in Senate District No. 9 and Assembly District No. 35. I am an Army veteran and retired teacher. I promise to be brief. In 1972 I voted for the first time, as did my 18-year-old sister. The requirement to be 18 years old to vote had just become law. During the 1960s, I became aware of the inequalities in voting laws. I walked many miles and knocked on many doors to help secure the vote for those who were being either forced out of the system or being refused the right to vote, whether it was Jim Crow laws, poll taxes, IQ tests, or certain age requirements. People who deserved a voice in their government were being quieted.

Since that time, I have actively sought ways to make sure that every citizen has the opportunity to exercise the only voice most of us have in our government, and that is our vote. Assembly Bill 345 will expedite and aid more individuals with the opportunity to participate in our representative democracy by voting. Our nation is only strongest when all those who want to participate have the ability to vote. I urge the passage of A.B. 345. Thank you for your consideration.

Izzy Youngs, representing Nevada Women's Lobby:

We are in full support on A.B. 345 primarily because while voting is a right, it is often treated as a privilege only for people who have time and resources. Any effort to expand voting periods is wonderful because it allows particularly disenfranchised communities the opportunity to vote after work, on the weekends, and while children are in day care or school. We hope measures such as these will increase turnout from communities all over the state. Thank you.

Jean Laird, Co-President, League of Women Voters of Northern Nevada:

I would like to remind you that we are totally nonpartisan, and we neither support nor oppose any party or candidate. We do study issues and we take positions on issues. You are probably not too surprised to know that we support improving voter access. Since this bill improves voter access, we strongly support this bill.

I would also like to mention that I looked at the fiscal notes and I do not see any funding identified by the agency's estimate for local registrars when it is time to implement these changes, not even in the column called "Effect on Future Biennia." I would hate to see this bill pass without any acknowledgment of future costs to our local registrars. Thank you.

Laura Hale, Private Citizen, Carson City, Nevada:

I am testifying as one of nearly 1,600 members of Indivisible Northern Nevada ([Exhibit F](#)). Incidents of voter suppression and election fraud have expanded over the last decade in Nevada and throughout our country as ugly and cynical expressions of how to deny political representation to a majority of people in order to enrich a shrinking minority. This lack of fair representation translates into unfair treatment across every sector of our society from education and health care to housing, security, and safety. Consequently, we need to make sure to put our time, effort, and resources into fixing the electoral process. Assembly Bill 345 includes multiple proposals that help us to do just that.

In the last two to three years we have witnessed a powerful grassroots response to the corruption of the electoral process and the resulting weaponization of our government at the highest levels. In my lifetime, there has never been greater political engagement from ordinary people who have been deeply shocked and shaken by the promotion of fear, anger, and division that characterize the Trump era. We must use this engagement and energy to overturn the barriers that built up through years of distraction and apathy.

This is not a time for half measures or unfunded resolutions; it is a time for bold action. While we do not expect that A.B. 345 will seal every crack and fissure in our electoral process, we do believe it makes great strides in the right direction. Please support this bill.

Michael Willoughby, Technology Director, Battle Born Progress and Institute for Progressive Nevada:

I would like to thank the Chair and Committee for allowing my testimony today on this important piece of legislation. I am testifying today in my capacity as a cybersecurity expert recognized by Microsoft, Cisco Systems, and the National Security Agency. Put plainly, an untold number of Nevadans are being subjected to de facto disenfranchisement by the current registertovotenv.gov website. This is very clearly by design: bold, oversized, bright red warnings of the possibility that a user may be committing a felony by simply using the site; multiple screens requiring user interaction; and a newly installed captcha. Each one serves the nefarious purposes of intimidating and dissuading Nevadans seeking to exercise their rights, and of blocking the ability of state-sanctioned organizations from assisting Nevadans in that pursuit.

The addition of the captcha is especially troubling as it violates accessibility needs for anyone who might need extra time to complete their application or need the assistance of a screen reader or other assisted technologies since the checkbox automatically clears itself after an arbitrary period of time. In the interest of time and brevity, I will gladly submit screenshots of these barriers to the Chair post-hearing. The totality of these measures makes the online voter registration process even more daunting and time-consuming than filing a paper application. These measures do absolutely nothing to preserve the integrity of registrations or our elections. This is security theater. This is a pantomime. There is no technical reason for the measures to exist on the site in its current state, and the continued deployment of such demonstrates a hostility toward the Nevadans the Secretary of State is sworn to serve.

Our current security posture is poorly planned and even more poorly implemented. It is a solution looking for a problem. Assembly Bill 345 would address these issues by mandating that the Secretary of State remove these obstacles and focus on providing a user experience that is centered not on a partisan agenda, but on the Nevadans who want to register to vote.

Beverly Schreiber, Nevada State Director, NextGen America:

NextGen America is the largest youth vote organization in the country. We have heard today from several Committee members that this bill is vitally important to the next generation of young leaders, and NextGen America represents those leaders, which is why we are here today to testify in support of A.B. 345. Young people make up the largest voting bloc in the country, but they tend to vote at half the rate of older Americans, which is why NextGen is fighting to ensure every young person can cast his or her ballot and shape election outcomes. In Nevada, this means adding more on-campus polling locations, passing same-day voter registration, and allowing preregistered 17-year-olds to caucus in February 2020 if they will be 18 on or before Election Day. Young people deserve to have a voice in our democracy, and this bill will help to mitigate voter suppression efforts that remain in place.

A historic 37 percent of Nevadans 18 to 35 cast a ballot in the 2018 midterm elections, which is up 22 points from the last midterm election. We know that we can produce similar results in youth turnout in 2020. In order to do so, young Nevadans need the help of our state elected officials to curb voter suppression by expanding access to the ballot box. Many students in Nevada struggle with balancing school, jobs, extracurricular activities, family obligations, and more, but that does not mean that they do not care about the issues that are affecting our state. Young people in Nevada do care. They worry about the cost of college. They care about having access to quality and affordable health care. They care about racial injustice and inequality in our state. We need young voters to turn out and vote on these issues in 2020. We believe A.B. 345 will expand access to young voters and provide them with an avenue to make their voices heard. Thank you.

Stephanie Alvendia, Private Citizen, Las Vegas, Nevada:

I am in favor of A.B. 345, specifically the provision regarding same-day voter registration. I am here on behalf of the American Civil Liberties Union (ACLU) as a volunteer. I lead

People Power, which is a grassroots group that is solely focused on bringing same-day voter registration to Nevada.

Our group has spent the last year and a half researching and discussing the issue of same-day voter registration. We have studied the 17 states and the District of Columbia that have successfully implemented it. Same-day voter registration is proven to work effectively and securely for over 40 years in states like Wisconsin, Minnesota, and Maine, which have offered the residents same-day registration since the 1970s. Many of our neighboring states like Idaho, Utah, and Colorado have same-day registration, and in states like Wyoming, voter turnout in presidential years for decades has consistently been over 80 percent. Same-day voter registration is not a red or blue issue; it is an American voting rights issue. As many people have already testified today, this would positively affect thousands of Nevadans here in our state for various reasons of why they could not vote before.

What I want to make a point of today, though, is to show our support for same-day voter registration and show you how strong it is. Not only have you seen people in Carson City and Las Vegas stand up today, but over the last few weeks, my People Power team has gone out into the community and gathered approximately 1,200 signatures. Here they are today in these two big stacks. I wanted to show them to you. These are all eligible Nevada voters who have signed on in support of same-day voter registration. These signatures will be submitted by the ACLU to this Committee for review. It is time for Nevada to join the growing list of states and implement same-day voter registration. Every Nevadan's voice deserves to be heard and counted.

So again, on behalf of myself, the 1,200 voices that we have here on paper, and everyone who has stood up today in Carson City and Las Vegas, please pass A.B. 345, especially the same-day voter registration piece. Thank you.

Priscilla Maloney, Government Affairs Retiree Chapter, Local 4041, American Federation of State, County and Municipal Employees, AFL-CIO:

Every session, my board and I get together and we talk about our legislative priorities. Every session—this may surprise you—next to Public Employees' Retirement System, next to the retiree health care, voting rights and accessibility to voting are always one of their top priorities. It is right up there at the same tier. So I thank the Speaker for what he referenced in terms of how this bill, these various provisions, are going to increase accessibility and help issues around seniors having access to vote, and thank the Committee for your time.

Carter Bundy, Political Action Representative, Political Action Department, American Federation of State, County and Municipal Employees:

We stand in strong support of A.B. 345. It is really a well-designed bill in that it makes it easier to vote which, representing workers, we are always looking for because we have a lot of members who work unusual shift hours, who oftentimes hold two jobs or work overtime, or have to commute two hours to work—for example, at Lovelock Correctional Center. So this is something that is very important to increase access, and it also maintains the security and integrity of our voting process. We thank the Speaker and stand in strong support.

Vivian Leal, Private Citizen, Reno, Nevada:

I am also with Indivisible Northern Nevada but, in particular today, I am going to speak on behalf of our nonpartisan voter registration team that spent nine whole months last year working very hard. They went out with the food bank drops. You probably saw them at every street festival or convention. Yes, they were out at happy hour at the local bar. All was done in an effort to reach people who might otherwise struggle with the challenge of the two-pronged system that we were just discussing: how to register in time, and how to find your place on voting day and how to get there—not only on where it is, but what time it is. It is different from where the early voting was and maybe the person has transportation or does not have transportation on that day.

For this bill, we have submitted our formal testimony ([Exhibit G](#)). But I want to say, on behalf of the voter registration team, oh, how we love this bill because it will make that challenge so much easier, especially for people whose addresses change, especially for the older people, and especially for people with mobility issues. A lot of the people that our voter registration team made it their business to reach would not otherwise be reached by more conventional methods. We thank the Committee very much. I hope that you support this bill.

Jacob Thompson, Private Citizen, Las Vegas, Nevada:

I am a professor of communication studies at the University of Nevada, Las Vegas, although my comments here only represent my own viewpoint. I am here in support of A.B. 345 because it modernizes our state's election system in numerous ways. Every one of these modernization steps benefits all Nevadans regardless of their identity category or political affiliation.

According to a joint report by Nonprofit VOTE and the United States Elections Project, the six U.S. states with the highest-ranking voter turnout all have same-day registration, and voter turnout in states with same-day registration was on average seven points higher than states without same-day registration.

Same-day registration encourages additional civic participation, and it protects voters whose applications were mis-entered due to data entry. It ensures that no eligible voters are turned away due to administrative errors. Nevada deserves an election system that is modern, that encourages civic participation, and that reduces the risk that eligible voters might be disenfranchised or discouraged from registering. Seventeen U.S. states and the District of Columbia currently have some form of same-day registration on the books. They range from deep red states to deep blue states and every gradient and shade in between. Not surprisingly, the electoral sky has not fallen in any of these states. Concerns to the contrary are simply not supported by the data, while the increase in the civic participation and reduction in civic disenfranchisement are supported by data.

The Legislature of the state of Nevada should be in the business of truly representing all Nevadans, even those who are not able to register to vote until the day of the election. It is for these reasons that I urge the Legislature to pass A.B. 345. Thank you for your time.

Mark Brandano, Private Citizen, Las Vegas, Nevada:

On behalf of myself, I support this bill ([Exhibit H](#)). Registration is key when attention to elections is highest during early voting when most people vote or on Election Day, and in one stop this will save time. It increases turnout on average by 5 percent without a partisan lean. Last November that could have meant 49,000 more voters. Permanent absentee ballots by one request for all elections for any voter is a key change. Many of the 84,000 absentee ballot voters last fall would likely choose to enroll and stop sending a paper request yearly to counties which have limited resources. It will drive higher engagement and turnout for primary, city, and special elections.

I have two points to submit for clarification. The first is same-day registration. The last day to register online in the bill is the last day of early voting. Will those who register online the Saturday, Sunday, and Monday after early vote, be able to vote on Election Day? Should the bill be clarified to avoid confusion?

The second is early voting. The bill maintains weekend options, but revises Monday through Friday to at least eight hours. That is more flexible, but it could be applied narrowly. If a metro county changed to Monday through Friday from 9 a.m. to 5 p.m., it could. We have officials now who make voting accessible so that we compete on ideas, not access. But future officials with different priorities, like in other states now, could provide minimum early voting access and, in that climate, changing it could be difficult. To prevent this, you could add, "for counties with populations of 100,000 or more, a polling place must remain open during the period for early voting on Monday through Friday for at least 10 hours daily or 50 hours total in the majority of locations during such time as the county or city clerk may establish."

Automatic voter registration passing by 60 percent shows that most voters approve of expanded access for eligible voters. Nevada currently only ranks 30th in cost of voting. This bill and automatic voter registration will change that. Thank you all.

Chair Jauregui:

Is there anyone else who wishes to testify in support? Seeing no one, we will move to testimony in opposition.

Maurice White, Private Citizen, Carson City, Nevada:

I come before you with a very narrow and specific concern regarding section 42 of this bill. My concern is what we have come to know as ballot harvesting. In this section, people who intend to distribute absentee ballot requests do not have to notify the clerk that they are going to do this until they distribute more than 500 of these requests. These people are injecting themselves into our election process, and they should be known to the clerks. I do not want to suggest that everybody who does this is a nefarious character, but should a group of people get together and distribute individually 499 of these absentee ballot requests, the clerk would never know who is doing that. I respectfully request Speaker Frierson to put an amendment in this bill that would require anybody distributing the absentee ballot request outside of their direct family would have to tell the clerk that they are doing that. Whether it is one or two—

if it is outside your direct family—you should have to tell the clerk that you are going to distribute these absentee ballot requests. Thank you.

Lynn Chapman, Treasurer, Independent American Party of Nevada:

In November 2016, there were over 6,500 same-day registrants in New Hampshire who registered to vote in New Hampshire using out-of-state driver's licenses to prove their identity. More than 4,500 ballots were cast in Milwaukee than registered voters in the 2018 election. In 2015, 141 U.S. counties were found to have more registered voters than people and 7.2 million voters are registered in multiple states. In 2017, a report shows that at minimum, there were 45,000 duplicate voters in 2016. The Public Interest Legal Foundation reported that there were more than 100,000 non-U.S. citizens who are registered voters in Pennsylvania.

I thought it was interesting as I have been listening to the testimonies to hear that over 7,000 people in one county did not register to vote and they were not registered to vote. With all the ads on television, radio, and in our mail for months and months and months, I cannot understand why somebody did not go out and register. You have over a year to register to vote. It is kind of crazy. I am wondering, How did it happen in the olden days that people registered on time and we only had one day on which to vote, not weeks? Thank you.

Janine Hansen, State President, Nevada Families for Freedom:

I want to discuss three issues that have not been brought up. The first one is in the amendment that apparently Clark County provided. When I am reading it through, it says under section 98 that counting absentee ballots must continue through the seventh day after elections and then the canvass must be completed on or before the fourteenth day [page 10, [\(Exhibit E\)](#)]. There is an expectation we have that on Election Day, or at least the next day, we will find out who was elected. Obviously, in this bill, that is not the case. We will be waiting for at least 7 days and maybe 14 days in order to get the results of the election. I think this is going to severely disappoint voters and could possibly leave things open to voter fraud. But particularly, I think it will be difficult in waiting 14 days to get the election results.

The other thing I have a concern about is on page 12, section 12 of the bill where it talks about if a person goes to the DMV and they get their form and they do not turn it in, that if they do not turn it in in 15 days, then they are automatically registered to vote and the county clerk decides they are nonpartisan [section 12, subsection 4, paragraph (b), subparagraph (2)]. If they do not even have the interest to turn in their form, why in the world are we registering these people and assigning them a party?

The third item I wanted to mention that so far has not been mentioned is the fiscal notes online from the DMV and the Secretary of State are over \$18 million to implement this. I think we need to realize that, and there is no fiscal note, as was mentioned in the testimony which was given for Mr. Joseph Gloria. It is a very expensive process. In addition to that, we are not even going to be able to find out who was elected to office until 14 days later. Thank you.

Andrew Quinn, Private Citizen, Carson City, Nevada:

I support teenagers being able to volunteer at the polls as long as it is open to everyone. I myself volunteered at the polls in Memphis, Tennessee, when I was a teenager, because my father worked at the polls and he would drag me along with him. I have two associate degrees, an engineering degree, and law degrees, and to get those degrees, it was very time-consuming and very rigorous. I studied all the time. I have attended college in Tennessee, Georgia, Nebraska, Washington, and California. I have never, ever, had a problem registering to vote or voting as a student.

I have worked doing voter registration in Nevada, and contrary to what had been said earlier, every single person who I filled out a registration form for was a real person. The form requires you to provide a driver's license number or a social security number. You have to be a real person. You have to exist.

I turned 18 in 1977. I missed out on voting in the 1976 presidential election, but my two older brothers got to vote in that election. We have age restrictions throughout our legal system, including for a driver's license and also to buy alcohol. Nobody questions these. Why should voting be any different? We have deadlines to register. We should uphold those deadlines. Thank you very much.

Jim DeGraffenreid, Vice Chairman, Nevada Republican Party; and Chairman, Douglas County Republican Party:

The Republican Party platform opposes same-day voter registration primarily due to the fact that it does enable voter fraud. Current Nevada law makes it extremely easy for voters with even a passing interest in voting to participate, and A.B. 345 is ultimately a solution in search of a problem. Unfortunately, it is not a harmless solution, as same-day registration makes it easier for those fraudulent votes to be cast.

I have been testifying in this building against bills like this since 2011. When a similar bill, Senate Bill 123, was heard earlier this session, we still heard many of the same issues from the registrars who will have to deal with this process. For example, under the current system, counties have an opportunity to check eligibility of a voter based on felony convictions, et cetera, but with same-day voting, this is not possible. In testimony on Assembly Bill 108 of the 76th Session, the Clark County registrar indicated that with same-day registration they could have vote totals on election night, although under this bill, we cannot do that any longer, but the canvass of the election would be eight days later. But it will be a month or two before he could tell who voted. That is the system that would actively encourage voting by those who are not eligible to do so.

Same-day registration provides no tangible benefits in the system when registering to vote is already very simple, but it does endanger the integrity of the election. Existing law allows every voter who wishes to vote to do so without inconvenience. I respectfully urge this Committee to not advance this bill. Thank you.

Bill Maggiora, Private Citizen, Reno, Nevada:

I oppose this bill. I urge you to oppose it primarily because of its security problem. I laud the attempt to improve voter access, but I see nothing in this bill or any security arrangements I have heard of that would prevent any nefarious person—eligible to vote or not—from showing up at every poll he could get to since all the polls are open for early voting and Election Day voting, and signing a different name with a different address and registering and voting over and over and over until he ran out of gasoline or time. I suggest that until you can add something or security, or even something as simple as like the notaries do, having a thumbprint box right next to the signature box and saying, Okay, you can vote: thumbprint and signature. Do that to register and do it again to vote. You know you cannot use photo IDs because they have not been approved yet and there are all kinds of problems getting that approved. Everybody has a thumb, at least one. If they have not got a thumb, I am sure you could figure out a way to take a digital picture. But that would at least make somebody risk jail if they voted too many times in one election. Thank you.

Joe Kinsley, Private Citizen, Carson City, Nevada:

For the record, I oppose A.B. 345. Allowing Nevada citizens to register, then vote on the same day, I do not know how we are going to vet that. If the individual decides to register to vote at 6:30 p.m. and the polls close at 7 p.m., he is going to be allowed to vote? I feel this will create an opportunity for voter fraud to occur. This is a terrible bill that will ensure Nevada will become a one-political-party state. I encourage you to vote no. Thank you.

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

This bill, I see this is going to encourage voter fraud. I do not believe that the system will check efficiently whether the person is valid. It makes no sense to me that people do not have the time when they have all the weeks and months to register to vote and somehow, all of a sudden they need to register on the same day. To me, this is a very inefficient process and this encourages people who have poor personal planning to move on.

Now let us talk about the record of same-day voter registration. The state of Wisconsin, from what I have investigated, in 2008 unlawfully registered about 62,000 people to vote. They actually put some of the people in prosecution. I believe ACORN [Association of Community Organizations for Reform Now] was involved in this.

The other issue is that a lot of people who support this are the people who are backing unlawful immigration which include Make the Road Nevada, and I have Craigslist photos that show that they are paid agitators. What this means is right now the caravan south of the border can come in, they can bus into Nevada, they can register on the same day, and they can possibly vote. This is what it tells me. It encourages people from all over the world to just pour in.

I am sick and tired of people using the race card. For your information, I am a person of color, an Iranian American. I am not disenfranchised from voting. They use this race, ethnic, and gender card, and it does not make any sense to me. I really believe the system will not check whether the person is real, the person actually lives in the area, or is even a

U.S. citizen. I do not trust the DMV because we are giving unlawful immigrants driver's licenses. The DMV has been accused of a lot of unlawful practices.

Theresa DeGraffenreid, Private Citizen, Gardnerville, Nevada:

When we heard the last bill, Assembly Joint Resolution 9, one of the points to not allowing voters to vote for judges anymore that was made was that voters were uninformed and not familiar with the candidates. When listening to this bill, it occurred to me that persons who do not have the effort to register prior to the Election Day have probably not made an effort to be informed or familiar with the candidates before Election Day. That was the one comment I wanted to make.

I also wanted to share a short comment about the part of it that a 17-year-old could vote prior to being 18. My son's birthday is in late October. He did preregister to vote prior to that first time that he could vote, and he was not able to vote prior to the actual voting day, but because he was not able to vote prior, he looked at all the issues and made sure he was ready to vote when November 4 came.

Chair Jauregui:

Thank you so much for your testimony, for sharing your story, and for coming up and being a part of the process. Thank you.

Julia Moore, Private Citizen, Gardnerville, Nevada:

I am from Douglas County. I, too, agree with Janine Hansen's testimony and also Jim DeGraffenreid's testimony. I would like to say I also register voters like the gentleman from, I think, Las Vegas said he registered voters also. We do see them in person, and I believe it comes to personal responsibility to know that you need to register. For instance, today at our headquarters a lady came in. She moved here a month ago from California. She came in to register to vote in Nevada. She is already registered to vote for 2020. She did not wait until next year and say, I forgot or whatever. She is busy moving. I would like to encourage you to oppose this bill. Thank you very much.

Chair Jauregui:

Thank you. Is there anyone else in Carson City or Las Vegas who wishes to testify in opposition? Seeing no one, we are going to move to testimony in neutral.

Deanna Spikula, Registrar of Voters, Washoe County:

I am testifying in neutral for A.B. 345 and I would like to thank the sponsor and his staff for working with the county clerks and registrars on this bill. I support the proposed amendments also submitted by Clark County, although we still have some hurdles to overcome in the implementation of same-day voter registration, including processing and waiting times at the polls, resolving provisional ballots post-election, increasing poll worker time spent on registration and assisting voters with provisional ballots, increasing the amount of equipment and supplies needed at the polling locations, and handling the voter data in our decentralized systems. More resources will definitely be needed in order to effectively accomplish these processes.

It is my hope that we can continue the dialogue with the sponsor on the implementation of same-day registration so that we can accomplish the goals of increasing access while also still maintaining the integrity of Nevada elections. Again, thank you to the Committee and the sponsor for bringing this bill.

Kathy Lewis, Clerk-Treasurer, Douglas County:

Also in the audience is my assistant clerk and election administrator, Dena Dawson. We are here to testify in the neutral position. First, I would like to thank Speaker Frierson and his staff for working with the clerks on A.B. 345. I appreciate his willingness to work with us to find a way to help ensure the integrity of the election process while allowing same-day registration. Although this will increase our workload and there will be a fiscal impact, I feel that in our current decentralized environment, the only way to accomplish same-day voter registration is through a provisional ballot.

I would also like to thank Speaker Frierson for some of the other provisions outlined in this bill. Revising the requirements to publish certain information relating to elections will save the county and state money. Revising deadlines for absentee ballots—the current deadlines in many cases make it difficult for voters to return their ballot timely. But because this deadline is in law, it sets the expectation that voters can wait until that deadline and easily vote their ballot.

Finally, I really do appreciate allowing more than one student trainee to be assigned to a polling location. We are really excited for that provision in Douglas County. I appreciate that we were able to bring this concern to the Speaker and also to Assemblywoman Jauregui and receive the support that we received. Thank you.

Aubrey Rowlett, Clerk-Recorder, Carson City:

I, too, would like to thank the bill sponsor for working with the county clerks and registrars on this bill. It is an important bill. But as previously testified, there are some hurdles that the county clerks and registrars will face in implementing this. Similar to one concern that has already been addressed: the election night reporting could be delayed. That is a concern that we have. We really need to get our voters educated that this is going to be a change that they are going to see.

The other concern is with the same-day registrants actually casting a provisional ballot and waiting until after the election to determine whether the voter is eligible to vote in that county. That is also going to be an educational experience for our voters. It is a totally different process. I have a concern that possibly some voters may view that negatively, as if their vote is being held separate from the other votes that are being cast. So we want to let them know why we have to do it that way based on our bottom-up registration system.

As stated, these are simply concerns that I have as the administrator of the Carson City elections. We are the front line, so we will be the ones who hear from the voters. It is everyone's goal and desire to maintain the integrity of Nevada's elections while also making advancements to provide more access for voters. Thank you.

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

I am here today on behalf of Secretary of State Barbara Cegavske. The Secretary of State is neutral on the policy in A.B. 345. However, we do have some concerns with the technical and administrative aspects of the bill, particularly around the timing and implementation. I do have quite a bit to say, but I want to be respectful of the Committee's time, so I will provide some written comments to the Committee and the bill sponsors afterward.

Assembly Bill 345 as introduced would require the state to make a complete transition to a top-down voter registration system by the beginning of 2022. This is an extremely aggressive time frame, especially considering we are currently developing and engaged in a major elections IT project, which is Automatic Voter Registration Initiative. The amendment proposed by Clark County would alleviate this need to make this transition to a top-down voter registration model, but it would also introduce another timing issue, namely the delay in the posting of election results for tens of thousands of same-day provisional ballots cast. This means election results and winners in a close election will not be known for up to two weeks after an election. Just for reference, in 2018, three of the six statewide constitutional offices were decided by less than 6,400 votes. Had the provisional same-day registration ballot been in process, those races would not have been decided until up to 14 days after the election.

**Jude Hurin, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles:**

The DMV is neutral. The department does have a fiscal note, but it is based on the current language. We appreciate working with Speaker Frierson and his team as well as other stakeholders in regard to section 12 of the bill. We believe that continued efforts to work out the language and understanding of that section within that bill will allow us to adjust the fiscal note and move forward as well. We are in the current process right now, as Mr. Thorley indicated, of working on the Automatic Voter Registration Initiative at this point to come into compliance with that. So we look forward to making sure that any adjustment to this bill is also culminated with the Automatic Voter Registration Initiative as well. Thank you.

**April Sanborn, Services Manager III, Division of Management Services and Programs,
Department of Motor Vehicles:**

Ditto.

Chair Jauregui:

Is there anyone else wishing to testify in neutral? Seeing no one, I will invite the bill sponsor back up to give final remarks.

Assemblyman Frierson:

I will close with the notion that clearly much of the testimony in opposition was based on the original bill without regard for the amendment that addressed the notion that it was changed into a top-down system. That is a nonissue. I think that it is always interesting that you are willing to wait two weeks for results if your candidate wins, but ultimately that is a goal of

making sure that it is as inclusive as possible. The provisional ballot process right now separates provisional ballots, so it is not new. These folks who might feel isolated certainly would feel less isolated than not being able to vote at all. So this is an effort to include those folks, so long as they are eligible to vote and they can be checked the way the process allows currently for provisional ballots. I think that is certainly an improvement. I will close with that.

[Not discussed during the hearing for Assembly Bill 345 were testimony in support submitted by Amber F. McReynolds ([Exhibit I](#)) and a letter in support submitted by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada ([Exhibit J](#)). Letters in opposition were submitted by Carrie Cox, Private Citizen, Henderson, Nevada ([Exhibit K](#)); and Michele G. Mueller, Private Citizen, Las Vegas, Nevada ([Exhibit L](#)). Testimony in neutral was submitted by Doug Goodman, Founder and Executive Director, Nevadans for Election Reform ([Exhibit M](#)).]

Chair Jauregui:

Thank you. I will now close the hearing on Assembly Bill 345. The next item on the agenda is Assembly Bill 488.

Assembly Bill 488: Revises requirement to submit certain reports to the Legislature. (BDR 16-1257)

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27:

Good evening. Thank you for hearing Assembly Bill 488 at approximately 6:53 p.m. I appreciate so much your indulgence in hearing this. I will try to be as brief as possible.

I am here to present Assembly Bill 488 on behalf of the Legislative Commission on which I serve. This bill carries out the duties of the Commission under *Nevada Revised Statutes* (NRS) 218D.380, which directs the Commission to review the list of reports to the Legislature that have been in existence for four or more years, and to consider whether the reports should be repealed, revised, or continued. The Commission also takes into consideration the costs and benefits of the reports and whether the information is available from another source.

The genesis of this biennial review goes back to the 2013 Session when Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1, and I worked with Senator Debbie Smith, Senate District No. 13, to take a hard look at the more than 100 reports required to be submitted to the Legislature every year. What we talked about on the record then is the fact that when we create reports within our legislation, they exist in perpetuity. They never go away. We never come back and say, You know what, that was enough information, let us strike it from the record. I recall very fondly then-Assemblyman James Ohrenschall, Assembly District 12, talking about the fact that technically the report on the Wells Fargo stagecoach hijacking still existed in our NRS. So we thought it was probably time to clean this up. The passage of Assembly Bill 350 of the 77th Session and Senate Bill 405 of the

77th Session in 2013 set up the review process in NRS 218D.380 and eliminated a number of outdated reports.

Last session, the Legislature passed Assembly Bill 464 of the 79th Session to continue the process of eliminating at least some of the older reports that were required. The bill before you today is a measure that will save agencies time and money by getting rid of reports that are no longer needed.

I have to my left Mr. Rick Combs, Director of the Legislative Counsel Bureau, and he is here to go over the specific sections in the bill for eliminating some reports and modifying others. Thank you. That concludes my comments. I would like to turn it over to Mr. Combs.

Rick Combs, Director, Legislative Counsel Bureau:

I have 30 to 45 minutes' worth of testimony, but you, luckily, waited until it is just about my bedtime, so I am not going to present all of that. Very quickly, I just want to go through the sections of the bill with you so you understand what reports are recommended for elimination. Just to put this out there, the Legislative Commission approved this coming forward to the Legislature. Staff made the recommendations. We are making them off of the information we have available to us about whether or not we have been asked for the report recently, how old the report is, and that kind of thing. So if there is any heartburn about any of the reports that are being eliminated, then you simply do not eliminate that report and we move on to the next section in the bill. There is no pressure here, and please do not feel as if staff or the Commission is really invested in this other than just trying to help pare down the number of reports that are out there.

Section 1 of the bill amends NRS 217.460 to eliminate the requirement for the Division of Child and Family Services to submit a report on the status and evaluation of the effectiveness of assistance grants to domestic violence victims. This requirement was enacted back in 1981. The program is established now and the division would continue to receive information from the grantees. So in this case, the division would have the information. If anyone in the Legislature wanted that information, your staff would be able to get that for you even without the submission of the report.

Section 2 amends NRS 360.215 to eliminate the requirement for the Department of Taxation to submit annual reports on its activities with respect to its supervision of the property assessment procedures by the county assessors. The requirement to submit this report was initially added in 1953. We do not currently receive any requests for the report, and the department, under the provisions of this bill, would continue to maintain its responsibility for supervising the assessment practices by those assessors.

Section 3 amends NRS 426.729 to eliminate the requirement for the Department of Health and Human Services (DHHS) to submit biennial reports with recommendations for legislation to assist it in providing personal assistance services for persons with severe functional disabilities. The report was originally required when the program was created back in 2001. There are various other means available for the director of DHHS to

recommend legislation, including the fact that the Executive Branch does get approximately 110 bill draft requests every session. Generally, a number of those go to DHHS. There is also the Legislative Committee on Health Care; and with respect to personal assistance services, also the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs.

Section 4 amends NRS 439A.083 to eliminate the requirement for the DHHS director to provide biennial reports identifying statutes, regulations, and standards which add to the cost of health care without providing a significant benefit and then the action that has been taken in response to that. The requirement was imposed in 1985. Recent reports have not identified any significant statutory changes and have mostly concentrated on regulations that could be amended without such a report.

Section 5 amends NRS 574.030 to eliminate the requirement for societies for the prevention of cruelty to animals to provide biennial reports of all of their actions. This is our "Wells Fargo" of this session, I guess, because the requirement was enacted back in 1873. No such reports have been provided, and no one has asked me to go find them.

Sections 6 and 8 amend NRS 701.160 and 701.380, respectively, to eliminate the requirement for the director of the state Office of Energy to submit an annual report on the activities or programs of the office. Instead, this section would require those activities and programs to be included in the director's report on the status of energy in the state. This would reduce the two separate reports down to one report, and the report would be provided to the Governor annually and to the Legislature biennially.

Section 7 amends NRS 701.215 to eliminate the requirement for the same director of the Office of Energy to submit a biennial report on the progress of energy reduction in state buildings. The plan that is currently referenced in the statute is completed and the program is in effect. The Office of Energy also has a separate program to track use of energy in buildings owned by the state or used by state agencies.

Finally, section 9 revises section 17.5 of the Nye County Sales and Use Tax Act of 2007 to change the recipient of the quarterly and annual reports of sales and use taxes that are imposed to recruit, employ, and equip public safety personnel in the county. Currently the reports are provided to the director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. Section 9 would require that the reports be submitted instead to the Department of Taxation. This would be consistent with the manner in which the More Cops tax reports for Clark County are currently being handled. It would send all the reports in regard to these very similar measures to the Department of Taxation. Again, if there are questions from any of you or the Legislature as a whole, we can get that information from the Department of Taxation rather easily.

With that, Madam Chair, that is the bill and I stand for any questions.

Chair Jauregui:

Does the Committee have any questions? [There were none.] We will open it up for testimony in support. [There was none.] Is there anyone who wishes to testify in opposition? [There was no one.] Is there anyone to testify in neutral? [There was no one.] Would the bill sponsors like to give any final remarks? [There were none.] I will close the hearing on Assembly Bill 488.

Assembly Concurrent Resolution 8: Directs the Legislative Commission to appoint a committee to conduct an interim study concerning compensation of on-call employees in the State of Nevada. (BDR R-1120)

[Assembly Concurrent Resolution 8 was agendized, but not heard.]

The next item on our agenda is public comment. Is there anyone wishing to give public comment? [There was no one.]

Thank you, everyone. Until 4 p.m. on Thursday, that adjourns our meeting [at 7:02 p.m.].

RESPECTFULLY SUBMITTED:

Catherine Bodenstein
Committee Secretary

APPROVED BY:

Assemblywoman Sandra Jauregui, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter in neutral for [Assembly Joint Resolution 9](#), dated April 8, 2019, submitted by Christopher Peterson, Nevada Attorneys for Criminal Justice Legislative Committee, Nevada Attorneys for Criminal Justice.

[Exhibit D](#) is testimony in neutral for [Assembly Joint Resolution 9](#), submitted by Lorena Portillo, Assistant Registrar of Voters, Clark County.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 345](#), dated April 5, 2019, submitted by Joseph P. Gloria, Registrar of Voters, Clark County.

[Exhibit F](#) is a letter in support of [Assembly Bill 345](#), dated April 9, 2019, submitted by Laura Hale, Private Citizen, Carson City, Nevada.

[Exhibit G](#) is a letter in support of [Assembly Bill 345](#), submitted by Vivian Leal, Private Citizen, Reno, Nevada.

[Exhibit H](#) is testimony in support of [Assembly Bill 345](#), dated April 9, 2019, submitted by Mark Brandano, Private Citizen, Las Vegas, Nevada.

[Exhibit I](#) is testimony in support of [Assembly Bill 345](#), dated April 8, 2019, submitted by Amber F. McReynolds.

[Exhibit J](#) is a letter in support of [Assembly Bill 345](#), dated April 9, 2019, submitted by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada.

[Exhibit K](#) is a letter in opposition of [Assembly Bill 345](#), submitted by Carrie Cox, Private Citizen, Henderson, Nevada.

[Exhibit L](#) is a letter in opposition of [Assembly Bill 345](#), submitted by Michele G. Mueller, Private Citizen, Las Vegas, Nevada.

[Exhibit M](#) is testimony in neutral of [Assembly Bill 345](#), submitted by Doug Goodman, Founder and Executive Director, Nevadans for Election Reform.