

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

**Eightieth Session  
February 13, 2019**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:07 p.m. on Wednesday, February 13, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator James Ohrenschall, Chair  
Senator Nicole J. Cannizzaro, Vice Chair  
Senator Yvanna D. Cancela  
Senator Heidi Seevers Gansert  
Senator Keith F. Pickard

**GUEST LEGISLATORS PRESENT:**

Senator Pat Spearman, Senatorial District No. 1

**STAFF MEMBERS PRESENT:**

Michael Stewart, Policy Analyst  
Kevin Powers, Committee Counsel  
Diane Rea, Committee Secretary

**OTHERS PRESENT:**

Joseph Paul Gloria, Registrar of Voters, Election Department, Clark County  
Deanna Spikula, Registrar of Voters, Washoe County  
Aubrey Rowlett, Clerk-Recorder Carson City  
Kathy Lewis, Clerk-Treasurer, Douglas County  
Dena Dawson, Assistant Clerk/Election Administrator, Douglas County  
Sandra Merlino, County Clerk, Nye County  
Christine Saunders, Progressive Leadership Alliance of Nevada

Chair Ohrenschall opened the hearing with voter registrars' presentations.

Joseph Paul Gloria, Registrar of Voters, Election Department, Clark County, gave a presentation ([Exhibit C](#)), adding that Mesquite is on an even-year cycle and Boulder City is moving to even-year elections.

Chair Ohrenschall asked when Boulder City will move to even-year municipal elections.

Mr. Gloria responded he believes Boulder City's last election will be in 2021 and then will move to the 2022 ballot. He is going to verify this information. Boulder City has taken it to counsel and are definitely moving to the even-year election.

Chair Ohrenschall added Las Vegas, Henderson and North Las Vegas would be the only municipalities with odd-year elections.

Mr. Gloria verified that is correct in Clark County. He added Clark County is hoping the electronic ballot delivery will grow because it is a savings to the taxpayers but is difficult to support because of email protection.

Chair Ohrenschall asked what percentage of persons are qualified to be registered but are not and what is the registration rate?

Mr. Gloria stated there is a man in Florida who keeps accurate numbers and he will get that information to the Senator.

Mr. Gloria said since the 2008 election there have been more voters vote early. There are more convenient sites for them to choose on Election Day. All of the polling places that existed in the rural areas of Clark County received a vote center. Any voter in Clark County could use any site to vote.

Chair Ohrenschall asked if early voting is available in rural parts of Clark County.

Mr. Gloria responded certainly. There are voting dates available in Laughlin, Searchlight, Mesquite and Logandale, with three days available in Boulder City.

Mr. Gloria said with assistance from the Secretary of State and the Legislature, Clark County was able to replace its outdated system for 2018.

Chair Ohrenschall asked for an explanation of electronic poll book.

Mr. Gloria explained basically it is the roster used to process voters during early voting and on Election Day. The computers are tied into the database of rolls, and every voter is processed using electronic poll book.

Mr. Gloria added that private property owners do not lose their rights when they allow the use of their sites as polling locations. Complaints were filed because people went to the site to vote and were not allowed to do so during the early voting period. Three administrative staffers traveled during the 14-day period to handle these complaints. Most people who are electioneering in areas where they should not be were contacted and made aware of this. They were agreeable and removed the signs and quit doing the work they were not supposed to be doing. Problems such as these have resulted in losing early voting sites.

Mr. Gloria stated that after verifying voter information in the system, sample ballots were resent.

Chair Ohrenschall asked how many voters in Clark County are opting to get their sample ballots electronically versus the old-fashioned booklet.

Mr. Gloria replied over 31,000, but for the 2018 election they sent out just over 25,000 electronically. This is done in groups of less than 500.

Chair Ohrenschall confirmed they had to use traditional email addresses.

Mr. Gloria stated the lines on Election Day were an issue but now, with new printers and machines, the 2020 election will not have issues.

Senator Pickard stated equipment problems at some sites created long enough lines to cause issues with closing times. He asked what the rule is regarding closing times and people getting in line on time. How was that handled, and what should have happened if it was not consistent with the rule?

Mr. Gloria replied there are two scenarios and the law is different for early voting and Election Day. If there is a line at early voting, there is nothing to prevent continued voting for those people in line. As long as it does not go past midnight, officials allow people to keep showing up as long as there is a line.

Once the line dissipates, the team leader makes the call to close the polls. On Election Day, it is different. Statute indicates that voting is from 7 a.m. to 7 p.m. at which time someone is sent to mark the end of the voting line.

Senator Pickard asked if the procedure is a regulation or just a custom.

Mr. Gloria replied it is in statute for Election Day.

Senator Pickard verified a worker goes to the end of the line to make sure no one else gets in line, and asked is this in statute?

Mr. Gloria stated he believed so.

Mr. Gloria continued, saying voter notifications are coming from groups out of state that think people are eligible to register but are not registered in Clark County. Notifications are also sent to the voters who are already registered. This becomes upsetting and voters think they have been removed from the rolls. Notifications are sent to people who are not at an address because the demographic information does not match the rolls. Unfortunately, voters think these come from the Registrar's Office and this is not the case. Many requests for mail ballots are sent out and that prompts a process where the clerks have to determine if these are duplicates.

Chair Ohrenschall asked, regarding the groups who are sending out the forms, if there is anything the Secretary of State can do to eliminate the confusion to the voters.

Mr. Gloria replied Clark County is looking for a sponsor to amend the *Nevada Revised Statutes* (NRS) so groups will not be allowed to send these out. Notifications were sent out 21 days before the election, which was mid-October, and the mail ballot request deadline needs to be in September or sooner to allow for the flow of those coming in. There is no control on what data the groups use. If they got or verified the data with the Registrar or the State voter database, they would not be sending requests to people who are not registered.

Mr. Gloria spoke about cyber security and said the office received 10 to 12 alerts on any given day. Cyber security is providing good information. There is a

large amount of support from the Clark County Information Technology Department.

Mr. Gloria stated counties in Nevada need to be able to work together to properly support and serve the people. Every county is having a tough time recruiting the workers needed to support voting.

Deanna Spikula, Registrar of Voters, Washoe County, gave a statement ([Exhibit D](#)) along with a presentation ([Exhibit E](#)) stating Washoe County is the second-largest county in the State with the second-largest population and has registered voters with 71 election districts.

Chair Ohrenschall asked about the important requirements for certification of accuracy by the Accuracy Certification Board and whether this is a Washoe County board or a national board.

Ms. Spikula replied each county appoints its own certification board. The Washoe County board participates and certifies prelogic and accuracy process along with postlogic and accuracy testing after the postelection audit.

Chair Ohrenschall asked if that was to make sure the software is working correctly.

Ms. Spikula said there is a predetermined vote sequence, and as long as those votes are being cast accurately and being tallied correctly, that is what is being looked for. The votes from the machines are tallied the same way.

Ms. Spikula stated the polling work continues year round. Until after the canvas of the final vote, the office cannot begin reentry of data and preparation for the next election. Early voting was provided at 23 location and was very successful in Washoe County.

Ms. Spikula said live streaming is offered on election night for anyone who wants to access it on a live web feed. Military and overseas ballots come in over email or fax and are scanned in and tallied. A duplication board takes care of ripped or spoiled ballots so they can be duplicated on scanners. Election Day workers start about 5:45 a.m., work until the last person has voted and the polls have closed, all the cleanup is done and information is transferred to the poll center.

Ms. Spikula stated that there is a need for workers for election days. A stronger program is needed with higher pay or stipend to entice people to work. Election officials are looking at changing the sample ballot format, which has not been popular, as well as investing in a mobile-friendly sample ballot system to encourage people to opt out of receiving sample ballots by mail for 2020.

Senator Heidi Seevers Gansert asked how Washoe County messaged voters that electronic information is available should voters want to opt out of making their email available to others.

Ms. Spikula replied there is a provision in law that email addresses are not public record and cannot be released. On the website, there is the option to opt out and a disclosure saying "your email address is not public record." Getting the message to voters for the opting-out option is provided in the sample ballot. Some messaging has been done with the Washoe County communications team about receiving the sample ballot electronically. To send emails out is time-consuming but guides voters to a link on the website for retrieving the sample ballot. For now it is only a PDF version of the sample ballot. It is not ideal. A more visibly appealing product with interaction, the ability to select candidates and produce a sample ballot with voters' selections to be taken to the polls in an easy format is what Washoe County would like to see.

Ms. Spikula stated more polling locations are needed for the growing community along with more workers to work those stations. Washoe is also requesting an extension of time for absentee ballots deadline being moved to 14 days instead of seven, for the voters to be successful.

Chair Ohrenschall asked if Washoe County voters got the requests for absentee ballots from private organizations that were confusing.

Ms. Spikula responded yes. Washoe has the same issue with receiving up to five request forms for a single individual. The form is provided in the sample ballot, but then is received in the mail and the information is not accurate.

Chair Ohrenschall referred to page 17 regarding security, asking if Ms. Spikula is aware of any cyber threats made toward Washoe County voting.

Ms. Spikula replied no, no threats and no penetrations.

Chair Ohrenschall asked if this is the first year Washoe County has done Election Day vote centers.

Ms. Spikula answered yes.

Chair Ohrenschall stated Clark County is worried about people getting confused with their former polling places and asked if that was an issue in Washoe County.

Ms. Spikula replied for the most part there was no confusion, but people did not know any voting location was available to them. By the general election, more people were taking advantage of the ability to go anywhere. That had positive feedback.

Aubrey Rowlatt, Clerk-Recorder, Carson City, provided a presentation ([Exhibit F](#)) that she reviewed. She stated voter registration software is used to register the voters and is different from the voting equipment that is used to cast votes. She said Carson City echoes the concerns stated by Clark and Washoe Counties.

Chair Ohrenschall asked if early voting in Carson City is the same time period and hours as in Clark County and how it works.

Ms. Rowlatt replied Carson City has 12 days, Saturday through the Friday before the election with Sunday off.

Kathy Lewis, Clerk-Treasurer, Douglas County, began her presentation ([Exhibit G](#)), reviewing pages 1 and 2.

Dena Dawson, Assistant Clerk/Election Administrator, Douglas County, continued with page 2 and the top of page 3, stating she had served as a certified election administrator in Oregon and Colorado. She said the benefits of the new voting system would be improved but will take several years and, although costly, would be beneficial.

Chair Ohrenschall asked what the office sees as the advantage to a top-down centralized registration system as opposed to counties keeping local control.

Ms. Dawson replied everyone uses a different system now, so it would be a blessing to have the additional overview to the system. Each county does something differently. With the implementation of automatic voter registration and potentially same-day registration, each county will input a little differently, but the transmissions going to one single source at the State level makes more sense.

Ms. Lewis continued with the bottom of pages 3 and 4, explaining the electronic poll books and changes with them.

Ms. Dawson addressed pages 4 and 5 concerning mail-in ballots, stating that basic list maintenance would eliminate complaints and confusion from voters.

Ms. Lewis continued with the provisional ballots information on pages 5 and 6.

Chair Ohrenschall asked if the voter voting a provisional ballot could vote for everything from federal offices to the State Legislature, county commissions and city councils.

Ms. Lewis replied that is part of the contingency plan and it would need to be the full ballot.

Ms. Dawson made mention of the Elections in Nevada Snapshot 2019 ([Exhibit H](#)), hoping the Committee could use the information during the Legislative Session.

Sandra Merlino, County Clerk, Nye County, reviewed her presentation ([Exhibit I](#)), stating Nye County is not in need of any equipment. She added that Nye County has the same issues as the other counties.

Chair Ohrenschall opened the hearing on Senate Joint Resolution (S.J.R.). 3 of the 79th Session.

**SENATE JOINT RESOLUTION 3 OF THE 79TH SESSION:** Proposes to amend the Nevada Constitution to provide certain rights to voters. (BDR C-55)

Senator Pat Spearman, Senatorial District No. 1, introduced S.J.R. 3 of the 79th Session and provided a statement ([Exhibit J](#)), adding that she remembers her



grandmother telling stories about trying to vote. She was never allowed to vote. Voting is one of those fundamental rights which a lot of people have suffered, bled and died for. Voting is a fundamental right that must be enshrined in our Constitution. We cannot afford for changes in administration or changes in philosophical outlook to deny the right to vote to those who are qualified to vote in this State. Senator Spearman said we have been here before as a Nation.

Chair Ohrenschall stated this resolution will strengthen voter rights and make sure that anything in the future, any attempt to disenfranchise people, will become even more remote and difficult if that were to be attempted in our State.

Christine Saunders, Progressive Leadership Alliance of Nevada, spoke in support of the resolution, stating the belief in deepening democracy to create a fair and just Nevada, and to do that as a State, is needed to show our commitment to eliminating barriers eligible voters face when trying to cast a ballot.

Chair Ohrenschall closed the hearing on S.J.R. 3 of the 79th Session and stated he would be open to take a motion.

SENATOR CANCELA MOVED TO DO PASS S.J.R. 3 OF THE 79TH SESSION

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Ohrenschall, seeing there was no other business, adjourned at 5:47 p.m.

RESPECTFULLY SUBMITTED:

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Diane Rea,  
Committee Secretary

APPROVED BY:

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Senator James Ohrenschall, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	3		Attendance Roster
	C	12	Joseph Paul Gloria	Presentation – Clark County
	D	20	Deanna Spikula	Presentation – Washoe County
	E	7	Aubrey Rowlatt	Testimony – Carson City
	F	4	Aubrey Rowlatt	Presentation – Carson City
	G	12	Dana Dawson	Presentation – Douglas County
	H	2	Dana Dawson	Snapshot
	I	16	Sandra Merlino	Presentation – Nye County
	J	4	Senator Spearman	Testimony