

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

**Eighty-first Session
May 27, 2021**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:43 p.m. on Thursday, May 27, 2021, Online and in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Roberta Lange, Vice Chair
Senator Heidi Seevers Gansert
Senator Carrie A. Buck

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Jason Frierson, Assembly District No. 8

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Bryan Fernley, Counsel
Diane Rea, Committee Secretary

OTHERS PRESENT:

Mark Wlaschin, Deputy for Elections, Office of the Secretary of State
Annette Magnus, Battle Born Progress
Emily Persaud-Zamora, Silver State Voices

CHAIR OHRENSCHALL:

We will open the hearing on Assembly Bill (A.B.) 422.

ASSEMBLY BILL 422 (1st Reprint): Makes various changes relating to elections.
(BDR 24-1040)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

I am pleased to present A.B. 422 which will update and modernize our voter registration ethics. Congress passed the Help America Vote Act (HAVA) of 2002 that requires states to create a Statewide voter registration database. The Federal Election Commission reports that states have developed three different systems to comply with this requirement.

The first type of system is bottom-up, where the information is collected and stored locally and reported up to the Statewide system, usually transmitted daily. The second type of system is referred to as top-down, where information is collected and stored in one system. The third is a hybrid system with a mix of both top-down and bottom-up systems.

Right now, Nevada is one of six states to use the bottom-up voter registration system. County clerks and registrars maintain their counties voter registration rolls and use a database specific to their county. Voter information is collected and stored at the local level and reported up to the Statewide system on a regular basis. This level of coordination makes the process slower.

Assembly Bill 422 will move us away from a bottom-up system and toward a top-down system instead. While bottom-up systems in other states share information in real-time, our data sharing is only transmitted daily. This delayed information sharing is cumbersome and inefficient. With our twenty-first century voting policies, which include automatic voter registration and same-day voter registration, it is time we modernize our systems to match that innovation.

Most of the bill makes conforming changes. I want to direct your attention to section 32, subsection 1, which requires the Secretary of State (SOS) to establish and maintain a centralized, top-down database to collect and store the registration of electors from all the counties in the State. Additionally, each county clerk must use the database created by the SOS to collect and maintain all records.

Section 32, subsection 2, requires the SOS to use the information collected to create the official Statewide voter registration list. Section 39.5 states,

beginning January 2022 through January 2024, the SOS will submit a report to the Interim Finance Committee every six months on the status of the project.

States across the Country, especially Nevada, notice the effects of outdated technology and infrastructure that have hampered our State and local government's ability to deliver services effectively and efficiently to our constituents. I believe modernizing our voter registration database is a step in the right direction to streamline our State government. Every registration official supports the top-down system as a more effective and efficient way to manage elections. Being a State that uses an outdated method does a disservice to our constituents and voters in Nevada.

SENATOR SEEVERS GANSERT:

Do we have money set aside to allow the SOS to start the implementation process at this time?

ASSEMBLYMAN FRIERSON:

We have funds to start the four-year process to be implemented in 2024. The fiscal note was removed for this biennium because we were able to get started with the process. This is an investment everyone agrees is the correct direction. It would be incumbent on this institution to finish what we have started.

SENATOR SEEVERS GANSERT:

When we went to same-day registration, one of the issues we knew in advance of the election was going to be a problem because of the timing of the securitization of the individuals who registered to make sure they were eligible. Are HAVA funds going to cover all or just a piece of this?

MARK WLASCHIN (Deputy for Elections, Office of the Secretary of State):

We have approximately \$6.8 million remaining in the HAVA grant. We intend to spend approximately \$4.8 million of that grant to assess and cover as much of the entire project as possible. The HAVA grant will not cover everything but will give a sizable chunk for the first phase.

SENATOR SEEVERS GANSERT:

Did we have access to the HAVA funds two years ago when we were looking at this change? Or is this a new grant?

MR. WLASCHIN:

We have had the HAVA grant in various sizes and have received more. It is my understanding that the intent for the HAVA grant was to support counties across the State. Between the Legislature and the SOS identifying this requirement and prioritizing it, it is now time for the reprioritization of the HAVA grant to focus on this project.

SENATOR LANGE:

I have heard from the county clerks that we need to go to this system. It is important when people are running for reelection, election or voting that our voter files are accurate. With the top-down system, these will be the most accurate and up-to-date records.

ASSEMBLYMAN FRIERSON:

Everything we have discovered about moving to a top-down system will make Nevada more efficient, reliable, secure and faster.

SENATOR BUCK:

I think this legislation will clear up a lot of discrepancies.

CHAIR OHRENSCHALL:

If this passes, will HAVA make sure that if someone moves from Lincoln County to Clark County, the system will cancel the registration link in the last county? Will it require new software to make all the systems talk to each other?

MR. WLASCHIN:

In the current system, if someone moves from Lincoln County to Douglas County, Lincoln County would actually cancel that registration and Douglas County would have to create a new registration eliminating the voting history. There is a lag with regards to how long it takes the information to delete and be recreated. With the top-down system, it would be real-time. When that individual moves into Douglas, their location will change, and their voting history will remain in the system. That will be helpful going forward; when we have provisional ballots, we can instantly tell if there is a registration across the State. If someone is trying to register and cast ballots in Storey, Carson, Douglas and Lyon Counties, the system will increase the security and facilitate greater imperfect preventive maintenance. The process will look like an assessment coming from an outside vendor keeping the requirements across the State and counties. Gathering these requirements is a significant part of this

process. When the vendor comes back, they will recommend if a commercial off-the-shelf system is needed for this State, or if we should build something proprietary within the State. We will move forward with approximately 18 months of phases to make sure each county's system integrates into the new software made for Nevada's needs.

SENATOR LANGE:

I have heard about people coming into Nevada from outside the State and doing a same day registration and going back. How will the top-down voter file help when people go out of state? Do you communicate with other states?

MR. WLASCHIN:

The top-down system will help enhance our internal security, making sure we have clean voter rolls. The intrastate movement has been mitigated through our Electronic Registration Information Center (ERIC). It looks at registrations across multiple states—currently it is 30 states plus Washington D.C. When they compare our Statewide voter registration lists, the process enables us to identify individuals who are attempting to be registered in multiple states. When we find two registrations in adjoining states, the ERIC system notifies both states. We compare to see which is the more recent data and reach out to the individual to verify if they just moved and, if not, we will cancel that registration. If we identify an individual who has cast a ballot in more than one state, we conduct an investigation and refer them over to law enforcement.

CHAIR OHRENSCHALL:

Are we any closer to having California join the ERIC system?

MR. WLASCHIN:

I have heard rumors but nothing firm. We hope they do and we are frequently talking. It is in the interest of both states and their electorates.

ANNETTE MAGNUS (Battle Born Progress):

I will read my presentation ([Exhibit B](#)).

EMILY PERSAUD-ZAMORA (Silver State Voices):

We stand in support of A.B. 422 because a top-down voter registration system ensures that our voter rolls are accurate, efficient and up to date. Our current bottom-up voter registration system requires counties to maintain their voter registration databases and election management systems. This may cause great

inconvenience to the counties and organizations like ours who rely on county cooperation to engage with Nevadans across the State successfully. It is imperative to acknowledge that Nevada is a transient State. Seeing information across the board will streamline the process for county clerks and registrars while ensuring there is a more secure way of managing the voting process at all polling locations. Assembly Bill 422 would pave the way to ensure same-day voter registration functions in the most secure and efficient way possible.

CHAIR OHRENSCHALL:

We will close the hearing on A.B. 422. I will accept a motion on this bill.

SENATOR SEEVERS GANSERT MOVED TO DO PASS A.B. 422.

SENATOR BUCK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR LANGE WAS EXCUSED FOR THE VOTE.)

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Senate Committee on Legislative Operations and Elections
May 27, 2021
Page 7

CHAIR OHRENSCHALL:
Hearing no further business, we are adjourned at 4:07 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begin s on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 422	B	1	Annette Magnus	Statement in Support