

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

**Eighty-first Session
April 8, 2021**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:37 p.m. on Thursday, April 8, 2021, Online. [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 Nicole J. Cannizzaro
Senator Heidi Seevers Gansert
Senator Carrie A. Buck

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Mark Wlaschin, Deputy Secretary for Elections, Office of the Secretary of State
Joe Gloria, Registrar of Voters, Clark County

CHAIR OHRENSCHALL:

We will start with the work session on Senate Joint Resolution (S.J.R.) 7.

SENATE JOINT RESOLUTION 7: Proposes to amend the Nevada Constitution to remove the constitutional provisions governing the election and duties of the Board of Regents of the State University and to authorize the Legislature to provide by statute for the governance of the State

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University and for the auditing of public institutions of higher education in this State. (BDR C-944)

MICHAEL STEWART (Policy Analyst):

I have submitted the work session document ([Exhibit B](#)) for S.J.R. 7.

CHAIR OHRENSCHALL:

If S.J.R. 7 passes the Legislature this Session and then were to pass at the 2023 Session, would it be presented to the voters at the 2024 general election?

BRYAN FERNLEY (Counsel):

Unless the Legislature called a special election to consider the bill, it would be considered at the 2024 general election.

SENATOR SEEVERS GANSERT:

Because we are amending something in the Constitution that has been in place for over 100 years, when the wording speaks to a State University which shall embrace departments of agriculture, mechanical, arts and mining and other departments deemed appropriate for the State University, it refers to the State University but later talks about State University and any other public institution of higher education established by the Legislature. Since the original university was what is now known as the University of Nevada, Reno (UNR), is it accurate to say that the State University is the University of Nevada, Reno, and other public institutions of higher education would be those that were developed after the original State University?

MR. FERNLEY:

The language as written is correct. The State University system, and the other public institutions of higher education would refer to the community colleges and State colleges.

SENATOR SEEVERS GANSERT:

Then State University includes UNR and the University of Nevada, Las Vegas (UNLV), because it was a subdivision originally of UNR? When we do resolutions like this, we have to make sure the language is right the first time, or we have to start over again.

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MR. FERNLEY:

This does mirror the language from the Question No. 1 on the ballot in 2020 from A.J.R. No. 5 of the 79th Session.

CHAIR OHRENSCHALL:

With no more questions or comments, I would be open for a motion on S.J.R. 7.

SENATOR CANNIZZARO MOVED TO DO PASS S.J.R. 7.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR OHRENSCHALL:

We will close the work session on S.J.R. 7 and open the hearing on Senate Bill (S.B.) 263.

SENATE BILL 263: Revises provisions relating to elections. (BDR 24-896)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

Issues come up in all elections where I am asked from county clerks and individuals to try to correct. The last one the people objected to is the concept of cancelling registration. A lot of people switch parties because they want to participate in the election. Several individuals were upset because they had to cancel their voter registration in order to reapply.

The first part of the bill is stating you do not have to cancel your registration, it can just be changed.

The other aspect had to do with individuals within the military. The current system states the voter application for military ballots are accepted until the seventh day before an election. We are in a situation where we allow same day voter registration. It seems we have put the military at a less advantageous position. We are seeking to correct this to cover the voters who apply to register to vote and cast military and overseas ballots by the deadline for

casting an absentee ballot that applies to a registered voter who is not what is called a "covered voter."

When we put those changes in, we thought we had it right and the Secretary of State's Office contacted us and said our verbiage is incorrect.

The proposed amendment 3237 to S.B. 263 ([Exhibit C](#)) is included. This incorporates the changes the Secretary of State's Office says are necessary to get the verbiage correct.

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

To summarize the concepts or intent with the first part with regards to the voter registration, S.B. 263 adjusts *Nevada Revised Statutes* (NRS) 293.540 section 1, subsection 2, paragraph (e). This part of the NRS offers the clerk registrar the chance at voter registration to change their party affiliation. This can be done online already, and for those individuals who do it online instead of in person at the clerk's office, does not require a cancellation. This is a cleanup item that no longer applies. We are removing that part of the statute and updating it to better reflect what is currently being done.

The second part relates to the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) eligible registration voters. Those are the military and overseas citizens and the method they use to vote. This intent is to update NRS 293D.230 so those UOCAVA eligible voters and overseas citizens can register up to Election Day. Currently, it dictates they are not allowed to unless it is seven days before the election. Same day registration is a discrepancy that needs to be remedied.

Those are the changes, and the Office of the Secretary of State is in support of S.B 263.

SENATOR CANNIZZARO:

Have you or the Secretary of State's Office discussed this with the county registrars and their ability to process these ballots on the correct timeline when receiving registrations and ballots from overseas in the mail, making sure we can comply with what we are trying to do with this bill?

SENATOR SETTELMAYER:

I have talked with some of the counties I represent. They are smaller, so I believe we need to find out from Joe Gloria, the registrar in Clark County, whether it is permissible. Either way it comes down to a situation of equity for military personnel or those individuals who are overseas.

MR. WLASCHIN:

I have discussed this with the clerks. There is a concern in the larger counties, the ones that receive more of the UOCAVA votes. It is about equity, and current manning or staffing deficiency or limitation should not limit the ability of any of our citizens to vote from overseas. I spoke with Mr. Gloria, and his concern was the timeline, recognizing the current timeline in place allows these ballots to be processed, but not by the day of the election. There is a period of time that delays and impacts staff for the sake of enabling military and overseas citizens to vote along the same time lines.

SENATOR CANNIZZARO:

I wanted to be clear that the issue is not whether military voters should have the same access. It is the feasibility to actually comply with all of the provisions and make sure that can be done is where my concern was. My understanding was there may have been a concern from some of the larger counties on being able to comply with all of those provisions.

CHAIR OHRENSCHALL:

Mr. Gloria may be able to answer questions on how this might affect Clark and some of the larger counties.

SENATOR SEEVERS GANSERT:

Was there an amendment?

SENATOR SETTELMAYER:

Proposed Amendment 3237 to S.B. 263 is on NELIS. The changes were just received. It does not incorporate any new concepts, just changes wording that were necessary to bring it into compliance with terminologies I was unfamiliar with regarding voting from overseas.

CHAIR OHRENSCHALL:

Registrar Joe Gloria has joined us from testifying in the Assembly. If you have had a chance to look at the Proposed Amendment 3237 to S.B. 263, can you

say what the effect will be for the more populous counties in terms of the operations of the election?

JOE GLORIA (Registrar of Voters, Clark County):

The extension of the deadline for overseas voters is definitely a good thing for that group of UOCAVA and overseas votes. We were concerned about running the cycle late all the way into Election Day because on election night there are many responsibilities staff are monitoring, including mail ballots. As for receiving the information from the polls, we hoped to have that changed to the Monday before the election. We would not have any issues supporting it, but putting it to election night does put a strain on staff.

CHAIR OHRENSCHALL:

There is just a small change to this amendment that would make it more workable for the Clark County election department.

MR. GLORIA:

Absolutely. The bill is a good move for providing more access. They have outlined that it has to be the electronic format. We do not see any problems supporting those orders through Monday; however, until election night does create a burden for us.

SENATOR CANNIZZARO:

I wanted to ask about the change for party cancellation. I did not see any issues with that piece.

MR. GLORIA:

We see that as cleanup in language. That is not an issue for us.

SENATOR SEEVERS GANSERT:

Are you saying we should change section 5, subsection 1, paragraph (a) where it has to be postmarked on or before the day of the election? Is it the timeframe which is hard for you to manage? Because section 5, subsection 1, paragraph (b) is electronic mail or facsimile, is it just the mail and receiving it?

MR. GLORIA:

As we read the bill, we see the electronic request eligible late into the evening on election night. The mail coming in can be received, but if it comes in late that creates an issue for us. We were hoping the deadline would be pushed to

Monday night, then we can easily transmit the ballot for voters to process quickly and get back to us on Election Day.

SENATOR SEEVERS GANSERT:

Now that we have the same day registration, I do not want to put the veterans at a disadvantage if a regular voter can electronically submit something and it can be turned around so they can vote. I feel we have to make sure our veterans have the same standing and access.

MR. GLORIA:

That is an understandable argument. We are just pointing out that staff works late into the evening to prepare for the receipt of all of the stuff coming in from the polling places. Perhaps if there were some clarity to the cutoff being at 5 p.m. on Election Day, we might be able to work with that, but at 7 p.m. we need to be prepared for everything coming into the warehouse, and it is difficult to allocate resources on that day.

SENATOR SEEVERS GANSERT:

Can somebody get in line or register to vote at 6:55 p.m. on Election Day and be able to register and vote at that time?

MR. GLORIA:

That is correct. With Nevada identification, voters get in line for same day registration and can vote in person.

SENATOR SEEVERS GANSERT:

Should there be a deadline for those doing same day registration to make sure they get turned around? I think the military should have the same access.

SENATOR CANNIZZARO:

There would be the ability to process a ballot received on Election Day, but you are requesting receipt ahead of close of election time to be able to process before the election is over?

MR. GLORIA:

That is correct. The request for the ballot from overseas to come back by the day before insures us of getting it back electronically so we have the opportunity to process the votes.

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SENATOR CANNIZZARO:

I do have some concerns with being able to execute that if we are keeping it at Election Day and not giving some additional time for the turnaround for the clerks receiving the request and then sending out the ballot. That is a bit different than someone who is able to take care of it in person.

SENATOR BUCK:

I think we need to allow time for our military to get their ballots submitted.

CHAIR OHRENSCHALL:

We will close the hearing on S.B. 263.

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SENATOR Ohrenschall:
Hearing nothing further, we will adjourn the meeting at 4:16 p.m.

RESPECTFULLY SUBMITTED:

Diane Rea,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.J.R 7	B	1	Michael Stewart	Work Session Document
S.B. 263	C	1	Senator James A. Settlemeyer	Proposed Amendment 3237