

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

**Eighty-Second Session
May 11, 2023**

The Committee on Legislative Operations and Elections was called to order by Chair Michelle Gorelow at 4:15 p.m. on Thursday, May 11, 2023, 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/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Michelle Gorelow, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblyman Rich DeLong
Assemblywoman Jill Dickman
Assemblyman Reuben D'Silva
Assemblywoman Cecelia González
Assemblyman Brian Hibbetts
Assemblyman Richard McArthur
Assemblyman Cameron (C.H.) Miller
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Sabra Newby
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Skip Daly, Senate District No. 13

STAFF MEMBERS PRESENT:

Haley Proehl, Committee Policy Analyst
Heidi Chlarson, Committee Counsel
Shuruk Ismail, Committee Manager

Minutes ID: 1112



Kristi Howard, Committee Secretary
Bet Torres, Committee Assistant

OTHERS PRESENT:

Francisco V. Aguilar, Secretary of State
Mark Wlaschin, Deputy for Elections, Office of the Secretary of State
Annette Magnus, Executive Director, Battle Born Progress
Melody Judilla, Deputy Director, Silver State Voices
Aria Flores, representing Chispa Nevada
Kerry Durmick, Nevada State Director, All Voting is Local
Daela Gibson, representing Planned Parenthood Mar Monte
Jessica Munger, Program Manager, Silver State Equality
Davis Huskon, Executive Assistant, Las Vegas Indian Center
Lynn Chapman, State Vice President, Nevada Families for Freedom; and Treasurer,
Independent American Party of Nevada
Susan Ruch, Private Citizen, Carson City, Nevada
Barbara Jones, Private Citizen, Washoe County, Nevada
Leslie Quinn, Private Citizen, Las Vegas, Nevada
Iris Stone, Private Citizen, Las Vegas, Nevada
Cadence Matijevich, Government Affairs Liaison, Office of the County Manager,
Washoe County
Sarah Mahler, Private Citizen, Sparks, Nevada
Aaron Ford, Attorney General
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County
Public Defender's Office
Jennifer Willett, Nevada Senior Grassroots Manager, All Voting is Local
Kent M. Ervin, Private Citizen, Reno, Nevada
Izack Tenorio, representing Campaign Legal Center
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
Eric Jeng, Acting Executive Director, One APIA Nevada; and Director of Outreach,
Asian Community Development Council
Emily Persaud-Zamora, Executive Director, Silver State Voices
Teresa Crawford, Member, Toiyabe Chapter, Sierra Club
Danielle Fitzgerald, Deputy Organizing Director, Progressive Leadership Alliance of
Nevada
Briana Escamilla, Director, Regional Organizing, Planned Parenthood of the Rocky
Mountains
Donna West, Private Citizen, Las Vegas, Nevada
Guillermo Barahona, representing Chispa Nevada

Chair Gorelow:

[Roll was called. Committee Rules and protocol were reviewed.] Good afternoon, everyone. We are going to start today's agenda with our work session on Senate Joint Resolution 7 of the 81st Session, presented by our Committee Policy Analyst, Ms. Proehl.

Senate Joint Resolution 7 of the 81st Session: 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 University and for the auditing of public institutions of higher education in this State. (BDR C-944)

Haley Proehl, Committee Policy Analyst:

[Read from [Exhibit C](#).] Senate Joint Resolution 7 of the 81st Session is the only measure on our work session today. This was heard in Committee on May 4, 2023. It proposes to amend the *Nevada Constitution* to remove the constitutional provision governing the Board of Regents of the University of Nevada. The Legislature shall provide by law for the governance of the university and the establishment of its various departments. In addition, the resolution stipulates that proceeds of public lands donated for the support of the institution shall be invested by the State of Nevada as required by law. There are no amendments.

Chair Gorelow:

Committee members, do we have any questions? Seeing none, I will entertain a motion to do pass Senate Joint Resolution 7 of the 81st Session.

ASSEMBLYWOMAN BRITTNEY MILLER MOVED TO DO PASS
SENATE JOINT RESOLUTION 7 OF THE 81ST SESSION.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

Committee, is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DELONG, DICKMAN, AND
MCARTHUR VOTED NO.)

I will assign the floor statement to Assemblywoman Heidi Kasama. I will close the work session on Senate Joint Resolution 7 of the 81st Session and open the hearing on Senate Bill 60 (1st Reprint), which revises provisions relating to elections.

Senate Bill 60 (1st Reprint): Revises provisions relating to elections. (BDR 24-412)

Francisco V. Aguilar, Secretary of State:

With me today I have Deputy for Elections, Mark Wlaschin. Senate Bill 60 (1st Reprint) was initially brought by Secretary of State Barbara Cegavske and is intended to clean up our

election statutes. Nevada's elections have changed through each session, and we need to keep up with the times to make our laws clear and straightforward for counties and constituents.

We know that there are often debates on issues related to elections, but this bill is nonpartisan and has been created with recommendations from clerks across the state. The goal is to alleviate administrative burdens and clear up any confusion to help county and state workers navigate the law to continue running secure, fair, and transparent elections. Now I will hand it to my Deputy for Elections, Mark Wlaschin, to go through the provisions of the bill.

Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:

The cleanup bill before you today proposes several changes across *Nevada Revised Statutes* (NRS) Title 24—Elections. I apologize that it is a bit lengthy, but I have summarized the provisions and I want to make sure I address each in case you have questions. Senate Bill 60 (1st Reprint) starts with a proposal to reintroduce a statute that was repealed during the 81st Session relating to the ability of the county clerks to issue a replacement ballot in certain situations. The provisions covered by section 1.5 and section 7.6, though, may be amended further.

The next proposal relates to the recent passage of the Electoral Count Reform and Presidential Transition Improvement Act of 2022 (ECRA), which was part of an omnibus appropriations bill passed in the last days of the 117th Congress. There are numerous changes in the ECRA, but an analysis conducted by the Elections Division, in conjunction with our deputy attorneys general identified two significant changes that make up this recommendation. The first is to clarify who will submit the certificate of ascertainment. Existing state law suggests but does not specify that the Secretary of State will do so. While this has been our historic precedent, it should be clear in statute. Section 11.7 of the bill clarifies and codifies this change.

The second, more complex proposal relates to the new timelines under the ECRA for the selection of presidential electors. Our current timelines for canvass, recount, and contest do not line up with what is now required by the ECRA for the selection of the presidential electors. In 2024, for example, we must certify our presidential electors under the new requirements of the ECRA by December 11, 2024, but we could still be conducting a recount or challenge which, under existing law, could extend to the end of December. That difference in the timelines must be reconciled or we risk a significant issue after each presidential election. Section 1.7 establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors.

Along similar lines, the existing timelines for a nonjudicial candidate to file for office, choose to withdraw, and then be challenged if they do not withdraw during the statutory challenge period have led to significant voter confusion because the timelines do not allow the process to go through the courts in time to remove an ineligible candidate from the ballot. As a result, voters see candidates on their ballots who have already been declared by a court

as being ineligible. This occurred twice during 2022. Section 6.5 proposes to address this by requiring the court to set a contest of an election for hearing not more than five days after the filing of the statement of contest for any election.

Existing law provides the text of the declaration of candidacy for partisan offices, but it does not apply to an independent candidate as it has a specific line stating the candidate's party affiliation. Section 1.8 of Senate Bill 60 (1st Reprint) creates a declaration of candidacy for an independent candidate for partisan office that omits any reference to a political party.

Existing law allows the payment of a candidate filing fee to be done by cash, cashier's check, or certified check only. Section 2 allows that it may also be paid by credit card if that option exists at the filing office. Of note, it would not require any filing officer to accept a credit card payment, but rather those that are able to, could accept that form of payment. Section 2 also clarifies the filing fees in order to make some of them more understandable. The only new fee on the list proposes to clarify that all presidential candidates must pay the filing fee of \$250. *Nevada Revised Statutes* 298.109 currently only requires independent candidates for the office of the president of the United States to pay the \$250 fee. This proposed change will standardize that for all candidates, the same as our other fees for statewide and federal offices.

Existing law provides members of an election board serve from the day before the day of the election until the time for filing contests of the election has expired. Section 3.5 of Senate Bill 60 (1st Reprint) provides instead that members continue to serve as such from the first day of appointment, which may be weeks before the day before Election Day.

Section 4, section 8, section 12, section 13, section 14, section 15, section 16, and section 17 of Senate Bill 60 (1st Reprint) provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which the voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office. This situation came up during the 2022 election cycle. Lander County had a school district race where seven candidates were on the ballot for three seats. Existing law allows that if one candidate receives 50 percent plus one vote during the primary election, then that candidate is declared elected and will not appear on the general election ballot. But with voters being able to pick up to three candidates in that race, it was not clear as to how to determine if anyone had received 50 percent plus one of the votes. This proposed change would address that confusion in Lander County as well as in other jurisdictions that have similar provisions and who could potentially see similar confusion.

Existing law provides that every ballot with the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line in which the voter may select, "None of these candidates." The statute, though, specifically calls out that the line has a square next to it, whereas we have only used ovals or circles on

our ballots for quite a few years. In fact, I could not find an example of the last time we used squares instead of ovals on our ballots. In section 5 of this bill, NRS 293.269 proposes to change the word "square" to the word "space" for uniformity.

Two proposed changes relate to risk-limiting audits. The many pilot risk-limiting audits we have conducted following statewide primary, general, and local special elections have informed these two proposed changes. The first is a proposed change in the timeline to ensure that there is time to do a risk-limiting audit properly. Of note, the proposed change will still enable the results of the risk-limiting audits to inform an election challenge under the statutory timelines. The second proposed amendment is an allowance in NRS 293.391 so that it would clarify that in conducting a risk-limiting audit, clerks and registrars are authorized to use voted ballots and other records that would otherwise be secured in the vault of the clerk. These changes are codified in section 6.25 and section 6.3.

Existing law provides that the deadline to register to vote at the voter registration agency, the Department of Motor Vehicles, or an automatic voter registration agency is the last day to register to vote by mail. Section 6.6, section 6.75, and section 17.3 of the bill require a voter registration agency, the Department of Motor Vehicles, and an automatic voter registration agency to notify a voter who registers to vote after this deadline that in order to vote in the upcoming election, the voter must still register to vote by computer, at a polling place, or polling place for early voting. We are still considering additional methods to adjust this requirement to better support the registration of eligible voters. Existing law requires the Secretary of State to prescribe the form for applications to preregister or register to vote. Section 6.65 of Senate Bill 60 (1st Reprint) requires an application to register or preregister to vote to include an option for a voter to elect not to receive a mail ballot.

Section 6.7 and section 6.9 are a minor adjustment to approve our list maintenance process that would allow a clerk or registrar to update a voter's registration using information received from the National Change of Address program. That is currently allowed, but NRS 293.5307 requires a notice to be sent to and confirmed by the voter before that change can be implemented. This change will give the clerks and registrars the option to implement certain changes and then send a notice to the voter afterwards.

Section 6.8 proposes to amend the provisions relating to the threats to our election's infrastructure, proposing to make NRS 293.755 more inclusive. Right now, it is only a crime to tamper with, interfere with, or attempt to tamper with, or interfere with a program or machine used to count ballots or tabulator. This change would expand it so that it covers all programs and systems used in the conduct of an election, such as voter roll databases, election management systems, check-in kiosks, and others which are critical to the process.

Section 6.9 proposes to amend NRS 293.810 so that a person is prohibited from being preregistered or registered to vote in more than one state at a time, while existing law prohibits a person from being preregistered or registered to vote in more than one county at a

time. That is already addressed through our current list maintenance processes, but this change would further enable the prosecution of individuals who knowingly were registered in multiple states with the intent to vote in more than one.

Section 7 requires the Secretary of State to adopt by regulation a cyber-incident response plan specifically for elections. It also requires the county or city clerk or other election official to notify the Secretary of State of any cyber-incident or attempted cyber-incident in accordance with the cyber-incident response plan. *Nevada Revised Statutes* 293.875 already requires immediate notification of any cyberattack or attempted cyberattack, but the development of the cyber-incident response plan would provide additional clarity for election officials as to what needs to be reported and when.

Section 9 of the bill requires withdrawal of candidacy by a candidate for a city office to be presented within seven days, as opposed to the current timeline of within two days. This change will make the withdrawal period for candidates for city office consistent with the requirement for all other candidates.

Section 11 revises the definition of "uniformed-service voter" to include a member of the active or reserve components of our newest branch of the U.S. Military, the Space Force of the United States.

Section 11.3 proposes to amend special elections into the statute in NRS 294A that covers the campaign contribution limit. *Nevada Revised Statutes* 294A.100 addresses primary, general, and special elections specifically for a recall, but not a special election to fill a vacancy. This change proposes to address that omission.

Section 17.7 proposes to extend the implementation of provisions of Assembly Bill 432 of the 81st Session to January 1, 2025, in order to align with the timeline for transition to a top-down voter registration system.

Section 19, finally, proposes to repeal certain outdated provisions. Specifically, NRS 293.365 and NRS 293C.365, which require that no county board in any precinct district, or polling place in which paper ballots are used may commence to count votes until all ballots used or unused are accounted for. One can see how the legislative intent of the statute from the 1960s was to ensure that if 200 paper ballots were issued, before starting the tabulation, accountability of all 200 ballots would be made. Given how elections are conducted nowadays with mechanical voting devices and mail ballots, this statute is no longer applicable.

Nevada Revised Statutes 293.423 states, "At the hearing of any contest, the ballots may be opened, and a recount made, in the presence of the parties or their representatives, of the votes cast for the various candidates for the contested office." There are other statutes in place that describe the process for a recount in an election contest that allow for the complexity of how elections are administered nowadays. It simply would not be possible to "open ballots" and conduct a recount during a court hearing of an election contest,

particularly since NRS 293.404, subsection 3 requires that during a recount, "All ballots must be recounted in the same manner in which the ballots were originally tabulated," which means the use of mechanical tabulators.

Nevada Revised Statutes 293.567 requires the county clerk to transmit the number of registered voters in the county and their political affiliation to the Secretary of State before certain elections. The intent of this statute was to have a final number of registered voters in each county before Election Day. However, with same day voter registration, the actual voter turnout and number of registered voters continues to change up to the close of polls on Election Day. This information is very important to the county and state election administrators. We will continue to get it in order to determine the percentage of voter turnout, but this statute requires this information to be compiled and sent no later than four days before Election Day. It is no longer an accurate depiction of our registered voters and is inaccurate almost upon submission as other voters continue to register up to the close of polls.

Thank you for your patience. This concludes my presentation. I will remain available for questions.

Chair Gorelow:

Committee members, I know someone has a question.

Assemblywoman Monroe-Moreno:

I just have a question about the amounts that are listed on pages 13 and 14 of the bill. The trustee of a county school district, hospital, or hospital district is at \$30, and a member of the Board of Regents of the University of Nevada is at \$0. Can you tell us how you came up with those amounts for those positions?

Mark Wlaschin:

With the exception of the change in fee for candidates for United States President, all other fees were already in existing statute and have not been touched or amended.

Assemblywoman Monroe-Moreno:

Can you tell us why they are so low in comparison with the others? What were the reasons this was made, whether you were there when they were made, or do you know why?

Mark Wlaschin:

We will look into that, and I will get you some further information.

Assemblyman DeLong:

You have a specific term you used with regards to an audit. I am not finding it in here, but can you describe what that audit is? It also sounds like you mentioned there are more amendments coming. Did I interpret your comments correctly?

Mark Wlaschin:

The term I used was "risk-limiting audit." A risk-limiting audit is a type of audit that was put into statute in 2019. We have been doing pilot risk-limiting audits. It is a statistical analysis of the results and there are a few different ways that it can be done. I will also provide more information on the process after the Committee ends.

To answer your second question regarding the amendments, there have been amendments even in the last 24 hours. There are some ideas raised that may be beneficial and worthy of consideration. Although it is not ideal timing, it is certainly something that has come up and the goal is to make them correct and not necessarily rushed. So that is a possibility.

Chair Gorelow:

If there are no other questions, I have a quick question. In section 1.5, subsection 1, it talks about how "Any registered voter may submit a written request . . . for a replacement ballot," and then goes on to state in paragraph (a) because "of an illness or disability. . . ." I am just thinking about when my own mother ended up in the hospital. Can you explain a little bit more about what that written request is? Is there something they could do online? I am not sure she would have been in quite a state to actually write out a letter.

Mark Wlaschin:

This statute had been in place in years prior. Most folks are unaware of it. Usually what ends up happening is that somebody would show up to the clerk or registrar's office and identify a spouse or a family member that has been hospitalized or otherwise unable to receive a ballot or cannot find it. This statute authorizes a clerk or registrar to cancel the previous one and then issue one upon essentially a statement with the signature and a little bit of other information about the reason why. This is one of those provisions that we are looking very closely at and believe we may have an alternate solution for as well that would reduce the need for that sort of form, but would still provide a secure manner for a voter to be able to cast a ballot during an election.

Chair Gorelow:

Committee members, this is the last call for questions. Seeing none, I will open up the testimony in support of Senate Bill 60 (1st Reprint).

Annette Magnus, Executive Director, Battle Born Progress:

We are here today in support of S.B. 60 (R1). We are happy to see the modernization of how candidates can pay filing fees by being able to use a credit card with this bill. The extension of counting mail-in ballots also ensures every single vote is counted and that the process is accurate. Finally, we also appreciate the added language around cybersecurity. Nevada is already a leader in secure elections, and this will put us further ahead and make our elections even more safe and secure. Please support S.B. 60 (R1).

Chair Gorelow:

Seeing no one else in support of S.B. 60 (R1) in Carson City, we will go to Las Vegas for testimony in support.

Melody Judilla, Deputy Director, Silver State Voices:

Silver State Voices leads the Let Nevadans Vote Coalition. On behalf of the coalition, I am here to express our support for S.B. 60 (R1). We applaud the efforts of the Office of the Secretary of State in prioritizing security and taking measures to improve our voting process. Nevada's elections are safe, accessible, and secure, but we should always be looking to improve our elections when we can. Senate Bill 60 (1st Reprint) does just that. We also appreciate the attention given to smaller yet significant changes. For example, the changes in allowing candidates to pay their candidacy fees with a credit card. The Office of the Secretary of State knows the ins and outs of election administration, and we support measures that improve their work for workflow and, therefore, Nevadans' election experiences. We urge the Committee's support of S.B. 60 (R1).

Aria Flores, representing Chispa Nevada:

Chispa Nevada is with the Let Nevadans Vote Coalition. We are in support of S.B. 60 (R1). Senate Bill 60 (1st Reprint) not only streamlines administrative processes, but more importantly, strengthens our cybersecurity infrastructure to protect the very foundation of our democracy. This bill, particularly section 7, subsection 2, addresses a significant gap in the current system by mandating the Secretary of State to adopt a cyber-incident response plan for elections and ensuring compliance from all county and city clerks as well as local election officials. This bill would require any cyber-incident or attempted cyber-incident to be promptly identified and reported to the Secretary of State. By supporting this bill, we will send a message that we are committed to preserving the integrity of our electoral system. But also, it is important to note that prior to S.B. 60 (R1) there was no legislation that specifically addressed the need for a cyber-incident response plan within the Secretary of State's purview. Without a plan, it leaves our election system vulnerable and disruptive to cyber threats with no established framework to counter such incidents swiftly and effectively. Senate Bill 60 (1st Reprint) is a proactive strategy to combat any interruption or tampering attempts in our elections. I encourage you to support S.B. 60 (R1).

Kerry Durmick, Nevada State Director, All Voting is Local:

In addition to All Voting Is Local, I am also a proud member of the Let Nevadans Vote Coalition. Senate Bill 60 (1st Reprint) would allow candidates to pay their filing fees using a credit card. By allowing candidates to pay their filing fee with a credit card, it would provide more convenience to any candidate who wants to file to run for office. Senate Bill 60 (1st Reprint) would also require that the Office of the Secretary of State adopt a cybersecurity incident response plan for elections that each Nevada election official has to follow. This provision further protects Nevada voters and our election officials from cybersecurity attacks. Senate Bill 60 (1st Reprint) is a commonsense election administration legislation that clarifies and cleans up several Nevada election statutes that will only benefit election officials and voters in the future. I encourage the Committee to support S.B. 60 (R1).

Chair Gorelow:

Seeing no one else in Las Vegas who would like to provide testimony in support of Senate Bill 60 (1st Reprint), are there callers to testify in support of S.B. 60 (R1)?

Daela Gibson, representing Planned Parenthood Mar Monte:

As a proud supporter of the Let Nevadans Vote Coalition, we support this bill and ditto other supportive testimony.

Jessica Munger, Program Manager, Silver State Equality:

Silver State Equality is Nevada's statewide LGBTQ-plus civil rights organization and we are in support of S.B. 60 (R1).

Davis Huskon, Executive Assistant, Las Vegas Indian Center:

We are in support of Senate Bill 60 (1st Reprint). We believe that it will provide a better, efficient, and more thorough outcome for those who vote and for those officials who make that happen in Las Vegas.

Chair Gorelow:

As there are no other callers to testify in support at this time, we will close testimony in support of S.B. 60 (R1). I will now open up the testimony in opposition to S.B. 60 (R1) here in Carson City.

Lynn Chapman, State Vice President, Nevada Families for Freedom:

Section 1 of S.B. 60 (R1) addresses the situation where a voter is forced to leave their home for such reasons as illness, disability, or emergency, and indicates that this is a situation in which a voter would need to apply for a replacement mail-in ballot. It further outlines the administrative and legal steps and a long list of personal information that would be required of the voter. Someone will help the voter receive and submit the replacement ballot to the county clerk; all this in addition to the voter's already stressful situation. If a person leaves home for the reasons outlined in section 1 and they have already received their mail-in ballot, they could either take it with them when leaving or have someone bring it to them after they have gotten to wherever they needed to go. Likewise, if their mail-in ballot arrives at their home after they have left, someone could retrieve the mail-in ballot and bring it to the voter just as easily, if not easier than, they can bring them a replacement mail-in ballot and without the need for all the administrative and legal steps and data required. The existing NRS 293.269919 already covers having someone mark and sign a ballot for someone who cannot do it for themselves. And the existing NRS 293.269923 already covers having someone return the mail-in ballot on behalf of the voter. The creation of a new statute for this scenario is unnecessary. It is already addressed in existing statute, and there is no need for replacement ballots.

Susan Ruch, Private Citizen, Carson City, Nevada:

I am not going to reiterate everything that Lynn just stated, but I am going to go on with the fact that we are not moving towards voter ID. The legislation that we keep hearing changes things, but we need to think about how we are going to get to voter ID. I am really interested to know if all of you realize that we are the only developed country that is now using mail-in ballots. We do not look upon Brazil and Mexico favorably, and they do not use mail-in ballots because it is too much fraud, including Russia. We need to move away from mail-in ballots. Looking at section 15, what they were just discussing looks like it

definitely could lead to lots of voter fraud. In the 2021 Session we heard the voter registrar sent out 82,000 uncured ballots, and who knows where they went? Anybody could be signing those ballots, and we need to oppose this bill. Just as a visual, 95 percent of your voters do not want this bill passed. I do not know whether you look at this, but it is on your website.

Barbara Jones, Private Citizen, Washoe County, Nevada:

I agree with what the previous speaker has said and will add the following: I am in opposition to S.B. 60 (R1) because of this statement requiring the Secretary of State to adopt by regulation a cyber-incident response plan for elections. Then there is in the next part on the first page there, it is "uniformed-service voter." I do not like the word "uniform" because we are trying to get everything uniformed nationally and internationally. Relating to automatic voter registration, or Department of Motor Vehicle automatic voter, I have never ever been for that. On page 31 it says a "voter must complete an application to register to vote by computer using this system established by the Secretary of State. . . ." It is taking away. On page 33, it says, "Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan." What it is, first of all there, you have to vote by machine or register to vote by machine. Some people do not have that ability. It disenfranchises some voters. The compliance by the cities and counties, I am totally against requiring them to comply, comply, comply, comply with the Secretary of State and the national.

Chair Gorelow:

Is there anyone else in Carson City who would like to testify in opposition? [There was no one.] Is there anybody who would like to come to the table in Las Vegas to testify in opposition?

Leslie Quinn, Private Citizen, Las Vegas, Nevada:

I oppose S.B. 60 (R1). This bill adds layers and layers of voter suppression. It will suppress Nevadans' right to vote. Machines and mail-in ballots cost Nevadans tens of thousands of dollars. Let us make voting easy, save taxpayers thousands of dollars, and bring back trust in the vote. Let us vote on one day, in person, and only allow those in the military, who are out of the country, disabled, or elderly that struggle to get to the polls on Election Day to have mail-in ballots. Vote no on S.B. 60 (R1). Save the trees.

Chair Gorelow:

Seeing no others to testify in Las Vegas, are there callers to testify in opposition to S.B. 60 (R1)?

Iris Stone, Private Citizen, Las Vegas, Nevada:

I have three sections I want to talk about, and I specifically oppose Senate Bill 60 (1st Reprint) for that reason. First of all, in section 1.B, subsection 2(b), there is a new independent party candidate category who can run for office in a general election only. It is unclear to me why we need a new independent party and why it is being created. Having this new party dilutes the list of candidates in the general election since we can have an unlimited

amount of independent party candidates but only one Democrat, one Republican, one nonpartisan, et cetera. The creation of this party is totally unnecessary as it does not serve any purpose except for adding numerous unvetted candidates to the general election lineup. This will confuse and discourage voters when looking at a long list of candidates that they need to choose from. At least when a candidate belongs to a party with a platform, that voter generally knows what the candidate stands for. Based on this section, I oppose S.B. 60 (R1). Another subsection that I would like to cover is section 4, subsection 5(b), which outlines provisions in regard to primary elections. The way I interpret subsection 5(b), a voter can pick more than one candidate in a primary election and that vote will be counted for each candidate. Beyond that, the author does not state any further specifics as to how the winner will then be determined. While not specifically called out in the wording, this seems to be a premature set up for ranked choice voting method of determining winners. As we all know, this has not been approved by the Nevada electorate. For that reason, I oppose this particular section and S.B. 60 (R1).

Last, section 19 repeals several statutes. Two refer to the accounting for all paper ballots before counting of votes begin, and the other one is a recount of ballots at the hearing of contest. I believe that repealing these provisions would remove the physical inspection of mail ballots for purposes of audits and recounts. Paper trail and chain-of-custody preservation is critical to a trustworthy election process, including forensic audits and recounts. Moving everything to computers and electronic mechanical devices takes away the assurances we need to provide a paper trail back up that is critical to running a fair and transparent.

Chair Gorelow:

You are past your two minutes. Please wrap up.

Iris Stone:

Yes, I am just about doing that. Having worked as a poll worker in the ballot processing center where I counted and adjudicated many, many mail ballots, it is hard for me to comprehend that these amendments adhere to existing federal statutes. [Additional testimony was submitted, [Exhibit D](#).]

[[Exhibit E](#) was submitted but not discussed and will become part of the record.]

Chair Gorelow:

Do we have any other callers to testify in opposition? [There were none.] We will close testimony in opposition and open up the testimony in neutral.

Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County:

This Committee is used to seeing our registrar of voters, Ms. Rodriguez, but she was unable to be here this evening. We are neutral on the policy of the bill but did want to let the

Committee know that we worked with the Secretary of State to be sure that if it is the policy decision of this body to pass this bill, that our operational and logistical questions and concerns have been addressed.

Chair Gorelow:

Is there anybody else in Carson City who would like to come to the table and testify in neutral? Seeing no one, is there anyone in Las Vegas who would like to come to the table to testify in neutral? [There was no one.] Do we have anyone on the telephone? [There were no callers.] We will close testimony in neutral. Would the bill's sponsor like to come to the table for closing remarks?

Mark Wlaschin:

Title 24 has nine chapters that are very detailed, and very nuanced. Those of us that are privileged to be able to spend our days working in them recognize that there is certainly some room to adjust them to address the needs of the electorate and to reflect in a more uniform way across those provisions, the decisions of this body. We appreciate your support for S.B. 60 (R1).

Chair Gorelow:

With that, we will close the hearing on Senate Bill 60 (1st Reprint), and we will open the hearing on Senate Bill 133 (1st Reprint).

Senate Bill 133 (1st Reprint): Revises provisions relating to presidential electors. (BDR 24-539)

Senator Skip Daly, Senate District No. 13:

I will go over section 1 of Senate Bill 133 (1st Reprint) and each of the subsections quickly and will be happy to answer questions at the end. Subsection 1 of section 1 basically spells out what a person shall not do, which is the point of the bill: you cannot create a false slate of electors, serve in a false slate of presidential electors, or conspire to create a false slate of electors.

Subsection 2 establishes the penalty if you are convicted of such an offense, and it has two parts: (1) it provides that you are guilty of a category B felony of 4 to 10 years; or (2) you can pay a fine and you would have to repay the applicable cost of the investigation to the Secretary of State or the Attorney General.

Subsection 3 makes it so that the penalty is nonprobationable. Subsection 4 lays out if somebody thinks somebody violated one of these provisions, a process for filing a complaint with the Secretary of State and the information if you have it that you would want to file with that. Subsection 5 spells out the actions that the Secretary of State may take if they receive such a complaint. They can also act on their own initiative. If it appears that the provisions are there, they can investigate or they can refer it over to the Office of the Attorney General to conduct an investigation and then proceed with proceedings if there is information.

Subsection 6 allows the Secretary of State to issue a subpoena during the course of their investigation. Subsection 7 also creates so that a person who is convicted of this cannot then subsequently run for office or be appointed to a position in state government. And subsection 8, in paragraphs (a), (b), and (c) gives a little more definition so we just are not in a nebulous deal on what the acts are that you would have to do in order to be convicted. It spells out what "conspired to create" means; what to "create a false slate" means; and what to "serve in a false slate" means.

When coming up with the provisions and the revisions we made from the original draft, I worked with the Office of the Secretary of State, and they had some suggestions. I also worked with the Attorney General's Office, and they added the part to clarify the definitions. This was to try to make sure that if we did have this situation, either one of those offices could effectively prosecute if they needed to do it, and they had the tools, and it was not an abstract concept. That is why we had the definitions that we put in there.

I believe one of the reasons that this particular bill is needed is because there is not really a law at this point that is on point to address this particular issue. In theory, if somebody did this, they could be accused or potentially prosecuted for putting in a false document or for fraud, but nothing specific on point. It would be, I think, difficult at this point to carry out if somebody did do that.

Section 2 and section 3 make conforming changes in regard to a person who cannot run for office or be appointed. Then section 4 says when it becomes effective, which is upon passage and approval. With that, I am happy to answer any questions.

Chair Gorelow:

Committee members, are there any questions?

Assemblyman Hibbetts:

In section 2, subsection 1(b) where it says, "Four years after the date of his or her discharge from parole," and then section 3, subsection 1(b)(3) has the same language for "released from prison" where it further says, ". . . is restored to the right to hold office, unless the person was convicted pursuant to section 1 of this act." If you were convicted of filing a false slate of electors, then you can never hold office again. Am I reading this correctly?

Senator Daly:

You are reading it correctly, except that would be limited to the state of Nevada.

Assemblyman Hibbetts:

So somebody who stabs somebody else would be able to be elected or appointed to elected office, but not someone who committed a paper crime?

Senator Daly:

I would not characterize this as a paper crime. Nevertheless, everybody has their opinion on that. If you did get convicted of stabbing somebody, it depends on what you were actually

convicted for. Along with that, you would have to be out of jail in order to run and then depending on what felony it was, you would have to be out of jail for, I believe, at least seven years, depending; it could be a shorter period of time. But if you are out, you would still get to vote.

Assemblyman Hibbetts:

I have a quick clarification. When I said "paper crime," I meant nonviolent. That was my distinction.

Assemblywoman Brittney Miller:

Senator Daly, I appreciate what you are saying. I know it seems confusing to some because sometimes in this country, with all of our sentencing guidelines, it does not seem equitable, or how come violent offenses versus nonviolent offenses. I really appreciate that, what you have done here. To commit this crime is actually an offense against our republic and our democracy in itself. To me, I believe that we need to preserve this, and so I appreciate your bill.

Assemblyman DeLong:

Section 3 of the Fourteenth Amendment of the *U.S. Constitution* bars certain individuals from holding federal office for the armed insurrection that we called the Civil War. In this bill, we are equating it, those activities, to an armed insurrection of this country. That seems to be extreme from my perspective.

Senator Daly:

I will address both comments. Thank you, Assemblywoman Brittney Miller. I understand everybody has their perspective on what it is. I do believe, for these particular acts, we should try to make sure we are defending the process, the integrity of elections, our country, and the way we elect the President. That is why I am happy with the way the bill is.

Assemblywoman González:

I was curious if there was a statute of limitations on this?

Senator Daly:

I am not aware of one. We have not put one in the bill, obviously, but it seems to me if this was going to happen, there would be an inherent limit. If someone is going to file a complaint, I am assuming it is going to happen within the four years after the election. Other than that, no, I do not believe there is a statute of limitations. I believe the prosecution, if there was going to be one, and the complaint and investigation would happen swiftly. I personally believe and hope this is never used, and that there will not be a need to use it. However, if there is, I believe that we would not have to worry about any statute of limitations.

Assemblywoman González:

In section 1, subsection 4, it describes what a person has to include if they believe that this violation has taken place. If they do not have all this information, will that complaint still be investigated, or is it putting it in statute saying we have to have all of these and then we will investigate?

Senator Daly:

No, this was meant to be a guideline on the type of information that we would hope to see. We are trying to avoid frivolous complaints, Hey, so-and-so just did this. If they just said that, and there was no backup, no evidence, no time frames, or basically anything to support it, it probably would not get an investigation if there was nothing back it up. We were trying to give a guideline on some of the things we could do to avoid people just putting in a frivolous complaint.

Assemblywoman González:

We know that many crimes are pleaded down. In this event, if somebody was charged with this, what would that look like if that would be something that would happen? I am just curious what you envisioned for that.

Senator Daly:

I am not certain if it could be pleaded down. The penalty is a category B felony with a sentence of 4 to 10 years. I think there is discretion on the part of the judge to have it be less than 10, but it has got to be at least 4, and then it is nonprobationable on top of that. I do not think that there is much wiggle room.

Assemblywoman Dickman:

Does anyone know how many times this has happened ever, besides maybe once?

Senator Daly:

I believe it only has happened in Nevada the one time. This bill, I am hoping, will make sure it does not happen again.

Chair Gorelow:

Committee members, are there any more questions? Seeing none, we will open up testimony in support for Senate Bill 133 (1st Reprint).

Francisco V. Aguilar, Secretary of State:

I am here to testify in favor of the bill. I appreciate Senator Daly's efforts and willingness to bring this forward and his work on the bill.

Annette Magnus, Executive Director, Battle Born Progress:

We are here today in support of S.B. 133 (R1). We saw during the 2020 election the problem of misinformation and disinformation and how that played in those elections. We do work in this field every day. We saw the embarrassing role that Nevada played in all of that.

January 6, and all of the events leading up to January 6, should never happen again and we must do better. This bill is an important step to protect our democracy. We urge you to pass it.

Sarah Mahler, Private Citizen, Sparks, Nevada:

As a 26-year resident of Sparks, Nevada, I am testifying in support of Senate Bill 133 (1st Reprint) because any person conspiring to create a false slate of electors threatens the future of our democracy and our country. In my personal experience as a duly elected presidential elector in the 2022 election I understand the importance of the integrity of this process, which fake electors attempted to undermine. Anyone who conspires to subvert the electoral process is a threat to our democracy and a danger to our society. The consequences must be clear that this behavior cannot be tolerated, and I urge you to vote in support of Senate Bill 133 (1st Reprint).

Chair Gorelow:

Seeing no one to come to the table in support of S.B. 133 (R1) here in Carson City, we will go to Las Vegas.

Aaron Ford, Attorney General:

My name is Aaron Ford, and I am your Attorney General. I am here to testify in support of Senate Bill 133 (1st Reprint) this afternoon because this proposed legislation will give our state the tools it needs to protect the security and the integrity of our elections. I would like to thank Senator Daly for bringing this bill forward. In the 2020 election, we saw a concerted effort to undermine the results of our election and democratic processes. This manufactured, propagandistic, lie that there is some sort of mass voter fraud conspiracy has damaged trust in our democratic process. In the aftermath of the 2020 election, in battleground states including Nevada, Republican electors submitted fake electoral certificates declaring former President Donald Trump the winner of the 2020 Presidential Election. This was a lie.

Trump did not win this election, and the fake electoral certificates were simply another propagandistic tool used to further this lie. As you know, I have been silent on Nevada's fake electors, except to say that the matter was on our radar. With it on our radar we ascertained that current state statutes did not directly address the conduct in question to the dismay of some, and, I am sure, to the delight of others, but I also acknowledge that we would continue to work with the Department of Justice in its investigation into this matter. We maintained that willingness to assist the Department of Justice.

We saw, and continue to see, a contingent of folks willing to undermine our elections and democratic processes. We saw it with the harassment of poll workers. We saw it with these fake electors in Nevada and in other states, and we saw it in terms of the insurrection in our nation's Capitol on January 6. With this bill, Nevada law would make it clear that those involved in schemes such as those undertaken by Nevada's state electors can be held accountable. It spells out neatly in section 1, subsection 8, what it means to create, conspire

or create, to serve as a fake slate of electors, and to present such a slate. It would allow our office or the Office of the Secretary of State, as appropriate, to claim the costs of investigation and prosecution of those involved from those convicted, as decided by a court.

As long as I am Attorney General, I will never stop fighting against those seeking to undermine our elections. I will never stop fighting against those who seek to undermine our democracy. This bill gives my office the tools it needs to do just that. I urge your support. [Written testimony was submitted, [Exhibit F.](#)]

Chair Gorelow:

Thank you very much, Attorney General, for being with us today. Is there anyone else who would like to testify in support in Las Vegas? [There was no one.] We will move to callers to testify in support of Senate Bill 133 (1st Reprint). [There were no callers.] We will close testimony in support of S.B. 133 (R1) and open up testimony in opposition in Carson City.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

I take any attack on our democracy and our constitution very seriously. My issue right here is with the punishment directly: that is the category B felony punished by 4 to 10 years in prison with no chance for a judge to even consider probation. A person who does not have so much as a traffic ticket, does not have so much as a minimal misdemeanor, the judge is going to have to sentence that person to 4 to 10 years in prison without even taking into account their mental instability, their cognitive impairment, any disability they may have, or anything of that nature.

That is part of the problem that I have. Just to put that 4 to 10 in perspective, let us talk about that real quick. Senator Daly could be really mad at me for testifying on this bill and punch me in the jaw when I leave this stand. He could break my jaw and he will get less time than what this bill is asking for. Assemblywoman Newby can threaten Assemblyman McArthur with a knife and get less time than what this bill is asking for. The QAnon shaman who wore that stupid hat and stormed the Capitol—that guy got less time than what this bill is asking for.

That is my problem with the nonprobationable nature of this offense and mandating that the sentence would be 4 to 10 years. I think it is appropriate for us to punish something like this, but I think our punishment needs to be measured. It needs to take in account a particular person's situation, what is going on, how they got wrapped up in this whole thing, and let the judge have discretion. If Senator Daly were to amend this bill, we would withdraw our opposition. I have tremendous respect for Senator Daly. I just wish he would remove that section of the bill and leave it up to a judge to handle everything on a case-by-case basis.

Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:

I echo the sentiments of my colleague from the south. I think that when we are talking about setting new crimes, this body is tasked with proportionality. It is a very important task that is

undertaken, and we cannot do it lightly. The only thing I will add is, it is not just if somebody is punched in the jaw or threatened with a knife—if we are talking about January 6, the individuals who actually violently assaulted police officers—this is the kind of time they are looking at.

This is not a violent act. The policy purpose is important, but it is a bigger issue when we are sitting down and creating new crimes that the penalties for those crimes are proportional to the action. As my colleague from the south said, we agree with the policy intent but the penalty, and specifically the nonprobationable portion, we oppose.

Lynn Chapman, Treasurer, Independent American Party of Nevada:

The proposed bill appears to be a political reaction to the events of 2020 that were not important enough to address in the 2021 Legislature. However, should a future presidential election have issues requiring litigation, Congress included the Electoral Count Reform and Presidential Transition Improvement Act of 2022 (ECRA) in the passage of H.R. 2617, the Consolidated Appropriations Act of 2023 which was signed into law by President Biden in January 2023. The ECRA clarifies that the Vice President's role in the proceedings is purely ceremonial. The measure also raises the bar for objecting to a state slate of electors. Prior to passage, it required just one member of the House and one Senator to challenge a state's electors, a provision that had been invoked by members of both parties in multiple presidential elections. The ECRA raised the threshold for an objection to 20 percent of the members of each chamber. The ECRA reforms sufficiently address these issues by encouraging litigations to be completed by the safe harbor day the electors must vote, but not by mandating that acknowledges that the judiciary process must be allowed to run its course without making those seeking judicial relief into criminals as proposed by S.B. 113 (R1).

Additionally, the bill has multiple provisions which make it unconstitutional. For example, references the Uniform Faithful Presidential Electors Act in Nevada law which may be unconstitutional because it injects several steps by the state of Nevada in the process of electors voting which violates the Twelfth Amendment to the *U.S. Constitution* which specifically references electors are performing a federal function because electors capacity to perform results from no power which was originally resident in the states, but instead springs directly from the *Constitution* of the United States. Therefore, Article VI, Clause 2 of the *Constitution*, the Supremacy Clause, governs their function. This bill seeks to unconstitutionally limit electors from exercising their legal rights and is unnecessary due to the reforms passed last month in the ECRA. Please vote no.

Barbara Jones, Private Citizen, Washoe County, Nevada:

I am in opposition to S.B. 133 (R1). I agree with what has been said. One of the concerns I have is that there is no protection in here for people that have been alleged by a written statement to the Secretary of State. I do not see where they get a trial or how the prosecution and adjudication of it occurs. On page 3 it just says that the Secretary of State shall conduct an investigation. I was told by a Secretary of State, not this one, that they do not do investigations. I guess they have to check into something, but I was told we have to do the investigation and present the proof. The alleged violation and all the punishment is just

not right, fair, or even legal. It says either that and they can refer it to the Attorney General or cause the appropriate proceedings to be instituted and prosecuted, but it really is not clear at all. A person who believes that the provisions have been violated may notify the Secretary of State. An example I have to bring up is giving it to the attorney general just because—not speaking of any attorney general—but just because they do not look at the evidence does not mean things are lies. It does not mean things are lies if the evidence has not been looked at of a person convicted of false statements. I have to mention also—the best example came to my mind when Attorney General Ford was speaking and relates totally to what I said—wrote here before I heard him. Where is the protection for a victim who might be falsely accused? They have to have a day of trial. And one of the January 6 people was not even at January 6 and got arrested for thinking about going. Somebody made an allocation against him and what, 600 or 700 people in there for a couple of years without a trial? That is not right. I have to be against the investigative powers and increased Secretary of State involvement.

Chair Gorelow:

Is there anyone else in Carson City who would like to testify in opposition? Seeing no one, we will go to Las Vegas.

Leslie Quinn, Private Citizen, Las Vegas, Nevada:

I oppose S.B. 133 (R1). None of us want violence in our constitutional republic. Look what is going on at the Texas border with Title 42 ending today. Senate Bill 133 (1st Reprint) is a game plan to have it your way in four steps: identify what you call the problem, prioritize based on consequences, define the ideal scenario or outcome, and develop a solution or a proposal. Senate Bill 133 (1st Reprint) is another legislative attempt to block Nevadans' freedom to vote how they want. This bill sets up a roadblock for Nevadans to vote for Number 45 if they want, or if they choose to, this is their choice. This is our choice as Nevadans to vote for whomever we choose based on how we want to vote. Senate Bill 133 (1st Reprint) is a roadblock choice. This is more evidence of government overreach. Do not we all want to make America great again, no matter who is the President? Please vote no against S.B. 133 (R1). I also ask my legislator, Assemblywoman Brittney Miller, and my Senator, Marilyn Dondero Loop, to please vote against S.B. 133 (R1) and allow us as Americans to live in a constitutional republic where we can choose to have whoever we want to vote for.

[[Exhibit G](#) was submitted but not discussed and will become part of the record.]

Chair Gorelow:

Is there anyone else in Las Vegas who would like to testify in opposition to S.B. 133 (R1)? Seeing no one else, we will go to callers in opposition to S.B. 133 (R1). [There were none.] We will close testimony in opposition to S.B. 133 (R1) and open up testimony in neutral. Is there anyone in Carson City who would like to come to the table to testify in neutral? [There was no one.] We will go to Las Vegas for testimony in neutral. [There was no one.] We will move to callers in neutral for S.B. 133 (R1). [There were none.] With that we will close the testimony in neutral and invite our bill sponsor to come up for some final remarks.

Senator Daly:

I have a couple of comments. This bill does not, any of it in any way, impede anybody's right to vote for whom you choose to. As you know, each state does not actually vote for the President. They vote for a slate of electors, a technicality most people do not understand. The second thing: as far as the constitutional provision in the law that Congress passed regarding electors, this bill does not affect or change anything and would not be in conflict with that for the actual electors from the state of Nevada. It would affect anyone who is not actual electors.

As far as the penalty goes, I believe that we have a measured penalty. There should be consequences for the acts that we are talking about and protecting the way we elect a president and making sure that we uphold the democratic principles is important. I think the penalty is measured.

Chair Gorelow:

We will close the hearing on Senate Bill 133 (1st Reprint) and open the hearing on Senate Bill 406 (1st Reprint).

Senate Bill 406 (1st Reprint): Revises provisions relating to elections. (BDR 24-894)

Francisco V. Aguilar, Secretary of State:

Last night, our office received extremely disappointing news. A federal jury found a man charged with threatening election workers in Nevada not guilty. In 2021, the day after the Capitol insurrection, this man called our office and gave death threats to our employees, threatened their children, and harassed them repeatedly. This is unacceptable. The employees in the Office of the Secretary of State deserved justice for what they endured, but they did not receive it. Election workers must know the law will protect them from the dangerous individuals who want to make them afraid. Unfortunately, the spread of irresponsible, false rhetoric about our elections that spurs this violent behavior is not stopping. The employees in the Office of the Secretary of State are not alone in what they have had to endure for just doing their job. We must take action now.

One of the issues in the case was a lack of clarity in existing law around these threats. That is why I brought this bill and why I am asking for your support. Senate Bill 406 (1st Reprint) increases protection for election workers and makes sure that the people know that there are real consequences for trying to interfere with the democratic process. I am grateful for the members on the Senate floor who unanimously passed Senate Bill 406 (1st Reprint), showing a strong, united front to stand up for election workers and protect them against the threats and intimidation. Our election workers and volunteers are key to a functioning democracy. As we discuss legislation here in Carson City, it is critical that we are ensuring we meet the needs of our counties, including the need for security.

I have met with several county and city election departments across Nevada in my first four months as secretary, including Storey County early today. To hear about these needs in their own words is critical. Since 2020, only 7 of the 17 county election officials stayed in office.

Many others have left, and you can tell why just by what happened in my Elections Division. Counties are having a hard time recruiting new workers because people simply do not want to go to a workplace in fear. Elections do not work without people. Threats against election workers are threats against democracy and have no place in Nevada. Protecting election workers so they can continue to run fair and transparent elections in our state is absolutely critical. The future of our democracy and our freedom to vote depend on it. Now I will hand over the presentation to our Deputy Secretary for Elections to discuss provisions of the bill.

Mark Wlaschin, Deputy for Elections, Office of the Secretary of State:

There are essentially three main elements to Senate Bill 406 (1st Reprint). First are provisions that protect election officials. The bill proposes to make it a crime punishable as a category E felony for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint, or undue influence with the intent to interfere with the performance of the duties of any election official relating to election or retaliate against any election official performing duties relating to an election. Of note, those provisions apply regardless of whether these actions are conducted at a polling place or not. If an election worker is followed home, for example, the statute would still apply.

The second element of the bill addresses the unauthorized release of an election official's personal or sensitive information. The bill proposes to make it a crime for any person to disseminate any personal identifying information or sensitive information, which are both already defined in statute, of any election official without the consent of the elections official and with intent as in section 1 of the bill.

Finally, the third element clarifies that certain activities which are already established in statute are not restricted. These include, for example, observing the conduct of voting at a polling place and observing the counting of ballots at the central counting place. That concludes our presentation. We are available for questions.

Chair Gorelow:

Committee members, do we have questions?

Assemblyman Yeager:

Election workers are critically important, and I know how hard it has been, especially when we had COVID-19 hit, and folks generally just did not want to be out there with folks. As you said, we cannot make this process work without volunteers. Everybody deserves to feel safe, so I appreciate your bringing this forward. I did happen to read that story from yesterday. Without knowing all the facts, I do not know why the jury ruled how they did, but those threats seemed pretty serious to me. I think anything we can do to make that clear in the law is warranted.

That is the comment. The question is this: This is a change in the law in the sense that we are clarifying exactly what you can and cannot do. I just wondered if you had thought as an office about how this would be communicated. Obviously, people just have to be decent to one another, but we know that elections can get folks very fired up at times. I wondered if

you thought about things like at actual polling places, having signage up indicating that—maybe you already do that, or maybe in the sample ballots that are sent to people—so that we can remind folks maybe in a moment of rationality that they can think about not about being angry or upset that your candidate won or did not win. This is about the human element of people who volunteer their time to make this process work in our country. Have you got some plans to be able to get this word out to folks?

Secretary Aguilar:

Yes. We speak with the county clerks every other week, and this would be on our agenda to discuss if this bill were passed. Our fingers are crossed that the bill will pass because we are collectively asking for this. This is not a Democrat or Republican issue. This is about an issue of making sure Nevadans have an opportunity to express their fundamental right to vote. If we do not have the human component to work these polls, we are not going to see that process work well. We need to stand up and say we do not appreciate this. The issue with the case in the federal court and having the verdict come down yesterday was so timely for this hearing, because I can tell you it has put a chilling effect in our office as of today. People are afraid, they are suffering, and they are struggling just knowing that something like this can continue to happen. That is why this law is so needed.

Assemblyman Hibbetts:

Can you repeat what category of felony this crime is? Would you mind using a phonetic also, just so that it is clear for the record for anybody listening?

Mark Wlaschin:

This will be a category "echo," or "E," felony.

Assemblywoman Dickman:

Can someone just tell me what the penalty is for that level felony?

Mark Wlaschin:

The information is defined in statute. Perhaps Legal Counsel can help?

Heidi Chlarson, Committee Counsel, Legislative Counsel Bureau:

Under *Nevada Revised Statutes* 193.130, a category E felony can be sentenced a minimum of not less than 1 year and a maximum term of 4 years. The court can suspend the execution of the sentence and grant probation as well.

Chair Gorelow:

Committee, are there other questions? [There were none.] We will open up for testimony in support for S.B. 406 (R1).

Jennifer Willett, Nevada Senior Grassroots Manager, All Voting is Local:

All Voting is Local is an organization that exists to expose and dismantle threats to voter freedom and is also a member of the Let Nevadans Vote Coalition and we are here in strong support of S.B. 406 (R1). Since 2020, election workers have increasingly become targets for

harassment, intimidation, and even physical violence. In Nevada this has included cases of election officials being followed home, receiving death threats, and worrying about the safety of their children. This alarming trend has contributed to the high turnover of election officials in our state, with four election officials explicitly and publicly citing harassment as one of the reasons for leaving their jobs in recent years. As one clerk put it, Life has been hell. Furthermore, some former temporary election workers have declined to work recent elections due to their fear.

The situation is unacceptable. The state should be doing everything in its power to facilitate the safety and security of our election workers and S.B. 406 (R1) does just that. It is regrettable that such legislation has become necessary, but it is an essential step towards protecting election workers from harm and safeguarding our democracy. Election workers deserve to be recognized for their vital contributions to our great state and should be able to do their jobs without harassment and threats. All Voting is Local urges support for Senate Bill 406 (1st Revision) to ensure the safety of election workers in Nevada.

Annette Magnus, Executive Director, Battle Born Progress:

We are here today in strong support of S.B. 406 (R1). Our election officials are here to ensure that our elections are safe, secure, and accessible for all Nevadans. Senate Bill 406 (1st Reprint) is a bill that will protect these individuals who work, day in and day out, from those who would wish harm upon them or their loved ones. These threats they receive have become all too common. We need to be providing these officials with adequate support and we believe this bill is an important step in the right direction. We also thank the Office of the Secretary of State for working with our groups in the creation of this legislation. We urge this body to support the bill.

Kent M. Ervin, Private Citizen, Reno, Nevada:

I am testifying in support for myself as a voter in Reno, and as the spouse of a very long-time poll worker and poll manager. The stories used to be about the challenges of getting a set of volunteers, often senior citizens, up to speed on the tech, getting everything done, getting the results in a timely manner, and doing all of that. In the last few years, it has been about the difficulties of having enough poll workers and then having colleagues at the county quit their jobs because of these kinds of threats. This is just so important that we protect our election integrity in this manner.

Sarah Mahler, Private Citizen, Sparks, Nevada:

We saw in Washoe County what happened with our registrar of voters and nationwide. It is not just here in Nevada that election workers are leaving their jobs due to threats, intimidation, and safety issues. Nevada election workers deserve to be protected while serving our electorate and protecting our democracy. I urge you to vote in favor of Senate Bill 406 (1st Reprint) to keep our election workers safe.

Izack Tenorio, representing Campaign Legal Center:

Campaign Legal Center is a national nonpartisan, nonprofit organization which protects and ensures American democracy across all levels of government. We urge you to support

S.B. 406 (R1) to protect election officials in Nevada. Election officials across the country have been on the receiving end of an onslaught of threats, harassment, doxing, and stalking that has escalated to an undeniable crisis here in our state. Nevada, unfortunately, is not the exception. Despite there being efforts to keep this under fire, it still keeps happening and preventing election officials from performing their duties. Ten out of Nevada's 17 counties have lost their clerk or registrar of voters since 2020, with many of the resignations coming in response to threats and harassment. Currently, many credible threats of violence are escalating and escaping legal consequences. This bill would change that, making it possible to effectively prosecute for these threats and violent behavior while providing a strategy to keep officials safe by allowing them to keep their personal identity information sealed from those who would seek to threaten or harass them. Dedicated election officials are a necessity for the type of free, fair, and secure elections that Nevadans deserve. We must do more to protect them and we urge the Committee to support S.B. 406 (R1). [Written testimony was submitted, [Exhibit H](#).]

**Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We support S.B. 406 (R1), and we appreciate the Secretary of State for bringing this bill forward to protect our election workers in Nevada.

Chair Gorelow:

Thank you very much. Is there anyone else in Carson City who would like to testify in support for Senate Bill 406 (1st Reprint)? Seeing no one, we will go to Las Vegas.

**Eric Jeng, Acting Executive Director, One APIA Nevada; and Director of Outreach,
Asian Community Development Council:**

As a core member of Let Nevadans Vote Coalition, and someone who has recruited dozens of nonpartisan election protection observers and volunteer workers, democracy is on the line. Exercising our voting rights should be safe and free from fear and intimidation. We thank the Secretary of State and his office for bringing forth S.B. 406 (R1). We also saw how frustrating and how deeply regrettable the federal jury's news was from yesterday. The Department of Justice investigated more than 1,000 contacts across the nation and only brought forth 8 cases, and one of those was Nevada's that happened. We definitely need state legislation that can help protect our election workers as well. In our work with county registrars and the Office of the Secretary of State, we really want to thank them for their sacrifices and their service.

Chair Gorelow:

Is there anyone else in Las Vegas who would like to testify in support? Seeing no one, do we have anyone on the telephone to testify in support of Senate Bill 406 (1st Reprint)?

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

I am representing Silver State Voices, which leads the Let Nevadans Vote Coalition. Today we are here in strong support of S.B. 406 (R1). This bill is near and dear to our hearts because we know that election officials are the unsung heroes of our democracy. They work

tirelessly to run Nevada's elections and ensure all voters can cast their ballots. It is unacceptable that our public servants have been subjected to harassment and threats for simply doing their job. We support this bill as it provides legal protections for election workers against intimidation, violence, disseminating personal information without consent, physical injury, and stalking.

Part of our work at Silver State Voices is helping recruit election workers during election cycles. Safety is still a priority for election workers, and it is something that we have to consider when recruiting candidates. This bill's passage will go a long way in attracting the qualified candidates we need for our democracy. Lastly, we also appreciate the added language to protect the constitutional rights of observers. Observers should not have to fear for their safety while participating in democracy. We would like to thank the Secretary of State and his office for including us as stakeholders on such an important topic. This Committee can do its part in giving public servants a sense of security by passing S.B. 406 (R1).

Davis Huskon, Executive Assistant, Las Vegas Indian Center:

I actually did work the 2022 elections as a poll observer. From what I have experienced it was great watching how everything was orchestrated, and how the poll workers, the poll monitors, and everyone did their job accordingly. From what I have seen, there was a lack of security and there was no type of ordeal that was happening, but we do have to have something in that nature to protect the people that are voting, the observers, and also the election officials that are involved. We here at the Las Vegas Indian Center are in support of S.B. 406 (R1).

Teresa Crawford, Member, Toiyabe Chapter, Sierra Club:

On behalf of the club and our more than 30,000 members and supporters statewide, we speak in support of Senate Bill 406 (1st Reprint) and thank the Secretary of State, his staff, and everyone who worked so hard to bring it forth. The 2020 election cycle saw an unprecedented rise in threats of violence against election officials from top administrators to the temporary poll workers. Many of them are seniors and election department employees. Fueled by disinformation, these threats extended beyond the workplace to their homes and families. As we have already heard, the former Washoe County registrar stepped down and other workers quit because of the threats and harassment. Armed protesters gathered at the Clark County Election Department nightly while the vote count was underway. A Brennan Center study found that one in three election workers have serious concerns for their safety. Our election workers are essential to the peaceful transfer of power, from the presidency to local races, and we cannot thank them enough. However, we can, as citizens and lawmakers, give these devoted officials the assurance of safety for them and their families in the next election cycle by enacting this bill. Specific language prohibits intimidation, stalking, doxing, and every form of harassment against all election workers, employees of the Office of the Secretary of State, and everyone with duties related to elections. For these reasons we urge you to support this bill.

Danielle Fitzgerald, Deputy Organizing Director, Progressive Leadership Alliance of Nevada:

At Progressive Leadership Alliance of Nevada, we believe that our democracy is most vibrant the more people that are participating in it. That includes our election workers who work tirelessly to ensure that our elections are conducted in a safe and secure way so that every vote is counted. No one should be threatened or harassed for doing such important work for our nation and state. We also want to thank the Office of the Secretary of State for working with stakeholders to ensure that our coalition's nonpartisan election outreach efforts could be maintained. Our volunteers work to ensure that every voter has a positive experience and has their needs met at a polling location while waiting in line, often before they even interact with election staff. This past election cycle that included passing out hand warmers in Washoe County as it snowed, ponchos in Clark County while it rained, alongside snacks and bottled water. As people have said, protect our election workers and in turn our democracy. Support S.B. 406 (R1).

Briana Escamilla, Director, Regional Organizing, Planned Parenthood of the Rocky Mountains:

Planned Parenthood of the Rocky Mountains is a member of the Let Nevadans Vote Coalition. We are in strong support of S.B. 406 (R1) because free and fair elections cannot take place without dedicated election officials, and it is vital that we are protecting the civil servants from harassment, intimidation, and violence. We are grateful to the Office of the Secretary of State for bringing this bill forward and we urge your support.

Donna West, Private Citizen, Las Vegas, Nevada:

I live in Assembly District 14. I am here in support of S.B. 406 (R1). During the 2020 election cycle, I was a vote count observer at the Clark County election office and saw the increase in intimidation and violence there. We started with protesters pounding on the window screaming, Stop the count! while everyone was trying so hard inside to get their work done. One young man who worked for the Election Department was followed from the office to his nearby bus stop and accosted there. No one should have to suffer this in order to carry out our democratic responsibilities in carrying out free and fair elections. I thank the Secretary of State for bringing forward S.B. 406 (R1) and I urge your support.

Guillermo Barahona, representing Chispa Nevada:

Over the last few years, our great state has taken steps to have a more accessible and secure election for citizens. Despite progress, our election officials and frontline workers have become increasingly harassed for their work. This is not limited to government workers but to the many volunteers and community members to take the time to ensure that our elections run smoothly. Our work at Chispa is community-centered, and we had members of our community who volunteered during the election and witnessed and endured harassment. We believe this bill ensures steps to protect our election workers, who labor day and night to ensure accurate counts and make Nevada one of the most successful states during election season. Please support S.B. 406 (R1).

[[Exhibit I](#) was submitted but not discussed and will become part of the record.]

Chair Gorelow:

There are no callers to testify in support at this time, so we will close testimony in support and open up testimony in opposition starting here in Carson City.

Barbara Jones, Private Citizen, Washoe County, Nevada:

This kind of hits home with me. As I was reading the bill, I was getting kind of a headache about all of the people, not just election workers, not just the Secretary of State in the bill; it is social workers, anybody connected in any way with the government, but there is a lot of people out there too who get threats that are not connected with the government. I have. Can I hide all of my information? Is it okay to go to the Department of Motor Vehicles and change my identity and personal information? It is sad we reached this point that elected officials and anybody can have trouble. It is just sad, but this is not the protection. It is protecting some of the public from maybe reaching you that they need to, you know. It depends on what information you want to hide. I just cannot support it. I understand some people live in fear, but I hope you can get over the fear. It does not happen to everybody. It has happened to people in Congress, to presidents, to the public in general. This does not give the public in general any way to do the same thing to protect our information.

Leslie Quinn, Private Citizen, Las Vegas, Nevada:

I oppose S.B. 406 (R1). I often hear the repetitive blaming of the 2020 elections just to substantiate pretty much everything going on in the United States. People, let us be grownups, build a bridge, and get over it. We cannot grow forward if we keep looking in the rearview mirror. Senate Bill 406 (1st Reprint) is filled with redundancy. Doxing is already illegal in Nevada. State and federal election laws are currently in place to protect election staff and voters from violence, threats, restraints, use of force, intimidation, coercion, and undue influence with the performance of duties. Senate Bill 406 (1st Reprint) promotes fear in Nevada voters. It is an insult to every Nevadan who has endured abuse from the ruling party and illegal behavior in or out of the polls. Senate Bill 406 (1st Reprint) threatens every Nevadan's fundamental First Amendment right to freedom of speech. It is a form of voter suppression that endangers a citizen's rights to vote free of intimidation. It creates legislation for supposed problems where minimal evidence, if any, exists. We, the Nevadan people, live in America, not Communist China or Nazi Germany. Where is our courage? Please vote no on S.B. 406 (R1). It breeds fear and is focused on intimidating Nevadans into silence. I work the polls a lot of hours. That is all I can tell you. I was threatened by many people, but I stood up because freedom is not free. Please, I ask Assemblywoman Brittney Miller and Senator Marilyn Dondero Loop, please vote against S.B. 406 (R1) and let us all stand up and be courageous Americans again.

Chair Gorelow:

Is there anyone else in Las Vegas who would like to testify in opposition? [There was no one.] Is there anyone on the telephone? [There were no more callers.] We will close testimony in opposition and come to Carson City for testimony in neutral for S.B. 406 (R1).

**Cadence Matijevich, Government Affairs Liaison, Office of the County Manager,
Washoe County:**

We are neutral on the bill but wanted to thank the Secretary of State and his office for working with us and reaching out to county elected election officials for input as the bill was being drafted and through the process. We particularly appreciate the clarification that is brought in the bill in section 1, subsection 5 and in subsection 6(a), particularly with respect to defining "close relation," and subsection 6(b) "elections official," as those are the individuals that are included in the bill language.

Chair Gorelow:

Seeing no one else to testify in neutral in Carson City and no one in Las Vegas, are there any callers to testify in neutral? [There were none.] We will close testimony in neutral. Do our presenters have closing statements?

Secretary Aguilar:

Thank you all for listening to us today. I wish I was not here to have to discuss this issue. I wish we could live in a place where people were cordial to each other and who understood and supported our democratic process. But the reality of the situation is that we are here, and we need to ensure that we are protecting the individuals who are working our polls and running our elections. We could have all the technology in the world; we could have all the resources in the world; but if we do not have the human component, we are not going to see the elections we want as Nevadans. Nevadans deserve the best and we are here to stand up for them.

Chair Gorelow:

We will close the hearing on S.B. 406 (R1), and I believe Assemblyman Yeager would like to make a comment.

Assemblyman Yeager:

Given the hearing we just had and the lateness we are in session, I would like to waive our Assembly Standing Rule 57.4 that requires a 24-hour waiting period, formally granting permission to work session this measure out of Committee this afternoon.

Chair Gorelow:

With that, we will open the work session for Senate Bill 406 (1st Reprint). Committee members, are there any comments or questions on the bill? Seeing none, I will entertain a motion to do pass.

ASSEMBLYWOMAN BRITTNEY MILLER MADE A MOTION TO DO
PASS SENATE BILL 406 (1ST REPRINT).

ASSEMBLYWOMAN MONROE-MORENO SECONDED THE MOTION.

Committee members, is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Brittney Miller. The next item on our agenda is public comment. [There was no public comment.] Committee members, are there any further comments? [There were none.] With that we are adjourned [at 6:04 p.m.].

RESPECTFULLY SUBMITTED:

Kristi Howard
Committee Secretary

APPROVED BY:

Assemblywoman Michelle Gorelow, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for Senate Joint Resolution 7 of the 81st Session, submitted and presented by Haley Proehl, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is testimony dated May 11, 2023, submitted by Iris Stone, Private Citizen, Las Vegas, Nevada, in opposition to Senate Bill 60 (1st Reprint).

[Exhibit E](#) is written testimony dated May 11, 2023, submitted by Sigal Chattah, Republican National Committeewoman, Nevada Republican Party, in opposition to Senate Bill 60 (1st Reprint).

[Exhibit F](#) is written testimony dated May 11, 2023, submitted by Aaron Ford, Attorney General, in support of Senate Bill 133 (1st Reprint).

[Exhibit G](#) is written testimony submitted by Reva Crump, Private Citizen, Washoe County, Nevada, in opposition to Senate Bill 133 (1st Reprint).

[Exhibit H](#) is written testimony dated May 11, 2023, submitted by Izack Tenorio, Campaign Legal Center, in support of Senate Bill 406 (1st Reprint).

[Exhibit I](#) is a letter dated May 11, 2023, submitted by Tracey Smith, representing Faith Organizing Alliance, Las Vegas, Nevada, in support of Senate Bill 406 (1st Reprint).