

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

**Eighty-Second Session
March 30, 2023**

The Committee on Legislative Operations and Elections was called to order by Vice Chair Brittney Miller at 4:06 p.m. on Thursday, March 30, 2023, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

Assemblywoman Sabra Newby (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Heidi Kasama, Assembly District No. 2

STAFF MEMBERS PRESENT:

Haley Proehl, Committee Policy Analyst
Jasmine Shackley, Committee Services Manager
Kristi Howard, Committee Secretary
Garrett Kingen, Committee Assistant

Minutes ID: 660



OTHERS PRESENT:

Daniel Stewart, representing Clark County Education Association

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association

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

Doug Goodman, Founder and Executive Director, Nevadans for Election Reform

John Sande IV, representing Nevada State Apartment Association

Emily Persaud-Zamora, Executive Director, Silver State Voices

Kerry Durmick, Nevada State Director, All Voting is Local

Amber Falgout, Northern Nevada Manager, Battle Born Progress

Krystal Sherry, State Chapter President, National Association of Residential Property Managers

Vice Chair Brittney Miller:

[Roll was called. Rules and protocols were reviewed.] I am sitting in for Chair Gorelow, who is presenting her bill at another committee meeting. We have two bills on the agenda today. We are taking them out of order. The first bill will be Assembly Bill 399 which is sponsored by Assemblyman Yeager, followed by Assembly Bill 190.

Assembly Bill 399: Creates the Subcommittee on Education Accountability of the Interim Finance Committee. (BDR 17-1043)

Assemblyman Steve Yeager, Assembly District No. 9:

Assembly Bill 399 creates the subcommittee on Education Accountability of the Interim Finance Committee. Many of you on the Committee know what the Interim Finance Committee (IFC) does, but for those who might not, IFC is essentially a committee that meets in the interim and generally deals with financial matters, particularly if agencies have financial requests to fund budget holes that arise unexpectedly. The Interim Finance Committee meets on a regular basis. Before I tell you about the subcommittee itself, I just want to talk a little bit about where A.B. 399 originated.

As many of you know, we have historic amounts of funding going to education this session. The Governor's proposed budget had over \$2 billion in addition to what was provided previously. Then, through legislation, we have added another \$250 million that is going to education. What does that mean? Education funding in this state is unique because we do not fund our school districts directly. We, as a state, created the pupil-centered funding formula, so the education funding in our state goes into that formula. From there the money flows through the Department of Education to school districts across the state. Almost every other state agency who has a budget request has to come before the Legislature during session, have their budgets vetted, and answer questions. The school districts do not do that. The Department of Education comes before the Legislature on their behalf. The result has been that legislators do not really have much of an opportunity to talk directly to school districts about their budgets. School districts do not have to explain to us what their plans are

for the money we allocate to them through the Department of Education. Of course, school district superintendents are here for other policy matters, but not so much for the conversation about funding and spending.

On Saturday, March 25, 2023, we had a joint meeting of the Assembly Committee on Ways and Means and the Senate Committee on Finance, and we did something we have never done before in this building. We invited every single school district, every single superintendent, plus the State Public Charter School Authority to come before the committees and give us a rundown of how things are going in their districts. We were also able to speak with them and ask them questions about what they plan to do with this education funding. Of the 17 different school districts across our state, we were able to meet with the 15 smallest on that very long Saturday meeting, which lasted from 9 a.m. until about 7 p.m. that evening. We are going to reconvene Friday evening, March 31, 2023, to finish this conversation with our two largest school districts, Clark and Washoe Counties, along with the Charter School Authority.

The vision was to have a chance to ask very specific questions about what each school district plans to do with this funding in a way that is going to improve student achievement. There is a transparency piece, along with an accountability piece, that has been missing in the past. According to feedback from both of the committees, along with feedback from the superintendents, everyone thought the meetings were very helpful. There may have been some mistrust about what the Legislature's motives were when asking for that meeting on Saturday. But I think at the end of the day, everyone acknowledged that it was helpful for the legislators to understand school districts' challenges, and helpful for the districts to be able to explain these challenges to us. Building trust goes a long way.

We could meet every two years during session, but Assembly Bill 399 is an effort to say that we probably will be doing this more often than every two years. What is set up in the interim is a smaller subcommittee, the Subcommittee on Education Accountability of the Interim Finance Committee. This subcommittee would be made up of a bipartisan group of five members of the Assembly and three Senators. The Chair of the Interim Finance Committee, Assemblywoman Monroe-Moreno, will make the appointments. Assemblywoman Monroe-Moreno became the Chair of the Interim Finance Committee as of the election in November. I will not take you too much into the bill. It will be like every other subcommittee we do, but there are some mandates that the subcommittee would have. The Subcommittee on Education Accountability of the IFC would be required to meet every six months. The point of those meetings would be to continue the conversations that we started during the 82nd Session. The Subcommittee on Education Accountability of the IFC will ask our school superintendents follow-up questions to see how their funding is being deployed. What I see is that this establishes transparency and also an accountability. From the information we were given, we will be able to ask follow-up questions.

The heart of Assembly Bill 399 is in section 3, subsection 4, where it talks about how these meetings are going to go. There are some topics there that the subcommittee may study. I do not want to be too prescriptive because we just do not know how things are going to play out,

but further discussions will probably cover areas such as fiscal policy, school finances, financial activity, the sufficiency of revenue expenditures, administrative support and policies, corrective actions for public schools to improve educational achievement and outcomes, and items of this nature. The subcommittee basically can lay out its own foundation of the questions that it wants to ask. There is a provision here that the subcommittee will meet every six months. We do not really need the subcommittee to meet during the Legislature because the way I envision this, we would probably continue this practice. If the Assembly Committee on Ways and Means and Senate Committee on Finance decided to do this during session, that counts as one of the six-month subcommittee meetings.

In closing, I think this is important because I know many of you, like me, knock on doors and get a lot of questions from constituents about what is going on in the education system. We can talk at a very high level about the money we give to the education system, and we can talk about the statistics, but we do not often know about some of the concrete things that are happening with that money. I suspect, and I could be wrong about this, but that when we leave this session, we are all going to be able to say this was a historic session for education funding because any way you slice it, it is. We have never had this kind of injection of funding into public education in Nevada. You are going to be asked questions about that. You are going to be asked questions about how to improve achievement, what the school districts did with that money, and how much of it was used to retain educators and to give educators and education support staff pay raises. You are going to be asked about all that. We can go find that information, but I think having a six-month benchmark to be able to ask those questions in a public setting with members of the public there—obviously, it is a subcommittee, but we all talk to each other and can get answers to these questions. I would hope that members of the Legislature who might not serve on that subcommittee would talk to their colleagues who do, to be able to get those questions answered. I think it is going to go a long way in making sure we are doing our job to ensure that there is actual achievement coming from these dollars. I will acknowledge, and I said this at the meeting, our school districts have a lot of challenges and not all of them can be solved right away. But with this kind of investment in education, we need to see progress made in the classroom. We need to see our teachers and education support professionals better compensated and paid what they are worth. I am going to leave it there because I would rather answer questions from the Committee in terms of what interests you. Hopefully that gives you a bit of a road map of where this bill came from and why it is in front of you. I would be happy to answer any questions.

Vice Chair Brittney Miller:

Committee members, do we have any questions?

Assemblyman DeLong:

Was the suspicion you mentioned regarding the superintendent's meeting from the school districts or from the Department of Education?

Assemblyman Yeager:

There was a sense from some of the superintendents that this was going to be a time to grill them, right? To really give it to them—really show our constituents we are being tough on them. That was not the intent of the meeting at all. The intent of the meeting was just to establish a relationship and hear about the challenges. Every school district is different. We heard from Esmeralda County, which has 84 students in their school district and then I think the largest one we heard from was Carson City or Lyon County, who have 12,000 to 14,000 students. These are completely different districts, so the amount of funding they are getting is different. I think there was some suspicion about what our intent was as legislators, but I think it was very clear a few minutes into that meeting that we were just there to get information and ask questions. I am hopeful that this continued dialogue will improve that relationship, and that there will not be what sometimes feels like a level of distrust between the Legislature and particular school districts.

Assemblyman Hibbetts:

I just have one very simple question. In section 4 your effective date of July 1, why not upon passage and approval? I am just curious as to what the thought process was.

Assemblyman Yeager:

I am going to put that to the Chair of the Interim Finance Committee. I think it was probably just because the subcommittee will not be meeting before the end of session. We do actually have an IFC meeting during session because we are required to meet every so often. I think that was the intent. We are almost halfway through session, but there are times when members decide very quickly after session they do not want to run for reelection. That happens sometimes. I think we want to give a little bit of time for all of us to get some sleep, to rest up, to feel like normal human beings again. To not ask the Chair to have to do that during session gives a little bit of time for this. Because we just had the meeting in March, we are looking toward meeting closer to the beginning of the school year in maybe September or October. To answer the question, I did not ask for a particular effective date. I think the Legislative Counsel Bureau must have picked this because they felt like it would be something that would happen at the very first meeting of the IFC that happens after session. The Chair will be able to tell us when that is. I am not sure. I think we usually get at least a month before we have one.

Assemblywoman Monroe-Moreno:

Our next meeting of the Subcommittee on Education Accountability of the Interim Finance Committee meeting will be in June. Do not rest and do not go on vacation right after session.

My question is in section 2, subsection 4, where the Chair of the Interim Finance Committee shall appoint a Chair and the Vice Chair. Did you anticipate that being in line with the Chair and Vice Chair of the Interim Finance Committee? Or could it be any member that is assigned to IFC?

Assemblyman Yeager:

I would value your input on any way we can make this bill better, but I envision that to be any member of the subcommittee. I know how busy you are going to be as Chair, and as we saw last interim session when you were Vice Chair, we had the Senate chair. We would certainly love someone with your background and intelligence to chair it, but I also understand it is a lot going on. I think you could appoint anyone who you would want on that subcommittee. It would not have to be the same as the Chair and Vice Chair of the actual Interim Finance Committee.

Assemblywoman Monroe-Moreno:

As for the alternates, would the alternates have to be an Assembly Committee on Ways and Means or Senate Committee on Finance member currently? Or could it be any member of the body as a substitute or an alternate?

Assemblyman Yeager:

Ideally, it would be somebody who is on the Interim Finance Committee. I realize that you have a limited number of people there. I think my preference is that it would be someone on that committee, but sometimes we do have to go beyond the committee. I think we have had to do that before on Interim Finance Committee just as we had to on Legislative Commission as well. I would certainly appreciate your perspective and input if you have a preference on that.

Assemblywoman Dickman:

With all that we learned on Saturday, I think this is an excellent idea. Whose idea came first?

Assemblyman Yeager:

It is a chicken-and-egg question, and I do not know the answer to that.

Vice Chair Brittney Miller:

I appreciate your bringing forth this legislation. My question is specifically to section 3, subsection 4. The first concern with educators is, when they hear accountability, that this is more pressure on them. Part of the reason why educators are leaving is because of this, and I do not want to give that impression that people think it is too hot, so they are getting out of the kitchen. There have been levels of accountability without the respect and the support and the mechanism to succeed. They have been held accountable for things that are out of their control. I believe I know your intention that this accountability is not to push more on the step, but this is really to hold the districts at the district level accountable for that funding. Can you speak to that?

Assemblyman Yeager:

I really appreciate that question because it is something I should have mentioned in my opening remarks. When they hear "transparency and accountability," I think sometimes educators and education support professionals feel like they are being attacked. That is not my intent at all. I realize that you in the classroom have to live with the realities of what you have. That is classes that are too big, that is many teacher vacancies, it is too many

standardized tests, it is kids coming to school that do not have food to eat. On Saturday, we heard about what can only be described as the really heartbreaking, abject poverty of kids who are coming to school. Those are real challenges, right? My intent with this bill, just like my intent with what we did last Saturday, was to have the superintendents and the districts come in because I wanted to hear their vision from the district level. That vision obviously needs to include supporting teachers.

But I think there has to be a vision for how these funds are going to be used. What actual programs are we going to implement? Not more testing, but the programs we are going to implement to improve achievement. The second part of that intent is, how are we going to use these funds to make sure that we are retaining the best of our educators who have lived through some very tough times? How will we retain and recruit educators in this state? I wanted to see those two parts.

I will say unequivocally, this is not an attack on those who are doing the work. It is more of a request to the districts to share their vision with us. Where do you see the district in two years and four years and six years? I want to have that sort of forward-looking philosophy. Obviously, that requires the input of teachers and the folks who are actually in the schools doing the work. I am not attacking them in any way.

Vice Chair Brittney Miller:

Thank you. I appreciate that. My next question is under section 3, subsection 4(e). It says that one of the things that would be reviewed or evaluated are the rules, regulations, and policies of individual schools or public schools. To speak very bluntly and on the record, there are many laws that this body has passed with the intention of improving conditions for students, teachers, and support professionals. Often those laws are not followed at all, or if they are, not with true effort and fidelity. It is challenging because those things are put in place to improve things. When it comes to the rules, regulations, and policies of the schools and school districts, is this a mechanism that could be used to enforce or ensure that there is compliance with these laws? A challenge we hear from educators, too, is knowing that this is the law, and this is what should be happening, but it is not. Again, we see the results of when things are not followed. Could you speak to that please?

Assemblyman Yeager:

I guess I will answer that in two parts. This really is a transparency piece, right? It is a chance for us to ask questions. Now, if a school district comes before IFC and admits that they are not following the law, I do not know that IFC can do anything about that as IFC, but certainly the Legislature can, right? Perhaps the Legislative Commission can because they have different authority. But I think this is certainly a chance to ask those questions. Section 3, subsection 4(e) encompasses implementing the rules, regulations, and policies that the Legislature passed. I see this as a place where we can really look at individual schools to see if there is a program that is working and improving outcomes. A certain high school, maybe it is Rancho High School, is improving outcomes. We should be able to ask, Why are we not doing that in other places?

As I said, there are two parts to this. I have another bill that is not out yet because it is still being worked on. I see that bill more as the accountability piece where we will have some outside folks going into the school districts to do more performance-based audits. These bills are like a one-two punch. Assembly Bill 399 is the transparency piece, where we get a chance to ask questions. Then we get to decide as a Legislature what we need to act on in the next legislative session. But I also see an outside piece involving performance-type audits and that bill is being drafted. I do not know what committee that one is going to come to, and I do not know when it is going to come out, but I am excited to present that as well. What you are seeing today is one side of the coin. To your question, this is an open forum. There are things the Subcommittee on Education Accountability can look at. They are not limited to that.

Vice Chair Brittney Miller:

I do not see any additional questions, so I will go ahead and open it up for testimony. If there is anyone here in Carson City who would like to testify in support of Assembly Bill 399, please come forward.

Daniel Stewart, representing Clark County Education Association:

We want to voice our strong support for this bill. We have not yet had the chance, but I almost wanted to just say ditto to the presentation, rather than necessarily provide any added remarks. I think the Assemblyman Yeager covered incredibly well that there really is no accountability without first getting transparency. This body has an impossible job, to come in every other year for 120 days and have to solve a lot of problems. You are often given snapshots that are already out of date by the time you get them, making tremendously difficult decisions about money and so forth. When you chair the Assembly Committee on Ways and Means, it is not just about which one you are funding, but also about not being able to fund another. It is imperative that you have the best possible information as you are making these decisions. Not only that, but it also allows for continuity. One of the reasons we are here and have this historic amount of investment into education is because of the work that was done in 2019 and 2021. As we have built upon this, having a Subcommittee on Education Accountability as a part of the IFC able to continue that conversation allows for that narrative to continue all the way through. We are grateful for the efforts here. We think that it is going to be very important for the Legislature to look into the districts and see that your intent is moving forward, especially with these dollars. We are here to help in anyway.

Vice Chair Brittney Miller:

Is there anyone else here in Carson City in support? Not seeing anyone here in Carson City, is there anyone in Las Vegas in support? There is no one there, so we will ask for callers to testify in support of Assembly Bill 399. [There were none.]

[[Exhibit C](#) in support of A.B. 399 was submitted but not discussed and is included as an exhibit of the meeting.]

With that I will open it up for anyone testifying in opposition of Assembly Bill 399 starting here in Carson City. [There was no one.] Is there anyone in Las Vegas to testify in opposition of A.B. 399? [There was no one.] Are there callers to testify in opposition of A.B. 399? [There were none.] I will move to testimony in neutral for A.B. 399 here in Carson City.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

Nevada State Education Association has not taken a position for or against A.B. 399. We did want to point out some language in the bill perhaps for discussion or questions. Section 3, subsection 4 reads, "The general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State to improve the educational achievement and outcomes for pupils." While this sounds good, the unfortunate reality in the education field is that when you talk about pupil achievement and outcomes, oftentimes, it is analogous to test scores and high-stakes testing. I know there has been a move in Nevada about moving away from high-stakes tests. I was encouraged to hear Assemblyman Yeager mention not wanting to base this on high-stakes tests, but there is going to have to be a lot of work in that area to get to educational achievement outcomes for pupils that are not analogous to high-stakes tests. In section 3, subsection 5, in terms of conducting investigations, the subcommittee can compel the attendance of the Superintendent of Public Instruction, any superintendent, or chief financial officer of the school district, but it does not mention board of trustees of the school districts, who are actually responsible legally for those districts.

Vice Chair Brittney Miller:

Is there anyone else here in Carson City in neutral? [There was no one.] Is there anyone in Las Vegas in neutral? [There was no one.] Are there any callers to testify in neutral for Assembly Bill 399? [There were none.] With that, I will welcome Assemblyman Yeager back up for any final remarks. [He had none.]

I would just make a comment that I heard the neutral testimony and I also heard what Assemblyman Yeager has stated. I also know that is just one example of previous laws that have been passed but have not been implemented, so I appreciate that. I know where Assemblyman Yeager stands, and I trust in his commitment to this bill.

With that, I will go ahead and close the hearing on Assembly Bill 399, and open the hearing for Assembly Bill 190.

Assembly Bill 190: Revises provisions relating to elections. (BDR 24-293)

Assemblywoman Heidi Kasama, Assembly District No. 2:

I am pleased to have this opportunity to present Assembly Bill 190 before you today. This measure revises provisions relating to elections, specifically voter registration forms. I will give a little background. I think we can all agree that we should be doing everything we can to increase voter participation in our state. One of the barriers to voting

participation is actually the first step in the voting process: registering to vote. While this task may seem rather simple, to some, it may be intimidating, confusing, or inconvenient. Assembly Bill 190 seeks to make it easier for home buyers and renters in Nevada to register to vote or to update or cancel their voter registration upon the closing of a real estate transaction or the signing of a lease. These transactions serve as great opportunities to provide home buyers and renters with the necessary tools to register to vote since the change in address necessitates a new updated voter registration.

We already leverage certain transactions in this state as opportunities to provide voter registration information when it is most relevant and to make it more convenient for individuals to register to vote. Aside from the Secretary of State's website and local election offices, voter registration forms are provided by several other state agencies and public institutions throughout Nevada. These include the Department of Motor Vehicles (DMV), college campuses, public libraries, and post offices. In fact, it is common for Nevadans to be provided a voter registration form or to be automatically registered to vote after receiving certain public services. As you know, Nevadans, unless they opt out, are automatically registered to vote at the DMV when applying for the issuance or renewal of their driver's license. Beginning in 2024, Nevadans applying for Medicaid or health insurance through the Silver State Health Insurance Exchange will be automatically registered to vote unless they opt out.

Additionally, by providing voter registration forms at the conclusion of real estate transactions, we can help clean up our voter rolls, and it will ensure that individuals have the tools to update their address when moving between districts or to cancel the registration if moving out of state. Last summer this idea came to me as I was sitting at a closing with a client who had just purchased a home. As I was sitting there, it came to me that since they were already signing a thick stack of paper, this was where we could capture a change of address. I believe the biggest problem with our voter rolls is when people change their addresses, we are not providing avenues for voter registration. Because in our state we have to self-report, How do we capture them? I will let my colleague, Mark Wlaschin from the Office of the Secretary of State, review some of that later in the presentation. I believe I called Mr. Wlaschin last summer with this idea. We started hashing it out and had a lot of great conversations about this idea of mine.

I would like to briefly summarize the bill to share with the Committee how A.B. 190 can accomplish its goal. Assembly Bill 190 requires certain real estate professionals to provide voter registration forms to buyers and sellers of residential property and tenants entering a residential lease upon the closing of a real estate transaction or signing of a lease. The bill does not require the buyer or renter to complete or submit the form, but ensures the buyer or renter has the necessary information to register to vote or update their voter registration on their own. Keep in mind that this will be a "may"; I will have an amendment to the bill that it will be a "may" for people in the real estate transaction to provide these forms [[Exhibit D](#)]. There is no liability upon any of the people working with this. There is a "hold harmless," so there is no issue with this. It is just everybody helping the community to improve it.

Real estate professionals covered under this bill include title company agents, landlords that own apartment complexes of more than 100 units, and property management companies that manage more than 100 properties. The bill requires the Office of the Secretary of State to prescribe the format of the voter registration form that will be provided to home buyers and renters. Like any other voter registration form, it will allow a person to register to vote, update his or her registration, or cancel his or her registration. The form will also include information about the qualifications and methods to register to vote in Nevada as some homebuyers or renters, such as those who move from out of state, may not be eligible to vote right away. In closing, Assembly Bill 190 will keep our voter rolls clean and increase voter participation by encouraging homebuyers and renters to keep their voter registration current upon a change of address. With this, I will hand it over to Mark Wlaschin.

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

I was asked here today to provide testimony and to provide additional context relating to the impact of the changes proposed in Assembly Bill 190. More specifically, I am going to briefly explain the federal and state requirements for the maintenance of our voter rolls. Before I get to the legal requirements, it is important that we all understand the types of voter registration that we will be discussing today. We have active, inactive, and canceled voter registrations. An active registered voter in Nevada is a registered voter who has a current address on file with a county election official. If official election mail has been sent to the address on file for the voter, and the mail has not been returned as undeliverable, the address is current and the registered voter remains in active status. A voter is marked as inactive once official election mail sent to their address on file is marked as undeliverable and a separate forwardable postcard asking the voter to update their address has not been returned within 33 days. Under our laws, inactive voters do not receive a mail ballot. Only active registered voters do. A voter is changed from being an inactive registration to a canceled registration by not having any activity in their registration for two federal general elections. It is important to note, though, that under Nevada law, a canceled or inactive voter could quickly update their information and become an active voter, even up to the close of polls on Election Day. Canceled voters also do not receive a mail ballot.

Regarding this maintenance, the federal requirements regarding maintenance of our statewide voter registration lists are found in section 8 of the National Voter Registration Act of 1993 (NVRA) and section 303 of the Help America Vote Act of 2002. They specify when and how a voter's registration may be canceled, among other provisions. The general intent is that the voter list maintenance programs be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 while incorporating specific safeguards. Our state law regarding list maintenance is found in *Nevada Revised Statutes* (NRS) 293.525 to NRS 293.548, and in NRS 293.675. Those laws clarify and direct implementation of the federal laws and establish the processes that are to be followed.

On a more tangible level, our voter list maintenance program looks like this: our statewide voter registration list is reviewed daily to identify voters who are, for example, identified as a duplicate in the same county, usually indicating that someone has moved, or to find voters who are a match on one of the vital statistics reports that we receive daily. When we identify

those matches at the state, we provide the information from the Office of the Secretary of State to the appropriate county election official, who addresses them as required in statute. If the voter is deceased, their registration can be canceled. If the voter is a duplicate within the county, the records are compared to ensure they are the same voter and then merged. We are also part of the Electronic Registration Information Center (ERIC), which is a nonprofit, nonpartisan, membership organization created by and composed of state election officials from around the U.S. Electronic Registration Information Center is a tremendous help with our voter list maintenance because it enables us to identify voters who appear to have moved from one ERIC state to another. Among other checks and balances, in the event we identify someone who has appeared to have moved to another state, the voter must be sent a notice as required by NRS 293.530 and given those 33 days to reply, which amounts to 3 days for shipping and 30 days for voter activity. If they do not reply within 33 days, then their voter registration shall be set as inactive. That same process is conducted if the state or county sends official elections mail and it is returned as being undeliverable.

The membership with ERIC helps significantly in reducing the risk of voter fraud and supports criminal investigations following each election. There are, of course, other methods we use to conduct voter list maintenance including correcting it with information received from registered voters themselves, or voter registration agencies, or through the automatic voter registration process. The easiest way for a voter to update their registration is to go to RegisterToVote.NV.gov. To be clear, the entire process is extremely complex and time-consuming, but while it is a legal requirement, it is also fully embraced by election officials across Nevada. We recognize the fiscal benefits as well as the improvements to voter confidence when it is done properly.

There are challenges though, especially in a state with a population as transitory as ours. For example, it is the National Voter Registration Act that mandates that any state program must be completed not later than 90 days before a federal election. You may hear that requirement referred to as a "90-day blackout period." In other words, we must stop the consistent and routine list maintenance processes we conduct across our state during the 90 days prior to any election with a federal candidate on the ballot to ensure that no one is removed from the voter rolls improperly. The NVRA has identified exceptions to that blackout period including the cancellation of voter registration at the request of the registrant, or by reason of criminal conviction, mental incapacity, or the death of the registrant. Maintenance can also still occur at the request of the voter, but again, no state processes may be conducted during those 90 days before a federal election. As you know, Nevada has three elections in 2024: a presidential preference primary on February 6, a primary election on June 11, and a general election on November 5. The application of the requirements of section 8 of the NVRA mean that there are only 92 days that we are allowed to conduct routine list maintenance in 2024 leading up to the general election in November.

Regarding Assembly Bill 190, its provisions would add a mechanism that encourages voters to be personally involved in the process, which does align with one of our major outreach priorities leading up to and during the 2024 election cycle. That is all I have, and I am available for questions.

Assemblywoman Monroe-Moreno:

In section 1, subsection 2(b) it says that it has to "be in paper form." We do have an electronic way to register to vote. Why not just have the Realtor or the property manager provide the person with that access? My concern would be who is going to maintain that paper registration form and who is going to make sure that it is returned to the Office of the Secretary of State or the election clerk in the county. Who is holding that paper?

Assemblywoman Kasama:

I know that Deputy Wlaschin is still working on the forms, and we have discussed this. When I am at a closing and people are moving, the last thing they are thinking about is going on the website and updating their voter change of address. It is just not happening, as we know from our bloated voter rolls. What we talked about was to basically create a form, which is still being worked on, that a person could have at the closing of a house or renting of a property. I envisioned something almost like a check box—I am moving out of state, or I am moving from 123 Main Street to 456 Main Street—to just capture the changes and the movement of people. If you think about a three-bedroom apartment, you may have three different people who go together and rent that place. People move in and out of that apartment, so just think of all the mail ballots that have gone to that apartment. That is where we see much of this excess with the mail ballots. This is a way where we can try and capture that. What we are envisioning is something which we are still talking about but could be a form linked to the Office of the Secretary of State's website that people in the real estate industry could just download and print out. That would be part of their contribution to helping the community. They would provide that at the transaction by giving it to the person. The form would have the return address on it, so the person just has to return it. It is up to them to complete it and then put it in a mailbox or drop it off at a location that is appropriate.

Assemblywoman Monroe-Moreno:

The tenant or the new homeowner is in possession of the form, not the Realtor, correct?

Assemblywoman Kasama:

Correct. We do not want to touch it or be involved other than providing it.

Assemblywoman Monroe-Moreno:

We already have a voter registration form that is currently accessible on the Office of the Secretary of State's website for this purpose. What I have learned in this building after being here for four sessions is that everything costs money. How much is that new form or that new access on the computer system going to cost us?

Mark Wlaschin:

There is no fiscal impact. The form that we would use is one of the ones that are already in existence. We would modify that internally using staff in the Office of the Secretary of State, then our information technology staff would also update the online application to make sure it is equally accessible.

Assemblyman Yeager:

I wanted to confirm that you said you are going to do an amendment to make this discretionary rather than mandatory [\[Exhibit D\]](#). You are going to change "shall" to "may."

Assemblywoman Kasama:

In the bill, under section 1, subsection 4, "shall" will be changed to "may."

Assemblyman Yeager:

At the very end of [A.B. 190](#), in section 1, subsection 5(a), and section 1, subsection 5(b), it defines "apartment association" and "property management company" units. Both basically delineate units at 100 apartment units or 100 properties. If you are going to make it discretionary, would you want to take that out? It seems that if we have the ability to do this, why not just allow anybody to provide access to the form, no matter how many units are in the complex or how many companies are managed? I was thinking that threshold was probably tied to the "shall," but if we are going to make it "may," would you be okay with potentially taking out the threshold of 100?

Assemblywoman Kasama:

Yes, I could look at that. I think I had looked at it as educating certain groups and focusing on certain groups to educate them to get the message out to the largest groups first to have them help with this. This is where the intent was with that.

Vice Chair Brittney Miller:

I do have the same concerns that my colleague does. Yes, we want more people to register, and yes, we want to make sure that if people move into a different district, their ballot represents all of the candidates on their new ballot or based on their new area. It just seems like it could be simpler. We could also solve the concern about people moving who are not aware of changing their voter registrations by having voter registration forms in the clubhouses where they are offering all kinds of advertising for everything under the sun. Even when you first move, there are packets of mail that you get with coupons and advertisements and everything. Why not just provide the voter registration forms there or even a notification of how to go online and do it? Homeowners' associations and condominium or apartment clubhouses are places people frequent when they are moving. Anecdotally assuming that those individuals are more transient, living in apartments and such, was that something that was considered? It just seems that would be a simpler way because another concern is when we say "may," there will be some Realtors that will be doing it and some other Realtors that are not. What that does is create inequity.

Assemblywoman Kasama:

I like your idea of displaying it, but I walk by a lot of those things and do not look at them and do not pick up things. If somebody is signing a lease and you actually hand this to them and say that you might consider this change of address form for your voter registration, it is going to get to them, and they are going to do something with it versus walking by it at a rack. I think you could add having it at racks to if they wanted to do that. Your second question about whether different Realtors are handling this differently is I intend to do this,

as it is my idea and I think it is a good way to start cleaning up the voter rolls. But I cannot control everybody's behavior. I think it is a way for us as members of the community to just help because this is an issue that you see talked about by many people. People ask many questions such as, Where are all the mail ballots going? Are they laying on the ground by the mailboxes? I just started thinking about how we can help clean that up and be part of a solution to it, and that is where I arrived at this bill.

Vice Chair Brittney Miller:

I am not seeing any additional questions from the Committee, so I will open it up here in Carson City for support testimony on A.B. 190. I will hand the gavel back to Chair Gorelow.

[Assemblywoman Gorelow assumed the Chair.]

Chair Gorelow:

Please go ahead if you are giving testimony in support for Assembly Bill 190.

Doug Goodman, Founder and Executive Director, Nevadans for Election Reform:

I think we all agree that keeping our voter rolls up to date is critical. Nevada is a transient state. One of the biggest problems we have is making sure that when a voter goes to the polls, their address is correct, so they vote the proper ballot. I think we also have to admit that updating our address is probably one of the last priorities we have unless we do it through the post office. We might not go to the Department of Motor Vehicles to update our address unless we have to, and we certainly do not think about updating our address on our voter registration card. This bill actually provides a convenient and very easy reminder to the voter or new resident in the state. When you go to sign a title when buying a house, you are usually there for an hour and a half to two hours. If you are signing a lease or renting an apartment, there are documents to sign. What this bill does is just present the form. It is an easy reminder that you need to register if you are not registered to vote, or to change your voter registration if you are moving. As you are going through your stack of papers, this is a reminder to change or update your address, so you do not have a problem the next time you go to the polls. If you are new to the state, or if you are moving from a different state, it is another reminder to register to vote. This is really just a commonsense bill. It is a bill that provides a reminder to do something that most people do not think about. I hope the Committee will vote to pass this.

John Sande IV, representing Nevada State Apartment Association:

We are here in support of this bill. We think it is a good educational piece that would allow for the forms created. It would allow for apartments to have the dialogue with their tenants. From what I understand, it is sometimes an issue at certain apartment complexes where there would be multiple ballots of former tenants that arrive in the mailbox. This bill is seeking to address that. To the comments made by Assemblyman Yeager, I think it was important for us that this is a voluntary program. I do not think that we will have an issue if we reduce the threshold since it is a voluntary program.

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

Today we are in strong support of A.B. 190. Every election season, many Nevadans do not update their voter registration when they move and get a new address. We see that every day as Silver State Voices is designing get-out-the-vote programs. Because they moved, they may just have not received their new mail in ballot at their current address, so they end up having to rush to the polls the last few days of early voting or on Election Day. Depending on the voter situation, they may also have to provide additional proof of residency based on their current address, which they may or may not know in advance. Potential wait times and stress at the polls could be avoided if the voter had updated their address earlier on. Realtors, apartment associations, and property management companies are perfectly poised to remind voters to do so as they move into their new homes. We would like to thank Assemblywoman Kasama for sponsoring this bill. We believe it is a great way to encourage Nevada voters to be proactive about registering to vote and updating their information. We urge the Committee to support A.B. 190.

Chair Gorelow:

Seeing no one else in Carson City to testify in support of Assembly Bill 190, we will move to Las Vegas.

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

We are an organization that exists to expose and dismantle threats to voter freedom in order to make voting safe, fair, and accessible. We are also a member of the Let Nevadans Vote coalition. We support Assembly Bill 190, a commonsense bill that will ease the voter registration and address update process for Nevadans who have moved. My staff and I all served as poll monitors in the 2022 election. One thing that we did observe was extremely long lines at polling places that were frequently caused by voters updating their address and using the same-day voter registration process. In south Reno, my campaign manager saw that a number of new housing developments and apartment complexes had been built in the area, and it appeared that a significant number of voters were updating their addresses before casting their ballots. It is clear that the same-day voter registration procedures required time for poll workers to complete, leading to backlogs in the line. As a result, during the early voting period, the line to vote can frequently be out the door. By allowing apartment associations, management, and title companies to give a paper voter registration form to voters when they move to a new residence, A.B. 190 would give voters another option for registering and updating their information prior to voting. We encourage you to support A.B. 190.

Chair Gorelow:

Seeing no one else in Las Vegas to testify in support of A.B.190, we will go to callers who would like to testify in support.

Amber Falgout, Northern Nevada Manager, Battle Born Progress:

Today, I am calling in to show our support for Assembly Bill 190. Updating voter registration is something most folks forget to do while finding a new home or a place to live. Even though I do this work for a living, I have not always updated my voter registration upon

moving. With kids, work, and the struggle to find affordable housing, the last thing on my mind is updating my voter registration. Assembly Bill 190 will help Nevadans if they choose to update their voter registration when they move. Realtors, apartment associations, and others in the housing market are perfectly positioned to give eligible Nevada voters an opportunity to update their voter registration. We are in full support of Assembly Bill 190, and we urge the Committee to move this bill forward.

Krystal Sherry, State Chapter President, National Association of Residential Property Managers:

We are here to show support for Assembly Bill 190. The property managers for residential property do support this bill and we have no problem handing out this form. We do not think it will create any undue burdens on us in our day-to-day operations.

Chair Gorelow:

Are there any more callers in support? [There were none.]

We will go back to Carson City for testimony in opposition of Assembly Bill 190. Seeing no one, is there anyone to testify in opposition of Assembly Bill 190 in Las Vegas? [There was no one.] Are there callers in opposition of Assembly Bill 190? [There were none.]

We will go back to Carson City for testimony in neutral of Assembly Bill 190. Seeing no one, is there anyone to testify in neutral for A.B. 190 in Las Vegas? [There was no one.] Are there callers to testify in neutral for A.B. 190? [There were none.] Assemblywoman Kasama, would you like to come up for some final words?

Assemblywoman Kasama:

First, I would like to thank Mark Wlaschin. We have had many great conversations about how we could educate our community and help clean up the voter rolls. He would like to make a couple of comments as well.

Mark Wlaschin:

During my time in the United States Marine Corps, there was a 12-year period where I had eight addresses. I did not once update my voter registration during that time, and I shudder to think of the problems I caused my election officials at the county level. The intent behind Assembly Bill 190 is simply just to provide a reminder. Maybe if I had received eight reminders, I would like to think I might have gotten around to updating my address. The goal is simply to have cleaner voter lists as we roll into the 2024 election cycle.

Assemblywoman Kasama:

I encourage your support of this. I think it is a commonsense solution for us to help in the community to clean up our voter rolls.

Chair Gorelow:

With that I will close the hearing on Assembly Bill 190.

We will now move on to public comment. [There was none.]

Our next meeting of this Committee will be Tuesday, April 4, 2023. We are adjourned [at 5:08 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 a letter dated March 30, 2023, submitted by Amanda Morgan, representing Educate Nevada Now, in support of Assembly Bill 399.

[Exhibit D](#) is the Proposed Amendment for Assembly Bill 190 presented by Assemblywoman Heidi Kasama, Assembly District No. 2.