

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

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

The Committee on Legislative Operations and Elections was called to order by Chair Michelle Gorelow at 4:08 p.m. on Tuesday, April 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](http://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

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Steve Yeager (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Tracy Brown-May, Assembly District No. 42

**STAFF MEMBERS PRESENT:**

Haley Proehl, Committee Policy Analyst  
Bryan Fernley, Committee Counsel  
Shuruk Ismail, Committee Manager  
Kristi Howard, Committee Secretary  
Garrett Kingen, Committee Assistant

Minutes ID: 785



**OTHERS PRESENT:**

Mark Wlaschin, Deputy Secretary for Elections, Office of the Secretary of State  
Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State  
Doug Goodman, Founder and Executive Director, Nevadans for Election Reform  
Emily Persaud-Zamora, Executive Director, Silver State Voices  
Catherine Nielsen, Executive Director, Nevada Governor's Council on  
Developmental Disabilities  
Daela Gibson, representing Planned Parenthood Votes Nevada  
Eric Jeng, Acting Executive Director, One APIA Nevada; and representing Asian  
Community Development Council  
Lynn Chapman, Treasurer, Independent American Party of Nevada  
Joy Trushenski, Private Citizen, Carson City, Nevada  
Richard Nagel, Private Citizen, Carson City, Nevada  
Betsy Strasburg, Private Citizen, Carson City, Nevada  
Lori Johnson, Private Citizen, Carson City, Nevada  
Barbara Jones, Private Citizen, Washoe County, Nevada  
Julie Burke, Private Citizen, Reno, Nevada  
Michael LaBit, Private Citizen, Zephyr Cove, Nevada  
Mark Kampf, Clerk, Nye County  
Susan Proffitt, Director at Large, Nevada Republican Club  
Karen Kogelschatz, Private Citizen, Las Vegas, Nevada  
Leslie Quinn, Private Citizen, Las Vegas, Nevada  
Oscar Williams, Private Citizen, Reno, Nevada  
Lisa Partee, Private Citizen, Carson City, Nevada  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada  
Ellen Gifford, Private Citizen, Incline Village, Nevada  
Alida Benson, Executive Director, Nevada Republican Party  
Laura Larson, Private Citizen, Nye County, Nevada

**Chair Gorelow:**

[Roll was called. Rules and protocol were reviewed.] We will be taking a recess at about 4:40 p.m. so that we can move to the floor for Senator Cortez Masto. We will open up the hearing on Assembly Bill 242. This measure revises provisions related to elections.

**Assembly Bill 242: Revises provisions relating to elections. (BDR 24-365)**

**Assemblywoman Tracy Brown-May, Assembly District No. 42:**

With me today to assist in presenting are Mr. Wlaschin and Mr. Di Chiara from the Office of the Secretary of State. They will help us walk through some of the technical issues relative to Assembly Bill 242. As we begin, it is important to note that this bill is the result of the Joint Interim Standing Committee on Legislative Operations and Elections. In its final work session on August 29, 2022, the committee voted to draft this bill and then the subsequent amendments will be presented. I believe you all have the conceptual amendment to A.B. 242 proposed by the Office of the Secretary of State [[Exhibit C](#)].

In Bulletin 23-9: Joint Interim Standing Committee on Legislative Operations and Elections (2023), published by the Legislative Counsel Bureau, the Interim Committee's final meeting identified the need for a bill to:

- a. Require county election administrators, including county clerks and election board officers, to be trained on how to operate accessible voting systems compliant with the Americans with Disabilities Act of 1990 in order to assist voters who have difficulty using such voting systems;
- b. Require a minimum of two accessible voting systems at a voting site and provide for the establishment of more than two accessible voting systems at a voting site if deemed necessary. . .; and
- c. Require ballots that are cast in person at polling sites to be cast by a voting machine.

That was what the Joint Interim Standing Committee on Legislative Operations and Elections directed at its final meeting and why this bill was created.

There were presentations that were delivered during that Interim Committee meeting by statewide advocacy organizations which presented arguments regarding accessibility features for people with disabilities to be able to have access to voting. This bill is about eliminating the barriers people with disabilities experience in voting. The Americans with Disabilities Act (ADA) was passed more than 30 years ago, and we still have accessibility features that are noncompliant with those standards. If you look at the testimony table right here where we are sitting, we are not compliant with ADA standards. A person with a physical disability would not have the capacity to push this microphone button in order to be able to come and testify here. Throughout all of our systems, we have a number of barriers many people who have physical abilities do not recognize. That is one of the reasons that this Committee decided to champion accessibility in voting. Approximately 25 percent of the American population consists of people who identify as having a disability. That covers all different kinds of disabilities, but 25 percent of our population have barriers to some sort of accessibility issues.

Voting is a right that we all share, and access to voting is integral to our democracy. That is why Assembly Bill 242 is here today: to address the inadequacies in accessibility for people with disabilities to be able to cast their votes. The bill that was created addressed a number of issues. Existing law provided that voting at any election conducted under Title 24 of the *Nevada Revised Statutes* (NRS) must be on printed ballots, and this bill changes that word, "printed," to "appear" to allow for electronic formatting. Sections 5, 9, and 15 of the bill prohibit the use of paper ballots when voting in person at the polls at an election in this state and instead require that all votes cast in person at a polling place be cast using a mechanical voting system. I am going to let the Secretary of State's Office walk you through what that actually means because there are paper ballots that are fed into a voting mechanical machine, so there is accessibility there.

Several sections of this bill make conforming changes to require the use of a mechanical voting system when voting in person. Section 6 and section 17 of this bill require that each polling place must have at least two accessible voting booths, and additional voting booths if determined necessary by the county clerk or city clerk. On multiple occasions, I have had the opportunity to work directly with our Secretary of State's Office to train people with disabilities on how to use the accessibility features. We have had the Clark County voting folks come out at town hall meetings to really work with folks who have visual disabilities, accessibility issues, hearing disabilities, and physical disabilities to ensure that they can access and operate those machines.

It is really important that we develop accessibility in all of our voting. With that, I am going to turn this over to the Secretary of State's wonderful personnel to walk you through some of the technicalities.

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

There are two voting systems that are approved for use in the state of Nevada. Those of you who have used a voting system really anywhere other than Carson City or Lander County are familiar with the system created by a company called Dominion. That is the direct reporting equipment system (DRE). The idea behind that machine is you walk up to it, it has a screen that you touch after you have checked in, you put your card into it, it pulls up your precinct-specific ballot, and that is how it enables you to make your choices. To the side there is that voter-verifiable paper audit trail as well to ensure that the voter can confirm that their selections have been made. But in Carson City and Lander County, they use a different system that also meets the Federal Election Commission's requirements and is also approved for use in the state of Nevada by the Secretary of State's Office. This voting machine is by a company called Election Systems & Software. These two counties use a system that is actually a ballot marking device, so it is a different type of system than what is used elsewhere in the state. It is not a DRE. In these systems, after you check in, you are handed what is essentially a blank piece of paper. That piece of paper then goes into a machine that allows you to identify your choices. All of these machines are of course ADA-compliant as required by the Help America Vote Act and numerous other federal and state laws. After making your selections, that paper ballot comes back out, and then the voter carries it over and puts it into a tabulator. The conceptual amendment [\[Exhibit C\]](#) that was presented really is in part just to make sure that we allow space for those counties to use the system approved by the Election Assistance Commission and Secretary of State so that those voters who are comfortable and that the clerks and registrars in those counties—and other counties that are considering ballot marking devices going forward—are able to do so, again recognizing that they are absolutely ADA-compliant.

**Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State:**

There is also a second provision in the conceptual amendment [\[Exhibit C\]](#). This would adjust NRS 293B.050 which previously was put into statute in 1975. It allowed for elections to be conducted by mechanical means. The Secretary of State's Office is presenting this conceptual amendment. This section is short so I am just going to read it: "ballots or votes may be cast, registered, and recorded by means of a mechanical voting system, but shall

be counted by means of a mechanical voting system." This is to address the issue of hand counting here in the state of Nevada. We know from studies that are both academic and practical that a machine is better at counting ballots than any group of people could be, especially when you need to follow the procedures laid out in statutes and regulations. We would like to address that in this conceptual amendment.

**Assemblywoman Brown-May:**

That is our presentation. We are happy to take questions.

**Chair Gorelow:**

Committee members, are there any questions?

**Assemblyman DeLong:**

I wanted to understand the reason for not allowing a hand-marked ballot and hand counting. I have seen studies on both sides about that, so I would like a little more explanation as to why you are not allowing counties to do hand-marked ballots and hand counting. Take those as two separate questions, please.

**Gabriel Di Chiara:**

The paper ballot provision of this bill, as Assemblywoman Brown-May said, was brought by the Joint Interim Standing Committee on Legislative Operations and Elections. However, my understanding is, based on the minutes of those meetings and from meetings with folks who were present, it was to address the potential inequality. If the county were to attempt to require a majority of the election to be conducted in that way, it would require an individual to identify themselves as having a disability to be able to use one of the machines. In terms of the paper ballot, a lot of that conversation happened at the Joint Interim Committee. Again, Nevada is now a universal mail-in state for voting, so if an individual wanted to mark their ballot by hand, they will have one sent to them—as is currently in statute—and then could either put it in the mail or bring that into a ballot drop box.

Regarding hand counting, Secretary of State Aguilar could not be with us today unfortunately, but it is his opinion, my opinion, and the opinion of a number of subject matter experts that hand counting will always be less accurate than counting by mechanical tabulation. We understand that some counties may desire to count ballots by hand. However, the Secretary of State is responsible for overseeing the conduct of elections. This body is responsible for passing the statute that covers how we conduct our elections. We believe that in order for Nevada's elections to remain as trusted as they are and to have the same high standard of accuracy and security, that means counting ballots mechanically and not by hand. There are issues of timeliness. We know from having several conversations with members of this body and from the public that they would really love to have results on election night. Whenever counties want to count ballots by hand, that is just not feasible, even for some of our smaller counties. We would like to require the means that are safe, secure, accurate, and fast.

**Assemblywoman Newby:**

On the front end, when someone who has a disability comes in to vote—and it has been a while since I have set these machines up—but I seem to recall that there was a sip-and-puff type of attachment that could be used on these machines. Could you talk a little bit about that and about if there are other ways that help facilitate someone who has a disability of some sort to be able to vote on a machine?

**Mark Wlaschin:**

The ADA-compliant aspects of the machines across the state are fairly numerous, and you are absolutely right to identify the sip-and-puff as being one of those options. There are additional accessibility features that allow everything from reading of the ballot and the ballot questions to the ability to see more clearly. Additionally, our clerks and registrars across the state go out of their way to make sure that when they set up their in-person voting locations to allow for the accessibility piece. The polling locations must be ADA-compliant and accessible in a way that best supports and enables voters across the state to be able to show up, to comfortably move into the building, to get in line, to check in, and to cast their ballot without any concerns or limitations. To be more specific, there is the sip-and-puff, and reading for visually impaired individuals, plus there is a zoom aspect as well. There are also new standards for increased accessibility that are going to continue to benefit voters across our state in the coming years.

**Assemblywoman Monroe-Moreno:**

At the end of the presentation, you spoke about an amendment. Is it this amendment that we have in front of us? Could you restate? You said there was a "may" and a "shall," and is that part of NRS 293B.050?

**Gabriel Di Chiara:**

Current statute says ballots "may" be counted by mechanical means. Our proposed conceptual amendment [[Exhibit C](#)] would change that "may," just for the counting of ballots, to a "shall."

**Assemblyman DeLong:**

I just have a point of clarification. What is sip-and-puff?

**Mark Wlaschin:**

It is an ADA tool that enables individuals who are paralyzed to be able to manipulate a menu system to be able to cast their ballot.

**Assemblywoman Dickman:**

My question is, have these rules been left up to the counties in the past to do what they think is best, or have we always been under state rules?

**Assemblywoman Brown-May:**

First and foremost, it is about ADA compliance and accessibility for people with disabilities. Before we get into the counties, there are lots of times that we think we have complied with

ADA law, but we still have not. We still experience inaccessibility. Yesterday, in this building, was a great example of the barriers that we do not recognize as existing if we do not have disabilities. We had the hearing-impaired contingent here. In that contingent, we had an American Sign Language interpreter who was doing a presentation in Room 3100, yet there are barriers in Room 3100 that you cannot see through. The sign language interpreter was not visible to the person who needed the service, so there was no communication. Then there are people who read lips and that is their form of communication. On the Senate floor yesterday, the glass barriers created a glare, and they were not able to read lips, or a person was not facing them, so there was no communication. There are things that we think we have done to improve accessibility for people that we have not, so the first part of this bill and the reason that the Interim Committee addressed it was to really ensure accessibility for people with disabilities. Now I will let Mr. Wlaschin follow up on that.

**Mark Wlaschin:**

In regard to the historic decision-making at the county level, there was and continues to be a number of decisions that the counties, the clerks, registrars, and their commissioners are and will continue to make going forward as it relates to the conduct of voting inside the county. Without getting into too much of a history lesson, the trajectory started with the passage of the Help America Vote Act of 2002, which was a direct result of the 2000 presidential election and the *Bush v. Gore* court case. These decisions and, ultimately, some of the proposed changes in this conceptual amendment speak to making standards and improve upon those, specifically, for the good of the electorate. I think that the trajectory that we continue to be on is one that embraces improvement. It is not one that is going to potentially disenfranchise large portions of our electorate through unfortunate reactions to incorrect information.

**Gabriel Di Chiara:**

It is a matter of record there were counties here in the state of Nevada that wanted to move to counting their ballots by hand. I was not at the Secretary of State's Office at the time, but my understanding of that process from the state, county, and local levels is that was a challenging process. There are no problems with counting ballots by mechanical means. Ballot tabulators are accurate. I understand there may be some individuals who would prefer to be able to verify that by their own methods, potentially. But the goal of conducting an election is to, as Mr. Wlaschin said, understand and respect the voice of the voters and what the voters want. We want to remove any barriers that would potentially either delay or affect in any way the voters having that voice.

**Assemblywoman Dickman:**

Are there different machines for disabled people? Do we have to buy different machines for our counties so that every polling location has two?

**Assemblywoman Brown-May:**

There are a number of accessible voting machines throughout all of Clark County, so that I can speak to for sure. I will let the Secretary of State's representatives respond relative to the machines across the state of Nevada. They also have a number of features that come with

the voting machine in order to ensure accessibility. As you heard Mr. Wlaschin state earlier, there are a variety of ADA-compliant accessories that come with the voting machines. You can also have a person assist you with that process. We have zooms for low vision. There are accessible machines. Part of this bill requires that a minimum of two accessible voting machines at voting sites be provided, or the establishment of additional voting machines as deemed necessary too. Now, any person can use an accessible voting machine, you have to have an accessible voting machine at each site. I will let Mr. Wlaschin follow up.

**Mark Wlaschin:**

There are some capability differences, but this would not require a massive purchase of machines across the entirety of the state. The reality is that many voting locations already have more than one, specifically to accommodate voters. Each clerk and registrar knows their electorate, understands their needs, and does everything in their power to be able to meet their needs so that they can take part in this extremely important civic duty.

**Assemblywoman Monroe-Moreno:**

Every voting location will have at least two accessible machines, but if the clerk in that county deems that a location within that county has a greater need for more than two machines, he or she could get that. Right now in the state, we have enough machines to accommodate that because we have done elections before. It is not something new. Correct?

**Gabriel Di Chiara:**

That is correct.

**Assemblywoman Monroe-Moreno:**

My last question concerns mechanical voting machines and anticipating what some people are going to come up with when they ask questions. Have we found that there has been any fraudulent use of those machines? Have you had any problems with the tabulations and counting those ballots in any of our recent election cycles?

**Gabriel Di Chiara:**

First and foremost, no, there is no evidence of any widespread voter or ballot fraud here in the state of Nevada or anywhere else in the country for that matter. That is not to say that every system is perfect. However, as you said, Nevada has conducted elections before. Our county clerks and registrars know what they are doing. They understand the use of these machines. The vendors are our partners at the federal level. Everyone wants these elections to go smoothly, so the number of tests and quality control measures that come into play whenever you are dealing with a machine that affects our elections or helps with the conduct of our elections is really incredible.

**Assemblyman Hibbetts:**

The amendment [[Exhibit C](#)], specifically the top portion of the amendment here, says it is from reference to section 5. That makes sense to me, but when I go further back, section 15



has pretty much the same language but does not show to be amended by the amendment. Is the intent of the amendment in order to amend all of the sections that have this language or just section 5?

**Mark Wlaschin:**

You are correct. It is both sections. *Nevada Revised Statutes* Chapter 293 is mirrored almost exactly in NRS Chapter 293C, which relates specifically to city elections. That is what section 15 covers and the conceptual amendment [[Exhibit C](#)] will align across the bill.

**Assemblywoman Dickman:**

You talked about one of the reasons for this is that the people want fast election results, but we did not have that in our last election. Was that a result of paper ballots somewhere? How is this going to improve that?

**Gabriel Di Chiara:**

I will say that Secretary of State Aguilar is making it a priority across the Elections Division to do whatever we can do to assist the counties with speeding up that process. It is not as fast as we would like, and we think there are things we can do to make it better. I hear what you are saying, and I agree. Obviously, that was not only due to paper ballots and hand counting. The largest county that conducted a hand count, Nye County, also counted the results using means of mechanical tabulation first. The official results came from that count. If we would have relied on the hand count, however, it would have been days before there were any results from the county. We want to encourage an increase in accuracy across the board.

**Chair Gorelow:**

I am not seeing any more questions from the Committee. We have to recess, and we will resume testimony in support after we have finished listening to Senator Cortez Masto's presentation. I will call for a recess [at 4:37 p.m.].

This meeting is reconvened [at 5:36 p.m.]. Welcome back, everyone. We will resume with testimony in support of Assembly Bill 242. If anyone would like to come to the table in support of A.B. 242, please come forward.

**Doug Goodman, Founder and Executive Director, Nevadans For Election Reform:**

I would like to thank the Joint Interim Standing Committee on Legislative Operations and Elections for bringing this bill forward. We all agree that our elections must be administered in the most efficient manner possible. To ensure statewide efficiency, standardization of process and procedures are critical. This is true for any process in any organization. The importance of standardization has been upheld by this body with funding for the implementation of the top-down voter registration project. The importance of standardization is also strengthened by the introduction of Senate Bill 54 this session, which will allow the Secretary of State to develop, with the input of all stakeholders, standardized procedures for election administration in the counties. Assembly Bill 242 in no way impacts voters choosing to use the mail ballot to vote. Those who do not trust the voting machines can use the mail ballot, which is a paper ballot, and drop it off at the polling location if they

want to be sure their vote is collected. The ballot can even be completed at the polling location. There are those who will say that A.B. 242 violates county autonomy. This would be true if Nevada were a home-rule state. However, Nevada is a Dillon's Rule state. City and county governments only have as much power as a state legislature is willing to cede to them. Changing this is another bill for another issue. Efficiency and election administration is paramount. By further standardizing the voting process in Nevada, the Legislature will be taking a major step in ensuring Nevada maintains its leading role in election administration. [Additional written testimony was submitted, [Exhibit D.](#)]

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

I am going to keep it short and sweet. We stand in strong support of any bill we feel expands access to a particular community that does not feel heard and seen. The electoral process bill is a bill we can support so we urge your support.

**Chair Gorelow:**

Is there anyone else who would like to come to the table in support of A.B. 242? Seeing no one, we will go to Las Vegas for testimony in support. [There was no one.] We will move to callers in support of A.B. 242.

**Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:**

I am the executive director of the Nevada Governor's Council on Developmental Disabilities. There are an estimated 775,000 adults in Nevada who have a disability. This equals one in three or 32 percent of Nevada's population. If you take a look at the people on this Committee, that is roughly four people who you are sitting around. A little over three-quarters of a million people can potentially be impacted by a change to the current voting laws. And remember that the disability population is the only minority group that you are one second away from being a member of. Please keep in mind when you make this decision, you are making one that may impact someone that you love or potentially yourself today. In the 2020 election, 59.7 percent of people with disabilities in Nevada exercised their right to vote, and one in nine voters encountered difficulties. Providing equal access to all individuals with disabilities is the key element of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, requiring state and local governments that communicate as effectively with people who have disabilities as someone without. When you create a universal polling place, you must design it in such a way that people with disabilities can independently vote in privacy. This is the foundation to the freedoms in America, as stated in the First and Fourteenth Amendments. Accessibility involves much more than providing ramps. It is about a key element of inclusion in the baseline of equal service. Accessibility refers to the design of environments, products, and services that facilitate access for people with disabilities to the same level of access, independence, and privacy as anyone else. Curing effective access to information and services is not only about meeting legal requirements or satisfying a policy checklist, it is about constantly striving to expand meaningful participation for all. Universal accessibility creates a world that does not separate anyone based on their abilities. The fundamental

problem is that voters with disabilities are being offered a separate but equal approach to voting and as such, separate is not equal. We really appreciate your time today and appreciate Assemblywoman Brown-May's work on this bill as well. [Additional written testimony was submitted, [Exhibit E](#).]

**Daela Gibson, representing Planned Parenthood Votes Nevada:**

I am here on behalf of Planned Parenthood Votes Nevada, and we support this bill.

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

We are in full support of this bill. Thank you so much for sponsoring it.

**Chair Gorelow:**

There are no other callers to testify in support of [A.B. 242](#), so we will close testimony in support and open testimony in opposition. Is there anyone in Carson City who would like to testify in opposition to [A.B. 242](#)?

**Lynn Chapman, Treasurer, Independent American Party of Nevada:**

There are good things in this bill which I am glad to see. Helping the disabled is important, and I am glad to see that there is something in here for them. I also got the conceptual amendment [[Exhibit C](#)] and section 5, subsection 3 shows that if you have a ballot that was mailed to you and you filled it out, you can go to the registrar's office or a drop box and put it in there and that would be okay because I was wondering about that, but that is taken care of. The reason I do not trust machines is the machines are not 100 percent trustworthy. Back in 2012 when I was trying to vote for president, I watched the machine change my vote not once, not twice, but three times right in front of my face. I asked to be moved off of that machine. It needed to be taken out because it was changing my vote. They put me on another machine. I turned around and they were still having people vote on that machine, which was wrong. I believe that a lot of people do like the paper ballots, and I am not in favor of doing away with them. The local counties and cities should have options under our state election laws to conduct their own elections because in different counties there are different sizes, and different things going on. Those are some of the good and bad reasons.

**Joy Trushenski, Private Citizen, Carson City, Nevada:**

I strongly oppose [A.B. 242](#) because it usurps the power of county election officials to determine how elections are run. It prohibits the use of paper ballots at all voting locations except for mail-in ballots delivered to the location. Nevada has used paper ballots in one way or another for decades. Nye County and Lander County officials should be applauded, not punished, for the use of paper ballots in the 2022 midterms. The Dominion voting machines used in most of the Nevada counties can be hacked, have been hacked, and they do not produce a paper receipt which could be used to verify the true votes in elections. A paper trail is essential to make sure we have fair and honest elections. Please vote no on [A.B. 242](#) and allow local governments to decide how their elections will be conducted.

**Richard Nagel, Private Citizen, Carson City, Nevada:**

I am opposed to this bill, but I would like to see some things added to it. As a poll worker, I found a few people who came up that had a hard time writing their signature, and your signature is your identification for a poll worker. It would be nice if they would be allowed to use their driver's license or a form of state identification. When they are not able to, even after the sixth attempt, make a signature, it is kind of humiliating for somebody like that. I think that we should have some kindnesses for them and allow them to use an alternative form of identification, just to stop that. I am against not using paper ballots and think it should be an option. I never think we should eliminate options and possibilities. You know, in Carson City, we had a marker where you got your ballot and you put it in the machine. That was paper. Then you marked it on the machine and it printed out, you looked at it, you verified it, and you put it in the tabulator. To me, the dumb machines worked really great. It gave people confidence in the election. The other thing I would like to say is that people, regardless of party, would come up and show me their driver's license, their identification. Democrats showed it to me. Republicans showed it to me, and independents showed it to me. We should be able to use some alternative form of identification and a driver's license would be perfect for that.

**Betsy Strasburg, Private Citizen, Carson City, Nevada:**

I was a poll worker in the last two elections, primary and general. I love our process in Carson City—it was implemented by our clerk-recorder—which is a ballot marking machine plus a dumb tabulator. Less regulations and less mandates is what I am striving for. I fully support local clerks to do what their constituents want since we have an elected clerk. If the body wants to improve things, as I think the Secretary of State does too, then please make sure that we have adequate receipting of people's votes whether you use a DRE or a ballot marking machine. When you go to an automatic teller machine you get a receipt, you do not walk away without getting a receipt. The mechanical device will improve counting. Then let us make sure that reporting goes along with it. I cannot tell you how many times I have called the Secretary of State's office to ask for data and then they told me to go to the clerk's office and vice versa. There are insufficient audit procedures to certify the tabulator machine or the voting machine. I saw the checklist the gaming board uses to certify the tabulator machine, but our local clerk recorder who is a veteran of 25 years-plus could not tell me what each of the items were checking. This is inadequate from an audit perspective and from my audit experience. I urge the sponsor to include these refinements.

**Lori Johnson, Private Citizen, Carson City, Nevada:**

I am against this bill. I believe that voting machines do not work. They are too easily corrupt. We should have a paper trail to count our votes.

**Barbara Jones, Private Citizen, Washoe County, Nevada:**

Assembly Bill 242 mandates machine votes if you are voting in person. This is wrong and potentially very dangerous. They are potentially very, very dangerous for two reasons. First, it puts voter information in a database. The database can be shared, and this is all in black

and white on the Secretary of State's website. The database can be shared with any group. For example, the vendor for the children's data a few years ago was sold to China, so they have in code the information on the kids in Nevada for a number of years.

The international group, Gartner, counseled Nevada to pass the Voter Registration and Election Management System. It is on the website and this bill is part of putting that in place, and the third phase is to be implemented this year. I researched Gartner. They are an international company. Why do we have to put our voter information to an international company? What if they sold? The project is going to cost \$3 million for the third phase which is to be completed this year. This was passed in the last session. Other bills help implement it. Besides this bill vendor, the vendor is called KNOWiNK. Really, we have got to get out of this international mess. I researched names, names, names. I even finally again got down to a China connection. The vendor is KNOWiNK. Following that, it may be for sale. It already says it on the website with names I checked that are international. Top-down counties lose control. Funding is by the federal Help America Vote Act, partially, and I heard from somebody from the Secretary of State's office that was in this room who told me they guaranteed there is no funding from the federal government. [Additional written testimony was submitted, [Exhibit F.](#)]

**Chair Gorelow:**

Your two minutes are up but if you would like, you can submit your written testimony to the secretary.

**Julie Burke, Private Citizen, Reno, Nevada:**

I am glad that you are addressing the ADA issue because that is important. But I do not believe enough facts have been presented to change the whole entire system. I do know that the voting machines are not trustworthy; they are subject to be hacked. The algorithms can be set to create fraudulent elections, and being securely offline is questionable. There seems to be no desire by the state to conduct the needed investigations and proof to put these voting machines concerned to rest and restore confidence. The dependency on an unvetted third-party machine vendor to be the experts regarding the functionality and accuracy of the machines is questionable. Having to have the third-party vendor experts stand by or be present during the election for machine guidance should give more than rise for concern. I did see monitoring the last election. It appears we know little about the machines and their actual performance. Given the above statements, I would say a voting machine or vendor that has been approved by the State of Nevada and meets or exceeds the federal standards for voting systems is still questionable and unvetted. If there is unwillingness to investigate, be transparent and provide proof the machines are free of all allegations asserted. A machine is only as good as those programming or hacking it. Paper ballots are easy to physically see the votes and be assured the votes are legal and properly cast when standards are in place and followed. The same cannot be said for machines. For these and many other reasons, I believe you can address the ADA concerns without changing the entire current system.

**Michael LaBit, Private Citizen, Zephyr Cove, Nevada:**

This is the first for me to speak to a body like this, so bear with me. I wanted to talk to you today about this bill and about perception, and perception is really the focus area because whether things are real or not does not matter. It is how the people perceive them. What do they think? As accurate as our Secretary of State's Office may be with our elections, we have a perception problem in this state. You talk to the people who are your neighbors, or you talk to the people you meet in a grocery store, they will tell you that they do not trust our system. How do we get the trust back? Well, the bill that we have before us today is really one that has two parts. It has a part that deals with ADA, and quite honestly the first time I read this bill, that is all I saw. It was not until three weeks later when I read it again that I saw that there was the elimination of paper ballots. That is a big deal because it is a big deal in the way in which it will be perceived by the public, the people who do not trust us right now. We have to rely on that trust. We have to get it back. If there is anything that you can do to keep the ADA portion of the bill but retain the ability to have paper ballots at the polling stations, we need to do it. The way that this bill will be interpreted by the public, I can tell you, is that the majority party is forcing us, the people, to use machines that we do not trust. That is the perception that they will have, and you do not want that. I do not want that. We have a good system in this state; we need to support it and we need to rebuild the trust. Now is not the time to eliminate a paper ballot. Let us get the trust back in our system and then come back later and do something like this if it is really that important.

**Chair Gorelow:**

Seeing no one else coming to the table in opposition in Carson City, we will go to Las Vegas for testimony in opposition to Assembly Bill 242.

**Mark Kampf, Clerk, Nye County:**

In 2022, Nye County made the decision to use paper ballots for voting in person at the polls. In 2020 the State of Nevada implemented universal mail-in ballots. By the 2022 midterm, 68 percent of the voters in our county used the paper mail-in ballot and the remaining 32 percent appeared in person at the polls. Out of the 6,426 people who voted in the polls, only 249 voters used the mechanical voting system that was designated for voters with disabilities as required by the state. I support that opportunity for those voters. The remaining 6,177 voters used a paper ballot, the exact same type of ballot that is sent in the mail. By implementing paper ballots at the polls, Nye County took the first step in reducing the cost to taxpayers by implementing an all-paper ballot process and eliminating the need for excess machine capacity that is a cost to taxpayers. Those voters who chose to vote in person feel strongly about exercising their right to vote at the polls. Since the voters in our county overwhelmingly support the use of all-paper ballots, they should not be denied the ability to vote in the method of their choosing because they wish to exercise that right in person rather than sending their ballot through the mail, which they do not trust.

In Nye County, virtually all ballots are counted using the same methodology. Both mail paper ballots and in-person paper ballots are counted using a state-approved tabulation method. The only exception is for those machines that are available for ADA compliance. This bill will ultimately cost taxpayers, who will have to pay for future mechanical voting

system upgrades since the existing mechanical systems are near the end of their technological life. The current systems cost over \$430,000 initially, and that does not include the annual license and warranty fees of over \$40,000. The use of mechanical voting systems is a costly methodology in terms of physical equipment and license and warranty fees. The physical labor and resources required to transport voting machines across the vast expanse of the 18,119 square miles that is Nye County make it very difficult. For all these reasons, we strongly oppose this legislation that would be the first in the nation to make paper ballots at the polls illegal. [Additional written testimony was submitted, [Exhibit G.](#)]

**Susan Proffitt, Director at Large, Nevada Republican Club:**

I am the lady who sued Joe Gloria for the right to have meaningful observation of the election process and had a team in there to assess their operations in the last three elections. I would like to offer my expertise along with a number of other people and a closet full of evidence whenever anybody wants to see it. I oppose this, and I am a bit surprised because there was some misinformation being given here today. Why would you write a bill that is clearly punitive against counties that chose to count ballots by hand while many counties in California and Arizona have ditched Dominion voting machines recently? There is a lot about it in the news if you want to check it out, and not just on Fox. It is not appropriate for our Legislature to discriminate against conservatives with a punitive bill like this. I really do not think it is, just because they want to count by hand. I mean that is one step up from using purple ink on your finger. But, hey, that would work too, and it is a lot less expensive. Our teams have observed inside the registrar of voters every day in the last three elections. We saw Dominion machines hooked up to the Internet in the 2020 election and to the Ethernet in the 2022 election. And I noticed that each one of the people that were at the computers doing the counting with the thumb drives had two phones in their pockets. When they pulled them out, there were always two. We witnessed election fraud up close and personal, and I know you do not want to hear it, but I have the evidence, all right? Several reports came in recently at the last election about poll workers putting Republicans at specific machines and that those machines were not printing out their receipt. The paper roll was blank.

**Chair Gorelow:**

You are at two minutes. Can you please wrap up?

**Susan Proffitt:**

I also heard reports of Republicans who dropped off their ballots and they were counted as provisional instead on Election Day. Please do not pass it. We need fair elections.

**Karen Kogelschatz, Private Citizen, Las Vegas, Nevada:**

I am in strong opposition to [A.B. 242](#), specifically the portion of this bill that mandates the use of mechanical voting machines and prohibits the use of paper ballots except for mail-in ballots. Local counties and cities have always had options under the state election law in conducting their own elections. This bill discriminates against those local counties, such as Nye County, that have chosen to use paper ballots to cast their vote rather than the expensive alternative of voting machines. Further, this option should continue to be available to people who would prefer to use a paper ballot at the polls on Election Day rather



than a machine. A person's right to vote is sacred. I have heard everyone say that. I believe that everyone would agree that we want to allow all people the ability to vote and exercise their right. By keeping paper ballots as an option, it will maintain that ability to reach all voters. Thank you for your time and that you will consider opposing this bill.

**Leslie Quinn, Private Citizen, Las Vegas, Nevada:**

I oppose A.B. 242. Voting in person on the same day of the election would be the most efficient and accurate way to secure the true vote and intent of the American Nevadan people. In the event of ADA, elderly, or military eligible voters, there are absentee ballots or mail-in ballots they can pick up at the library, post office, or have a ballot mailed to them. Voters have a right to their Twenty-Sixth, Fifteenth, and Fourteenth Amendments. They also have a right to their true vote being registered as accurately as possible. I believe this is on paper ballots, in person, with a valid identification. Paper ballots create trust in the voters that their true vote was cast and not altered by a machine or other nefarious entity. Voters that A.B. 242 addresses have several options to make their vote count—as I said, mailing in their vote, having someone drop it off at the ballot box, and having someone come by to pick it up at their home as in the practice of ballot harvesting done these last two election cycles. In-person voting on paper ballots with a valid Nevada identification for U.S. citizens will save Nevada hundreds of thousands of dollars from mailing ballots to inaccurate addresses or deceased voters. Let us save trees, money, and bring back trust in the vote for Nevadans. In fact, I voted on Election Day and several of the Dominion machines were not working. My vote did not even register accurately on the date I voted. Please oppose A.B. 242.

**Chair Gorelow:**

Seeing no one else in Las Vegas to testify in opposition to A.B. 242, we will move to callers in opposition.

**Oscar Williams, Private Citizen, Reno, Nevada:**

I am opposed to A.B. 242. I take issue with the prior gentleman's comment on Dillon's Rule. Nevada is a local governance state; Dillon's Rule is antithetical to that and to the way of life that we know so well here. Regarding the auditory tactile interfaces, like the sip-and-puff, I am not aware of the statistics of the number of votes cast by either of these devices. Maybe Washoe County or Clark County provides them, but they have certainly not provided them to me, and I would love to see them. Maybe you have them. It is great that we have sentiments to help disabled people. It is a very generic term, by the way, when we say "disabled," because you have got people who could be in a sanitarium, they could be without the use of their legs, have bad vision, they could have a cancer. There are different levels of their ability to come to the polls or not. Counties do provide in-home voter assistance teams. All you have to do is call and ask for voter assistance to come to your house and help you vote. When we talk about the need for all these devices and all these things, please take time to do your homework and make sure that statistics warrant those kinds of things because I am not sure that the evidence is really there. Of course, another way to solve some of the issues may be to have more polling locations near disabled people so they do not have to travel farther to a center. If they do not have use of their hands and they cannot see, they are not driving



themselves; they are being escorted, so they might as well have people come to their house or have the polling location that is just a little closer to them to make it a little easier. Those would be nice thoughts. When we talk about the statewide standards for counting and recounting ballots, we have had a problem for some time because our system has set up a dual system, in fact, where we have a tangible physical paper ballot and an intangible electronic ballot. We do not even get a paper receipt for the thing, at least not in Washoe County. [Additional written testimony was submitted, [Exhibit H.](#)]

**Chair Gorelow:**

You have reached two minutes. Can you please wrap up?

**Oscar Williams:**

There was testimony about the machines making errors in voting. Okay, thank you.

**Lisa Partee, Private Citizen, Carson City, Nevada:**

Please vote no on A.B. 242, which mandates the use of mechanical voting machines and prohibits the use of paper ballots except for mail-in ballots. I understand this is for ADA issues, but I saw for myself in Carson City, we have lots of accommodations at the voting booth for disabled people and people assisting them. I do not believe that any counties have ADA problems. Individual counties should address them. I do not feel we need to change laws for everyone due to just those few ADA issues. You can say they are more accurate to count than humans, but there are people who feel differently. We used to have an Election Day before we had these machines. Now for some reason, it takes days and weeks to count the ballots. You know, it does not make sense to me. I am grateful that you removed section 18, subsection 2(b) in the bill. I am not sure why that was there in the first place because it talks about removing ballots if the count is not right—just actually physically removing ballots and not looking at them. That could be my ballot that was removed. I am glad that was removed, but it does not make sense. Why would anybody remove a record of discrepancy? That was section 18 that was taking away accountability to the citizens. This is not a good bill. Please vote no on A.B. 242.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I oppose this bill. Ditto. Yield.

**Ellen Gifford, Private Citizen, Incline Village, Nevada:**

When I read a proposed bill to formulate my opinion on it, I make every effort to understand why the bill was written. What motivated the author? What the purpose of the bill is. It states that A.B. 242 is to aid the elderly and disabled. I have read the bill and I see that it mandates that mechanical voting systems be used for all elections in all counties, districts, precincts, and cities across the state of Nevada. It abolishes the use of paper ballots including provisional ballots for all elections for all time. It fully entrenches what was supposed to be, because of COVID-19, a temporary, emergency alternative. The vote-by-mail ballot is a permanent fixture in Nevada's election process. It mandates revisions to 12 city charters in Nevada to accommodate this bill, and it withholds any financial assistance for these legislative-mandated expenses, so the counties have to find a way to pay for what is in this

bill. Knowing this much about the bill, I cannot help but be suspicious of its purpose. Since the election process belongs to the people, I would like to know if the author or the sponsors have had any discussions with the people. Was there any discussion about how this bill would forever change their election process? Not to mention what the projected costs would be for implementing these unsolicited mandates. I think the answer to that question has to be no, because on the Nevada Electronic Legislative Information System, the people have indicated that they do not want their election process to look the way it is described in this bill with 98 percent of them opposing it. Therefore, in unison with these Nevada voters, I also oppose this bill.

**Alida Benson, Executive Director, Nevada Republican Party:**

On behalf of the Nevada Republican Party, I am testifying in opposition to A.B. 242. In 2019, the Democrat-controlled Nevada Legislature passed into law NRS 293.2546, the Voters' Bill of Rights. Assembly Bill 242 is an attack on the Voters' Bill of Rights and an attack on local control. Our Democrat friends regularly invoke the importance of local control and defending irregular election practices in Clark County, such as excluding Republican observers, not following publicly posted schedules, or refusing to allow cameras to livestream the ballot-counting process to the public at no cost to the government. The importance of local control over elections was used as the reason to not address each of these real-life issues. Elections are controlled by those elected officials—or appointed in the case of Clark County and Washoe County—who are closest to the voters: the county clerks and registrars.

Assembly Bill 242 is an attack on the right of voters to determine what kind of election system they find trustworthy. Nevada counties, like our residents, are diverse and varied. The system for Esmeralda County with 617 registered voters can, and perhaps should, be radically different from Clark County with over 1.3 million active voters. That is not for this body to decide. That is for the voters in that county to decide. Assembly Bill 242 attempts to disenfranchise rural voters by preventing them from directing their local county representatives to implement a voting system that they find most fair and responsive to their needs. The Voters' Bill of Rights also specifies that a voter has the right to receive and cast a ballot that accurately records the voter's preference in the selection of candidates. As demonstrated in multiple recounts in 2020 and 2022, even Clark County, when recounting the same ballots could not produce the same numbers. Any reasonable person would have doubts when the same ballots are run through the same machines and come out with a different number. Accordingly, some voters in their respective counties have said that they only want paper and mail ballots in order to accurately uphold NRS.

This bill would disenfranchise those voters and is, therefore, a direct attack on the Voters' Bill of Rights. The Nevada Legislature has passed laws requiring that every voter in the state be sent a paper ballot in the mail, whether they want it or not. It makes no sense for you to say that paper ballots are so awesome that every voter should have one sent to their home, but that paper ballots are so dangerous that they have to be prohibited in official polling

places. Nevada's election laws and the resulting inability to provide timely and transparent results are already the laughingstocks of the nation. Please do not continue to embarrass us by writing further contradictory laws. Vote no on A.B. 242.

**Laura Larson, Private Citizen, Nye County, Nevada:**

I am from Nye County. I was present during the time when Nye County commissioners voted for the paper ballots. I think that the county commissioners as well as the clerk should have the power to do our voting rights. It is against the bill of rights regarding the fact of integrity for our elections. I think that you should vote this down. I oppose this. It should not be happening. This is against our constitutional rights, and I pray that all of you will think about those things. These machines started coming out in 2004 and they had problems back then. The previous clerk even said that there were glitches that were happening in the tabulator, that they have to run the machine ballots through multiple times. This is not okay. With paper ballots you have a paper trail; you can see what the voter was doing. You can actually sit there and go off of what if there was a dot or a second dot that was put in the machine or on the paper ballot and you can see what the intent of the voter was actually doing. By the same token, if you had a second dot that was put in for someone else like you have circled somebody in an election, then you have seen an extra dot in there. Well, that was talked out. The Dominion machines are not set up correctly on the state law. Please do not vote this in. Please vote this out. I oppose A.B. 242, and I hope you all make the right decision.

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

**Chair Gorelow:**

Since there are no other callers to testify in opposition to A.B. 242, we will return to Carson City for testimony in neutral. Seeing no one in Carson City, we will move to Las Vegas. There is no one in Las Vegas, so we will move to callers to testify in neutral on A.B. 242. [There were none.]

Would our bill presenter like to come up to make a few comments?

**Assemblywoman Brown-May:**

I appreciate your time and your energy this evening as we look at this measure. I am honored to present this bill that was crafted by this Interim Committee to address the issues with regard to accessibility for all of our citizens. Building equity and accessibility into all of our systems is essential, and we do not do that yet. Imagine building a building that does not have stairs, that provides ramps; that does not have doorknobs, but opens the door for you. It is a shift in how we think about what accessibility is, and until we do build all of our systems with everyone in mind, we are not going to be where we need to be. Mailed paper ballots can be dropped off at a location and they can be mailed. This ensures everyone has equal access to the vote. The previous Secretary of State noted on multiple occasions that there were no instances of fraud that could be substantiated, and she did that investigation. She is on record stating the validity of the last election. Additionally, representatives from the Secretary of State's Office noted two types of machines are available. This bill does not

identify which type of machine needs to be used in any one of our districts. There is one that does have actual paper that gets fed into a mechanical counting machine. This bill helps to ensure fair and accessible elections irrespective of a person's disability. I thank you for your consideration of this measure, and I understand you have additional comments.

**Gabriel Di Chiara:**

Thank you very much to Assemblywoman Brown-May for presenting this bill, which would do a lot for individuals with disabilities here in the state of Nevada. I just want to address a few of the points that were made during the testimony. Voting machines here in Nevada were not hacked in 2022 or any election prior. They are not hackable. They are not connected to the Internet. Those things are factually inaccurate. I would also like to say that 67.9 percent of ballots returned in the 2022 General Election in Nye County, which is almost 68 percent, were mail-in ballots. That was the highest percentage of mail-in ballot return in the state. Secretary of State Aguilar felt it was important to bring this provision addressing hand counting because we believe that as election administrators, we have a duty to our voters. We want to make sure these returns are counted accurately. Sometimes that takes time, but I can guarantee it takes a lot more time when you are trying to count by hand than it takes counting mechanically. That is why we brought this. Thank you very much for your time. I appreciate your patience this evening.

**Chair Gorelow:**

Thank you both very much and, with that, we will close the hearing on Assembly Bill 242. We will go to our last item on the agenda, which is public comment. [Public comment was heard.]

Committee members, are there any comments that you would like to make? [There were none.] With that we are adjourned [at 6:27 p.m.].

RESPECTFULLY SUBMITTED:

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Kristi Howard  
Committee Secretary

APPROVED BY:

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Assemblywoman Michelle Gorelow, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed conceptual amendment to Assembly Bill 242, proposed by the Office of the Secretary of State, and presented by Assemblywoman Tracy Brown-May, Assembly District No. 42.

[Exhibit D](#) is written testimony submitted by Doug Goodman, Founder and Executive Director, Nevadans for Election Reform, in support of Assembly Bill 242.

[Exhibit E](#) is written testimony submitted by Catherine Nielsen, Executive Director, Governor's Council on Developmental Disabilities, in support of Assembly Bill 242.

[Exhibit F](#) is written testimony submitted by Barbara Jones, Private Citizen, Washoe County, Nevada, in opposition to Assembly Bill 242.

[Exhibit G](#) is written testimony submitted by Mark Kampf, Clerk, Nye County, Nevada, in opposition to Assembly Bill 242.

[Exhibit H](#) is written testimony dated April 10, 2023, submitted by Oscar Williams, Private Citizen, Reno, Nevada in opposition to Assembly Bill 242.

[Exhibit I](#) is a packet of letters in opposition to Assembly Bill 242.