

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

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

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:37 p.m. on Thursday, March 30, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Skip Daly, Vice Chair
Senator Nicole J. Cannizzaro
Senator Heidi Seevers Gansert
Senator Lisa Krasner

STAFF MEMBERS PRESENT:

Nicolas Anthony, Policy Analyst
Bryan Fernley, Counsel
Jeff Koelemay, Counsel
Barbara Young, Committee Secretary

OTHERS PRESENT:

Teresa Melendez, Tribal Nations
Arnold Thomas, Vice-Chairman, Duck Valley Shoshone-Paiute Tribal Colony
Randi Lone Eagle, Chairwoman, Summit Lake Paiute Tribe
Warren Graham, Chairman, Duckwater Shoshone Tribe
Will Adler, Pyramid Lake Paiute Tribe
Andrea Martinez, Treasurer, Walker River Paiute Tribe
Jennifer Willett, All Voting is Local Action
Gabriel Di Chiara, Chief Deputy, Office of the Secretary of State
Jamie Rodriguez, Registrar of Voters, Washoe County
Amy Burgans, Clerk-Treasurer, Douglas County
Jennifer Lanahan, Las Vegas Paiute Tribe; Reno Sparks Indian Colony
Taylor Patterson, Native Voters Alliance Nevada
Noé Orosco, Silver State Voices

CHAIR OHRENSCHALL:

Today we are hearing two bills and having one work session. I will start with the work session on Senate Joint Resolution (S.J.R.) 7.

SENATE JOINT RESOLUTION 7: Proposes to amend the Nevada Constitution to establish certain rights relating to reproductive health. (BDR C-864)

NICOLAS ANTHONY (Policy Analyst):

I will review the work session document ([Exhibit C](#)) for S.J.R. 7. This bill proposes to amend the Nevada Constitution to establish certain rights relating to reproductive health sponsored by Senator Cannizzaro. Senate Joint Resolution 7 was heard in a joint meeting with the Assembly Committee on Legislative Operations and Elections on March 23, 2023. As discussed earlier, S.J.R. 7 proposes to amend the Nevada Constitution to guarantee a fundamental right to reproductive freedom, authorizes the State to regulate abortion care and prevents the State from penalizing certain actions relating to reproductive freedom.

A conceptual amendment, proposed by Senator Cannizzaro, was presented to this Body. The amendment does four things. It amends subsection 4 to prohibit penalizing acts "consistent with" the applicable scope of practice. It amends subsection 4 to include "providing abortion care or providing reproductive care services" to an individual who has granted "voluntary" consent." Subsection 5 is amended to add individual "or entity," and a new subsection 6 states "Nothing herein narrows or limits the rights to equality and equal protection."

SENATOR CANNIZZARO:

I want to correct one small error in the conceptual amendment. Whereas section 25 says birth control, vasectomy, tubal ligation, it should say ligation. I would ask this technical change is included as part of the amendment.

CHAIR OHRENSCHALL:

I would open it up for a motion. Any discussion on the motion?

SENATOR SEEVERS GANSERT:

I am going to oppose the motion. In 1990, Nevadans passed the Freedom of Choice Act that protected a woman's right to choose an abortion up to 24 weeks, with certain exceptions based on the life and health of the mother. The State of Nevada has shown it has affirmed in statute the right for a woman

to choose abortion with certain exceptions. In our State, we have seen an expansion of access to birth control, protection such as informed consent, the 24-week limitation and moral objections. These protections are at risk with this resolution.

SENATOR CANNIZZARO:

This constitutional amendment would go to the voters if approved in a consecutive Legislative Session. This is a vote of the people. Nevadans would choose whether this is a fundamental right. The 1990 Freedom of Choice Act in statute is not an express fundamental right. This does not undo any statute or compel the performance of an abortion. These protections in statute ensure we have the right to access that health care. Things in statute do not protect us. Things that are fundamental rights can help us to protect those things and help to ensure that the statutes we have passed allow for those rights to be exercised properly.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED
S.J.R. 7, INCLUDING REPLACING LITIGATION WITH LIGATION.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS KRASNER AND SEEVERS GANSERT
VOTED NO.)

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VICE CHAIR DALY:

We will proceed with our first hearing on Senate Bill (S.B.) 327 with the proposed amendment ([Exhibit D](#)).

SENATE BILL 327: Revises provisions relating to elections. (BDR 24-892)

TERESA MELENDEZ (Tribal Nations):

I am an Indigenous organizer and native advocate in Nevada. I am an enrolled citizen of the band of Potawatomi from southwest Michigan but have called northern Nevada my home for the last decade. My husband is an enrolled citizen of the Reno Sparks Indian Colony.

Senate Bill 327 revises provisions for governing polling places and ballot drop boxes on tribal lands. I want to acknowledge support of four native tribes here from Walker River Paiute Tribe, Summit Lake Paiute Tribe, Duckwater Shoshone Tribe and Duck Valley Indian Reservation.

The bill addresses one issue relating to elections. Statute allows for tribes to affirmatively opt in to establish polling places and drop boxes for elections. This bill would make an opt-out process. Sections 1 and 3 of S.B. 327 specifically require county and city clerks to establish a polling place and a drop box for the day of the primary election, presidential preference election or general election within the boundaries of an Indian reservation or colony. A tribe may opt out and elect not to have a polling place or a ballot drop box by submitting a notice within the required statutory timeframe in advance of the election. Section 1 applies to county clerks, and section 3 applies to city clerks. Sections 2 and 4 make similar changes to those in sections 1 and 3. Those provisions allow an Indian tribe to opt out by submitting a notice within the statutory time frame. These sections relate to opting out of having early voting locations on the Indian reservation or Indian colony. Currently, it is an application process. It is supposed to be a right.

Challenges in the past did not allow tribes to have reservation-based polling locations. If there was a tribal liaison, it would be easier. With implementation of the law in the last election cycle, 11 tribes asked for first-time, reservation-based polling locations. One tribe requested two weeks early voting and Election Day ballot drop box. It was offered a couple of days for early voting. The county clerk said the county could not accommodate it. The tribe eventually sued the county clerk for its polling location opportunities. The Elko Band Council asked for two weeks of early voting. It got two days. South Fork Band Council applied for Election Day ballot drop off box and got nothing. The Wells Band Council applied for an Election Day ballot drop off box and got nothing. The Battle Mountain Band Council applied for two weeks of early voting and was denied. The Fallon Tribe asked for a couple of days of early voting and got what it asked for. The Fort McDermitt Tribe asked for Monday through Friday early voting and Election Day drop-off and got everything it asked for. The Yerington Paiute Tribe asked for Election Day and a ballot drop off box at the Smoke Shop in Yerington. It got Election Day drop-off. The Summit Lake Paiute Tribe of Washoe County got everything it asked for.

Of the 11 tribes that followed State law, followed the process requested and submitted their application or notification on time, only 5 tribes were given everything they requested. That is why we are bringing this opt-out measure.

We heard that county clerks do not have the staffing or the budgets to accommodate the requests. The application deadline for a polling location is August 1. The thought is to require county clerks to allow the tribes to opt out through S.B. 327. They would automatically get the polling place location for what the county seat receives which is two weeks of early voting and Election Day voting. Then the county clerks could budget and plan accordingly. If a tribe chose to opt out, it could do so if it did not want a polling location.

Every councilman with whom I spoke was interested in having a polling location. They had to go through a formal process of getting permission at a council meeting for a vote. Of 28 federally recognized American Indian areas, 18 have already established polling locations, whether for early voting or on Election Day. If a tribe chooses to opt out, it can do so for Election Day or early voting locations. That leaves us ten tribes that have applied and not received anything while still working toward that process. A couple of tribes have said they are not interested in having a reservation-based polling location—whether they are close to an existing polling location or not—but support this measure, recognizing it will support other tribes in the State.

ARNOLD THOMAS (Vice-Chairman, Duck Valley Shoshone-Paiute Tribal Colony):
I have a master's degree from the University of Utah, and I am also a certified chaplain. Through my faith tradition, I am ordained as a holy one. My travels throughout the world have offered me different opportunities to work with veterans and other individuals within my profession.

Duck Valley is located 100 miles north of Elko. I am dumbfounded that we never had a voting booth until the last election cycle. We have mail-in voting. We sued Elko County in 2020 as we applied for a voting location and were denied. In August 2022, we applied for early voting and were given a couple of days for early voting which was not sufficient. We spoke of choices in the last bill that was approved.

Our ancestors traveled here for religious freedom and justice. Viewing this in a spiritual, religious context, this injustice that has occurred must be rectified. We

heard many reasons in the past why we could not have a voting booth in Duck Valley.

One of the issues we encountered and addressed with the Secretary of State's Office was to transfer the voting box on the last day of elections to Elko County. We were told by the Bureau of Indian Affairs that it could not transfer the voting box to Elko. The Bureau did not want the responsibility. We reached out to the Elko County clerk's office that did not want to transfer the box given the current climate with voting. We called the Secretary of State's Office and requested the Office speak with the Elko County clerk's office to transfer the box to Elko County. A State control officer came to Duck Valley to transfer the voting box to Elko County. The Secretary of State's Office is willing to work with us in Duck Valley as a pilot project.

In 2022, it was awesome to see our senior citizens vote while only traveling two blocks or a mile to vote in person, rather than traveling 100 miles south to Elko. It was a historical, momentous time for our people. It has given tribal nations in Nevada opportunity as tribal nations with sovereignty, the choice to opt in or opt out.

VICE CHAIR DALY:

There must be action taken on behalf of the tribe to get information to the clerk. If the clerk does not receive that information, that triggers the opt out. Were most of the reservations all mail-in ballots before? Some people prefer in-person voting, so did Duck Valley have to drive to Elko to vote in person?

MR. THOMAS:

Twenty federally recognized tribes comprise 28 separate reservations, bands, colonies and community councils in Nevada. Some tribes have had reservation-based polling locations for years. They have an efficient system. The Washoe County clerk is our gold star. We should replicate that system across the State. Our remote tribes—Duckwater, Duck Valley, McDermott and Yomba—drive three hours round trip to vote. Most of them have been voting by mail or driving to Tonopah, Elko or Winnemucca to vote in person. Those are the areas where we have had the most challenges with securing voting locations. Did I answer your question?

VICE CHAIR DALY:

Yes, you did.

MR. THOMAS:

We had a councilman who was elected in Duck Valley, a previous chairman. He always sent in his ballot, but he, his wife and children went to the voting booth in Owyhee and placed their ballots in the ballot box. He was a leader for over 40 years. It was awesome to see the joy in that elder politician's eyes after voting.

VICE CHAIR DALY:

If a tribe is in one or more counties, would a request for a polling place be sent into one county only?

MR. THOMAS:

You would not have to put in the request in both counties if the reservation crossed the county line or went over a county line. The Pyramid Lake reservation crosses over county lines. Duck Valley is on the Nevada and Idaho border. Some of our tribal members and residents live in Idaho where our sovereign nation has Idaho quarters, and the other half live in Nevada quarters. Our Tribal Election Committee was sworn into office with approval of the clerks. We establish residency with our Tribal Enrollment Office and then with our election committee members to stand in that we have valid residents who live in Nevada, given their tribal ID addresses. We validate who lives in Nevada with the Secretary of State's Office that will be traveling up here with the Duck Valley pilot project.

MS. MELENDEZ:

Four tribes have boundaries in two states: Duck Valley, Idaho and Nevada; Goshutes, Utah and Nevada; Washoe, California and Nevada; and Fort McDermitt, Oregon and Nevada. Summit Lake may even arguably be partially in Oregon. We have not had to have any tribe apply to two counties for polling locations. Duck Valley is in a unique location where our Chair and Vice-Chair drove seven hours to come here today to give testimony to this Committee. Duck Valley is a culmination of the many issues facing a remote, native community. A polling location has been historic for several of these tribes. We had ten tribes apply for the first time ever last election cycle. People are proud to vote in the community where they live and to have easy access to voting, which is the No. 1 determining factor as to whether people vote.

The mail system is not as accessible on reservations as everywhere else, so mail-in voting is less reliable. Some of these tribes do not get daily mail, and

mail-in voting is a bit more complicated. What we have also seen in Nevada is related to registering to vote with a tribal ID. We have had challenges where people have been turned away by using their tribal ID at the polling locations. Sometimes, poll workers are not aware or trained accurately. We do not have that situation when they are voting on the reservation. Usually, when we have polling locations on reservations, there are natives from that community working the polls who are familiar with tribal IDs. We have less instances of native voters being turned away at the polls when they vote on their own reservation. Making voting easier is important.

VICE CHAIR DALY:

When we pass this bill, you can opt out by not sending information in a timely fashion. Will polling locations be open normal hours during early voting and Election Day, unless only a drop box is needed or only Election Day voting is requested? Will two weeks of early voting, a drop box and Election Day voting be available for all the tribes?

MS. MELENDEZ:

Yes, that is correct. We are asking for two weeks of early voting, Election Day voting and a ballot drop-off for each of the tribes. That is the opt-out version. The tribe gets everything the county seat gets. If it does not want a ballot drop box or a polling location, the tribe can scale back. It can be any variation. It might be one week of early voting or just Election Day.

MR. THOMAS:

The majority of Nevada is in the same time zone. Owyhee, home to the Duck Valley reservation, is on Mountain Standard Time. We follow the law to a tee. With all the regulations that Elko County set in place to ensure everything was done correctly, we still filed another lawsuit requesting additional hours because of the different time zones. We sued them and never got a response. We want equality for the tribes that Elko County and other counties have for voting.

RANDI LONE EAGLE (Chairwoman, Summit Lake Paiute Tribe):

Summit Lake was one of the ten locations that had a first-time polling location. We had a great turnout as far as our tribal membership and nontribal members who took part. Our voting precinct was in an administrative office in Sparks. Our reservation is in Humboldt County. We deal with Washoe and Humboldt Counties. We have a great working relationship with Washoe County,

but Humboldt County is reluctant. We are in support of having a location for tribal members to go in person to cast their ballot or submit in the drop box. We had the full two weeks of early voting and Election Day. It was great for us to have had access to that. We are in full support of S.B. 327.

WARREN GRAHAM (Chairman, Duckwater Shoshone Tribe):

I am the Vice President for the Inter-Tribal Council of Nevada and work for the tribe as a historic preservation officer. I support S.B. 327 for Native American voting in Duckwater. We have already established a polling station and have a good relationship with the Nye County clerk's office.

Many members of our tribe are fluent in our native language, and we were eligible to have a Native American translator for our elders. We could do that because for those elders, English is their second language. Our native language is the first language they grew up with in their households. We were fortunate to have a Native American translator help the elder tribal members with voting.

WILL ADLER (Pyramid Lake Paiute Tribe):

We work with Duckwater, Duck Valley and Pyramid Lake Tribes. The Pyramid Lake Paiute Tribe was one of the first Native American reservations to take a big stance on voting rights and activate on those issues. It started the talking points about the inequality with tribal voting when stating members had to drive 90 minutes from most places on their reservation to get to Sparks, vote and drive back. This was before mail-in voting and drop boxes. That tribe made a strong case for voting on-site. Washoe County worked with it to get a voting station, and Pyramid Lake Paiute Tribe is proud of the strides that have been made. Many tribes drive at least 90 minutes when it comes to voting access. Voting is a big part of what it means to be an American and participate in our democracy. We support S.B. 327.

ANDREA MARTINEZ (Treasurer, Walker River Paiute Tribe):

We have had a polling location on our reservation since I can remember. It is important to support other tribes and reservations to have the same, equal opportunities as the counties in Nevada. We support S.B. 327.

JENNIFER WILLETT (All Voting is Local Action):

I am in an organization that exists to expose and dismantle threats to voter freedom in order to make voting fair, safe and accessible to build a democracy for all. Tribal nations face persistent and long-standing barriers to voting access.

Barriers remained in the 2022 election as the law was written. Tribal nations applied for a polling place, and the clerk had discretion over dates and times of the polling place. In many instances, the clerk worked with the tribal nation to determine what was best for them. In other cases, the clerk either offered days and times for polling places that were not sufficient or convenient for needs of the tribal nations or did not respond to some applications by tribal nations or rejected their requests; subsequently, there was no polling place for those tribal nations. The tribes followed the law to change the law from an application process to an opt-out process. Polling place establishments will be driven by tribal nations because they know what they need in their communities. We urge you to support S.B. 327 for equitable access to voting for Nevada's tribal nations.

GABRIEL DI CHIARA (Chief Deputy, Office of the Secretary of State):

I am testifying in support of S.B. 327 on behalf of Secretary of State Francisco Aguilar's Office. Secretary Aguilar has made expanding access to tribal communities a priority. These changes would go a long way toward expanding access to our native communities. Our Office is instructed to work closely with the county clerks to provide them the support they need from the State.

JAMIE RODRIGUEZ (Registrar of Voters, Washoe County):

I am here in neutral on S.B. 327. I understand and support the reason for the bill. We had some discussion about a couple of small tweaks in the amendment. We need to know the location of the polling place so we can support it and make sure we are meeting the federal requirements of ADA-accessibility compliance and those types of issues. The tribe had originally asked for a drop box when we did the on-site visit. The original space they designated was not large enough, but we found another space for a mail drop box and a full voter center. Making sure we have those details is vital to our ability to support those locations. It is also important to note the need for election workers.

Our relationship with Pyramid Lake Tribe is a long one in Washoe County. It advocates and does recruitment for its election workers. The Tribe wants a tribal member to greet tribal members who are coming to vote. We are completely respectful of those desires of the Tribe. Having that information is important.

Time lines for opting-out are close to the election. Making sure those voting centers are printed on the sample ballot needs to be done early because the ballots go to print at least 60 days before early voting begins. The time lines could be extended. We also need to bring the early vote locations to the County Commissioners for approval.

AMY BURGANS (Clerk-Treasurer, Douglas County):

I speak as a county clerk but am also on the board for the Nevada Association of County Clerks and Election Officials. As far as the impact of S.B. 327 on the rural counties, I am testifying in neutral as a Douglas County clerk-treasurer. We have a great relationship with our Washoe Tribe. We have a polling location, and we reach out to them every election cycle. We have Election Day voting and take a drop box to the location on a set schedule throughout early voting. It can be used by tribal members and those in the nearby largest housing development in Douglas County. It is our second most used voting location on Election Day because of the convenience for the tribe and the residents of Douglas County. That location will remain, and our relationship with the Washoe Tribe remains strong. I have staff members who worked at that location during the 2020 election which was such a big election for the Country. Many elder tribal members were voting for the first time. It is a big deal when someone votes for the first time. Everyone applauded for them, and it brought some tearful moments at the tribal polling location.

One of the toughest parts in getting poll workers depends on where the tribe is located. We need to create more of a relationship to get tribal members who are willing to be trained, even if the training must be done at the tribal location in advance. In Douglas County, we are willing to work at the tribal location.

This bill needs a few minor tweaks. The three-month time frame is tight. Our sample ballot is not completed by that time. A location needs to be vetted to be sure it is ADA compliant. If the time frame for the opt-out could be increased for the county clerks, it would be a big help in meeting the needs of the tribes.

VICE CHAIR DALY:

If this passes, the next election is in 2024. That time frame is lengthy. You should anticipate doing this, begin to get the information and reach out to the tribes ahead of time. It sounds like the tribes are already looking for poll workers.

Ms. BURGANS:

I completely agree. It is incumbent upon us reaching out to the tribes. Getting poll workers and having them trained early is important.

Ms. MELENDEZ:

I have been working as a native advocate for the last couple of election cycles and have been brought to tears by seeing access to democracy. In the last election cycle, I was sent photos and videos from the Duckwater Shoshone Tribe showing elders who had voted for the first time while working with a translator. We are one of the few places in the Country where Indigenous people can vote in their original language. I received a picture of an elder from Elko who was in her eighties and voted for the first time. She was a student at the Stewart Indian Boarding School who was refused her voting rights at the polls and did not try to vote again until last year. There are many stories about native people trying to vote when they were younger and never trying to vote again until they were able to vote at the polls on the reservation. It has been beautiful to watch the original people of this land in the most remote areas of the State have improved access to voting.

VICE CHAIR DALY:

We will close the hearing on S.B. 327. The last bill is S.B. 216 with the proposed amendment ([Exhibit E](#)).

SENATE BILL 216: Establishes provisions relating to elections. (BDR 24-364)

Ms. MELENDEZ:

This bill establishes provisions related to elections specifically for tribal citizens and community members who call one of our Nevada reservations their home. We have four tribal council members here showing their support for voting rights access for native people on reservations. Senate Bill 216 comes to this Committee from the Joint Interim Standing Committee on Legislative Operations and Elections. It is a product of discussions held during the meetings of the Interim Committee regarding difficulties faced by members of tribal nations in the State around registering to vote. The Interim Committee heard testimony from the Nevada Indian Commission and tribal members whose concerns the Interim Committee took into consideration when voting to draft legislation for the Eighty-second Legislative Session.

Tribal citizens have historically faced high barriers to participating in the voting process due to the remote location of tribal lands. In Nevada, 24 of the 28 federally recognized tribal nations are more than an hour's drive from a community of 10,000 people or more.

We have heard from the Nevada Indian Commission that with the high amount of turnover among the county clerks, it has been difficult for tribal leaders and citizens who are engaged in voter outreach to maintain relationships with local election officials. Additionally, some tribal nations are not in contact with their city or county clerk at all. Meeting their needs or concerns are not a part of the conversation when it comes to election administration. Senate Bill 216 would require regular communication between county and city clerks and tribal nations within their jurisdictions to ensure tribal nations are continually including conversations surrounding voter participation and access. There is often quite a bit of turnover in our tribal nations. We have a large native population in Nevada. We are one of the largest native populations in the Country and have elections just like any other government.

Sections 2 and 4 of the bill require county and city clerks to establish and maintain a working relationship with Indian tribes within the county or city jurisdiction. The intent is to ensure tribal nations are a part of the conversation, able to provide input or receive information and support. The bill puts the onus on the city and county clerks, the officials responsible for administering elections in the State, to regularly reach out to tribal nations. It will take effort on behalf of both parties to foster a working relationship. The initial contact and frequent follow-ups should come from the city and county clerks who have the resources to contact the tribes and responsibility to administer elections for all eligible voters in the State. There is an amendment, [Exhibit E](#), for the section that outlines the meeting schedule and deadline for this.

Section 3 of the bill allows an Indian tribe to submit requests to the Secretary of State's Office for a tribal ID card to be recognized and accepted through Nevada's online voter registration system. There is a request to remove this section. Instead, the Secretary of State's Office will be conducting a pilot program to find the best solution to incorporate tribal ideas into matters such as the online voter registration system.

Two other points included in the amendment facilitate these processes. Nevada's system will be expanded to include tribal nation members which will

support voting in extremely remote communities. Secondly, the amendment, [Exhibit E](#), creates a stand-alone tribal liaison position in the Secretary of State's Office to facilitate polling place establishment. Those are all the updates for the bill. So many times, a tribal liaison within the Secretary of State's Office would have helped this process and made it easier with such a large native population in our State. It takes a lot of work to maintain those relationships and contacts. Having a designated tribal liaison within the Secretary of State's Office would help the tribes and the county clerks make sure the process is more streamlined and communication is maintained.

MR. THOMAS:

It sounds simple and easy. For years, I voted in another State where I resided. I only had to go four blocks down to the local elementary school to vote. Ms. Melendez and others have worked diligently along with Senator Ohrenschall to draft this bill.

It was unfortunate that in Duck Valley we had to sue Elko County for access to vote on our reservation. It was taxing for the Chairman and I to travel back and forth to Elko to testify when we had hearings. This bill would be awesome for us in Owyhee. In Duck Valley, the goal would be to have clerks trained to serve numerous roles. In Duck Valley, we are looking forward to being a pilot program for the Secretary of State's Office.

Serving in the role as a politician is the highest form of spirituality because we are elected by the people to serve the people for what is right for them. That is our duty when serving in a manner that takes care of all the people, not just White, Black, Red or Yellow. Mankind serving all the people is the right thing to do. That is connected and tied to the symbol of bald eagle democracy in the true sense of what it is to serve the people.

SENATOR SEEVERS GANSERT:

I have a question about the fiscal note.

MR. DI CHIARA:

The fiscal note allows tribal ID for online voter identification which requires setting up a new Nevada Department of Motor Vehicles (DMV) system process.

SENATOR SEEVERS GANSERT:

I question the fiscal note because it is substantial and has to do with the IDs and so forth. I do not know if you were considering revising the fiscal note or keeping the fiscal note if you can do it in house.

MR. DI CHIARA:

The fiscal note is to allow tribal ID use for online voter registration. There would be an IT project we would have to work out to allow our system to take in tribal IDs. Our online registration system goes through the DMV, so it is a direct link when someone uses the Nevada ID to register; the ID is checked by the DMV. It would be setting up a new system, so the fiscal note would be for staff time, hardware, software and so on to modify our system to accept tribal IDs from any of the 28 native bands, tribes and reservations.

VICE CHAIR DALY:

I am familiar with the DMV process having showed people how to register online if they have a driver's license. The signature is brought up with the driver's license information. The signature is verified, which is a similar process when voting. They have the electronic voter rolls. Will the tribes have to work with the Secretary of State's Office (SOS) to build that voter roll system using the tribal ID? When do you expect we will have that, or how long is that going to take? There is an expenditure to do that.

MR. DI CHIARA:

The Duck Valley Tribe is a pilot program. We will work with SOS directly while dealing with our IT and election staff. Once we solve this problem for a single tribe, a single tribal ID, it will be easy to expand it to the others.

MS. MELENDEZ:

For this Legislative Session, the fiscal note will be taken out for the tribal ID for Duck Valley. We will run the pilot project first and revisit this in two years.

MR. DI CHIARA:

We may have budgeted for that pilot program in our agency budget. I will find the details from my election deputy and send the answer to this Committee.

CHAIR OHRENSCHALL:

I am excited that Secretary of State Aguilar is invested in making this work. Since you are unsure about the fiscal note, I would appreciate you getting back to the Committee with that answer.

SENATOR KRASNER:

I am interested in the fiscal note.

MS. MELENDEZ:

There would be a fiscal note for the tribal liaison position, just not the tribal ID part.

MR. DI CHIARA:

I want to emphasize the tribal liaison position is the level of a program officer, a State employee who could run a program as opposed to an employee who would just be following directions. The program officer would be able to form relationships between the tribes and the Secretary of State's Office. That would be beneficial in terms of elections, business licensing and the other divisions the Secretary of State's Office oversees. We want to build our relationships with tribal governments across the board.

SENATOR DALY:

Are we going to delete all of section 3 and work on a pilot program? There should not be any surprises, and county clerks should not have any excuses.

MS. MELENDEZ:

That is the plan. Jennifer Willet, Jamie Rodriguez and I have been meeting and decided that in the odd years, county clerks would reach out to the tribal nations in their counties. That would give them six months between July and December to make that communication and discuss who is to be recruiting poll workers, who is taking the opt-out, where the polling locations are located and for which days. We would know what the staffing and equipment look like by taking care of all those logistics in that year. Knowing the elections come around on the even years and meeting again in the first quarter of the even year to revisit the last meeting would give people ten months to plan for the upcoming election.

MR. THOMAS:

For clarification, there are two tribes with duck in their names—Duckwater is south of Elko and Duck Valley is north of Elko. We are both Nevada tribes. I am a maverick as a politician. I use my tribal ID as it is a federally issued ID when I get on a plane at any airport. I do not show my Nevada State ID. I use my tribal ID because it is issued as a tribal nation. My point is that tribal IDs are a valid form of identification.

MR. DI CHIARA:

I am testifying in support of S.B. 216 on behalf of the Secretary of State Francisco Aguilar. We strongly support expanding access and building relationships between our tribes and clerks and doing whatever we can to expand access to the ballot for all eligible voters.

MS. MARTINEZ:

I am here to testify in support of S.B. 216. The bill will develop positive relationships with tribes and respective county clerks working on elections to make it easier for tribal members to register to vote online. The Walker River Paiute Tribe has a great relationship with the Mineral County clerk's office. When it comes to federal, State and county elections, we have had a precinct location on our reservation as far back as I remember. Our Tribe works with the county clerk to identify poll workers and have them trained to work the polls during the elections. This allows our tribal people to feel comfortable when voting by seeing a familiar face. This positive relationship ensures that our people have the same dates and times to vote as they do at the county seat in Hawthorne. Our Tribe fought for the right to have early voting on our reservation and was fortunate to win a lawsuit against the county and the Secretary of State's Office in 2016. It is important that all citizens of the State have equal voting rights.

The other important part of this bill for tribes is to work with the Secretary of the State's Office to use tribal IDs for the purpose of registering to vote online. Even though tribal IDs are an acceptable ID to use to vote, they are not allowed when registering to vote using the online system.

MR. ADLER:

Nevada addressed tribal IDs through legislation back in 2015. In 2017, we did some updates. The intent was to designate the tribal ID like any other government-issued ID. At first, it was used to access banking and DMV

services. Having voter rights was also a big part of that inclusion. The ability to register to vote online is worthy of exploring. The Secretary of State's comments attempting to get the fiscal note reduced or do this in a pilot program are noteworthy. We support S.B. 216.

JENNIFER LANAHAN (Las Vegas Paiute Tribe; Reno Sparks Indian Colony):
I am here to testify in support of S.B. 216.

MR. GRAHAM:

I am here in support of S.B. 216. Coming from Duckwater, we are a rural tribe. Any system put into place for our voters to register or preregister would be appreciated. The challenges of traveling two hours to register to vote is time-consuming. Some people do not have access to vehicles. This system would help, especially to use tribal IDs online for voter registration.

MS. LONE EAGLE:

The Summit Lake Paiute Tribe supports S.B. 216 and continuing the working relationships with the Secretary of State's Office and the tribal nations.

MS. WILLETT:

All Voting is Local Action supports S.B. 216. This bill is intended to facilitate the establishment of the polling places. The first point is that the bill mandates the clerk develop a relationship with the tribal nations in the county to determine how these relationships should function best to support polling place establishment. I highlight that we worked with the clerks to understand what they needed and which polling place locations needed times, days and poll worker recruitment. This is in the critical amendment to this bill. Secondly, it is amended to add the tribal liaison at the Secretary of State's Office to support these processes. Finally, the expansion of the online system will support tribal voting, particularly in nations that are extremely remote. Returning in-person ballots is a burden. Tribal nations can be several hours away from their county seat. Elections are held in November, and poor weather conditions can affect travel. Expanding the system will give more voting options for remote communities. In conclusion, we urge your support of equitable access to voting for Nevada's tribal nations.

TAYLOR PATTERSON (Native Voters Alliance Nevada):

We stand in full support of S.B. 216. We have heard time and again from our tribal governments how important it is to emphasize the relationship between

the State of Nevada and its tribal governments. This bill will help. Ditto to the other comments.

NOÉ OROSCO (Silver State Voices):

I have provided a letter ([Exhibit F](#)) in support of S.B. 216.

Ms. BURGANS:

I am eager to see the final draft. I am neutral on S.B. 216.

Ms. RODRIQUEZ:

We are glad to work through the goals of the bill. We will continue to work on the final language. There is some overlap on both bills. At this point, we are neutral on S.B. 216.

Ms. MELENDEZ:

Closing comments from the Senate Bill 327 cover Senate Bill 216. I appreciate the clerks who have provided necessary guidance, feedback and support through this process.

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CHAIR OHRENSCHALL:

We will close the hearing on S.B. 216. I have received one document in support ([Exhibit G](#)) of S.B. 216, one document in support ([Exhibit H](#)) of S.B. 327 and one document in support ([Exhibit I](#)) of both S.B. 216 and S.B. 327. We are adjourned at 5:06 p.m.

RESPECTFULLY SUBMITTED:

Barbara Young,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.J.R. 7	C	2	Nicolas Anthony	Work Session Document
S.B. 327	D	3	Senator James Ohrenschall	Proposed Amendment
S.B. 216	E	12	Senator James Ohrenschall	Proposed Amendment
S.B. 216	F	18	Noé Orosco / Silver State Voices	Support Letter
S.B. 216	G	20	Senator James Ohrenschall	Support Document
S.B. 327	H	20	Senator James Ohrenschall	Support Document
S.B. 216 S.B. 327	I	20	Senator James Ohrenschall	Support Document