

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

**Eighty-second Session  
April 13, 2023**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 4:05 p.m. on Thursday, April 13, 2023, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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

**GUEST LEGISLATORS PRESENT:**

Senator Melanie Scheible, Senatorial District No. 9

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Christine Saunders, Progressive Leadership Alliance of Nevada  
Antonio Ramirez, Make the Road Nevada  
Annette Magnus, Battle Born Progress  
Brian Harris, Battle Born Progress  
Leslie Quinn  
Susan Proffitt, Nevada Republican Club  
Katrin Ivanoff  
Cyrus Hojjaty

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Edward Facey  
Alida Benson, Nevada Republican Party  
Jessica Ancell  
Oscar Williams  
Ellen Gifford  
Justin Antoine  
PJ Belanger  
Linda Stout, Sierra Club  
Ashley Kennedy, Clark County  
Gabriel Di Chiara, Chief Deputy, Office of the Secretary of State  
Christopher Ries, Las Vegas Metropolitan Police Department  
Ed Uehling  
Jamie Rodriguez, Washoe County  
Lata Nott, Campaign Legal Center Action  
Izack Tenorio, Campaign Legal Center Action  
Mike Labit  
Janine Hansen, Nevada Families for Freedom  
Jim DeGraffenreid, Nevada Republican Party  
Lynn Chapman, Independent American Party of Nevada  
Christine Mersch  
Valerie Tilson  
Emily Persaud-Zamora, Silver State Voices  
Jose Rivera, Make the Road Nevada  
LaLo Montoya  
Alejandra Muneton-Carrera, Make the Road Nevada  
Daela Gibson, Planned Parenthood Mar Monte  
Amy Koo, One APIA Nevada  
Leslie Cohen  
Lorena Cardenas

CHAIR OHRENSCHALL:

We will begin with a work session and after a recess hear three bills. Our first bill on work session is Senate Bill (S.B.) 216.

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

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NICOLAS ANTHONY (Policy Analyst):

I will review the work session document ([Exhibit C](#)) for S.B. 216. It relates to elections, sponsored and heard by this Committee on March 30. A conceptual amendment is attached to the bill.

CHAIR OHRENSCHALL:

I would accept a motion to amend and do pass with the amendments listed in the work session document.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 216.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

MR. ANTHONY:

I will summarize the work session document ([Exhibit D](#)) for S.B. 268.

**SENATE BILL 268**: Requires the Secretary of State to submit an advisory question to voters concerning the regulation of the sale and use of fireworks in all counties of the State of Nevada. (BDR S-247)

CHAIR OHRENSCHALL:

Language in the work session document deletes the second bullet about requiring any purchases in excess of 50 pounds of fireworks to be automatically reported to the State Fire Marshal. A requirement to be 18 years of age for the purchase of fireworks would lead to increased safety. I would be open to a motion to amend and do pass with the amendment.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 268.

SENATOR KRASNER SECONDED THE MOTION.

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SENATOR CANNIZZARO:

I have reservations about this bill for a variety of reasons. I understand there has been a change to the amendment today, so I will support it to get the bill out of Committee. I need to have additional conversations and dig deeper because I just heard about the change. I was a no on this bill but will vote yes and reserve my right.

SENATOR SEEVERS GANSERT:

I will vote yes and reserve my right.

THE MOTION PASSED UNANIMOUSLY.

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MR. ANTHONY:

The next work session document ([Exhibit E](#)) is for S.B. 326. Senator Daly presented the bill and then submitted a conceptual amendment which is attached.

**SENATE BILL 326**: Revises provisions governing elections. (BDR 24-542)

CHAIR OHRENSCHALL:

Is there a motion to amend and do pass S.B. 326?

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 326.

SENATOR CANNIZZARO SECONDED THE MOTION.

SENATOR SEEVERS GANSERT:

I need to go back through the amendment, so I am going to reserve my right to change my vote.

SENATOR KRASNER:

I reserve my right to change my vote prior to Floor session.

THE MOTION PASSED UNANIMOUSLY.

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MR. ANTHONY:

The work session document ([Exhibit F](#)) for S.B. 327 has the bill sponsored by Senator Ohrenschall and heard on March 30.

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

SENATOR OHRENSCHALL:

I would accept a motion to amend and do pass S.B. 327 with the amendments in the work session document.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 327.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

MR. ANTHONY:

The next work session document ([Exhibit G](#)) is for S.B. 387. This bill was sponsored by Senator Julie Pazina. There are no amendments to the bill.

**SENATE BILL 387**: Revises provisions related to the state personnel system.  
(BDR 23-961)

CHAIR OHRENSCHALL:

Would there be a motion for do pass?

SENATOR KRASNER MOVED TO DO PASS S.B. 387.

SENATOR DALY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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MR. ANTHONY:

Our final work session document ([Exhibit H](#)) is for S.B. 406. There is an amendment attached from the Office of the Secretary of State.

**SENATE BILL 406**: Revises provisions relating to elections. (BDR 24-894)

CHAIR OHRENSCHALL:

I would accept a motion to amend and do pass S.B. 406.

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 406.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR OHRENSCHALL:

Senator Scheible is here to present S.B. 162.

**SENATE BILL 162**: Provides for the establishment of polling places in county and city jails. (BDR 24-812)

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):

Senate Bill 162 is intended to protect every eligible person's right to vote. Every law enforcement agency that administers a jail or detention center shall develop and implement a policy regarding voting within the jail or detention center. I will go through the proposed amendment ([Exhibit I](#)) to S.B. 162.

These may be people temporarily detained pursuant to criminal charges or people who are awaiting a trial. Those who have been arrested and charged with a felony with no prior felonies on their record maintain the presumption of innocence. They are innocent until proven guilty. Someone could be incarcerated in a detention center or a jail for two months, six months, eight months, even years awaiting a fair impartial trial in front of a jury. If awaiting trial while an election is going on, those incarcerated are eligible to vote. The purpose of S.B. 162 is to ensure those incarcerated are also able to vote from a practical stance.

I worked with the Nevada Sheriffs' and Chiefs' Association, the electors and the election officials in our two largest counties. The Nevada Association of Counties needs to come up with a practical and feasible way to ensure and create statutory protection for those people eligible to vote while in custody. The amendment to S.B. 162 establishes policies to help facilitate voting for people in custody. Law enforcement agencies and election officials with whom I spoke are already making accommodations. In some cases, one room within a jail is utilized for mail-in ballots. People go in individually to fill out their mail-in ballot to maintain secrecy.

The importance of this bill is to ensure people can always exercise the right to vote. By having these policies in place, in a location where they can be readily accessed, any problems with people accessing the right to vote while incarcerated will be identified. There will be a statutory provision to rely on stating every agency is supposed to have a policy. The Constitution already protects the right to vote. Our laws need to mirror that and provide the bridge from the constitutional right to the practical implications of removing barriers and ensuring access for every eligible person to cast a ballot.

CHAIR OHRENSCHALL:

Many of us take for granted the rights of the accused to participate in democracy. We need guidelines for all to follow.

SENATOR DALY:

I am glad to hear the administrators in the jails you spoke to are already addressing voting for the incarcerated. It is great we are establishing guidelines within the detention centers and the amendment creates the perfect amount of flexibility to accomplish the task.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

I am here in support of S.B. 162. Our democracy is most vibrant when more people are participating in elections. We worked with the Mass Liberation Project and were able to get hundreds of absentee ballot request forms to eligible voters who were in jail awaiting trial so their constitutional right to vote was recognized. Nevada has made great strides in the past five years to increase access to the ballot box and encourage people to vote with voting right's registration, tribal polling locations and vote by mail. Passing S.B. 162 would continue to put Nevada forward as a leader in democracy.

ANTONIO RAMIREZ (Make the Road Nevada):

On behalf of the Campaign Legal Center, we respectfully urge you to support S.B. 162. Voting gives incarcerated people a sense of power and connection to the community. This mitigates the negative collateral consequences that stem from even short periods in jail. Voters are not only interested in national elections but may want a say in their children's school board or local elections.

ANNETTE MAGNUS (Battle Born Progress):

This has been a great bill to work on. I am excited about this bill because it is important to improve access to our ballot box. Please pass S.B. 162.

BRIAN HARRIS (Battle Born Progress):

I am here to testify in support of S.B. 162. Voting is a way for individuals to have a say in the future and a right that should never be infringed upon people who have been convicted of a crime. Having the constitutional right to vote gives individuals a voice in shaping the future.

LESLIE QUINN:

I oppose S.B. 162. Most nonfelons in county or city jail are awaiting conviction. Nonfelons could be in jail for something minimal, such as a bench warrant for parking tickets. They could also be incarcerated for sex trafficking or mass murder. Still, all are in jail awaiting a conviction. Allowing a nonfelon to come outside the detention center on Election Day creates a breach of safety and security to the public. It would also create a financial hardship on the city or county jail, as it is already short-staffed, by adding additional staff to facilitate such a breach of safety and security. Election departments would also incur expenses by putting polling places at a jail site. People in the city or county jail have other options, including mail-in ballots brought in by an approved visitor or requesting an absentee ballot. They can fill out the ballot, seal it and give it to their caseworker. Only on Election Day, the nonfelon ballots can be picked up by the election department. This will minimize voting corruption and fraud. I asked my Senator Marilyn Dondero Loop to oppose this bill and keep Nevada's safety and security a priority.

SUSAN PROFFITT (Nevada Republican Club):

I oppose S.B. 162 because it is breaking State and federal election laws. The first red flag was in section 5 where it says "no member of the general public may observe the conduct of voting at a polling establishment pursuant to section 4 of this act without the approval of the person who administers the



city jail.” The second red flag is not to want people observing. The third is no chain of custody. In Clark County, there never has been and never will be a fair election until voter ID is passed.

KATRIN IVANOFF:

I oppose S.B. 162 because we have so many problems with elections. We cannot even see and properly observe people voting who are not in jail. How are we going to see and observe the people voting in jail? This Country survived for over 200 years without people in jail being able to vote. There are other ways for them to vote, especially now with the mass mailings. I am surprised they are not getting mass mailings in jail. This bill would further erode trust in our election.

CYRUS HOJJATY:

I ditto the comments made by the previous callers.

EDWARD FACEY:

When we consider a bill like this, we should consider what it does to the public trust and confidence in the elections. This bill will not strengthen the public trust. I am in opposition to S.B. 162.

ALIDA BENSON (Nevada Republican Party):

I am testifying in opposition to S.B. 162. Criminals are not supposed to have the same privileges as law-abiding citizens, and that includes voting. Do the crime, do the time. Stop protecting criminals. Protect law-abiding citizens first.

JESSICA ANCELL:

I oppose the bill and echo the testimony in opposition.

OSCAR WILLIAMS:

Jailers should not have to conduct elections and report results to the Secretary of State. This puts the Secretary of State over detention centers. The bill wants to bring electronic voting and registration into the jails and expand electronic voting. There is no voter security. There is an opportunity for incredible problems. It is not a good idea to encourage voting in jail, and I oppose S.B. 162.

ELLEN GIFFORD:

*Nevada Administrative Code* (NAC) 293.015 states in part the Secretary of State will interpret the term polling place to mean any place designated by the county clerk for voting by personal appearance. This bill seeks to create exclusive polling places in the jail only for incarcerated people, meaning that Nevada would have election polling places where law-abiding citizens would not be allowed to vote. Where in the statutes are exclusive polling places defined? Will the NAC and the *Nevada Revised Statutes* (NRS) need to undergo a major overhaul to address this? Does this open the door to other exclusive polling places? Section 2 of this bill addresses NRS 293.274 which reads in part, the county clerk shall allow members of the general public to observe the conduct of voting at a polling place. Section 2 seeks to leave what the county clerk shall do to the decision of the person who administrates the jail. This bill also seeks to give incarcerated people the ability to register to vote and vote on the same day. How will these people be able to meet the requirements of either NRS 293.5842 or NRS 293.5847? This bill mandates the Secretary of State to perform what appears to be another overhaul of the NAC to accommodate these requirements. How far will the new code deviate from what is required of law-abiding voters? I strongly oppose S.B. 162.

JUSTIN ANTOINE:

I am in opposition to S.B. 162. We do not need additional polling places in jails where after being adjudicated of their crimes, incarcerated people, may be ineligible to vote. People who are incarcerated should not be voting.

PJ BELANGER:

I oppose this bill for two reasons. In Clark County, we already have an extreme problem with chain of custody. I do not see how we could have a chain of custody in the jails. Another problem would be having voting observation at the polls. How would that happen? It is unconstitutional.

LINDA STOUT (Sierra Club):

My testimony ([Exhibit J](#)) on behalf of the Sierra Club supports S.B. 162.

ASHLEY KENNEDY (Clark County):

I am here to testify in neutral on S.B. 162 as amended. Clark County does have a process. We have our election workers and liaisons who work with the Clark County Detention Center. Those people currently in detention and eligible

to vote do so via mail-in ballot. We appreciate the flexibility this bill provides us to continue with our process.

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

The Secretary of State's Office will do whatever we can, should this bill pass, to make sure everything goes smoothly and efficiently. There is no widespread voter fraud connected with jails or anything else in the State.

CHRISTOPHER RIES (Las Vegas Metropolitan Police Department):

We are in support of S.B. 162.

ED UEHLING:

I am neutral on S.B.162. I have mixed feelings about this bill. It will be of use to people in future elections. Will separate precincts be set up in the different detention centers?

JAMIE RODRIGUEZ (Washoe County):

I am calling in neutral on S.B. 162. We already have a policy and procedure in Washoe County with our sheriff's office for anyone incarcerated who would like to vote to ensure eligibility. We confirm eligibility to vote, bringing ballots up to the sheriff's office, or eligible voters can get the ballots. This allows those incarcerated to cast their ballots. Through our chain of custody paperwork, those ballots are brought back to Washoe County. We have a policy and procedure that works right now. Creating regulations and a mandate throughout the State would be beneficial. We track voting closely. In the 2022 general election, we had ten eligible inmates request ballots, and eight were returned. We followed up with the sheriff's office to ensure we did not need to send more chain of custody or a different, secured bag to retrieve the remaining two ballots. We were advised the two inmates who had received ballots not returned had been released before casting them. This is a positive program.

SENATOR KRASNER:

I have a question for our legal counsel. Are persons who are temporarily detained in jail but not convicted eligible to vote? Are they legally entitled to vote?

JEFF KOELEMAY (Counsel):

I want to give you a cleaner answer and get back to you through an email.

SENATOR SCHEIBLE:

I want to address a few points made in opposition. The concerns raised have been addressed in the amendment. We are not suggesting that anyone will be leaving a detention center to cast a ballot in a different polling place. The cost to the State is minimal because we are not requiring them to develop a new system for bringing polling machines into detention centers and taking those ballots back. We are asking Nevada counties to record on paper a policy they already have in place. If they do not have a policy, they need to develop one. Ms. Rodriguez called in for Washoe County and shared that ten eligible, incarcerated voters requested ballots to vote. It is a small but important number of people who are impacted. In smaller counties, the number of eligible people in custody casting a vote would be less.

Absentee ballots and mail-in ballots were mentioned. We need to know how incarcerated people are going to cast those mail-in and absentee ballots, since a system needs to be developed. It falls to the staff in the correctional facility at a detention center to manage those logistics for the person who is incarcerated.

The purpose of this bill is to put a process in place after filling out the mail ballot as to who picks up the ballots and where and when they are taken. Chain of custody is of utmost importance. A couple of different government agencies have slightly different processes. In Clark County, the Election Department has liaisons who go to the jail, and they process ballots in one way. Washoe County has its own system where it utilizes a secure bag to transfer ballots back and forth. The purpose of having a policy in place is to ensure that every county, every municipality, every jurisdiction has its own system with the best way of ensuring the chain of custody.

In talking with our law enforcement partners, some of them are comfortable with being part of the chain of custody. Some are happy to take a mail ballot and have a person from the sheriff's office drive it down to the location where ballots are being counted. Others are not comfortable with that. Is a corrections officer going to take the ballots, sign for them and drive them down to the registrar of voters to be counted? Is somebody from the Registrar of Voter's office sent down to the jail to pick up ballots from the jail and take them back?

We are not creating a new polling place. The term polling place in the original language of the bill was problematic from a legal standpoint. Polling places have specific definitions and come with certain rights and responsibilities that do not

make sense when talking about a jail. I was happy to amend the bill to reflect more accurate language. There is a voting process as opposed to a polling place. When we get our mail-in ballots, it does not turn our homes into polling places. There are ways to vote without going to a polling place, such as sending out absentee ballots to our veterans or our active-duty military who are overseas. We do not create polling places for them. We create another avenue for them to vote. That is the same thing we are doing here. I acknowledge concerns about creating polling places in detention centers.

Finally, I appreciate that there must be public trust in our elections. Our elections must be held in an open, fair and democratic manner. This bill should help to increase public trust because counties are already doing this, but we do not know the process being used. This provides a mechanism for a centralized authority. The Secretary of State's Office testified in neutral on S.B. 162. The Office will work to implement this as it is not going to create some great undue burden on county and city jails. It is willing to be the repository for these policies so we know the jurisdictions that already allow people to vote while in custody. We will now have a policy to do so.

Given that incarcerated people are already voting from jails and detention centers, everyone should be supportive of S.B. 162. By codifying the policy and making it official, we will have a place to go to find the policy on how it is being done. If there are questions in the future, we can go back to the policy. If there is a particular place where someone may have cast a fraudulent ballot from a jail or detention center, we will pull up that jail or detention center's policy and determine whether it followed policy and whether election fraud is occurring. Creating guidelines ensures this process is public.

Ensuring that every county, every municipality, every detention center and governmental agency has the conversation before a problem arises should not be partisan. We should all support S.B. 162 to ensure that every eligible Nevadan can cast a vote in every election.

CHAIR OHRENSCHALL:

I am in possession of one opposition document ([Exhibit K](#)) to S.B. 162. We will close the hearing on S.B. 162.

VICE CHAIR DALY:

We will open the hearing on S.B. 404.

**SENATE BILL 404**: Makes various changes relating to elections. (BDR 24-843)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

According to a Pew Research Center study conducted in 2020, approximately 62 percent of registered voters in the United States considered voting to be a civic duty. This finding underscores the importance many Americans place on the act of voting and its role in preserving democracy in our Nation. It also leads us into the discussion which is the fundamental premise upon which this bill is intended. During the pandemic, we saw how important the right to vote truly was. We also saw the need for government to be flexible and adaptable to allow people to continue to exercise their voice and their vote. We heard the concerns of all perspectives when it came to elections. That is why this bill is before you today. There is a proposed amendment ([Exhibit L](#)) to S.B. 404. Lata Nott is a copresenter of this bill.

LATA NOTT (Campaign Legal Center Action):

A couple of provisions in S.B. 404 provide proper guardrails in the process of challenging the eligibility of individual voters. In 2020, we saw partisan actors in Florida, Texas and Michigan use the voter challenge process as a tool to intimidate or harass voters, using frivolous accusations. This bill would mitigate the risk of bad actors using Nevada's challenge process in this manner by clarifying certain aspects of it and applying safeguards to protect eligible voters.

Current law says that if a voter is challenged based on allegations of not residing at the address listed on the roster, the voter may only vote a regular ballot by executing an oath that says he or she resides at that address and shows satisfactory identification. The law does not define what satisfactory identification is beyond saying that a voter registration card is not sufficient. This creates confusion and uncertainty for challenged voters as well as the election officers who adjudicate these challenges.

Sections 5 and 27 of S.B. 404 clarify "satisfactory identification" to include but not be limited to a current and valid ID, valid Nevada driver's license or ID card, military ID, tribal ID, utility bills, bank statements and other documents issued by government agencies that can be taken as proof of residency. These sections not only clarify how a challenge can be defended, but they also allow provisional ballots to begin to challenge voters who have said the address or identity is what or who they say it is. Because they may not immediately be able to produce satisfactory identification to defeat those challenges, this

ensures that voters will not be disenfranchised simply because they are not expecting a challenge to eligibility and do not have the right evidence on hand. Finally, these sections serve to eliminate any confusion surrounding challenges to mail-in ballots by clarifying the currently accepted process that mail-in ballots cannot be challenged. This clarifies how the challenge process works to make sure eligible voters are not deprived of their right to vote or not disenfranchised because a frivolous challenge was levied against them.

IZACK TENORIO (Campaign Legal Center Action):

During the 2020 election cycle, partisan actors in several states, as has been mentioned previously, used delays in processing and tabulating ballots to convince some voters the results were fraudulent. These arguments questioned the validity of the election in Nevada. Senate Bill 404 addresses these risks by explicitly stating that in the canvassing and certification of nondiscretionary duties, election officials can tabulate ballots in a timely manner. At the discretion of county clerks this bill ensures that election officials may begin processing early ballots during the early voting period and prevent unnecessary delays and results from undermining confidence in Nevada's election results.

Sections 8 and 28 state that after the first day of early voting, election clerks may order the appropriate board to begin counting the returns of early voting. This gives a little wiggle room for county clerks to start counting the ballots early and ensure we get results quicker. Nevada came under a lot of scrutiny during the 2020 election cycle for ballot counting. In conclusion, S.B. 404 would be a substantial victory not just for hardworking election administrators who manage the complex process but for Nevada voters.

SENATOR DALY:

In section 2, the Governor or Secretary of State may reschedule primary State polls to stay open later. What if they have conflicting orders?

MR. TENORIO:

That section of the bill is deleted in the amendment.

SENATOR DALY:

Thank you. I did not see that. That answers the question.

SENATOR SEEVERS GANSERT:

When I looked at the list of documents that would be satisfactory for identification, there are driver's licenses, military IDs, tribal ID, utility bills and bank statements. Will a utility bill satisfy a standard for residency? Is that accurate?

Ms. NOTT:

That is accurate. It is about proving residency for the challenger. These are examples of satisfactory documents to prove residency.

SENATOR SEEVERS GANSERT:

Utility bills, income tax return statements, mortgage statements, motor vehicle registration and property taxes do not have any photos. I have a problem with that. It seems like a low standard. Section 21, subsection 6 states "The decision of the house in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator is not appealable." I do not really understand why that is applicable.

Ms. NOTT:

That is no longer a part of the bill. To your earlier question, the documents listed are to defend against a challenge to residency, not identity. The fact that many of them do not have photographs included does not challenge the voters are who they say they are. It challenges that the voter does not reside at the place listed as his or her address on the rolls. That is why a utility bill would be sufficient proof of residency.

SENATOR SEEVERS GANSERT:

It does not specify it has to be a recent utility bill. That is an issue for me because it is nonspecific, and no time frame is provided for the documentation to the person checking residency or registration.

SENATOR OHRENSCHALL:

I understand your concern; that is something we can still look at.

Ms. IVANOFF:

I am in strong opposition to S.B. 404. According to our Constitution, State Legislators are the only Body allowed to make any changes to the voting laws. This view begins with trying to give the Governor special rights during



pandemics to change the voting laws. This is unconstitutional. Please start respecting our constitutional rights.

Ms. QUINN:

We need to keep voting simple by making it on one day with photo ID and paper ballots. Anyone can get a utility bill. That does not indicate a registered voter or U.S. citizen. If a government is powerful enough to give people everything they want, it is also powerful enough to take everything from the people. Freedom is more important than prosperity. I oppose S.B. 404.

Ms. PROFFITT:

I am in support of the right for meaningful observation of the election process from start to finish. This bill is a bit troubling because it looks like you are discriminating against voters here. This bill is poorly written. I am opposed to S.B. 404.

MR. HOJJATY:

I ditto previous speakers in opposition to S.B. 404.

Ms. BELANGER:

It is hard to speak in a manner to get your attention. We are trying to get rid of our Constitution by giving the Governor even more power. It is not a partisan issue. I am no on S.B. 404.

MIKE LABIT:

Nevada has a perception problem with elections. The average person does not trust our election process. The issue is not whether the elections are fair, rather that perception is the real issue. This bill has many different parts. One part deals with unfortunate things that happen to our election officials. They are being attacked, their personal information widely given to others. If this bill passes, it will further weaken this perception of Nevada elections. It calls for counting the ballots mailed in on the first day of early voting. This is the real issue. I suggest the Committee consider a change by an amendment, so the ballot signature and ballot itself is tracked by the Secretary of State through a way of tagging those two together. Under our current system when that ballot is separated from those signatures, it goes into the system and is counted. With this bill, it will be counted the first day.

My concern is for the legal voter who comes in later and is disenfranchised by our system. In 2020, I spoke to 35 people on the phone who said that happened to them. They showed up to vote and were told their vote had already been cast. It is going to take one of the most vulnerable areas and place a screen around election officials so they cannot be questioned, and our elections remain closed to oversight by other people. I am no on S.B. 404.

JANINE HANSEN (Nevada Families for Freedom):

We appreciate the amendments on this bill because they take care of many of our concerns. We are concerned, as is Senator Seevers Gansert, about proof of residency from voters. We do not want any early counting of the ballots because it could change the campaign and outcome of the election. We want all ballots counted on the evening of Election Day. This bill would speed up election results, not improve our concerns about how elections are conducted and increase perceptions about fraud. We are opposed to S.B. 404.

JIM DEGRAFFENREID (Nevada Republican Party):

I am in opposition to S.B. 404. All Nevadans suffered under Governor Steve Sisolak's tyrannical policies during his mishandling of the pandemic. If we allow the government to break the law due to an emergency, officials will exploit an emergency to break the law whenever it suits them. This amendment is so extensive and incomplete as to make this lengthy bill unfit for review. The lengthy bill originally introduced covered a radical increase in emergency powers. It created new emergency powers for the Secretary of State, changing the rules on recounts, allowing arbitrary poll hours and making it more difficult to challenge. Proposed positive amendments would address many of these issues. If they are adopted, we support these amendments.

One of the major changes to elections remaining in the bill would allow early tabulation of results starting from the first day of early voting, as well as removing language to have the ballots counted in view of the public. While ballots can be processed prior to Election Day, results cannot be tabulated until that day.

The objective of every election bill should be to increase voter confidence in the system. Increased access to voting is at the expense of confidence in the election system. Most election bills allowing hearings, including this bill, reduce transparency and confidence. Early tabulation results further erode the transparency which has been under attack for years in Nevada. Once someone

knows the outcome, it alters what and how they measure anything. Processing ballots behind closed doors increases distrust in the system. Every election bill should be an attempt to increase transparency and to restore trust to our broken election system in Nevada. This bill does not do that. For those reasons, we ask you to not support this bill.

LYNN CHAPMAN (Independent American Party of Nevada):

This has to do with the utility bills that Senator Seever Gansert brought up. In 2008 before the primary, I noticed I was not receiving my utility bills. When I called the utility company, it told me I had called in and changed my address to Silver Springs which I had not done. When my daughter came home from the grocery store where she worked taking in bills, she told me that their store had received at least 50 people stating the same thing had happened to them. This is a problem. I brought it to the State Legislature in 2009, and they were concerned with what I told them. This has happened before, and I am sure has happened since. Bringing in a utility bill with no other form of ID is not a good idea when going to the polls to vote. Please vote no on S.B. 404.

MS. GIFFORD:

In the short amount of time given, I have tried to formulate a knowledgeable opinion of S.B. 404. Unfortunately, there is no sensible order to this bill at all. It is a hodgepodge of a bill that covers unrelated topics from the Governor's authority to counting the ballots, to holding a polling place open past the allotted time for all polling places. This bill appears to be an attempt to reinvent Nevada's entire election process. The Legislators and the people need time to understand the bill as well as the amendments before anyone could ever vote on it. I oppose this bill.

MS. ANCELL:

I oppose S.B. 404.

MS. BENSON:

I am testifying in opposition to S.B. 404. I add to the excellent testimony given by Jim DeGraffenreid. It is worth noting that sections 5 and 10 ignore the fact that Clark County sent over 80,000 ballots to addresses known to be incorrect in 2020. There should absolutely be the right to challenge any voter who votes by mail from an invalid or nonexistent address because the process is laid out in *Nevada Revised Statutes* 293.303.

Ms. STOUT:

I am calling in support of S.B. 404. I am a volunteer member of the Sierra Club Legislative Committee and a 30-year resident of Nevada. The Sierra Club has the world's largest environmental volunteer organization with more than 30,000 members and supporters Statewide. The Sierra Club supports and promotes democracy and free and fair elections. This bill provides language to help ensure the safety of our election officials. It extends voting days and times in case of a natural disaster. It allows counting of early votes to begin after the first day of early voting and clarifies when a result can be challenged and by whom. These proposed measures are intended to make our elections safer, more accurate and provide faster results. We live in a time of political strife and violence in America. Nevada has a history of safe, secure and accessible elections. These proposed measures should help Nevada continue to be one of the best places to vote in America.

CHRISTINE MERSCH:

I am testifying in opposition to S.B. 404. As an immigrant, the people working, paying taxes and being productive citizens in Nevada should have access to vote. Respect what the people of Nevada want for election integrity.

Ms. RODRIGUEZ:

Washoe County is in neutral on the amended version of S.B. 404. We like the changes relating to counting as well as the challenge provisions for voters.

VICE CHAIR DALY:

I have a question based on early counting provisions in the bill. I know people have been upset because it takes so long to get ballot results. Part of the delay is not being able to count the mail-in ballots when they come in. You would be able to have the results earlier because you would not have to wait until Election Day to start counting.

Ms. RODRIGUEZ:

Yes, that is correct. It allows us to process the ballots. The calculation of results does not change that provision. We would still not be able to do that or release any results until we get clearance from the Secretary of State's Office that all voting in the State has ended before we may release any preliminary results.

VICE CHAIR DALY:

The amendment in the bill does not change that provision. If people wanted to have observers during that time, that would be allowed.

MS. RODRIGUEZ:

Absolutely. If we are in the office and working, physical observation is allowed within Washoe County. When we are in the office, counting or processing ballots, observation is open to the public.

VALERIE TILSON:

I was one of the original workers when Galena High School in Reno was the pilot program for electronic voting. That program was well-run. The only issue was verifying signatures and getting through any discrepancies toward crunch time. It was chaotic because voters were not reassured that they could submit their ballot on time. Voters had to go to a different location because of the polling places. I want to ensure there is a provision if Dominion Voting Systems encounters problems due to printing issues on the ballots. Securities must be set in place, so the voters do not say printer issues lead to a narrower time to get the sample ballot, absentee ballot and other provisions for out-of-area eligible voters. I am in neutral on S.B. 404.

MR. DI CHIARA:

I thank Chair Ohrenschall and other advocates for working with us on this bill. To address Senator Seevers Gansert question around utility bills, language in *Nevada Administrative Code* states you may use utility bills as proof of residency, but they must be current. We are neutral on S.B. 404.

SENATOR OHRENSCHALL:

Language in NRS 293.303 was one of my concerns. Senator Seevers Gansert brought up language to allow the utility bill to challenge the residency. A challenge to identity still requires a photo ID. Returns of ballot counting will continue to remain secret until after Election Day. This would give registrars and county clerks a jump start on tabulating votes, so the public will not be frustrated waiting for election results. This will improve many issues we have had with voting.

MS. NOTT:

This is complicated. It is a long bill with a lot of amendments. The allowance to begin counting early ballots as we receive them is a common practice in many

other states and helps to expedite results. We hope you can support that as well as these clarifications as to how voter challenges should be adjudicated and dealt with sufficient evidence. I appreciate the clarification about how the utility bill is defined in NAC. It is important for both election judges and voters to have that certainty to prove where they live. This will improve our election administration.

VICE CHAIR DALY:

I have one support document ([Exhibit M](#)) for S.B. 404. We will close our hearing on S.B. 404. Our last bill this evening is S.B. 443.

**SENATE BILL 443**: Revises provisions relating to voter registration. (BDR 24-842)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

Elections and the right to vote are critical to our republican form of government in our democracy and represent the core foundations of our free society. This measure is brought forward with the intent to continue to provide access to voting for all citizens of our great State.

EMILY PERSAUD-ZAMORA (Silver State Voices):

I am presenting S.B. 443 which updates one of our policies of same-day voter registration (SDR). I will begin by giving some context on SDR, how it works, current obstacles we have seen in the field, and how this bill addresses those obstacles. We have a conceptual amendment ([Exhibit N](#)).

This Legislative Body passed A.B. No. 345 of the 80th Session which enacted one of the election-related policies referred to as SDR. Same-day registration is the process for which an eligible Nevada voter can register to vote or update voter information at the polling place during early voting or on Election Day before casting a ballot. It has been used in the 2020 and 2022 election cycles. Some reasons to use SDR include a recent address change, becoming a U.S. citizen or a name change. In order to register to vote, the registrant must have been a Nevada resident for at least 30 days before Election Day and a resident of the precinct for 10 days before the election. In Nevada, people move all the time, both within the State and individuals coming from other states. In 2020, almost 70,000 new Nevadans surrendered their out-of-state driver's license or ID to exchange for a Nevada license or ID. In the 2022 general election, over 26,500 Nevadans used SDR throughout the State. Of these voters, 72 percent

updated existing registration, and the remaining 28 percent were new voters. Voters of all political affiliations use SDR. From the Statewide total in the 2022 general election, Republican voters were the biggest party to use SDR at 9,839; Democrats, 9,215. Remaining SDR users were nonpartisan and other smaller political parties. The breakdown of the number of voters who used SDR in Carson City in the 2022 general election were 166 Republicans, 93 Democrats, 57 nonpartisans and 33 other parties.

When a voter goes to a polling location and wants to register to vote using SDR, the voter is asked to show a current and valid, unexpired driver's license or ID card with the voter's current address issued by the Department of Motor Vehicles (DMV). The driver's license or ID serves as proof of identity and residency. The voter can vote immediately at the polling location. This is the most straightforward outcome of SDR.

Senate Bill 443 addresses the SDR voter who does not have an unexpired license or ID from the DMV. In the first scenario, the Nevada license or ID is current but does not have the current address. The voter must show he or she resides in Nevada by showing additional proof of residency, such as a utility bill, vehicle registration, bank statement or paycheck.

In the second scenario, the Nevada license or ID with current address is expired. The voter can leave the polls, go to the DMV, get an interim document and return to the polls to vote. In the last two elections, the DMV was open for extended hours for walk-in registration. This applied to counties with a population over 100,000. This bill will expand the hours of the DMV to be open Saturdays and Sundays to apply for or renew a driver's license or ID.

In the third scenario, the individual is an eligible Nevada voter but has just moved to Nevada from another state, and the individual does not have a current Nevada license or ID. The voter who has not gone to the DMV yet has another option. The voter must provide two documents. The first must be a current, unexpired driver's license or ID from another state's DMV. The second document must be proof of residency, such as a utility bill, bank statement, paycheck, mortgage or rental agreement, motor vehicle registration or any document issued by a governmental agency which proves residency.

VICE CHAIR DALY:

I have one question in section 3, subsection 2, paragraph (b). Why does the DMV stay open six days after the election?

MS. PERSAUD-ZAMORA:

We want to keep the DMV open due to ballot curing if a voter participates via mail-in ballot and there is an issue with identification for any reason. We have seen this with voters who have been voting for quite some time. The DMV being open for extended hours would give people the ability to go in-person and update information.

MS. SAUNDERS:

We are here in support of S.B. 443. All eligible Nevadans should have access to voting in all elections. We have worked for a decade to remove barriers to voting, and this includes SDR. Despite misinformation, your identification must be verified to register to vote in Nevada to comply with SDR laws. We need to ensure that voters needing to update anything with the DMV can do so by making sure the DMV stays open. Being open extra hours is a worthy investment to ensure that Nevada's elections remain the most professional and safe in the County by ensuring people have their IDs to vote and are not disenfranchised by bureaucracy and red tape.

MR. RAMIREZ:

We support S.B. 443.

MR. TENORIA:

This bill would increase access to voting. We urge your support of S.B. 443.

JOSE RIVERA (Make the Road Nevada):

We are here in support of S.B. 443. We support this measure which expands accessibility to democracy.

LALO MONTROYA:

I ditto support for S.B. 443.

ALEJANDRA MUNETON-CARRERA (Make the Road Nevada):

We support S.B. 443.



DAELA GIBSON (Planned Parenthood Mar Monte):  
We support S.B. 443 and ditto other supportive testimony.

MR. HARRIS:

Battle Born Progress supports S.B. 443. This bill will help ensure all eligible voters have equal access to exercise the right to vote and promote a more fair and democratic election process by extending the evening hours at the DMV for voter registration. This bill will alleviate long wait times and reduce crowding during election time.

AMY KOO (One APIA Nevada):

Ditto to the previous comments in support of S.B. 443. We saw the impact SDR had to make it easier for Nevadans to register to vote, especially during the pandemic. It makes sense to expand the hours of the DMV for services before elections to give Nevadans more opportunities to register to vote.

MS. STOUT:

I am speaking in support of S.B. 443. Ditto to everything that has been said. The Sierra Club has long recognized the interdependence of a healthy environment and healthy democracy. Limited access to voter registration impacts both new and existing residents alike as it fails to accommodate demographics like younger voters and voters of color who are more likely to change addresses. No residents should be penalized for not having a driver's license or photo ID with an updated address. Voting is a right.

MS. BENSON:

I am testifying in opposition to S.B. 443. This bill would provide yet another delay in reporting final accurate election results. Provisional ballots would come for same day. Voter registration is already difficult and complex for counties to manage. This bill would add further complexity and delays to the process for no reason because it is already excessively easy to register to vote. Nevadans can register to vote online, in person, automatically at the DMV or at the polling place on Election Day. Once registered, voters have ballots delivered to them free of charge without even asking. Registering and voting in Nevada is so easy that there is no reason to make it harder on counties to deliver results in effect to make it even easier. It should be easy to vote and hard to cheat. An official photo ID should be free of charge to anyone who does not have the means to obtain one. Provisional ballots, unlike unsolicited mail-in ballots, do require proof of ID; however, adding an additional six days of special treatment to enable

people to vote after the election is over is unneeded complexity. Most adults have a photo ID to function in society.

Ms. ANCELL:

I oppose S.B. 443 and echo the opposition before me.

Ms. IVANOFF:

I am in strong opposition to way S.B. 443 is written. It discriminates against the rural counties. Why is Planned Parenthood supporting this view? I just want to know why we are making it easier for people who do not care about elections to be voting in our elections. In order to vote in an election, you should research who is running and be able to register in the amount of time allotted. We have such a mistrust in the election process from both parties. I am beginning to think that is the idea behind this bill. Show an ID when you vote to prove who you are. I do not see anything in this view about proof of citizenship.

Ms. PROFFITT:

I oppose S.B. 443. If you make one change, I will not oppose it. I will ask everybody to back it because it is doing something good by having the DMV register the voters. I would suggest that you take it one step further. Since an ID is required to register at the DMV, why not require an ID to vote? That would eliminate the other problems we have with mistrust in our election system.

LESLIE COHEN:

I oppose S.B. 443. This bill lends itself to allowing non-United States citizens to vote. The 19 states giving illegal immigrants driver's licenses are California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia and Washington. Each of these states decided that these people could get their DMV license. The DMV license would not be an accurate way to prove if these people are U.S. citizens. Only U.S. citizens should be allowed to vote at 18 years of age.

MR. HOJJATY:

I ditto the comments made by previous and future speakers in opposition to S.B. 443.

MS. HANSEN:

I have been a voter in Nevada since I was old enough to vote. One thing about voting is it takes responsibility to know the issues on the ballot because we often have questions. To know the candidates, one must spend some amount of time researching. Coming to the polls on the last day of voting without a Nevada ID is not responsible. This bill discriminates against me in my county. I am from Elko. This bill only covers two counties, and I am sure we have as many irresponsible people from Carson City and Elko County as in Washoe and Clark Counties. This bill addresses DMV only in Washoe and Clark Counties to be open. Many issues are decided by Clark County. This is a bad idea and does not encourage people to be responsible by waiting until the last minute. People are allowed to vote, even if they have not registered previously. They can vote on Election Day without an ID. What kind of responsible voter is that? This concerns me because it is also going to cost money. It is going to cost money to keep the DMV open. We do not want to spend any more money on government. We want less government, more individual responsibility and liberty. This certainly does not provide that. We oppose S.B. 443.

MS. KENNEDY:

I am here for Clark County, testifying in neutral on S.B. 443. Our administrative questions have been clarified. We appreciate the sponsors of this bill and the proponents working with us on the conceptual amendment.

SENATOR OHRENSCHALL:

Senate Bill 443 goes a long way to remove obstacles that present themselves in front of qualified electors who want to participate to vote. There are concerns brought up regarding the DMV. Clark and Washoe Counties have Saturday hours. There are some challenges to having this apply to all 17 counties because statute is limited to counties with a population above 100,000. As to U.S. citizenship, anyone who fills out the voter registration affidavit to register to vote affirms to be a United States citizen.

MS. PERSAUD-ZAMORA:

This bill is protecting the statutes of same-day voter registration and expansion. We want to bring this bill forward because we are a grassroots organization on the ground everyday, talking to voters of all political parties. These people are educated in the political process, and it is our responsibility to hear what Nevadans voice as hurdles in the voting system.

VICE CHAIR DALY:

I have four support documents ([Exhibit O](#)) for S.B. 443. We will close the hearing on S.B. 443.

CHAIR OHRENSCHALL:

We do not have a work session document, but we heard S.B. 162. An amendment was presented by Senator Scheible. I would be interested in a vote today. Is there a motion to amend and do pass S.B. 162?

SENATOR DALY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 162.

SENATOR SEEVERS GANSERT SECONDED THE MOTION.

SENATOR SEEVERS GANSERT:

People who are incarcerated now are still eligible to vote while they are pending. They have not been convicted of something that precludes them from voting or are already able to vote. We do not understand the processes by which they are able to vote. This legislation will require them to provide the information about the processes to the Secretary of State's Office to make sure we have a check on that system, know how they are taking care of the ballots and the ballots are appropriately delivered. I will be supporting this measure.

SENATOR KRASNER:

I still have some concerns to discuss with people who live in the district I represent. I reserve the right to change my vote on the Floor.

THE MOTION CARRIED. (SENATOR CANNIZZARO WAS EXCUSED.  
SENATOR KRASNER VOTED NO.)

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CHAIR OHRENSCHALL:

The last item on our agenda is public comment.

MR. LABIT:

I made a comment about S.B. 404 and had a miscommunication. I am bringing this up because it is real and cannot be tolerated. It is not about Republicans, Democrats or Independents. We want people to have the right to cast their vote

and know it is secure. If someone votes early or if a vote comes in a ballot by mail, it will be counted if the signature is verified later. If someone comes in with an ID to vote and is told he or she already voted, that person will be disenfranchised. There is no way in this State of finding a ballot that was cast fraudulently. I challenge you to get with the Secretary of State's Office and prove me wrong. I am trying to work with them. The question is not a vote that has been tabulated. We have not counted the votes until after the election. That is not the issue because that ballot is tabulated at the end and confirmed as a vote. I have checked with three of the registrars, and they said the first ballot to come in with a verified signature is the vote that will be counted.

MS. QUINN:

I have a quote from Winston Churchill. "It would be a great reform in politics if wisdom could be made to spread as easily and as rapidly as folly."

The people speaking who are not on the same political agenda or team are being placated. We are all on the same planet. If a major disaster occurred, I would share what I have with each of you. I wish we could learn to work together and get more Republican Party bills passed such as those bills about school discipline and school choice. Most bills passed are from one party only. It is not right and not equitable.

MR. UEHLING:

The integrity of the election is at stake, and Nevada is the laughingstock of the Nation. The counting of ballots and verification of signatures is totally false. There is rampant corruption in Clark County.

MS. IVANOFF:

Since both parties of the Legislature started making new rules for the elections with new ways to cheat, we no longer get the election results in a timely manner. Stop eroding trust in our elections

MS. ANCELL:

I ditto what Leslie Quinn said in her testimony.

LORENA CARDENAS:

I am in support of getting these bills heard because we are desperate for transparency. There has been a huge blame game between the right and the left. If we cannot trust our election system, we cannot trust our government.

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We have nothing to hide and nothing to fear. We need to do everything in a timely manner and get our elections up and running smoothly.

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CHAIR OHRENSCHALL:  
We are adjourned at 7:53 p.m.

RESPECTFULLY SUBMITTED:

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Barbara Young,  
Committee Secretary

APPROVED BY:

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Senator James Ohrenschall, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
S.B. 216	C	3	Nicolas Anthony	Work Session Document
S.B. 268	D	3	Nicolas Anthony	Work Session Document
S.B. 326	E	4	Nicolas Anthony	Work Session Document
S.B. 327	F	5	Nicolas Anthony	Work Session Document
S.B. 387	G	5	Nicolas Anthony	Work Session Document
S.B. 406	H	6	Nicolas Anthony	Work Session Document
S.B. 162	I	6	Senator Melanie Scheible	Amendment Document
S.B. 162	J	10	Linda Stout / Sierra Club	Support Document
S.B. 162	K	13	Senator James Ohrenschall	Opposition Document
S.B. 404	L	14	Senator James Ohrenschall	Proposed Amendment
S.B. 404	M	22	Senator Skip Daly	Support Document
S.B. 443	N	22	Emily Persaud-Zamora / Silver State Voices	Conceptual Amendment
S.B. 443	O	28	Senator Skip Daly	4 Support Documents