MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

Eighty-third Session
April 8, 2025

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:32 p.m. on Tuesday, April 8, 2025, in Room 2149 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 5 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, 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 Lisa Krasner
Senator John C. Steinbeck

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro (Excused)

STAFF MEMBERS PRESENT:

Pepper Sturm, Committee Policy Analyst
Kelsey DeLozier, Committee Counsel
Connie Summers, Committee Secretary

OTHERS PRESENT:

Francisco Aguilar, Secretary of State
Mark Wlaschin, Deputy for Elections, Office of the Secretary of State
Ryan Vortisch, Silver State Voices
Kaylah Maese, ACLU of Nevada
Chanel Cassanello, All Voting is Local Action
Maureen Schafer, Council for a Better Nevada
Charles Olander, Planned Parenthood Mar Monte
Janine Hansen, Independent American Party
Joshua Skaggs, Nevada Republican Party

Lynn Chapman, Nevada Families for Freedom; American Legion Auxiliary
Joy Trushenski
George Taylor
Leslie Beach
Leslie Quinn
Michael Ryan
Oscar Williams
Marcus Jensen
Jane Davis
Cyrus Hojjaty
Yolanda Knaak
Alan Munson
Sean Sever, Deputy Administrator, Nevada Department of Motor Vehicles
Amy Burgans, Clerk-Treasurer, Douglas County
Christopher Wahle
Andrea Martinez
Arnold Thomas, Vice Chairperson, Shoshone Paiute Tribe
Ryan "Cal" Boone, Tribal Outreach Coordinator, Office of the Secretary of State
Isack Tenorio, Campaign Legal Center
Dev Bararia, Pyramid Lake Paiute Tribe
Paul Larson, Lutheran Engagement and Advocacy
Mathilda Guerrero Miller, Native Voters Alliance Nevada
Chris Giunchigliani
Linda Cavazos
Anahit Baghshetsyan, Nevada Policy
Ramona Esparza-Stoffregan
Alex Ortiz, Clark County
David Cherry, City of Henderson
John Strahan
Andrew LePeilbet, United Veterans Legislative Council
Darrol Brown, United Veterans Legislative Council
Kathy Doyle
Fred Wagar, Veterans of Foreign Wars, Department of Nevada; Disabled American Veterans

CHAIR OHRENSCHALL:
I'd like to open the hearing on Senate Bill (S.B.) 74. We are very fortunate today to have our Secretary of State Francisco Aguilar and our Deputy Secretary of State for Elections Mark Wlaschin here with us in Carson City.

SENATE BILL 74: Revises provisions relating to elections. (BDR 24-482)

FRANCISCO AGUILAR (Secretary of State):
We are happy today to provide you with an overview (Exhibit C) of S.B. 74 and then take your questions. Before we get to the bill, it is important to get on the record exactly what we are trying to do here and why this bill was drafted. Title 24 [of *Nevada Revised Statutes* (NRS)] is the collective name for 19 chapters of statute, each covering the topics listed on the slide. It provides information for candidates and PACs about what they need to do and when; it explains how our federal delegation and presidential electors are selected; it explains how we support our military and overseas voters, our tribal voters and voters with disabilities; and it lays out technical requirements for the voting systems we use. In summary, it is an instruction manual and rulebook for the state, county and city election officials and for everyone curious about Nevada's electoral process.

The NFL has a rulebook. Now, imagine that the NFL did not update their rulebook except once a decade or maybe every 20 years. Picture how different the game of football would be for those teens unlucky enough to face our amazing Raiders at Allegiant Stadium. Instead, the NFL updates their rulebook annually, addressing safety and technical issues, and making sure it stays updated, for example, as technology advances.

Title 24 [of NRS] is the same. It needs to be updated; in fact, it routinely is. Policy decisions by Legislators and voters alike over the last five years alone have added same-day voter registration; universal vote by mail; automatic voter registration; and increased transparency, security and accessibility in a number of ways. But beyond those policy decisions, there is also a need for routine nonpartisan cleanup to keep our election rulebook up to date.

As of my last count, NRS 293 has 399 individual statutes—19 of those were created in 1960 and have not been updated since. Now, maybe they don't need to be; maybe we just got it right in 1960, and everything is fine. The definition of elector is a great example of that. In 1960, NRS 293.055 was created; and to this day, it still means "a person who is eligible to vote under the provisions of Section 1 of Article 2 of the Constitution of the State of Nevada." Perfect, no one extra word, but not every statute is like that.

Nevada Revised Statutes 293B is the chapter on mechanical voting systems or devices. It contains 80 statutes. Of those 80, 39 have not been updated or amended since the mid-1980s. Believe me when I say that quite a bit has changed since the mid-1980s when it comes to what a mechanical device is and how we should talk about them in statute.

What you have before you today is our effort, in close coordination with county and city elections officials going back to 2021, to identify those statutes that could benefit from being updated in a truly nonpartisan and nonpolicy manner. Senate Bill 74 contains 78 separate provisions that were developed in my time and under Secretary Barbara Cegavske. We introduced S.B. No. 60 of the 82nd Session [*sic*] that was similar to what S.B. 74 is today. There are five additional provisions that we have proposed in an amendment (Exhibit D) as they are also appropriate for a truly nonpartisan cleanup bill.

I am going to turn the presentation over to Deputy Wlaschin, though as always, both he, Chief Deputy Gabriel Di Chiara and myself will be available to talk with you now or one-on-one if you have any questions or specific comments about the bill.

MARK WLASCHIN (Deputy for Elections, Office of the Secretary of State):
The 48 provisions of S.B. 74 are spread across nine chapters extending even beyond the nine chapters in Title 24 [of NRS]. They can generally be grouped into three categories: clarifications, conforming changes and administrative adjustments.

Clarifications are intended to help both election officials and members of the public alike by providing additional information about a process or procedure. Sections 7 and 31 are good examples. The statute that allows a high school student to become a "trainee election board officer" states they must be appointed without party affiliation, but it is not exactly clear what that means. The sections in this bill clarify that a student may apply regardless of any affiliation with a political party or even party affiliation on their application to register or preregister to vote with the hopes that it reassures the public and encourages more civic engagement from students.

Conforming changes are provided to align statutes across the elections. There are, of course, a number of differences between elections in statute. The presidential preference primary, for example, has only one week of early voting,

but primary and general elections have two weeks. Those were policy decisions. Some differences were left vague on the legislative record though, and after careful critical review, have been included here—again, not policy decisions.

Section 30 is a good example of this. *Nevada Revised Statutes* 293.202 allows a candidate to withdraw their candidacy in writing and in person within seven days, excluding Saturdays, Sundays and holidays, after the last day for filing. But NRS 293C.195 currently says candidates for city office only have two business days. A failure to withdraw by the deadline, of course, means their name will go on the ballot. We've received complaints from city candidates who wanted to withdraw but saw in [NRS] 293C it said seven days and then came in after the two-day window which, according to [NRS] 293C, had already closed. That is an unnecessary inconsistency that has only caused confusion.

Finally, administrative cleanups are the most basic of cleanup. Section 10 is a good example of that. *Nevada Revised Statutes* 293.269 requires "none of these candidates" to be added to the ballot for every statewide office and for president and vice president of the United States, and Nevadans have had that option on their ballot since 1975. But subsection 1 of that statute—and again, 1975 is when it was passed, and 1976 was the first election that was possible—says specifically there must be a square for the voter to indicate their choice.

With assistance from the good folks at the library and archives, I was able to find ballots from the mid-1970s that had squares like this one that I have here with me from Storey County for the 1976 general election. I will pause a moment to say the most shocking part of this sample ballot was not actually the squares but the fact that there's somebody whose name is on this from the 1976 general election and is in the room with us today. She may be testifying in public comment later. If a voter didn't want to vote for Jimmy Carter or Gerald Ford at the 1976 general election, they could have placed an X in the square next to "none of these candidates." At any rate, those squares were soon phased out by advancements in technology. Our ballots now use ovals, which is why we propose this update.

In the interest of time and instead of walking through the rest of the provisions, we have provided additional [NRS] information (Exhibit E and Exhibit F) but will be ready for detailed questions when we're done. There's also a proposed

amendment to the bill, Exhibit D, which proposes adjustments to sections 1, 12, 20, 21, 25 and 26 and would remove sections 11 and 32 and add 5 other provisions, including updating definitions and adjusting descriptions.

SENATOR DALY:
The first question was in section 4, but is that being deleted in your amendment?

MR. WLASCHIN:
I do not believe section 4 is addressed in the amendment.

SENATOR DALY:
It said that the filing fee for the presidential preference was $250, but I thought we had another bill.

MR. WLASCHIN:
In regard to the president's preference primary, this provision does conflict with another bill that has been submitted in regard to the proposed cost of the filing for the president's preference primary.

SENATOR DALY:
That's fine, and the only other question I had was in section 7, if that survives, and section 31. The way I read it, subsection 2 seems to conflict with subsection 3, but maybe I'm reading it wrong.

MR. WLASCHIN:
In regard to the conflict, I believe, and we can review that to see if there is a conflict, the goal is really to clarify in [sub] section 3 that the political affiliation element was not limiting for those students. It did survive; it is not part of the amendment, but we can review that with Legal and certainly consider adjustments and amendments if need be.

SENATOR DALY:
I read in subsection 2 that a pupil is appointed without political party affiliation, and then in subsection 3, the pupil may be appointed as a trainee pursuant to this section regardless of his or her political party.

MR. WLASCHIN:
The intent behind appointing without a political party affiliation is so that a student who's not a voter yet but is preregistered ... . We talk about appointing them without political party affiliation meaning we wouldn't have a member of a major political party and then a student saying well, he or she may claim "I am affiliated with this party" and try to create or meet that bipartisan requirement with a student essentially.

SENATOR DALY:
The language is confusing. There is similar language in section 31, but those are my two questions.

CHAIR OHRENSCHALL:
My question, Deputy Secretary Wlaschin and Secretary Aguilar, is with section 26 on page 35 of the original bill that talks about "the Secretary of State shall adopt by regulation a cyber-incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan." I wonder if you could just expand a little bit about what you think the cyber incident might be, what you envision the plan being if this passes, and how we respond to something like that if it happens.

MR. WLASCHIN:
The cyber plan was something that we have identified as a requirement really since 2020. The idea behind creating the cybersecurity plan is not to replace anything that the Governor's Office of the Chief Information Officer or for that matter the [Nevada] Office of Cyber Defense Coordination has already required. This is simply to create a plan that will encourage county and city election officials to discuss with their emergency management in county and city leadership what it would look like if there was a cybersecurity incident. We have a number of proposed concepts we would put into regulation very specifically so that it would have to go through the Legislative Commission for approval prior to becoming a codified requirement. The idea really is to pull that out to make sure that when we think about election security more routinely than not, there's a lot of focus on physical security of the voting machines, of the election officials, the ballots and the transfer of ballots from ballot drop boxes to and from central counting. This would hone in and provide more detail to make sure best practices are shared across the State so the cyber defense of the elections process is maintained at a high standard.

RYAN VORTISCH (Silver State Voices):
I have submitted my written testimony (Exhibit G) in support of S.B. 74.

KAYLAH MAESE (ACLU of Nevada):
The ACLU of Nevada supports S.B. 74 which expands the EASE [Effective Absentee System for Elections] voter program. This legislation is a critical step toward ensuring that all eligible voters, especially those who face barriers to reaching the polls, have equitable access to the ballot. Voting is a fundamental right; and expanding programs like EASE helps uphold that right for Nevadans who are often overlooked in traditional election processes, including military personnel, overseas voters and individuals with limited mobility or access. We thank the Secretary of State for bringing this important bill forward, and we urge the committee to support S.B. 74 as well.

CHANEL CASSANELLO (All Voting is Local Action):
We urge you to support S.B. 74. This legislation improves voter accessibility to casting a ballot and streamlines our electoral process. A key factor of S.B. 74 is the expansion of EASE to cover voters who are inhibited by an illness, a disability or sudden hospitalization and do not have access to their mail-in ballot. This bill ensures voters facing these challenging circumstances or unexpected health emergencies are still able to exercise their right to vote. Existing law already allows the use of EASE by voters who are active members of the United States armed forces, their spouses and their dependents; Nevadans who are outside the country; Nevadans with disabilities; and tribal voters who live on a colony or reservation. Voters added to EASE under S.B. 74 would abide by the same application deadline as those currently covered by the system.

We also support the requirement of voter registration agencies to inform voters who register after the vote-by-mail deadline of their remaining voting options. This will not only enhance voter preparedness and participation but may also alleviate poll workers' workload at election sites.

Lastly, it's imperative for me to underscore that Nevada's elections are secure and safe, and we appreciate this bill's initiative for the Secretary of State to establish a cyber-incident response plan to further strengthen our elections.

Overall, this bill introduces important new safeguards to our election system and expands voter access, and we urge you to support S.B. 74.

MAUREEN SCHAFER (Council for a Better Nevada):
I have submitted my written testimony (Exhibit H) in support of S.B. 74.

CHARLES OLANDER (Planned Parenthood Mar Monte):
We are in support of S.B. 74. This bill will allow people with illnesses or disabilities who are unable to access traditional voting methods to vote using the same safe and secure system we trust to handle the votes of our overseas service members. Additionally, the bill will make it easier for voters to update their registration and require agencies to notify voters of their options making Nevada's elections fair and accessible to all eligible voters and continuing Nevada's commitment to voting rights. We urge you to support S.B. 74.

JANINE HANSEN (Independent American Party):
We oppose the expansion of electronic voting that is in section 1 of this bill. We don't think it's necessary to expand this. We think it's a risk. I looked up some information from the U.S. Cybersecurity and Infrastructure Security Agency, the Election Assistance Commission, the FBI and the National Institute for Standards and Technology. They stated that while there are effective risk management controls to enable electronic ballot delivery and marking, they recommend paper ballot return as electronic ballot return technologies are high risk even with controls in place.

Recognizing that some election officials are mandated by state to employ this high-risk process, its use should be limited to voters who have no other means to return their ballots and have it counted. Notably, we assess that electronic delivery of ballots to voters for return by mail is less vulnerable and disruptive to the system. Going on with that information, they state electronic ballot return, the digital return of a voted ballot by the voter, creates significant security risks to the confidentiality of the ballot, voter data, voter privacy, voter secrecy, integrity of the voted ballot and availability of the system. We view electronic ballot return as high risk. We are very concerned about electronic ballot voting. We don't have many other concerns with the rest of the bill.

JOSHUA SKAGGS (Nevada Republican Party):
We are in opposition to S.B. 74. Section 1 of S.B. 74 enables registered voters who are unable to access their mail ballot or go to the polls due to illness, sudden hospitalization or being called away from home to use an approved system of electronic transmission to apply for and cast their ballot. The Nevada Republican Party strongly opposes the expanding of electronic voting systems

to additional groups of voters. The EASE system is already in use far beyond its intended scope. If we continue to expand EASE access every single session, we'll end up with a universal online voting system. Such a system would have vulnerabilities that could potentially be exploited such as hacking or tampering with data and other cyberattacks, especially if the systems are connected to the internet.

Electronic voting eliminates any possibility of having safe and transparent elections. Instead, the Nevada Republican Party strongly supports the use of paper ballots and in-person voting on a single Election Day with voter ID as fundamental safeguards of election integrity. These methods provide transparency, reduce opportunities for tampering and ensure public confidence in the voting process. At a minimum, we oppose allowing votes to be cast after Election Day as in our current system. Absentee ballots should be issued only to those with valid excuses with a voter ID application process to maintain strict accountability while accommodating voters with genuine needs. Please vote no on S.B. 74.

LYNN CHAPMAN (Nevada Families for Freedom):
Stanford University did a study in 2024. They wrote a paper talking about voting now controlled by electronics and the processes leading to the vote that remain unseen by the human eye. Despite the change in method of voting, the basic facets of good voting tactics remain the same: ensuring one vote per voter, maintaining voter anonymity, accuracy of voting, security of the system and prevention of fraud.

There are different things that people are complaining about: issues with technology, vast possibilities of fraud and protection of voters, and their votes. They'd like to have vote accuracy—that's one of their main issues—and they wanted much of their personal information not to be on the ballots, on the outside of the ballots. Regarding absentee ballots, they always worked very well in the past for overseas voters, our military and people who are ill or in the hospital. And now they are talking about people who have left home. Well, if they leave home, why can't they bring their ballot with them and mail it in. So, we like paper ballots and voter ID as well, but that's not in here. That's why we are against the bill.

JOY TRUSHENSKI:
I do not support S.B. 74 which expands the use of electronic voting in Nevada elections. According to the U.S. Cybersecurity [and Infrastructure Security Agency], electronic ballot return technology is risky and subject to hacking. Many of us in Nevada do not even want electronic voting. We want paper ballots, voter ID, single-day voting and hand-counting the same day. The use of electronic voting should be limited very strictly. People like me believe mail-in ballots are preferred over electronic voting for those with illnesses and for the military who are overseas. Please vote no on S.B. 74.

GEORGE TAYLOR:
I just want to argue that I think we have arrived at a very extensive and complete absentee vote-by-mail system; and I think since we've solved the problem, we should leave it where it is and not introduce another wrinkle.

LESLIE BEACH:
I have a husband who served 23 years in the U.S. Air Force and the U.S. Army. I have a son who is a marine. They all voted by absentee, and they have no problem with that. I also have a brother who's disabled. He voted without having a problem. I also have two sons, one who writes code. They are very familiar with programming and the problems that come with it. I also am a 37-year woman business owner in Nevada. I also represent the Nevada Federation of Republican Women, and we are 100 percent against this. I was just nominated as the president for the Churchill County Central Committee, and we are 100 percent against this as well. We feel this will be more problematic than solution based.

LESLIE QUINN:
I oppose S.B. 74, sections 20, 21 and 24. Sections 20 and 21 refer to voter roll maintenance based on changes of residence. I recommend an addition be made to section 20, subsection 1, paragraph (j), subparagraphs (1) and (2), namely that the voter status be changed temporarily from active to inactive so that a mail ballot is not sent erroneously to the registrant's old address. Once the registrant responds, then the appropriate correction to the record can be made and either put back to active status and send the mail ballot or remove the record entirely.

I also strongly oppose S.B. 74, section 24. The new section allows for same-day registration updates when voting in person during early voting or on

Election Day. It removes the requirement for using provisional ballots. How is voter eligibility assured in these cases? Is the possible reason aimed to reduce the election poll workers' workload? Unfortunately, we will sacrifice voter roll security and accuracy as a result. I highly recommend that more commonsense legislation be considered instead, namely that the voter registration process be closed 30 days prior to Election Day. This will allow adequate time for the county clerks to verify eligibility of new registrants as well as people who have moved. This will greatly eliminate provisional voting and the resulting workload.

It should also be noted that same-day voting encourages voters to procrastinate and, worse, instill fraudulent behavior since verifications are minimized. It is surprising that the Secretary of State's Office would support such a change. I urge you to oppose S.B. 74.

MICHAEL RYAN:
Please vote no on S.B. 74 which further expands electronic voting. According to the U.S. Cybersecurity [and Infrastructure Security] Agency, electronic ballot return technologies are high risk. In the 2020 memo to election officials, the FBI and other federal agencies assessed the risk of sending ballots electronically to be low; however, the risk of allowing those ballots to be returned electronically was very high. Why is the Nevada Secretary of State expanding electronic voting when there are significant risks associated with it? This does not make any sense whatsoever. Please vote no on S.B. 74.

OSCAR WILLIAMS:
Senate Bill 74 is not some sleepy, let's-clean-up-some-old, out-of-date statutes. This is a radical push for internet-based voting for any voter. If this passes, we'll be first in the nation, won't we, with all-internet voting for everybody? That would be quite an accomplishment. As other speakers have mentioned, the internet, as a piece of critical election infrastructure, is not considered to be secure, so the reliance on it, I don't think, is in our best interest. I certainly don't want it.

Sections 12 through 33 of this bill gut how paper ballots are counted pursuant to NRS 293.363 and NRS 293C.362 and replace them with NRS 293, NRS 269.331 [*sic*] and NRS 293C.26331. But the change to these other statutes really has no details on online ballots consistent with the push to eliminate paper ballots. I can see where the trajectory is on this.

Section 48 of this bill repeals certain provisions that prohibit the counting board from commencing to count the votes until all ballots are accounted for. I am opposed to that. Initially, we waited until all ballots are received before counting starts, and there seems to be some rush to upend the counting so we can monitor, I guess, where the algorithm can make the changes along the way. I disagree with that ... . [Unintelligible statement] ... the bill has an unfunded mandate, both local and state. It was not requested by local government. But more than that, it further enshrines a split system of voting in Nevada in contravention to our voter bill of rights that allows us a uniform statewide standard of counting and recounting of all votes accurately as provided by law. We had a system of voting on paper, and we are introducing more and more digital-type ballots. Please don't vote on passage of S.B. 74 until the aforementioned issues are removed or resolved.

MARCUS JENSEN:
I am strongly opposing S.B. 74, specifically regarding sections 1 and 28. The bill would recklessly usher in the widespread use of unsecure online voting for all local Nevada residents and expand the opportunity for hackable and fraudulent voting. It should absolutely not be considered. As referenced by others, in 2018, the National Institute of Standards and Technology (NIST), agency inside the U.S. Department of Commerce, issued a study titled "Risk Management for Electronic Ballot Delivery, Marking, and Return." The study was conducted in conjunction with three other agencies: the Cybersecurity and Infrastructure Security Agency (CISA), the Election Assistance Commission (EAC) and the Federal Bureau of Investigation. They all identified the risks and considerations for election administrators seeking to use electronic ballot delivery, electronic ballot marking and/or electronic return of marked ballots.

The cybersecurity characteristics of these remote voting solutions are further explored in a NIST study titled "A Threat Analysis on UOCAVA [Uniformed and Overseas Citizens Absentee Voting Act] Voting Systems." These studies call out the unsecure nature of sending ballots through the use of electronic transmission options and present significant challenges to the integrity of the election. It also points out how voter privacy and personal information is at risk of exposure.

The public internet in 2025 is not secure and will remain so for the foreseeable future. Even technologies such as Blockchain over the public internet are not a solution at this time since there are no robust voting applications that have been

certified by NIST, CISA or the EAC. It baffles me that the Secretary of State's Office would be willing to put our elections at increased risk of tampering and fraudulent behavior. Secure and accurate voter rolls should be our guiding principle for all election legislation, not embracing technology that is not yet ripe for confidently and reliably protecting election integrity. Please vote no on S.B. 74.

JANE DAVIS:
I strongly oppose S.B. 74. While the bill covers the general topic of elections, it has 43 sections covering a wide range of different subjects. Bills like this should not be permitted. If you split up S.B. 74 in single subjects as the statutes call for, it covers a multitude of election categories such as electronic voting, voter registration and recommendations to repeal five sections in NRS 293 and more. What is the motivation for the Secretary of State's Office to submit such a large bill? Does the election office just want to assure quick passage? Because it is such a large bill, it will take lots of time to analyze, and people will just give up. How does the public provide two-minute public comment on specific problem areas in the bill? The answer is, it's impossible; but maybe that is the intent. It seems to me that the Secretary of State's Office assumes that everyone will just go along with what the department proposes. This is a rather arrogant treatment of the public's opinion. For the record, there are issues with sections 1 and 28, 16 and 35, 12 and 33, 15, 20 and 21, 24 and 48. Please withdraw this bill.

CYRUS HOJJATY:
I stand in opposition, and I ditto the previous commentators.

YOLANDA KNAAK:
Senate Bill 74 expands electronic voting. It increases access but not security. It decreases security. If you recall, on ballot Question No. 7 requiring ID to vote, Nevadans voted 73.7 percent in favor. Voters want extra security. This bill takes security away. Please vote no.

ALAN MUNSON:
I am concerned about S.B. 74, and I wish to oppose this bill. I am just concerned that it opens up the opportunity for fraud and cheating and not being able to check that. So, I do agree with previous speakers.

SEAN SEVER (Deputy Administrator, Nevada Department of Motor Vehicles):
We are neutral on S.B. 74. We do have a fiscal note on the Department of Motor Vehicles (DMV) portions of this bill; and in this case, it's a no impact. The DMV can make written notice available, and the expected number of customers requiring written notification is minimal enough that we anticipate being able to absorb the printing of the notifications in our standard business operations.

AMY BURGANS (Clerk-Treasurer, Douglas County):
I just want to say this is a very large bill. I appreciate the hard work of the Secretary of State and especially Mark Wlaschin who has, throughout every election, tracked all the complaints the clerks had—this part of the law is not clear, or this part needs to be cleaned up—and brings those concerns forward. However, with the number of things that are in this bill, we need to be sure that every single part is going to be beneficial to all of the voters in Nevada. So, I would just say, let's make sure we are reading every single section, that we're sure every single section has a benefit to Nevada, and ensure that the cleanup portions the clerks are looking for do end up getting passed.

CHRISTOPHER WAHLE:
Lisa Krasner is my Senator, so I figured I would get up here and take a neutral stand. I think the first thing we need to do is get people out to vote. We need to get people involved in our elections. The Republicans want a DNA sample, three forms of ID and everything else. For the Democrats, it don't matter. So that is a political angle. But what we need is to get these people involved somehow, whether the Secretary of State, what he does, you know, is what's going to happen; and what you people do is what's going to happen.

As a kid, I grew up in the city of Chicago; and let me tell you, there were all sorts of people voting—dead, alive, nonexistent. It's been that way at least for a good 70 years that I know—a lot; but it works, and it has worked. My only question is this. You can always compromise technology, you can compromise paper, you can compromise anything. But look at Fidelity, Vanguard and all those big banks. They get hacked because people know if they can get in, they'll get some money. But if we get into the State of Nevada [voting] system, what are we going to get? Put some other person in charge? Something to think about. What we need to do is get the people involved so we can have more people. I think that's the greatest thing we can do for our democracy.

MR. WLASCHIN:
Secretary Aguilar had to step out. But again, I do want to thank, first of all, the Chair and the committee for hearing the bill, as well as members of the public who took time to read and provide feedback, both positive and against, on the bill. To be clear, we understand the volume of the changes and the nuances involved; the fact that so many individuals took time to read it simply reflects that they are also taking elections very seriously and are concerned about the integrity of the process. I would like to reiterate from the Secretary on down through every state, county and city official—I try not to speak for everybody except when I talk about the importance of integrity and security of the process—we all take [the process] very seriously, and we would not have put into a cleanup bill something that jeopardizes the integrity of the electoral process.

And lastly, I just want to mention that if anybody has any questions about the bill and would like to talk one-on-one about any one provision or why on earth we think this is secure when they think it's not or maybe to get an explanation about what exactly does that mean, we are more than willing to meet with them now, during the session, after the session, throughout, leading up to and through an election cycle because again, voter education is so critically important.

Our email address is nvelect@sos.nv.gov. They can always call us at (775) 684-5705. That will get to my team, and we'll schedule a meeting to talk because, again, the integrity of the process is so critical, but it simply reflects that the Secretary and myself want the same thing that you, Senator, and the callers today and the people in the room behind me also want. We want our one vote to count. We want people who are not eligible to not be able to vote, period, so the process maintains its integrity as it has since the birth of our statehood.

CHAIR OHRENSCHALL:
Thank you again for your presentation, and I appreciate the open-door policy you and the Secretary have for folks with all different opinions across the spectrum. I have letters in opposition from Saige Draeger, Verified Voting (Exhibit I); Ann Sweder (Exhibit J); Joseph Schulz (Exhibit K); and Janet Campbell, Clark County Precinct Captain (Exhibit L).

I'd like to close the hearing on S.B. 74 and open the hearing on S.B. 421.

SENATE BILL 421: Revises provisions relating to elections. (BDR 24-953)

ANDREA MARTINEZ:
I am the former chairperson and tribal citizen of the Walker River Paiute Tribe. Nevada has a long history of imposing barriers to voting for tribal nations. Following a lawsuit in 2016—the Walker River Paiute Tribe v. [Washoe County], Mineral County and the Secretary of State, along with the Pyramid Lake Paiute Tribe—the State has taken steps to address these injustices, particularly through laws passed last session. Now, every tribe wanting a polling place or drop box has one. In 2024, there were 20 reservation-based polling places across the State, up from zero in 2016, with three new polling places in 2024; and we should be proud of this progress. Also, as a side note, we did early voting at the Walker River Paiute Tribe, and we had more of a turnout for the early voting on the reservation than the county.

While this was a great step forward, S.B. 421 addresses a few lingering issues. Previously, county clerks and tribes met to determine who would recruit poll workers, but the vague language in the law often left this responsibility unclear. As a result, many polling places lacked adequate staffing. Various short-term solutions were used, including staffing by the Secretary of State's Office and, in at least one case, a tribe contributing $5,000 to increase poll worker pay. No other community bears these kinds of burdens for their staff in polling locations.

To fix this, S.B. 421 explicitly assigns county clerks the responsibility to ensure that tribal polling places are fully staffed just as they do for all polling locations. Additionally, this bill addresses another key barrier, the requirement that potential poll workers travel long distances to the county office for in-person training, which has led to recruited poll workers dropping out. Senate Bill 421 mandates that clerks provide training in person at the tribal nation or virtually to eliminate this barrier.

Due to the laws passed last session, I believe we have the best tribal voting laws in the country; and we are a model for other states. These small but crucial changes will help ensure that tribal polling places are properly staffed and fully operational.

ARNOLD THOMAS (Vice Chairperson, Shoshone Paiute Tribe):
We support S.B. 421. Regarding the $5,000 effort to recruit additional poll workers, we are the tribal nation that had to seek additional funding because

our funds for hiring additional workers weren't sufficient. In addition to that, we experienced the lack of training because of the distance from Duck Valley or Lamoille Valley to Elko. It's an hour and a half one way to get to Elko County for the training. So, in the last several years, we requested training for our poll workers there in Duck Valley. The other option was virtual training. So, we encourage the support for S.B. 421, and thank you for all your support for the Walker River Paiute, Pyramid Lake Paiute and Andrea.

RYAN "CAL" BOONE (Tribal Outreach Coordinator, Office of the Secretary of State):
I am a citizen of the Walker River Paiute Tribe, but I am testifying today on Secretary Aguilar's behalf since he had to step out. The Secretary is in support of S.B. 421 as it expands native voting rights.

MR. VORTISCH:
I have submitted my written testimony (Exhibit M) in support of S.B. 421.

ISACK TENORIO (Campaign Legal Center):
I have submitted my written testimony (Exhibit N) in support of S.B. 421.

DEV BARARIA (Pyramid Lake Paiute Tribe):
I would like to thank Walker River Paiute Tribe members and Duck Valley Shoshone Tribe members who came out in support of this bill. Pyramid Lake Paiute Tribe is also in support.

PAUL LARSON (Lutheran Engagement and Advocacy):
On behalf of Lutherans across Nevada, we support S.B. 421.

MATHILDA GUERRERO MILLER (Native Voters Alliance Nevada):
I have submitted my written testimony (Exhibit O) in support of S.B. 421.

CHAIR OHRENSCHALL:
Seeing no opposition or neutral testimony and having no closing comments, I will close the hearing on S.B. 421 and hand the gavel over to Vice Chair Daly.

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):
I represent State Senate District 21 down in Southern Nevada. I am pleased to have the opportunity to present Senate Bill 428, which concerns the eligibility of public officers to continue to hold office if a situation arises where they no

longer reside in the area prescribed by law, together with the conceptual amendment (Exhibit P), which I have submitted.

SENATE BILL 428: Revises provisions relating to public office. (BDR 23-955)

Senate Bill 428 has four basic components. First, it clarifies that residency outside of the legal district constitutes and creates a vacancy and requires those candidates to swear, as part of their oath of office, that they will relinquish their office if such a vacancy occurs. Second, S.B. 428 specifies the process for filling such vacancies. Third, it makes an officer's residency information more accurate and accessible to election officials and the public. Fourth, S.B. 428 revises the voter's ability to challenge an officeholder if there is knowledge or evidence of a change of residence outside of the district prescribed by law.

At this point, I would like to emphasize how this bill came about and why it is necessary to make these changes. Residency requirements for political office have existed since the founding of our Republic. *The Federalist Papers* noted the lack of proportionate representation in England where most of their representatives in parliament, and I am quoting here, "do not even reside among the people at large, [and cannot] add anything either to the security of the people against the government, or to the knowledge of their circumstances and interests in the legislative councils."

Consequently, the structure of our State and national electoral system defines constituencies by territory, not by economic or corporate interests. As such, the primary goal of electoral districts is to ensure responsiveness to the people by representatives who speak and act in their name. In short, citizens are represented by the areas where they live and the representatives that they elect.

At the local level, district elections can allow neighborhoods to protect their interests while reflecting the character of their community. Elected officials who live in their prescribed districts understand that community's needs, those neighborhood's needs and their interests. When an elected official no longer resides in their legally defined district, that connection can be damaged or completely lost.

In Nevada, there have been several residency-related incidents in the last two decades in which a public officer candidate has been challenged for moving

out of their prescribed district or for being untruthful about their residency when they filed for office. The press made note of the challenges in Northern and Southern Nevada in 2002, 2006, 2008, 2013 and 2016. More recently, I am sure many of us are aware of a residency challenge that occurred last year at the local government level. Without getting into the details, one elected official who was purported to be living out of state was compelled to resign just as a local district attorney was proceeding with a court action to potentially force such action.

Without a resignation by the official, the office in question could not be declared vacant; and, therefore, another community representative could not fill that role and serve on behalf of those residents and their interests. Under current law, if the public officer fails or refuses to relinquish their office, the district attorney or the Attorney General, depending on the jurisdiction, must take legal action to declare that office vacant. Senate Bill 428 is designed to address such situations and to tighten definitions of residency.

At this point, Vice Chair, with your permission, I'd like to turn it over to my copresenters. I have former Chair of the Assembly Committee on Legislative Operations and Elections and former Clark County Commissioner Chair Chris Giunchigliani and current Clark County School Board Trustee Linda Cavazos, both on Zoom. With your indulgence, I would like them to address the bill, and then I am happy to walk through the sections and stand for any questions.

CHRIS GIUNCHIGLIANI:
I had asked Senator Ohrenschall to introduce this bill, and I want to thank him publicly. There's much merit in this to ensure the voting integrity by ensuring that individuals who run for office, for election or reelection, actually live in their district or ward. It is a nonpartisan housekeeping bill to tighten up several loopholes in statute.

For a bit of history: in 1999 I was chairing Assembly Elections and Ethics, and issues arose on how to better define residency. I asked Senator William Raggio for advice on language, and he directed me to *Black's Law Dictionary*. The resulting language became the current language in state law—it's where you live as opposed to constructively reside. Basically, it's where you lay your head at night, where your pets are, where your driver's license says you are.

Sections 1 through 7, which is current law, says it was intended to avoid sham residences. The current language which defines actual residence in section 8, subsection 1, paragraph (a) remains the same. But what we are asking to add is that you must continue to reside in that seat. I personally filed a written complaint with the Clark County District Attorney (DA) and the Attorney General. Additionally, five Clark County School District (CCSD) trustees sent a certified letter to the DA about Trustee [Katie] Williams who was not only not residing in her district but was also living out of state and was still being allowed to call in and cast her votes. I never heard back from either office. They did not even acknowledge the receipt of my complaint.

It became abundantly clear there was no process for the public to file. Eventually, after months, the five trustees learned that Metro [Las Vegas Metropolitan Police Department] was investigating. I then accidentally discovered that Metro has a unit to investigate public integrity but had no knowledge that an investigation was actually occurring. This bill now states that the complainant must be notified.

Senate Bill 428 most importantly adds to the oath of office two key provisions. I obtained the new oath language from the City of Las Vegas, and I want to commend them for that and feel this should be consistent statewide. It will lead to more ethical behavior and less shopping around for a seat. Please support this much-needed clarification of intent to better protect the integrity of elections. It's the voter's expectation when casting a vote that you actually reside, and continue to reside, in the area or the district that you are representing.

LINDA CAVAZOS:
I wanted to add the disclaimer that although I am an elected trustee with the CCSD Board of Trustees, I am speaking today as an individual, and I will defer to the copresenter, Ms. Giunchigliani. I do stand in full support of S.B. 428. It is a much-needed bill. We have had several instances, one of them very recently about which Ms. Giunchigliani spoke. I was there for many of the times we had constituents writing in, phoning in, messaging and asking what could be done about it with us finding out then that there was no clear public policy or protocol on which to file a complaint and to get some kind of resolution. So, at this time, I stand in full support and concur with the presenters of this bill.

SENATOR OHRENSCHALL:
Senate Bill 428 adds the obligation of an elected official to maintain legal residency to Nevada's public policy declaration concerning residency. The bill requires all members of the Legislature and other public officers, including municipal officers, to swear additional oaths, including that they will relinquish office due to an event causing a vacancy prescribed by law. Except for certain confidential information, a candidate's proof of identity and residency information is a public record. In addition, the certified candidate list exchanged between state and local election officials must contain the candidate's actual residence. Depending upon the jurisdiction, electors may file a challenge with the Attorney General or district attorney concerning a possible vacancy due to a residency issue, and the elector filing the challenge must be notified of the challenge hearing.

If vacancies for a nominee to a partisan office occur after the primary but prior to a certain date, the nominee's political party may select a replacement candidate. For legislative districts occupying more than one county, the county commissioners may jointly select a replacement candidate. For vacancies occurring after the July deadline, the nominee's name remains on the ballot, and a vacancy exists if the person is elected. For vacancies in the city general election occurring after the July deadline for such elections, the nominee's name will likewise remain on the ballot, and if elected, a vacancy would exist.

Vice Chair Daly and members of the committee, there is an amendment that was proposed by Clark County (Exhibit Q). You should have copies at your desk, and it should be on NELIS [Nevada Electronic Legislative Information System] . I have gone over that amendment with former Assemblymember and former Commissioner Ms. Giunchigliani, and I believe it actually improves on the bill. So, I do consider that a friendly amendment, and I support that in terms of enforcement. I am happy to answer any questions.

SENATOR KRASNER:
My question is in section 2, subsection 2, line 34, regarding that additional oath: "I ... do solemnly swear or affirm that I actually reside at ... ." I know we passed a law that said an elected official can use an alternate address that's in the district. Would this still allow the person to use that, but here you want them to provide their actual physical address?

SENATOR OHRENSCHALL:
Certainly, my intent is that the physical address where they actually reside is provided. As to the bill we passed last session, I think I would have to look at the bill number and try to get you some more information on that, but my intent is that their actual physical address where they reside is where they list.

SENATOR KRASNER:
In that same section, section 2, subsection 3, they will immediately notify the appropriate entities upon a change of address. Who are the appropriate entities?

SENATOR OHRENSCHALL:
Certainly, I think it would depend on the office, and it would depend on who would fill the vacancy. In certain cases, it could be the city council, it could be the city manager, it could be the county commission, county manager depending on the office; it could be the Governor and possibly the Secretary of State too if it is a legislative office. I think it would really depend on the office.

SENATOR KRASNER:
So, how would they know? It seems like that's important information. How do they know who to alert? Let's take a Nevada State Senator. There are two Assembly districts in each of our Senate districts. So, let's say they move from one Assembly district to another Assembly district, but they are both in that Senate district. But now they fall under this category where they have to alert someone. We need to know who we're supposed to alert, right?

SENATOR OHRENSCHALL:
Certainly, I think for the officeholder, if they no longer actually reside in that district, I think they certainly could contact their counsel for the office they are holding to find out who the appropriate entities are that would fill the vacancy; but maybe there needs to be more clarity in the statute, and that is certainly something I am open to as to what that might need to be.

VICE CHAIR DALY:
And Senator, it seems to me that part of the question there [is that] people are going to know who they need to go and notify. It seems to me like whoever you filed for office with, if you are running for city council, you go into the city clerk for filing. Where I live, my district is completely in Washoe County, so I go to the registrar's office to file. I know other Senators who have multiple counties have to go to the Secretary of State to file. So, they would have to notify, it

seems to me, whoever they file for office with is who they have to notify. The candidate is going to know that, and if they don't, well, we'll leave it at that if they don't know.

SENATOR OHRENSCHALL:
I appreciate your comments, Vice Chair Daly. It was an excellent catch on Senator Krasner's part. We'd hope everyone would know, but maybe there needs to be more clarity there as to who those appropriate entities are. Maybe it is a little more ambiguous than maybe I would have wanted.

VICE CHAIR DALY:
So my only question is, and it's just a confirmation, you are going to sign this oath and do this oath when you file. It's going to be a piece of paper you sign when you file is my understanding because that's the way I recall doing it.

SENATOR OHRENSCHALL:
This oath here in section 2 states upon entering the duties of the respective office. So, this oath in NRS 282.020 I see as being either upon election or upon appointment to that office, not upon filing here in section 2 as I read it.

VICE CHAIR DALY:
So when you get elected, you have to go back to whoever you filed with. Is it going to be you do it here when you get to the building; or when you get sworn in, there's going to be a new piece of paper you file? Can we maybe change that to say when you file, you are going to do this oath the same as the other that says you are going to do all of this stuff.

SENATOR OHRENSCHALL:
And that is another area in section 2 where maybe there needs to be more clarity because let's say someone filed and won their election but then bought a new house in the district, and there's no vacancy. They still live within the district. That wouldn't cause the issue. But as I read section 2, it would be something upon entering the office is how I read it.

ANAHIT BAGHSHETSYAN (Nevada Policy):
We support S.B. 428, (Exhibit R), which addresses a gap in our current system by ensuring that the officeholders and candidates not only meet the residency requirements when they file but also when they are holding the office. As we heard today, voters elect their representatives based on trust; and trust

oftentimes, especially in cases like this, is based on proximity. You cannot rely on your representatives to truly represent and authenticate with your problems unless they reside in the same district that you are asking them to represent.

Furthermore, it provides a mechanism for accountability. As we heard today from Chair Ohrenschall, the measure does not just protect the integrity of elections, it reinforces a principle that public service is rooted in genuine community engagement. At a time when public confidence in the Silver State is fragile, this bill would send a message to all voters that the Legislature and the public officials are committing to transparency and honesty. For those reasons, we are looking forward to the committee supporting this bill.

RAMONA ESPARZA-STOFFREGAN:
Although I am an appointed trustee on the CCSD, today I am speaking as an individual. I have had the opportunity to witness firsthand several unethical actions by a fellow former trustee that did provide clear evidence why I support S.B. 428.

I was among other representatives who submitted a letter to the DA to request an investigation of a former [school board] trustee not residing in District B. I will share only a portion of the letter to justify why this is necessary. We are deeply invested in the integrity of our democratic processes as public officials. It is imperative that our elected officials adhere to the highest ethical standards and fulfill their duty to represent the interests of their constituents who entrusted them with their vote. *Nevada Revised Statutes* 386.165 subsection 3 ensures that the residency requirement for election is not merely a formality but a fundamental aspect of ensuring fair and equitable representation. We are also questioning the legitimacy of those votes that were cast. Her dereliction of duties has impeded our process for rebuilding trust within all communities, and verification by Metro led to her resignation.

Here are specific examples where the swing votes that were cast did not repair [Earl B.] Lundy Elementary School that has since been reversed by the board: votes against obtaining independent board counsel to avoid conflicts of interest; absence for closed sessions where crucial decisions were made; absence from numerous school events, inclusive of graduation ceremonies, celebrations and student acknowledgments which required other trustees to represent; a windfall payout provided to the former superintendent; and an original agenda to appoint

a new superintendent instead of completing a national search with community input.

Numerous constituent concerns were unaddressed. Therefore, the lack of communication with constituents became other trustees' duties to be responsive. Said trustee had not notified board officers or counsel that her residence was not in Nevada. Collecting taxpayer funds while residing outside the State was highly unethical and lacked integrity. I am in full support of S.B. 428.

MS. GIUNCHIGLIANI:
The issue needs to be clarified. If you move in between your terms and you are still within your district, you just simply notify the entity where you filed to run for office that you are moving within your district. If the residence is out of the district, then the vacancy component comes in.

Secondarily to your question, the affidavit, for all of us who were elected, you get sworn in, even though you were elected in November or January, you are formally sworn in by a judge. That's when the oath of office is done, and you sign a document, even currently, so they can just add this language to that signed oath of office. That is who it would be filed with. So, it is the district in which you [filed]. If you filed for the city board, then you file the notice with the city. If it was with the county, you do it with the county. If it was with the Legislature, you do it with the State. So you need to clarify that, but that is the intent.

ALEX ORTIZ (Clark County):
We're here in neutral on this bill, and we thank the sponsor, Chair Ohrenschall, for allowing us to present the proposed amendment, Exhibit R, to S.B. 428.

DAVID CHERRY (City of Henderson):
We too appreciate the bill sponsor for bringing the proposed amendment, Exhibit R, on behalf of Clark County. We believe it adds some important clarity to the proposed legislation. We also appreciated the comments from Senator Krasner. We did have some concern with the final language in the oath; but with the bill sponsor agreeing to continue to work on that, we will continue to be in neutral based on the idea that he is a fine Legislator, and we'll be able to work it out.

MS. BURGANS:
I'll just start by saying it was hard to determine whether I wanted to come up in support or neutral because I do support the language of this bill. It's definitely going to be useful even at the county level with the multiple districts that we have. However, I have a couple of concerns that I just want to put on the record that I just came up with today; so I have not even emailed Senator Ohrenschall, but I'm sure he will be more than happy to work with us on these.

My number one concern is that in section 6, subsection 5, paragraph (a), it states that the proof of identity is a public record and may not be withheld from the public. However, I don't know if we're accounting for NRS 293.906 which is a confidentiality court order. A lot of our elected officials have those confidentiality orders; therefore, we would need to be able to redact information from those public records, the driver's license, such as the address. So, I just want to make sure that is being accounted for. We have just had that discussion.

And then also, the way this is being presented almost sounds like the driver's license is used for us to confirm the residential address when we are doing a candidate filing. However, that is not correct. The driver's license is used for identity, not for residency. For residency, a bill, utility or property tax, or anything else to prove residency can be used. So, I think we need to have a bigger conversation about the fact that the driver's license doesn't necessarily have to say where they reside. Maybe a little bit more of a conversation needs to be had. Senator Ohrenschall knows how to find me if the discussion needs to go further.

SENATOR OHRENSCHALL:
Thank you for hearing S.B. 428. I am very lucky to have great copresenters like our school board trustee and our former Assembly chair here. I think this bill is important because if an officeholder no longer resides in the district which they represent, they need to stop representing the district and resign; and if not, then there needs to be that vacancy, and that seat needs to be filled. I am happy to work with everybody who testified. I thank Senator Krasner and the Vice Chair for some of the catches. I think there needs to be some clarifications, and we have a little time to get that fixed.

VICE CHAIR DALY:
With that, we'll close the hearing on S.B. 428, and I'll turn the gavel back to Chair Ohrenschall.

CHAIR OHRENSCHALL:
I'd like to open the hearing on Senate Joint Resolution (S.J.R.) 1.

SENATE JOINT RESOLUTION 1: Urges Congress to enact legislation allowing the surviving spouse of a veteran to receive the military retirement pay of the veteran after the veteran's death. (BDR R-55)

SENATOR LISA KRASNER (Senatorial District No. 16):
Today, I will talk to you about S.J.R. 1 which urges Congress to support continuing military retirement pay for the surviving spouse of a deceased service member. Senate Joint Resolution 1 urges the United States Congress to enact legislation allowing the surviving spouse of the United States military veteran to receive the service member's military retirement pay after his or her death.

Some of the background information about this issue is, as S.J.R. 1 states, military retirement pay ends with the death of the retiree. However, there is a specific program now called the Survivor Benefit Plan (SBP). This plan allows a veteran to enroll and elect that some of the pay is taken out and reduced from the retirement [benefit], and allow his or her surviving spouse to receive a portion of the service member's retirement pay as an annuity. In exchange, the veteran receives, as I said, reduced retirement pay during their lifetime. The surviving spouse's annuity would be capped at a maximum of 55 percent of the deceased service member's monthly retirement pay for life. So what that means is the veteran doesn't actually pay into it but allows their retirement pay to be reduced so that when they die, their surviving spouse can receive that annuity; but it's capped at a maximum of 55 percent of the deceased service member's monthly retirement pay.

Here are some statistics for the 2022-2023 fiscal year from the Department of Defense. There are over 30,000 military retirees living in Nevada. There are 3,700 surviving spouses in Nevada receiving this annuity under the SBP program currently. And nationally, the average base pay is $2,900 a month for the program, including both officers and enlisted personnel. A surviving spouse, again, would only receive up to 55 percent of that amount. So, the maximum for the surviving spouse would be $1,600 a month.

According to the nonpartisan Congressional Research Service, only 69 percent of military retirees are signed up for the program. Congress is aware of the inadequacy of the benefit; and over the past several decades, Congress has considered whether the SBP program provides enough financial stability and resources for survivors.

The system itself is somewhat complex with some calculations based upon when a veteran enrolled in the program, base pay computations and other federal death benefit programs. Various sessions of Congress have considered proposals to increase or remove the capped amount, the 55 percent, that the surviving spouse receives.

They've also considered removing the service member's retirement pay offset, the amount that's taken out. They've also considered providing an automatic continuation of the retirement pay for the surviving spouse versus forcing the service member to pre-enroll in the SBP program upon retirement. This resolution, S.J.R. 1, is designed to add our voice to those calling for a simplified system of providing the surviving spouse of a veteran with the service member's pension in an adequate amount and without the added complication of pre-enrolling in a plan.

I'll leave you with a quote from former Congresswoman Carol Shea-Porter:

> I was a military spouse, and I lived on military pay. It is very difficult to do that. But we do that with honor and with gratitude for the chance to serve this country. I have great respect for the active members of the United States military and our military veterans who keep our country safe and who keep all of us safe.

The surviving spouse of a person who has served our country has already made an incredible sacrifice in their support role, and I hope that you will support S.J.R. 1.

CHAIR OHRENSCHALL:
This legislation is so important to veterans in our State and across the country. Hopefully, Congress will listen to this resolution.

SENATOR DALY:
I don't know if you or one of the gentlemen behind you can answer my question. How old is the spouse benefit plan? How long has it been in place? My only frame of reference, and I don't know how the military works, is on the private side of the defined benefit plan. If you have a pension similar to what they have for the period of time that you were married, the spouse has a right to part of that. The default is a 50 percent benefit, but you can have a higher one; the spouse is the one that has to say no, I do not want to opt into it. And I do not know if that is the same under the military side of it or how long it's been in place.

You said 69 percent of people have opted for it, which means 31 percent had an option, but they did not take it. So, I'm just trying to figure out if someone's made an option not to take it. It's the same thing on the private side though. If you do take it, there is an offset; there is a reduction because you are paying out the same amount of money. It's an actuarial calculation, but you are going to be paying it out for a longer period of time. Women live longer, so they make that actual calculation so that you pay the same amount of money over the period of time, at least with the anticipation that people will live. I know that was a lot, and I do not know if you have the answer to the question, but maybe one of the gentlemen might.

SENATOR KRASNER:
I don't know that answer. Maybe one of the gentlemen behind me, veterans, do.

SENATOR DALY:
I tried looking up some of those questions as well, and it was unclear on how it worked. I am not going to hold you to any of this.

JOHN STRAHAN:
I am Lieutenant Colonel, Retired, U.S. Army. The first question was how long the program has been available to the service members. I enlisted in 1975. It was an option then. The second question had to do with spouses and their half of it?

SENATOR DALY:
For my first questions, it's been in existence for some period of time. Those people that are retired knew it was there and could have done whatever they

were doing. Does the spouse have a right to that? For instance, on the private pension side, my wife and I have been married 38 years coming up in May. For 35 of those years we've been married, she would have a right to part of my pension should I die. And if we don't take the spouse survival option, she has to sign off on that if we do not do it. So, the option is there; it's not my choice, it would be the spouse's choice. I am just trying to see if that's the same scenario [with the military].

MR. STRAHAN:
When I retired in 2015, I was given the option to elect the SBP or decline it. I elected it. Had I declined it, my spouse also had to sign a paper declining the SBP.

SENATOR DALY:
So, it does work very similarly. The spouse gets the option, and then the couple together make a determination on whether they take it or not.

MR. STRAHAN:
If the service member says no, I do not want it, the spouse has to concur with that and sign the document saying we declined to take the spouse benefit.

SENATOR DALY:
But if the spouse says I want it, then she gets it. I'm trying to figure out that if people have made these deals, what we are trying to get with the resolution is maybe to take the cap off or increase the amount because the way I read it, and I am not against it or anything like that, is that we want Congress to give to the spouse survivor, even if they opted out of it. They made a choice to opt out of it.

MR. STRAHAN:
I think the decision to opt out is based on financial considerations of age at retirement, expected lifespan and whether the money could possibly be invested in a private investment account versus planning for the annuity to run its course.

SENATOR DALY:
I did the same thing when I retired. I see a lot of the members through our private pension plan. I am still a trustee on that, on the options that they are allowed to take, and some of them don't take the spouse survivor benefit. Once

you do not take it, you are out, you do not get another bite at that apple. But the spouse has to agree, and it's the whole family on the planning. If the spouse dies first and it still does not go back up there, some of them have a pop-up option. If the spouse dies or you get a divorce and you marry someone else, that spouse does not have an option, they are not going to get anything.

I was trying to get to what are we really trying to get to with the option because it seems to me if we are trying to raise it up to 100 percent or a higher level or we are trying to say I opted out of it but I don't want to now, and I want you to pay me anyway, I don't know that we are actually trying to do that. That's what I was trying to get to is what question are we really asking for them to do? Because it seems to me if you opted out of it, you opted out of it and you've got to live with that.

SENATOR KRASNER:
I understand it's little bit confusing. So let me just back up and tell you even why I am bringing this bill. Every year, the Department of Veterans Services has an annual symposium, one in Northern Nevada and one in Southern Nevada. A couple of veterans there, a female and a male veteran, said that a lot of times there's a military spouse, let's say it is the husband, and then the wife, just for an example, but it could be either gender.

Usually, the veteran moves around a lot because they're deployed to different places, but they're the primary breadwinner. The spouse doesn't really have time to cultivate much of a career because they are moving around so much, so that spouse is reliant upon the pay of the service member. Now, when that service member dies, the spouse that remains has no source of income or very little; hopefully, they elected for this [SBP] when the military member was alive so that surviving spouse would get at least this 55 percent of pay, which I think we said was $1,600 a month maximum. That was the concern—that the surviving spouse is in a bad position.

SENATOR DALY:
I was just reading again what it says, "urging Congress to enact legislation allowing the surviving spouse of a veteran to receive the military retirement pay of the veteran after the veteran's death." To me, that's unclear based on the fact that some people have the option and are choosing not to take it. This would seemingly say, even though you choose not to take it, we still want you to get it anyway which means they didn't reduce the benefit that was paid on

the actuarial calculations they have to make in order to pay a pension. So the people that opt for it, like you said, they took it, his was reduced a little, when he dies, his spouse will get that 55 percent based on that reduction; and to me, what this is asking for is to say, we didn't take it, I got the higher amount, and I still want you to give even more because I didn't take it at a higher amount to someone who decided not to take it.

I'm just thinking that what we're asking for needs to be clearer because I think it's unfair for him to take a reduction and get the deal, and then we're going to urge Congress for her to continue to get the pay, which she is, or maybe we just want to raise the cap, to make it more equitable versus the person who said I didn't take it, didn't take the reduction, and now we want to say go ahead and give it to them at a higher amount. I don't see that as being equitable.

CHAIR OHRENSCHALL:
I might refer to our legal counsel who might be able to comment on some of these concerns.

KELSEY DELOZIER (Committee Counsel):
I would be happy to look into that and follow up on those questions.

SENATOR KRASNER:
I would be happy to work with you if you have some language that you might want to suggest that you think would provide clarification. I would be happy to accept that as an amendment.

SENATOR DALY:
Like I say, I'm not in support or against it. Maybe we just need to say instead of urging Congress to give the spouse ... to maybe bump up the match or whatever or to alleviate or reduce some of the things you said they've talked about doing. So, not having a reduction in the pay in order to get it. But I don't think we should ask, in fairness, for families that decided not to take the option to say now I want to change my mind, and we should be asking Congress to give it to them anyway. But bumping up the amount, I think, is a reasonable thing to say we want to do; not having a reduction in the pay, I think, is a reasonable thing to do; but saying someone should get the pension when they already made the option not to I don't think is fair to the people that did it the right way in the first place.

CHAIR OHRENSCHALL:
I'm going to chime in too. I'm thinking if Congress did enact this, maybe then the military service members who are eligible to receive retirement and their spouse would not have to make that choice. If Congress just enacted a federal law that said that when someone retires from their military service, either after 20 years or through medical eligibility, then they'll receive their full pension until the end of their life, and then their spouse will also receive their full pension. I feel like we have something like that for retired members of the judiciary in Nevada. I don't know exactly how that works with spouses, but it could be that Congress says that military members who serve 20 years and their spouses don't have to make that decision. That's another option potentially.

MR. STRAHAN:
I am representing myself and veterans across Nevada. I have five points I'd like to make about this. Passing S.J.R. 1 and lending support to the possibility of Congress changing the law to allow the widow of a military retiree to continue receiving his or her pension recognizes family sacrifices. Spouses and veterans play a crucial role in support during and after service, often relocating, frequently, pausing their own careers and not being able to build up their own retirement and financial stability. It also prevents a sudden financial hardship of couples living solely on a military retirement pay, and the pay ends abruptly when the veteran's death stops the pension unless they've enrolled in the SBP just discussed. This sometimes obviously leaves the surviving spouses without any immediate financial support. It also promotes dignity and stability. Continuing the retirement benefits can provide a measure of financial stability and peace of mind in already difficult times. As a moral obligation, just as we promise to support our veterans, we owe continuing debt to these families. This resolution would urge Congress to fulfill that promise.

One thing I would add to earlier discussions of the SBP, yes, it's an optional annuity program that a service member and a spouse elect to enroll in or not enroll in. I believe the legislation changes pending in Congress would basically do away with that plan and just continue the retired pay to the surviving spouse until their death. And on another note on the SBP, it is a deduction up to about $750 a month of base retirement pay with the 55 percent cap of the retiree's base pay, something we didn't discuss earlier. So, if a service member pays into the SBP for 10, 15, 20 years and the spouse dies before the service member, that money does not come back to the service member. That money stays in whatever account that it's paid from. It can be held in advance in case a service

member remarries and tries to get somebody else enrolled on the SBP. But basically, you pay this money as an insurance policy for the spouse. If the spouse precedes you in death, you don't get to say can I have my premiums back. You're not going to pay off the annuity. It ends at that point.

ANDREW LEPEILBET (United Veterans Legislative Council):
We support S.J.R. 1 entirely. Lieutenant Colonel Strahan covered one of the key points. The retiree is actually funding this by a reduction in their retirement pay. They don't just sign up for it. They pay for it every year. Our issue and why we think this bill is vital is you're probably all right; this would probably go away if we would take care of the spouse once the veteran dies and give them the same retirement pay. Many of these veterans who've served around the world with their spouses who've endured much of what they've endured—yes, maybe they weren't being shot at directly [or dodging] bombs and rockets like their spouse—but they've dragged their children around this planet and have lived this event with the veteran. The problem is they don't have a serial number having served in the military, but they served every one of the years along with their veteran spouse before that individual retired. So, this really is something we need to see happening. It needs to extend the benefits if the veteran or retiree dies before the spouse.

DARROL BROWN (United Veterans Legislative Council):
As you can see by my hat, I served in the U.S. Air Force. To the point that Andy [LePeilbet] made about spouses serving around the world, when I was married in the Air Force, they were taking money out of my check and giving it to my spouse whether she was living with me or not. I never could understand that because we lived together in Japan for 16 months, and they took money out of my monthly check and gave it to her while we were living together.

I am a retired Nevada State employee; I am a retired U.S. federal employee; and I am a 100-percent service-connected disabled veteran. So, if she survives me, she will receive all or part of those benefits. So, I find it very inconsistent. Since my father died in 1962, as a 100-percent service-connected veteran, my mother received his VA benefits for 37 years until she died in 2009. So I find it highly inconsistent that the surviving spouse of a retired veteran would not get the same benefit. I appreciate your points, Senator Daly, about what is going on, but I strongly support S.J.R. 1.

KATHY DOYLE:
I support the bill. My father was in the Marine Corps. All my male cousins were in the Marine Corps. Everybody's retired now. I can understand [the position] that the surviving spouses of many of these veterans [are in]—they spent their years supporting their spouse while sacrificing their own careers. I think every military person who has honorably served his or her country, whether in battle or behind a desk and meets the requirements for retirement pay, should be able to pass this on to their surviving spouse, be it raising the cap or however you tweak it. I think the surviving spouse needs to have more benefits, especially today of this economy. So, please vote yes on S.J.R. 1.

LYNN CHAPMAN (American Legion Auxiliary):
I am in favor of this bill. My father was a World War II vet. After my mom passed away, my dad remarried a few years later to someone that my parents were friends with. Ruth had a husband who was in World War II and a colonel when he retired, but he had passed away. She really didn't receive a lot of money. She went with him with the two kids all around the world and worked at jobs once in a while when she could find a job in a foreign country or different places around the U.S., but she couldn't work for long because her husband would be sent somewhere else. So her social security wasn't really a very big check. It was really difficult for her. It was a blessing when my dad and Ruth got married so they could pool their money together. It was just really a very hard time for her after her husband passed away. So, this would be something that would be helpful for a spouse. When their spouse passes away, they have to have something to live on, especially nowadays when it is very difficult. So please pass this bill.

MR. WLASCHIN:
I do have a job with the State, but I am here now testifying as an individual. I enlisted in the Marine Corps in October 1998 and spent 20 years in the Corps. After a few years, I was selected for a commissioning program where I met my wife; and she spent the next 14 years with me, the rest of my time in the military, bouncing around countries and raising our kids.

Thinking about the resolution further, it explains why my wife is so adamant that we have healthy meals and that I exercise. She's trying to keep me around longer than not. We did consider the SBP when I got close to retirement. My first day as a civilian after my 20-year career was January 1, 2019. We talked about the SBP and had to weigh getting out of the military, buying suits and

ties, a house and other things. All three of my boys were growing, so our thought was do we take the money for them now or pay it forward. We opted to pay it forward and are part of the SBP.

I think the message this resolution sends is a very clear message of support and appreciation for the families, recognizing the team sport nature of it all. And overall, ditto the comments from the other individuals, but I encourage support of S.J.R. 1 as an individual.

FRED WAGAR (Veterans of Foreign Wars, Department of Nevada; Disabled American Veterans):
I am an Army retiree. I wanted to address a couple of things that came up early about the resolution and the language [in my support] (Exhibit S). Just to keep in mind, this resolution is for Congress. They are going to determine what this program is going to look like and what actions they are going to take. They'll include the start date and change in federal law, etc. I'm assuming that if the spouse gets 100 percent, there would be more service members and more spouses taking the benefits, even if it's a choice.

As my wife did throughout my military career, these individuals make significant sacrifices, enduring long periods of separation, relocating frequently and managing households singlehandedly all while their loved ones, like me, served in perilous and demanding conditions.

Upon the passing of a military veteran, their devoted spouse faces financial insecurity due to limitations on the benefits they receive. Currently, military spouses, as noted before, only receive up to 55 percent of the veteran's benefits and only if the veteran signed up for the SBP at the time of their military retirement. Awarding military spouses 100 percent of military veteran benefits upon the veteran's death is a recognition of the spouse's invaluable contributions and sacrifices. It would ensure they can continue to live with dignity and security. Such a policy would provide assurance that the nation stands by them even in their time of loss, honoring their commitment and resilience.

It is both a moral and practical imperative to ensure that military spouses receive 100 percent of military veteran benefits upon the veteran's death. The nation's gratitude should extend beyond the veteran and encompass the family that supports them, ensuring their well-being in every phase of life.

In passing S.J.R. 1, Nevada would be urging Congress to enact legislation allowing the surviving spouse of a veteran to receive the military retirement pay of the veteran after the veteran's death.

MS. KNAAK:
I am recommending a yes vote on S.J.R. 1. I am a daughter of a vet. My dad passed away in 2009, then my mother passed away in 2021. And I took care of her the last four years of her life. They are both buried in the Southern Nevada Veterans Cemetery. I am asking for a yes vote.

CHAIR OHRENSCHALL:
We received a letter in support of S.J.R. 1 from Ann Sweder (Exhibit T).

SENATOR KRASNER:
Thank you, Chair Ohrenschall, and the committee for giving me the opportunity to present this bill today. And a huge thank you goes to the veterans and service members and members of the public who took time out of their day to come and testify in support of S.J.R. 1. I hope you'll vote yes.

Remainder of page intentionally left blank; signature page to follow.

CHAIR OHRENSCHALL:
With that, I'll close the hearing on S.J.R. 1. Having no public comment, the meeting is adjourned at 5:47 p.m.

RESPECTFULLY SUBMITTED:

Connie Summers,
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.B. 74	C	3	Secretary of State Francisco Aguilar	Presentation: Overview
S.B. 74	D	4	Secretary of State Francisco Aguilar	Mark Wlaschin / Conceptual Amendment
S.B. 74	E	5	Mark Wlaschin / Secretary of State's Office	Additional NRS Details
S.B. 74	F	5	Mark Wlaschin / Secretary of State's Office	Repealed Statutes
S.B. 74	G	8	Ryan Vortisch / Silver State Voices	Written Testimony in Support
S.B. 74	H	9	Maureen Schafer / Council for a Better Nevada	Written Testimony in Support
S.B. 74	I	16	Senator James Ohrenschall	Written Testimony in Opposition: Saige Draeger / Verified Voting
S.B. 74	J	16	Senator James Ohrenschall	Written Testimony in Opposition: Ann Sweder
S.B. 74	K	16	Senator James Ohrenschall	Written Testimony in Opposition: Joseph Schulz
S.B. 74	L	16	Janet Campbell	Written Testimony in Opposition
S.B. 421	M	18	Ryan Vortisch / Silver State Voices	Written Testimony in Support
S.B. 421	N	18	Izack Tenorio / Campaign Legal Center	Written Testimony in Support

S.B. 421	O	18	Mathilda Guerrero Miller / Native Voters Alliance Nevada	Written Testimony in Support
S.B. 428	P	19	Senator James Ohrenschall	Conceptual Amendment
S.B. 428	Q	22	Senator James Ohrenschall	Ashley Kennedy / Clark County Proposed Amendment
S.B. 428	R	24	Anahit Baghshetsyan / Nevada Policy	Written Testimony in Support
S.J.R. 1	S	37	Fred Wagar / VFW, Department of Nevada; DAV	Written Testimony in Support
S.J.R. 1	T	38	Senator James Ohrenschall	Ann Sweder / Written Testimony in Support