

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

**Eighty-second Session
May 2, 2023**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:29 p.m. on Tuesday, May 2, 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 Heidi Seevers Gansert
Senator Lisa Krasner

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Howard Watts, Assembly District No. 15

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Teresa Benitez-Thompson, Chief of Staff, Office of the Attorney General
Eileen Reavey, National Popular Vote
Raymond Haynes, National Popular Vote
Emily Persaud-Zamora, Silver State Voices

Senate Committee on Legislative Operations and Elections
May 2, 2023
Page 2

Jennifer Willet, All Voting is Local
Annette Magnus, Battle Born Progress
Aria Flores
Eric Jeng, Asian Community Development Council
Tobi Tyler, Sierra Club
Daela Gibson, Planned Parenthood Mar Monte
Douglas Goodman, Nevadans for Election Reform
Sean Parnell, Save Our States
Janine Hansen, Independent American Party
Shawn Meehan, Guard the Constitution Project
Lynn Chapman, National Eagle Forum
Susan Proffitt, Nevada Republican Club
Brittany Sheehan
John Colaw
Al Rojas
Caroline Smith, Nevada Federation of Republican Women
Melissa Clement, Nevada Right to Life
Jim DeGraffenreid, Nevada Republican Party
Katrin Ivanoff
Unidentified Testifier No. 1
Cyrus Hojjaty
Michael Ryan
Ellen Gifford
Jill Douglass, Battle Born Republican Women of Southern Nevada
Oscar Williams
Irena Cardenas
Unidentified Testifier No. 2
Eddie Facey
Craig Ullery
Joy Trushenski
Bob Russo
Celine Cinq
Jerome Fritz
Marvin Weissberger
Theresa DeGraffenreid
Barbara Jones
Pauline Lee, Keystone Corporation

Senate Committee on Legislative Operations and Elections
May 2, 2023
Page 3

CHAIR OHRENSCHALL:

We will begin with Assembly Bill (A.B.) 13.

ASSEMBLY BILL 13 (1st Reprint): Revises provisions related to governmental administration. (BDR 23-418)

TERESA BENITEZ-THOMPSON (Chief of Staff, Office of the Attorney General):

The Nevada Whistleblower Protection Act contained in *Nevada Revised Statutes* (NRS) 281.611 through NRS 281.671 provides for an administrative process to appeal reprisal or retaliatory action taken against a State employee for disclosing information concerning improper governmental action. My testimony ([Exhibit C](#)) further explains A.B. 13.

I will guide you through the bill. In section 1, subsection 1 we have modified the original time frame of ten days. We are proposing 60 days, as it aligns with the local governmental time frame. There will be consistency between State and local government in the time frame for the appeal. Line 29 of section 1 has been stricken from the statute; the language allowed the hearing officer to terminate an employee. That is the conclusion to the changes we are requesting.

CHAIR OHRENSCHALL:

We will close the hearing on A.B. 13. I will open the hearing on Assembly Joint Resolution (A.J.R.) 6.

ASSEMBLY JOINT RESOLUTION 6: Proposes to amend the Nevada Constitution to adopt the National Popular Vote Compact. (BDR C-389)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

Today, I am joined by Eileen Reavey with the National Popular Vote who will assist me in presenting this bill. First, I will provide high-level background on what A.J.R. 6 does and why it is important. I will provide additional background and walk through the resolution.

This bill would have Nevada join the National Popular Vote Interstate Compact. This is an ongoing effort among states to allocate their electoral votes collectively to the winner of the national popular vote in the contest for the United States President. This came before the Legislature previously in 2019. It ultimately was not successful. I was a cosponsor of the legislation working to enact this then and felt it was important to bring it back for consideration by the

Legislature and ultimately by the voters of Nevada. I am someone who has done work directly in civic engagement, trying to get people in our community involved in our democratic process.

I look back on the history and progress that this Country has made in increasing democratic participation. At one point in time, our United States senators were chosen by state legislatures. They were not elected directly by the people. That was a change we made. We have seen the expansion of voting rights to women, people of color and to youth aged 18, 19 and 20. In the election of the United States President, our Electoral College is enshrined in the Constitution. Nothing says that electors must be picked by the voters. At the beginning they were not. They were selected by state legislatures; today, the states retain the power to determine how electors are assigned. Most states do that through a winner-take-all system in elections in their state elections. Some states allocate their electors differently through the winner of the vote in individual congressional districts. This results in certain voter's voices not being heard.

There are a wide variety of those scenarios. If you are a Republican voter in a strong Democratic state, that state is always going to give its electoral votes to the Democratic candidate for President. Those Republican votes do not count in a Presidential election. If you are a Democratic voter in a strong Republican state, even in our swing states with close elections decided by sometimes relatively small margins, whoever is the winner of that winner-take-all election, whoever was on the losing side of that, their votes no longer count for determining the President of the United States. At the end of the day, we are not electing the president of an individual state, we are electing the President for this entire Nation. Everybody, every voter's voice should have the same weight in making that determination. That is what A.J.R. 6 seeks to do. When most of the electoral college states join this compact, 270 electoral college votes, this compact would go into place and those states would allocate their electoral votes based on whichever candidate for President wins the popular vote across the entire Country.

While this is a proposed constitutional amendment, it is important because we are expanding voting rights in accordance with some other things such as recall referenda, ballot initiatives or another expansion of people's voting rights and powers. This would go into the Constitution where some of those other provisions lie. If Nevada decided to withdraw from the compact, it could do so through statute. I want to make sure it is noted that the amendment would

have to pass in two consecutive Legislative Sessions and then be approved by a vote of the people. This is about ensuring every voter's voice has the same weight and is counted in determining who becomes the President of the United States.

EILEEN REAVEY (National Popular Vote):

This is one of the most monumental election reforms of our lifetime. Applying the fundamental principle of one person, one vote to our Presidential elections awards Nevada's electoral votes to the candidate who receives the most popular votes in all 50 states and the District of Columbia. My testimony ([Exhibit D](#)) further explains the resolution and goes through the provisions of [A.J.R. 6](#).

I will address a document ([Exhibit E](#)) answering the most common objections we hear across the Country concerning the National Popular Vote. These misconceptions are part of an effort to distract attention from the defenders of the current state-by-state, winner-take-all method of electing the President. Those defenders never address and cannot address the current system of electing the President. The shortcomings of the current system are the Presidency does not go to the candidate who gets the most votes nationwide, makes every vote equal and gives candidates a reason to campaign in all 50 states. The National Popular Vote Compact would do this. The way we elect our President is broken.

SENATOR KRASNER:

In Article II, Section 1 of the United States Constitution, our founding fathers have enumerated how each state shall appoint in such manner as the Legislature thereof may direct several electors equal to the whole number of senators and representatives to which the state may be entitled in Congress. They have called out how these electors should be chosen. It seems like your bill is trying to circumvent and amend the United States Constitution. I would direct you to Article V of the United States Constitution where our founding fathers clearly called out four different ways that the United States Constitution can be amended. You can call it a compact or whatever you want. Some people try to find a way to oppose this bill. People also feel you are circumventing the United States Constitution and Article V by doing this. What are your thoughts on that?

ASSEMBLYMAN WATTS:

I disagree with your concerns. In Article II, Section 1, the Constitution explicitly gives the power to state legislatures to determine how their electors are allocated. That is a power given directly to the states. States currently use different methodologies to do that. Some states determine who their electors are and leave the Electoral College in place. In some of the first elections we had, the outcome was not determined with any input from the voters whatsoever. Then our Country moved to the kind of system we have today, which in most states is winner-take-all. In some states, it is allocated based on winners in congressional districts. This is a power that individual states have. This proposes to guarantee the voters will always have a voice in this process moving forward in determining the President. An individual state could choose to allocate its electoral votes based on the winner of the national popular vote right now. We are trying to ensure we do that in a concerted effort with other states to guarantee the actual outcome is the winner of the Presidency of a contest among the entire Country. We want the person who gets the most votes across the Country to win. Since it is within the power of an individual state to determine, it is also within the power of states to come together. It does not bypass the Electoral College. States determine who their electors are, and that is still done with the popular vote.

Additionally, you mentioned this bypassing some constitutional amendment process. It leaves the Electoral College in place. This is a method wherein states would choose to come together and allocate their electors based on a different methodology. This does not circumvent the Electoral College. The determination of electors and how they are allocated is a power that is delegated specifically to the states.

Another concern I have heard is this is unconstitutional because it is a compact not ratified by Congress. Caselaw has determined two types of compacts. There are compacts where the issues involved supersede the powers and authorities of an individual state. One example is the Colorado River Compact in Nevada which governs the management of the river that flows through multiple states and some of the aspects of how that works supersedes the jurisdiction of any individual state. That had to be entered in among all the participating states and then ratified by Congress. Another set of compacts are within the powers delegated to the states. We have so many licensure compacts. Nevada is a part of the Interstate Medical Licensure Compact. That compact was not ratified by Congress. The licensure of occupations are powers delegated to the state within

its jurisdiction. States choosing to band together and apply a uniform methodology for items within their authority can be enacted without requiring congressional approval. I hope that provides some clarification.

SENATOR KRASNER:

The Colorado River Compact has a few states involved. It is not all 50 states. You are seeking to change the way the President of the United States is elected. You both stated that in your testimony. That is something our founding fathers did address in the United States Constitution. You did say you want to amend the Nevada Constitution to make sure it is enshrined in stone as to how it will be done, what will be done to choose the President of the United States. Our founding fathers decided how that will be done. They did give leniency to the states and the state legislatures. They also made it clear that there are only four ways to amend the United States Constitution. Those are addressed in Article V.

ASSEMBLYMAN WATTS:

Those are two separate sections of the United States Constitution. The founding fathers envisioned one thing in creating the Electoral College. The states decide how they allocate their electors. Under the National Popular Vote Compact, Nevada will still have its six electors. We are going to choose to allocate those six electors to the winner of the National Popular Vote in concert with other states that would choose to do the same. Ultimately, we have seen a move toward increasing the power of individual voters to participate in the democratic process. I respect the fact that people have landed on this current methodology. States could adopt different methodologies individually. It is constitutional and states could enter some other arrangement because it is within their state authority to do so. Candidates running for President are not in a congressional district. It is not a state. It is the United States of America. Each voter's weight across the Country should be equal in making that determination.

CHAIR OHRENSCHALL:

If A.J.R. 6 were to pass this Legislative Session, would it need to be considered again in 2025? Would it then go to a vote of the people?

ASSEMBLYMAN WATTS:

That is correct. That is our method for initiating State constitutional amendments via the Legislature. It would have to be passed this Session. It would have to be passed again in 2025 in identical form. Then it would go on

the ballot in 2026 for the people to decide. This bill explicitly provides that if we decide we do not want to remain part of the compact, we can withdraw from the compact via statute. It does not require a subsequent constitutional amendment. If for any reason, we decided we wanted to withdraw, the earliest that could take effect from the perspective of Nevada joining, would be for the 2028 presidential election if we hit that threshold by July 20, 2028, across all the United States.

SENATOR KRASNER:

You are proposing a Nevada constitutional amendment that goes through the Nevada Legislature twice and then a vote of the people. It will be enshrined in the Nevada Constitution. Then you said if we want to get out of the compact, we simply withdraw. If it is enshrined in the Nevada Constitution, we will have to amend the Nevada Constitution again to take it out. It will require Legislators to consecutively vote yes on an identical form and go to another vote of the people. Is that correct?

ASSEMBLYMAN WATTS:

Article 15, Section 14B, subsection 2 of the proposed resolution addresses this. "The State of Nevada may withdraw from the National Popular Vote Compact by statute, and may rejoin by subsequent statute, subject to the provisions of subsection 4 of Section 14A of this Article."

Our power derives from the Constitution. We would be amending the Constitution and saying we want to join this compact. We are explicitly reserving the power to the State Legislature to choose if we would want to withdraw from the compact at some point in the future or to rejoin. An additional constitutional amendment would not be necessary if we enact this because we are specifically reserving the power to the Legislature to decide how it would like to proceed moving forward. This is about the power of individual voters and how they feel the United States President should be elected. This language allows us to put that to a vote of the people to decide what they want to do while still reserving the Legislature's fundamental power to ultimately decide how we wish to allocate our electors in the future.

SENATOR KRASNER:

I would like to direct my question to Legal Counsel. If we are amending the Nevada Constitution and there is a process to amend the Constitution to go to

the Legislature twice and then a vote of the people, would taking this out require an additional amendment?

BRYAN FERNLEY (Counsel):

If this resolution were to be approved by the Legislature twice and approved by the voters, that provision being referenced would reserve to the Legislature. That is the power to withdraw from the compact by statute. The power of the Legislature is in the Constitution. You would not need a further constitutional amendment to get out of the compact if the Legislature exercises authority under that provision to withdraw from the compact by statute.

SENATOR KRASNER:

Would you need a further amendment of the Nevada Constitution to remove the language?

MR. FERNLEY:

The language would have no effect because of the statute. The Legislature would have withdrawn from the compact by statute. The language would be of no effect because the Legislature has withdrawn.

CHAIR OHRENSCHALL:

Assuming this passes and A.J.R. 6 passes in the same form in 2025, the voters approve it at the 2026 election, then a subsequent Nevada Legislature decides to withdraw from the compact. Can that be done by legislative action and not require a subsequent constitutional amendment to withdraw from the compact?

MR. FERNLEY:

Yes, that is correct. It would not require a subsequent constitutional amendment to withdraw from the compact. The language would be in the Constitution, but it would have no effect.

RAYMOND HAYNES (National Popular Vote):

I am a national spokesman for the National Popular Vote Interstate Compact. I am a conservative and support this resolution. My testimony ([Exhibit F](#)) explains my position on A.J.R. 6.

We should have a real concern where 75 percent to 90 percent of the American public does not have input into who becomes President of the United States. Another objection is how the votes are counted. The compact has a process. It

relies upon the chief election official in each state for the final vote. We choose over 500,000 elected offices in this Country by popular vote except for the President of the United States.

EMILY PERSAUD-ZAMORA (Silver State Voices):

Today, we are in strong support of A.J.R. 6. The concept of one person, one vote is the cornerstone of our democracy. Reflecting the fundamental notion that each person's voice should carry equal weight in shaping our society and upholding political equality is a consistent effort to removing barriers to voting and to promote inclusivity and diversity representative at all levels of government. Nevada has made great strides over the past few years to modernize our election systems and ensure all voters can cast their ballots. Enacting the National Popular Vote Compact would strengthen Nevada's leadership in safe, secure and equitable elections. We are hopeful that this will move forward and look forward to voters having a say in their democracy.

JENNIFER WILLET (All Voting is Local):

I support A.J.R. 6. Nevada has made significant strides to ensure accessible elections through universal mail-in ballots and same-day-voter registration. As a result, Nevada has become a national leader in promoting democratic ideals by joining the National Popular Vote Interstate Compact. Nevada will continue to champion democratic values and ensure that every vote is counted equally. No voters should be disadvantaged based on where they live, and every American should have an equal say in who becomes our President. This bill represents a crucial step forward toward ensuring that every vote is counted equally and that the will of the people is accurately reflected in our electoral process.

ANNETTE MAGNUS (Battle Born Progress):

We stand in support of A.J.R. 6 because we support the principle that every person's vote should count in every Presidential election. The biggest form of disenfranchisement is the perception that one person's vote does not matter.

ARIA FLORES:

I am here in support of A.J.R. 6. Nevada is among the states leading and making elections more secure and accessible for all our voters. We have a chance to update our institutions when it comes to the Presidential elections. We ensure that every vote is counted fairly and that the people's voices across our Country are treated equally. This will make our State more responsive and

representative of the many opinions of our citizens on who should be the President of the United States.

ERIC JENG (Asian Community Development Council):

We have a growing Native Hawaiian and Pacific Islander population here in our great State. We are in strong support of A.J.R. 6 and ditto to the comments made in support.

TOBI TYLER (Sierra Club):

On behalf of the Sierra Club, the world's largest environmental volunteer organization with more than 30,000 members and supporters Statewide, I am speaking in support of A.J.R. 6. This resolution would allow Nevada to join the National Popular Vote Interstate Compact. Nevada would choose its electors for President based on which candidate wins the national popular vote. This allows one person, one vote to count toward electing a President. The best option is for Nevada to join the compact which will have the effect of electing the Presidential candidate with the most popular votes.

DAELA GIBSON (Planned Parenthood Mar Monte):

We are in support of this bill and ditto other statements.

DOUGLAS GOODMAN (Nevadans for Election Reform):

In 2019, the Legislature passed A.B. No. 186 of the 80th Session. The Legislature was deciding if Nevada was going to join the National Popular Vote Interstate Compact. Governor Steve Sisolak vetoed the bill. The difference between A.J.R. 6 and A.B. No. 186 of the 80th Session was a statute. Nevada voters have the opportunity in 2026 to decide if they want to join the compact. Voting yes on A.J.R. 6 means you value the opinions of the constituents you support. Voters should have a role in determining how Nevada and the Nation elect the President and Vice President and have faith and trust in their judgement. Let Nevadans decide what is best for Nevada and the Country.

SEAN PARNELL (Save Our States):

I am in strong opposition to A.J.R. 6 and am testifying today on behalf of Save Our States Action, an organization that defends the Electoral College and opposes the National Popular Vote Interstate Compact. I have spent nearly ten years on this issue and have done a fair amount of technical analysis of the compact. My testimony ([Exhibit G](#)) focuses on the most critical technical

defects in the compact and the problem with the entire concept underlying the national popular vote.

The national popular vote imposes a broken vote counting process that in a close national election is going to cause a crisis to get rid of the Electoral College through a constitutional amendment to solve these problems. If you want to deal with winner-take-all, deal with winner-take-all. That can be done now. It does not have to be a compact that may go into effect years from now or possibly never.

JANINE HANSEN (Independent American Party):

I oppose A.J.R. 6 in my testimony ([Exhibit H](#)). The National Popular Vote Compact creates instability jeopardizing the peaceful transfer of power the Electoral College has provided for over 200 years.

SHAWN MEEHAN (Guard the Constitution Project):

I regularly consult in my work with constitutional scholars and attorneys. The compact clause is important here as Thomas Jipping, a legal scholar at The Heritage Foundation, said that some states are strengthened and some states are weakened in the process. It was a compromise between the strength of the people and the strength of the states. The states elect the President. There is no such thing as one person, one vote in the Electoral College. It is one state, one vote.

Over 10,000 amendments have been attempted in the history of the Constitution, and 700 of them attempted to amend the Electoral College. All have failed. We must stay with the Electoral College.

LYNN CHAPMAN (National Eagle Forum):

Why would we want to take Nevada's voice away in the Presidential elections? That is what the national popular vote does. We should want to have the voices of all Americans heard. If the President is elected based on a plurality, then the minority would not have a chance of having their candidate elected. Only the concerns and interests of more heavily populated areas such as the East and West Coast cities would be represented. Interest of the minority and less populated areas would be set aside and be of little interest to future Presidential candidates. Minority voter interest will no longer matter at the national level. Only the whims of the majority will matter, and the result will be precisely why Socrates opposed a democratic form of government. Once a majority finds a

way to remain permanent, the majority class will become oppressive to the minority class. There will be no means to overturn the majority no matter how skewed the majority's view. This is a dangerous idea to put into our State Constitution. Please vote no on A.J.R. 6.

SUSAN PROFFITT (Nevada Republican Club):

Governor Steve Sisolak vetoed the popular vote bill because it would relegate our State to the back of the bus during a Presidential campaign. Assemblyman Watts stated this resolution ensures every voter's voice would be heard, but it appears he fails to understand the dangers of usurping the U.S. Constitution also hide within the rhetoric, the most glaring contradiction to today's protestimony. Nevada is such a small state in population and we only have six electoral votes. The popular vote process will dilute our vote and Presidential candidates may choose to skip Nevada altogether. Assemblyman Watts said we will choose six delegates, but delegating our vote to someone is not allowing my voice to be heard. We only have six electoral votes, and small states with smaller populations like Nevada will be discarded. Both Democratic and Republican candidates will ignore the states choosing to make a constitutional amendment. It appears to be a far-left attempt to bypass Governor Joe Lombardo, so the Governor cannot veto it. I discovered the only states that have passed it are heavily Democratic states run by Democratic governors. I believe America needs two healthy parties. The extremes on both sides are not able to take us too far in either direction. I urge you to scrap this constitutional amendment and vote no on A.J.R. 6. This is a bipartisan request.

BRITTANY SHEEHAN:

Former Governor Steve Sisolak did veto this bill. Nevadans will not be confident if we are flip-flopping every two years on the way that we run these elections. We are going to have a legal challenge and it is going to be open to the interpretation by the Nevada Supreme Court. It is problematic. Even though I am a Republican, U.S. Senator Harry Reid did a good job of making Nevada important in this Country. As a Republican or a Democrat, the attention to our State is important. We want to be first in the West. We are at risk of losing that when Nevadans votes do not matter. Some people in this Body mock that and call people who are not confident in our systems conspiracy theorists. We had an election and elected Joe Lombardo as our Governor. In his platform was election integrity, security and transparency and that is what we voted for. These are pro-Nevada ideas. Please vote no on A.J.R. 6.

JOHN COLAW:

One thing touched upon in testimony was that a candidate could win the State and give all the electoral votes to the other candidate who did not win. How do you handle ties in the Electoral College? Apparently, we do not need that anymore. I oppose A.J.R. 6.

AL ROJAS:

I am opposed to this bill for several reasons. One thing being overlooked is the Presidential elections pull more people to vote every four years. Less people are going to participate in the electoral process. It is not going to be representative of most people. Every state should speak up for itself to voice who it wants as a Presidential candidate. Why would you want another state to speak for you? We want to speak for ourselves as Nevadans. I am totally opposed to A.J.R. 6. A lot less people are going to participate in the decision-making process.

CAROLINE SMITH (Nevada Federation of Republican Women):

Please vote no on A.J.R. 6. It amends the Nevada Constitution. My testimony ([Exhibit I](#)) gives my reasons for opposition.

MELISSA CLEMENT (Nevada Right to Life):

I am registering our opposition to A.J.R. 6. Nevada is a small state with unique issues. No other state has the amount of federally owned lands as Nevada. Mining, gaming and water are issues unique and important to our State. Today, Congresswoman Dina Titus mentioned since the 1980s, Nevada has fought the federal government and other states in the Union that wanted to dump their nuclear waste in our State. We have fought back successfully as a State. We hold our own on a national basis. Why is that? It comes down to our six electoral votes. Six votes out of 270 does not seem like a lot, but each Presidential candidate must put together a path to 270 that requires campaigning with geographic diversity. That is why it is important for Nevada to bring Presidential candidates here. If the election becomes about popular votes, those votes can easily be harvested from the major cities, making the urban issues of the highest population cities the issues that candidates will hear about and respond to. This is not a partisan matter; this is a Nevada matter. A vote for A.J.R. 6 gives away significant power we have at a national level.

JIM DEGRAFFENREID (Nevada Republican Party):

On behalf of Republicans in the State of Nevada, I would like to communicate our opposition testimony ([Exhibit J](#)) to A.J.R. 6.

KATRIN IVANOFF:

I am in strong opposition of A.J.R. 6. This is going to change what the U.S. Constitution was meant to stand for. People have been trying to erode the Constitution little by little. Start representing constituents of this State and vote no on this appalling view.

UNIDENTIFIED TESTIFIER NO. 1:

I am opposed to A.J.R. 6.

CYRUS HOJJATY:

All this is about getting the outcomes you want or getting the outcomes that favor whatever you are trying to do. I ditto all the testimony in opposition to A.J.R. 6.

MICHAEL RYAN:

I am a Marine Corps veteran. Please vote no on A.J.R. 6. It will make Nevada a meaningless flyover State in Presidential elections and do away with all of Nevada's work to become significant in the Presidential election. California, Texas, New York and Florida will decide the winner of the election. The National Popular Vote Compact circumvents the Electoral College in our U.S. Constitution.

ELLEN GIFFORD:

Nevada gained Statehood in 1864 and has participated in every U.S. Presidential election since. Nevada has an individual and unique environment, commerce and population that makes its own Presidential choices. The votes of Nevada citizens should not be mingled with or canceled by the votes of California, Texas or any other state. The national popular vote seeks to do this. It also seeks to cause our Presidential electors to violate Nevada election laws. *Nevada Revised Statutes* 298.065 states that in order to be a Presidential elector, a person must sign a pledge that says he or she agrees to vote only for the nominees who received the highest number of votes in the state in violation of this law. This bill requires the state's Presidential electors to mark their Presidential elector ballot for the national popular vote winner regardless of who won in their own state. Nevada votes are cast by the citizens in Nevada, processed in Nevada and counted in Nevada. They are the votes of Nevada citizens and should represent Nevada's election results, not the election results of another state. I oppose A.J.R. 6.

JILL DOUGLASS (Battle Born Republican Women of Southern Nevada):

We oppose A.J.R. 6 because it is a bad bill that makes Nevada voters insignificant. The way we elect our President is not broken. Your constituents overwhelmingly oppose this bill. Former Governor Steve Sisolak did state the issue well when he vetoed this legislation in 2019. He knew this would greatly diminish the voice of Nevada voters. Our founding fathers realize the dangers of the national popular vote as it could lead to a tyranny of the majority. The creation of the Electoral College system gives states with smaller populations, such as Nevada, a voice in the Presidential election.

OSCAR WILLIAMS:

I am opposed to this bill. It proposes a compact of states. We are the United States. It creates division by its very nature. Do we now oppose other states not in the compact? There is no reason to support this bill that has been opposed by a Democratic governor.

IRENA CARDENAS:

I strongly oppose this bill. This is a clear violation of our constitutional rights. I hope you act in good faith and represent most of the voices and opinions in your communities in Nevada. A lot of people across the board are rejecting this bill.

UNIDENTIFIED TESTIFIER NO. 2:

I am dismayed about this. I strongly oppose A.J.R. 6.

EDDIE FACEY:

Public confidence in elections is already low. This lack of confidence is bipartisan. Some people believe that certain states make it too difficult to vote, while others believe it too easy to cheat. Under this legislation, election misconduct taking place thousands of miles away could have more impact on Nevada's Presidential vote than the entire electorate of Nevada. We understand that election results only affect the state where the events take place. Under this legislation, it would not only make those events more impactful but give motivated partisan actors across the Country an increased incentive to confuse voters to obtain a preferred partisan result. I urge your opposition on A.J.R. 6.

CRAIG ULLERY:

A lot of people will be disenfranchised by this bill. Our founders considered the national popular vote and rejected it because it lacks the checks and balances to protect minority rights. I oppose A.J.R. 6.

JOY TRUSHENSKI:

Please vote no on A.J.R. 6. Nevada will no longer be important in the Presidential elections and all of Nevada's work to become significant as a swing state will be gone. The Electoral College was set up to protect the smaller populated states from the larger populated states. The people in the smaller populated states have a voice. All states should count in the major decision to elect a President of the United States. The national popular vote circumvents the voices of the people and would destroy our State as a swing state.

BOB RUSSO:

I oppose A.J.R. 6. There is overwhelming opposition to this resolution. This compact would dissolve the Electoral College. The State's electoral votes would go to the winner of the popular vote. This would essentially eliminate the voice of smaller states such as Nevada in Presidential elections while placing the destiny of our Country in the hands of the most populated states. The focus of Presidential campaigns will be on the larger states. We would be a flyover state.

CELINE CINO:

I support everything said in opposition to this bill. I do not participate often, but I felt compelled to come tonight to express my concern over this proposition. Please vote no on A.J.R. 6.

JEROME FRITZ:

This bill disenfranchises me by taking away my vote because I am not voting for the popular person all the time. I am not always a party line voter. If my person does not win, I do not want the only option to be to vote for the popular person. I oppose A.J.R. 6.

MARVIN WEISSBERGER:

The proponents of this bill say it is a nonpartisan issue. I disagree. It is strictly partisan. The founding fathers put the Electoral College in place for checks and balances. You have a winner and a loser in each state. It is a matter of the state voting. I strongly oppose this bill.

THERESA DEGRAFFENREID:

Supporters of the National Popular Vote Compact say that every vote will count, but under National Popular Vote, candidates do not need every vote, they do not even need a majority, only a plurality, and it is much easier for them to collect those votes in large urban areas. We often hear the argument that the National Popular Vote would correct the failure of the Electoral College which occurs when the winner of the popular vote does not win the electoral vote. It is important to note that this is not a failure. Under the constitutional system, candidates are not trying to win the popular vote. Everyone on both sides of this issue today can agree that candidates will campaign differently if the goal is to win the popular vote. There is no simple way to know who would have won the popular vote in any past elections. The Nevada Constitution is just fine. Vote no on A.J.R. 6.

BARBARA JONES:

The national popular vote does not restore trust in our elections. Please vote against A.J.R. 6.

PAULINE LEE (Keystone Corporation):

We are strenuously opposing A.J.R. 6 which attempts to include the National Popular Vote Compact in the Nevada Constitution. Governor Steve Sisolak vetoed the National Popular Vote bill because it would diminish the role of smaller states like Nevada in national electoral contests and force Nevada's electors to side with whoever wins the nationwide popular vote rather than the candidates Nevadans choose in cases like this where Nevada interests could diverge from the interests of large states. This bill rejects our current Electoral College system. It wants to allow only a handful of states to elect the president. Those states are the large states including California and New York.

CHAIR OHRENSCHALL:

I have one support document ([Exhibit K](#)) and seven documents ([Exhibit L](#)) in opposition to A.J.R. 6. We will close the hearing to A.J.R. 6. Our last item on the agenda is public comment.

MS. HANSEN:

It has been a long hearing. I thank Chair Ohrenschall for the fair way in which the hearing was conducted. Everyone had an opportunity to speak, and I thank you for your patience.

Senate Committee on Legislative Operations and Elections
May 2, 2023
Page 19

CHAIR OHRENSCHALL:
We are adjourned at 6:48 p.m.

RESPECTFULLY SUBMITTED:

Barbara Young,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 13	C	3	Teresa Benitez-Thompson / Office of the Attorney General	Support Testimony
A.J.R. 6	D	5	Eileen Reavey / National Popular Vote	Support Testimony
A.J.R. 6	E	5	Eileen Reavey / National Popular Vote	Document Answering 15 False Statements
A.J.R. 6	F	9	Raymond Haynes / National Popular Vote	Support Testimony
A.J.R. 6	G	11	Sean Parnell / Save Our States	Opposition Testimony
A.J.R. 6	H	12	Janine Hansen / Independent American Party of Nevada	Opposition Testimony
A.J.R. 6	I	14	Caroline Smith / Nevada Federation of Republican Women	Opposition Testimony
A.J.R. 6	J	14	Jim DeGraffenreid / Nevada Republican Party	Opposition Testimony
A.J.R. 6	K	18	Senator James Ohrenschall	Support Document
A.J.R. 6	L	18	Senator James Ohrenschall	7 Documents in Opposition