

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

**Eighty-second Session
March 16, 2023**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:45 p.m. on Thursday, March 16, 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)

STAFF MEMBERS PRESENT:

Nicolas Anthony, Policy Analyst
Barbara Young, Committee Secretary

OTHERS PRESENT:

Mark F. Kampf, Nye County Clerk
Susan Proffitt, Nevada Republican Club
Janine Hansen, Independent American Party of Nevada
Barbara Jones
Bob Russo
Dora Martinez, Nevada Disabilities Prevention Coalition
Jim DeGraffenreid, Nevada Republican Party
Renee Resendez
Lisa Partee
Leslie Quinn

Senate Committee on Legislative Operations and Elections
March 16, 2023
Page 2

P.J. Belanger
Dana Englekirk
Cyrus Hojjaty
Tracy Thomas
Jill Douglass, Battle Born Republican Women
Lori Johnson
Kelvin Bell
Melody Judilla, Silver State Voices
Susan Hoffecker

CHAIR OHRENSCHALL:

Today, we are going to hear Senate Bill (S.B.) 215, which came out of the Joint Interim Standing Committee on Legislative Operations and Elections. I will be presenting the bill as I served on the Interim Committee.

SENATE BILL 215: Revises provisions relating to mechanical voting machines and mechanical recording devices. (BDR 24-363)

VICE CHAIR DALY:

We will open the hearing on S.B. 215.

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

During the 2021-2022 Interim, the Joint Interim Committee heard testimony relating to electronic voting equipment used in the State. Some counties were considering moving away from mechanical voting machines or mechanical recording devices to implement all-paper ballot voting and/or the hand counting of ballots. Putting the policy implications of paper ballot voting and hand counting aside, there was concern among the Joint Interim Committee members. State funds could be or were already being wasted on unused electronic voting equipment, since the State helped finance the purchase of new equipment just a few years before in 2018.

During the Seventy-ninth Legislative Session, the Legislature appropriated \$8 million to the counties to overhaul aging, electronic voting equipment. The new voting machines purchased with this money were intended to be used until they needed replacement; however, allegations of voter fraud during the 2020 elections prompted several counties to reconsider the use of such machines.

In October 2021, Lander County approved funding to replace its voting machines purchased in 2018 with machines from a different vendor. The allegations of voter fraud have been repeatedly proven false. These were good voting machines the county decided to replace, based on false claims. Nevada taxpayers fronted the bill for an unnecessary purchase of new voting machines.

In 2021, county commissioners in Esmeralda, Nye and Lyon Counties considered requesting their counties move to an all-paper ballot system and eliminate the use of voting machines altogether. None of the counties implemented an all-paper ballot system; however, it is still a possibility.

To ensure any future State funds allocated for the purchase of electronic voting equipment are used efficiently and effectively, S.B. 215 requires cities and counties to return such funds to the State if the city or county decides to discontinue the use of such electronic voting equipment to implement voting by paper ballot. This bill does not prohibit a city or county from implementing an all-paper ballot system. It stipulates that if any State money was used to purchase electronic voting equipment that will no longer be used due to voting by paper ballot, such money must be returned to the State.

The bill does not require cities or counties to return State funds if they decide to replace electronic voting equipment with equipment from another vendor. *Nevada Revised Statutes* 293B.1045 provides cities and counties the flexibility to purchase any mechanical voting system approved for use in Nevada by the Secretary of the State. This bill does not change that. Senate Bill 215 would not be able to recoup any State funds from Lander County's decision to cease use of its 2018 voting machines, but it would be able to recoup funds from other purchases of voting machines that would be returned to the vendor, per contractual limitations, if replaced with paper ballot voting.

Finally, this bill is not retroactive. These provisions would not apply to the State money allocated during the Seventy-ninth Legislative Session, as it would be unfair to ask for money to be returned already allocated without such stipulations. This bill becomes effective on July 1, 2023. Any State money awarded to cities and counties for the purchase of voting equipment on or after that date would be subject to provisions of the bill. Senate Bill 215 is a preemptive measure to ensure State funds allocated for the purchase of electronic voting equipment are not wasted.

SENATOR SEEVERS GANSERT:

For clarification, this is not about systems already purchased which have been used or not, and the bill is not retroactive. Counties can change the system they are using from one brand to another if approved by the Secretary of State. If they change systems, it is fine if the system is electronic or mechanical. Any money spent to date would not have to be refunded if counties chose to go to a hand counting system or paper system.

SENATOR OHRENSCHALL:

That is correct. The way the bill is written, it is not retroactive. Funds provided from the Seventy-ninth Legislative Session would not have to be paid back if a county or city decided it wanted to make the conversion to a paper ballot or to change from one type of mechanical voting system to another if approved by the Secretary of State pursuant to the statute. The two machines approved by the Secretary of State are the Dominion and the Election Systems & Software and would not require return of funds.

SENATOR KRASNER:

In the November 2022 elections, some counties decided not to use their machines. Would they be responsible for paying back money?

SENATOR OHRENSCHALL:

The way S.B. 215 is written, it is not retroactive. The bill would not apply to any counties that decided to use paper ballots in the last election using any of the funds provided by the Seventy-ninth Legislative Session to purchase those new machines.

VICE CHAIR DALY:

All Nevada counties used the machines in the 2020 elections. In the 2022 elections, at least one county decided to go to all paper ballots. If that continues and counties go to all paper ballots for the 2024 elections, will they need to reimburse the State for machines not being used?

SENATOR OHRENSCHALL:

If S.B. 215 passes and is signed into law, it becomes effective on July 1, 2023. If counties or cities decide to then switch to paper ballots based on the funds provided by the Seventy-ninth Legislative Session, no monies would have to be returned. The bill is not retroactive.

SENATOR SEEVERS GANSERT:

The 2017 purchases are not in question. We are not asking for any money back for those purchases in the future. If there was another allocation, say in 2027 for voting machines and a county chose to accept the money to buy the mechanical or electronic voting machines and decided not to use them, then the money would need to be returned. In the future, if allocated money is accepted by a county and then not used, would it have to be returned?

SENATOR OHRENSCHALL:

Yes, that is correct. Senate Bill 215 is written in a prospective way. If this bill passes and is signed into law, county and city clerks in charge of elections would be on notice. If money is accepted for purchasing new mechanical voting systems and the decision is made to go to a paper ballot system, the money would need to be returned.

SENATOR SEEVERS GANSERT:

If new machines are purchased, would counties be able to opt in or out if they chose not to accept money? If counties never took the General Fund money in the first place and decided to use a paper ballot system, would they be responsible for the funds?

SENATOR OHRENSCHALL:

If no money is accepted for the voting machines, there would be no money to be returned.

MARK F. KAMPF (Nye County Clerk):

I testify in opposition to S.B. 215 in my written testimony ([Exhibit C](#)).

SUSAN PROFFITT (Nevada Republican Club):

I oppose this bill. I sued Joe Gloria, former Clark County registrar of voters, and won the right for meaningful observation of the election process from start to finish. I have worked in every election since 2020. If you want to know how to save money or move money where it needs to be to improve the system, our team will let you know. You do not need any more voting machines because people do not want them. Senate Bill 215 is just one more bill on a long list of bills that have caused voters to distrust your system. This bill is punitive, and it puts handcuffs on your registrars. They are going to be less likely to want to hand count.

Senate Committee on Legislative Operations and Elections
March 16, 2023
Page 6

JANINE HANSEN (Independent American Party of Nevada):

We oppose S.B. 215 in our statement ([Exhibit D](#)). We support the discretion of the people in the counties to determine how they will conduct voting using paper ballots which have been used in Nevada since inception. I appreciated Senator Ohrenschall's explanation of the bill and that it is not retroactive. If this bill allows us to use paper ballots, I am not opposed.

BARBARA JONES:

Local control will be lost, and counties will lose. Nye County had the courage to do away with the voting machines. I am against S.B. 215.

BOB RUSSO:

I oppose S.B. 215. Ditto to the testimonies of Mark Kampf and Janine Hansen. We live in a republic where people and the residents have a voice. I believe the method of voting should be decided by the county.

DORA MARTINEZ (Nevada Disabilities Prevention Coalition):

We are people with disabilities who are blind, hard of hearing and have speech impairments. This bill will eliminate our right to vote independently. The Americans with Disabilities Act of 1990 passed over 30 years ago. I believe this bill will take us backwards, so please oppose S.B. 215.

JIM DEGRAFFENREID (Nevada Republican Party):

The Nevada Republican Party opposes S.B. 215 in our statement ([Exhibit E](#)). I appreciate that this bill is not retroactive but would like it stated more clearly within the bill.

RENEE RESENDEZ:

I am opposed to S.B. 215. I do not want to see any more mechanical voting machines that tally the vote. I did not like the games that were being played with the so-called recount, even though a hand count was requested. Thousands of dollars were wasted on the recount.

LISA PARTEE:

I echo sentiments of the previous testifiers. We need to support county choice on voting. I hope you will say no on S.B. 215.

LESLIE QUINN:

I strongly oppose S.B. 215. I helped Nye County hand count and found there were many problems with the Dominion machines. Please let us go to in-person paper voting only on Election Day. Then you will see who wins the election. Make America great again.

P.J. BELANGER:

I am opposed to S.B. 215. It is punitive for government to gain more control over the people. On a broader scope are the words "appropriated funds" and that they should be given back to the General Fund.

DANA ENGLEKIRK:

I am opposed to S.B. 215. I echo the comments of Janine Hansen and others who have testified.

CYRUS HOJJATY:

Ditto to the previous callers. I do not see the need for voting machines. The opposition to voting machines is not a partisan issue. Michael Moore spoke about how voting machines are rigged and helped George W. Bush win the 2000 election. I do not see transparency in the use of voting machines and have heard the Gaming Control Board has a lot of influence. Vote no on S.B. 215.

TRACY THOMAS:

I oppose this bill because it is forcing counties to maintain antiquated machines with no way to get new machines or transfer to a different system. The old machines that were purchased from the 2018 funds are no longer in service, so this makes no sense. I do not approve of S.B. 215.

JILL DOUGLASS (Battle Born Republican Women):

I object to S.B. 215 which revises the provisions related to mechanical voting machines and recording devices as written. It is an overreach of the government to eliminate manual voting by and for all elections to be done by machines. This will disenfranchise voters in the county who used manual voting in 2022. It is not clear what the law will or will not do. I question why it is important.

LORI JOHNSON:

I oppose S.B. 215 and do not think we need this bill.

KELVIN BELL:

I am neutral on S.B. 215. Upon hearing the presentation of the bill by Senator Ohrenschall, I did not hear a provision in the future for faulty voting machines. He mentioned no fraud was determined thus far, but if a problem is found in the future with the machines, I did not see a provision in the bill that states the counties could return those machines without being penalized financially. I urge you to consider an amendment to that effect.

MELODY JUDILLA (Silver State Voices):

I am neutral on S.B. 215 because the current language needs to be clarified.

SENATOR OHRENSCHALL:

Before I speak to the concerns of the bill, there were claims made about prior elections and allegations of voter fraud that I will address. Everyone has the right to their opinion, and I support free speech; however, I am very concerned about repeated false claims. Our current Secretary of State is a registered Democrat, and our former Secretary of State was a registered Republican. There were many court challenges in our State that went through the courts and no evidence of widespread voter fraud was found. Those repeated false claims try to create doubt in terms of the integrity of our elections which is unfounded.

As to the bill, it is not retroactive. This bill would not prohibit any county or city from switching to a paper ballot voting system. If S.B. 215 is passed, it will protect our constituents and our taxpayers. Every county and city that conducts elections will be on notice. If funds are accepted from the State for purchasing mechanical voting machines and then a decision is made to go to a paper ballot system, money would need to be returned. This bill does not require any change from monies that were appropriated from the Seventy-ninth Session. As to locking in any counties or cities into antiquated machines, this bill would not prohibit changing to another kind of mechanical voting machine if approved by the Secretary of State. This protects our taxpayers. Senate Bill 215 is prospective and would put every county and city election official on notice to make a choice whether to accept State funds for purchasing mechanical voting machines.

VICE CHAIR DALY:

The Committee received four documents ([Exhibit F](#)) in opposition to S.B. 215. The hearing on S.B. 215 is closed.

Senate Committee on Legislative Operations and Elections
March 16, 2023
Page 9

CHAIR OHRENSCHALL:

Last item on our agenda is public comment.

SUSAN HOFFECKER:

When I went to the polls to vote, I asked if they wanted to see my identification. They said no. I was sent to a voting booth; thereafter, I handed in my voting ballot which was put into a machine. I walked away feeling uncomfortable. The way the elections are confirms my thoughts that stuff is not right. This Country is going south. I would like to keep the voting local, under local jurisdiction.

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

Senate Committee on Legislative Operations and Elections
March 16, 2023
Page 10

CHAIR OHRENSCHALL:

Since there is no more public comment, we are adjourned at 4:36 p.m.

RESPECTFULLY SUBMITTED:

Barbara Young,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 215	C	5	Mark Kampf	Statement in Opposition
S.B. 215	D	6	Janine Hansen / Independent American Party of Nevada	Statement in Opposition
S.B. 215	E	6	Jim DeGraffenreid / Nevada Republican Party	Statement in Opposition
S.B. 215	F	8	Senator Skip Daly	4 Statements in Opposition