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Staff Report
BOARD MEETING DATE: July 11, 2023

DATE: July 11, 2023
TO: Board of County Commissioners
FROM: Jeanne Herman, Commissioner District 5
THROUGH: Eric Brown, County Manager
SUBJECT: Approve and adopt Resolution creating the Elections Citizens Advisory Board that will provide feedback to the Washoe County Board of Commissioners on election operations, systems, and issues and consist of 1 active registered voter representing each district and 2 At-Large active registered voters possessing technological knowledge of election systems. (All Commission Districts)

SUMMARY

As part of the discussion of the Election Group report on June 6, 2023, the Audit Committee suggested a Citizens Advisory Board for Washoe County elections would be beneficial for incorporating a constituent base into the existing election program structure.

Washoe County Strategic Objective supported by this item: Strengthen our Culture of Service

PREVIOUS ACTION

Board has received several requests through public comment for the establishment of a formal organization through which voters can provide feedback and a two-way discussion between community and elected officials on election issues.

BACKGROUND

The Board of County Commissioners (BCC) establishes Citizen Advisory Boards (CABs) by resolution through Washoe County Code 5.427 (Establishment of Boards) where residents share similar concerns and interests.

The Washoe County Citizen Advisory Board (CAB) program purpose, intent, and structure are established by direction of the Board of County Commissioners. The primary purpose of the Citizen Advisory Boards as approved by the Board of Commissioners is to review and collect feedback from the community on various issues.

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Recruitment and appointments will be made based on the Resolution that allows for appointments and the quarterly meeting schedule will be determined; allowing for one additional special Citizen Advisory Board meeting per fiscal year for a total of five for the Election Citizen Advisory Board. The current membership will be 7 members.

Resolution to create a new Election Citizen Advisory Board is attached hereto.

FISCAL IMPACT

The funding for this CAB is in the existing budget of the Constituent Services program for Fiscal Year 2023/2024.

RECOMMENDATION

Recommendation to approve and adopt Resolution creating the Election Citizen Advisory Board that will provide feedback to the Washoe County Board of Commissioners on election operations, systems, and issues and will consist of 1 active registered voter from each district, appointed by the commissioner for that district, and 2 At-Large active registered voters with technological knowledge of election systems, appointed by the Board as a whole.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be "recommendation to approve and adopt Resolution creating the Election Citizen Advisory Board that will provide feedback to the Washoe County Board of Commissioners on election operations, systems, and issues and will consist of 1 active registered voter from each district, appointed by the commissioner for that district, and 2 At-Large active registered voters with technological knowledge of election systems, appointed by the Board as a whole."

RESOLUTION

WHEREAS, The Washoe County Commission is dedicated to improving citizen involvement in Washoe County; and,

WHEREAS, Citizens in Washoe County have expressed desire to establish a formal organization through which they can regularly communicate their concerns and views to the Washoe County Board of Commissioners; and

WHEREAS, Washoe County Commissioners wish to obtain information and advice on the concerns of citizens on a regular basis; now, therefore, be it

RESOLVED, By the Board of County Commissioners of Washoe County, Nevada, that the Election Citizen Advisory Board be established under Sections 5.425 to 5.435 inclusive, of the Washoe County Code; and be it further

RESOLVED, That the Election Citizen Advisory Board's purpose is to provide feedback and two-way discussion between the community and elected officials on election operations, systems and related concerns within Washoe County's jurisdiction; and be it further

RESOLVED, That the membership of the Election Citizen Advisory Board consist of 1 active registered voter from each district, appointed by the County Commissioner for that district, and 2 at-large active registered voters with technological knowledge of election systems, members, appointed by the County Commissioners as a whole; and be it further

RESOLVED, That in addition to applications from individuals as described under Sections 5.425 to 5.435, inclusive, of the Washoe County Code, membership nominations may be made by organizations and community groups; and be it further

RESOLVED, That the initial terms of office shall officially begin the date the County Commissioner appoint the members, but shall thereafter run from July 1 through June 30 of the appropriate years; and be it further

RESOLVED, By the Board of County Commissioners of 'Washoe County, Nevada, that the Election Citizen Advisory Board shall be established effective July 11, 2023.

ADOPTED this 11th day of July, 2023

Alexis Hill, Chair
Washoe County Commission

ATTEST:

Washoe County Clerk

Draft Staff Report

SUMMARY

This matter is brought to the Board's attention to publicly set forth on the record challenges within the current system of voter registration and processing of ballots in Washoe County which have been shown to be inadequate in meeting various requirements of the Nevada Revised Statutes, Nevada Administrative Code, Nevada Constitution, and federal laws. This item requests the Board to approve resolution authorizing measures for the same.

Washoe County Strategic Objective supported by this item:

Fiscal Sustainability – Long-Term Sustainability & Efficient Delivery of Regional Services

Economic Impacts – Meet Needs of Growing Community & Support a Thriving Community

Innovative Services – Strengthen Our Culture of Service & Promote Experimentation & Innovation

PREVIOUS ACTION

On February 22, 2022, the Board of Commissioners of Washoe County failed to pass a resolution to address the challenges within Washoe County's elections.

BACKGROUND

The Board of Commissioners of Washoe County consistently receives significant public comment expressing a desire to adopt proposals related to the accuracy, security, and purity of elections.

Pursuant to NRS 244.164 and WCC 5.451, the Board of County Commissioners of Washoe County created the office of Registrar of Voters and appointed a Registrar of Voters to assume all the powers and duties vested in and imposed upon the Clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election.

The Board of County Commissioners recognizes the authority of State and Federal law over many aspects of elections conducted by Washoe County, such as, but not limited to:

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| Observation (NRS 293.274) | ID requirements (NRS 293.277) |
| NVDMV registration (NRS 293.524) | Same day registration (NRS.8837) |
| Early Voting (NRS 293.356) | Ballot harvesting (NRS 293.8864) |
| ADA provisions (NRS 293.2955) | Recounts (NRS 293.480) |

Mail ballots (NRS 293.8844)
Recounts (NRS 293.404)

Voter challenges (NRS 293.535)
Electronic Systems (NRS 293B)

Washoe County also recognizes its responsibility to conduct its elections in a manner that follows the law and ensures accuracy and security, reduces opportunities of fraud, reduces outside influences, ensures responsible use of taxpayer dollars and resources, ensures the ascertainment by proper proofs of persons entitled to the right of suffrage, and preserves the purity of elections (Nevada Constitution, Sec. 6). It is recommended that a Resolution be adopted in support of that position and direct measures to be implemented as allowed by law.

As allowed by law, measures to ensure accuracy, security, and purity of elections may include the following:

1. Immediately correct the current voter registration list in verification with the National Change of Address (NCOA), and Washoe County Assessor and Vital records and ensure new applications are verified in the same manner before they are entered into the voter registration system;
2. Ensure the strict use of Washoe County registered voters as poll workers;
3. Providing equitable and fair opportunities for observation;
4. Enacting any other measure that ensures the accuracy, security, and purity of elections;
5. Quarterly reporting by the Registrar of Voters of all measures, and improvements thereto, used to ensure accuracy, reporting, and purity of elections;
6. Ensure bipartisan teams are scheduled in two shifts (one morning/day, one afternoon/swing) for all positions;
7. Ensure the counting procedure is public and continues without adjournment until completed (NRS293.363);
8. Ensure ballots are counted by hand in order to be counted by hand in a recount (NRS 293.404);
9. Ensure same day registrations are issued a paper provisional ballot of a different color than precinct paper ballots;

FISCAL IMPACT

Increased labor costs will be offset by reduced costs associated with maintenance and management of electronic systems.

RECOMMENDATION

It is recommended that the Board accept this resolution and direct the Registrar of Voters office to provide estimated cost savings and increases associated with proposed changes to process improvements..

POSSIBLE MOTION

Should the Board agree with this resolution, a possible motions would be, "Move to accept the Election Resolution and direct the Registrar of Voters to implement procedures enforcing policies by the 2024 Primary election."

RESOLUTION: _____

Authorized Measures to Increase Transparency, Accuracy, Fiscal Responsibility,
Security, Integrity, and Equity of Elections

WHEREAS, the Board of Commissioners of Washoe County has received overwhelming public comment that expressed a desire to adopt proposals related to the accuracy, security, and purity of elections;

WHEREAS, pursuant to NRS 244.164 and WCC 5.451, the Board of County Commissioners of Washoe County created the office of Registrar of Voters, and appointed a Registrar of Voters to assume all of the powers and duties vested in and imposed upon the Clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election;

WHEREAS, the Board of County Commissioners recognizes the authority of State and Federal law over many aspects of elections conducted by Washoe County;

WHEREAS, the Board of Commissioners of Washoe County recognizes a national paper shortage and seeks to reduce costs expended on mail ballots through the accuracy of active voter registration list and the desire of voters to receive a ballot by mail;

WHEREAS, the Board of Commissioners of Washoe County is committed to consistently removing proven ineligible records from its voter database according to NRS 293.503 and provide transparency of active voter records at a nominal cost to ensure fraudulent records do not reappear;

WHEREAS, the Board of Commissioners of Washoe County is committed to the elimination of end of life equipment and all unreliable and/or compromised election equipment; and

WHEREAS, the Board of Commissioners of Washoe County is committed to the transparency and equity within processes and procedures of its elections.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY,

Washoe County elections shall be conducted in a manner that best serves local interests, follows the law, ensures accuracy and security, reduces opportunities of fraud, reduces outside influences, ensures fiscal responsibility, ensures the ascertainment by proper proofs of persons entitled to the right of suffrage, and preserves the purity of elections which may include the following:

- Immediately correct the current voter registration list in verification with the National Change of Address (NCOA) and Washoe County Assessor and Vital records and ensure new registration forms are verified in the same manner before they are entered into the voter registration system.
- Ensure election employees are residents of Washoe County and comprised of a balanced distribution of political affiliation.
- Ensure a minimum of two shifts are available for all positions
- Ensure the counting procedure is public and continues without adjournment until completed (NRS 293.363)
- Ensure the opportunity for a hand count is available in a recount (NRS 293.404)
- Ensure same day registrations are issued a paper provisional ballot for processing (NRS 293.3084)
- Ensure ballot counts are not released until the last ballot is processed (NRS 293.269935, 293.3606, 293.365, 293.383, 293.2546, and 293.710)

Adopted this 11th day of July 2023

Alexis Hill, Chairman
Washoe County Commissioner

ATTEST:

County Clerk