

# Election Integrity

In July 2020, lawmakers were convened into a special session to overhaul Nevada’s election laws. Three months prior, then-Gov. Steve Sisolak had declared a public emergency due to COVID-19 and effectively forbade any social gathering. Under the guise of facilitating this social isolation, Sisolak asked lawmakers to approve his proposals for changing the way the 2020 and future elections would be administered. His legislation was approved on strict party-line votes in each chamber. It directed county election departments to automatically send mail ballots to all registered voters and allowed third parties to collect and remit (or “harvest”) ballots.<sup>1</sup>

During the 2020 and 2022 elections, Nevada was not able to certify election results on a timely basis. In 2022, control of the U.S. Senate remained unclear as all Americans waited nearly a week beyond election day for Nevada to tabulate results.

## Key Points

**The public must have faith in electoral outcomes.** Although some spurious claims emerged in the wake of the 2020 election,<sup>2</sup> the circumstances and scope of election-law changes a few months prior, combined with Nevada’s subsequent inability to certify timely results, clearly failed to inspire public confidence. Democracy can become imperiled when the public loses faith in the legitimacy of election procedures. Regardless of viewpoint, lawmakers should work expeditiously to inspire confidence in the electoral system.

**Ballot “harvesting” is inconsistent with democratic norms.** Harvesting allows unrelated third parties to appear at a voter’s house to solicit and remit their completed ballots. Harvesters need not register with any election authority, may be paid for their efforts from unknown sources, and may even instruct a voter how to complete the ballot. This process threatens the integrity of the secret ballot and leaves voters subject to possible intimidation. That’s why this practice was previously a felony in Nevada.

**Mail ballots are highly popular.** Eight states mail ballots to all registered voters, including Nevada. In another 35 states, voters can receive a mail ballot on request. Universal mail balloting began in Oregon in 1998, followed by Washington, Colorado, and Utah. Nationally, 46% of voters cast ballots by mail in 2020 and this rate remained high in 2022, at 33%. Mail balloting has been increasingly popular among older and college-educated demographics, presumably because it requires less time.

**Voter identification requirements inspire public confidence.** In a 2022 Gallup poll, 79% of Americans supported a requirement for voters to show photo identification prior to voting. This included 77% of racial minorities and 80% of white respondents, and majorities of both major political parties.<sup>3</sup>

Although one notable study has alleged that voter ID laws suppress Hispanic turnout, follow-on studies have pointed to data errors that, when corrected, show voter ID has no measurable effect on turnout. The bulk of the research confirms this view.<sup>4</sup>

**Same-day voter registration and prolonged cure procedures delay results.** Nevada allows voters to cure a rejected ballot six days beyond election day. Although about half of states have no cure process, others like Montana and Vermont require ballots to be cured by election day. Nevada is also one of 21 states with same-day voter registration, although most of the others do not have automatic registration like Nevada. These late actions by voters slow the tabulation process.<sup>5</sup>

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<sup>1</sup>Nevada Legislature, 32nd Special Session, Assembly Bill 4.

<sup>2</sup>See, e.g., Sam Metz, “Distrust in Election Process Grips Nevada Community,” Associated Press, July 29, 2022.

<sup>3</sup>Nicole Willcoxon and Lydia Saad, “Eight in 10 Americans Favor Early

Voting, Photo ID Laws,” Gallup, October 14, 2022.

<sup>4</sup>German Lopez, “A Major Study Finding the Voter ID Laws Hurt Minorities Isn’t Standing Up Well Under Scrutiny,” Vox, March 15, 2017.

<sup>5</sup>Walter Olson, “Efficient, Timely and Reliable: A Framework for Election Law in Nevada,” Nevada Policy, February 2024.

## Recommendations

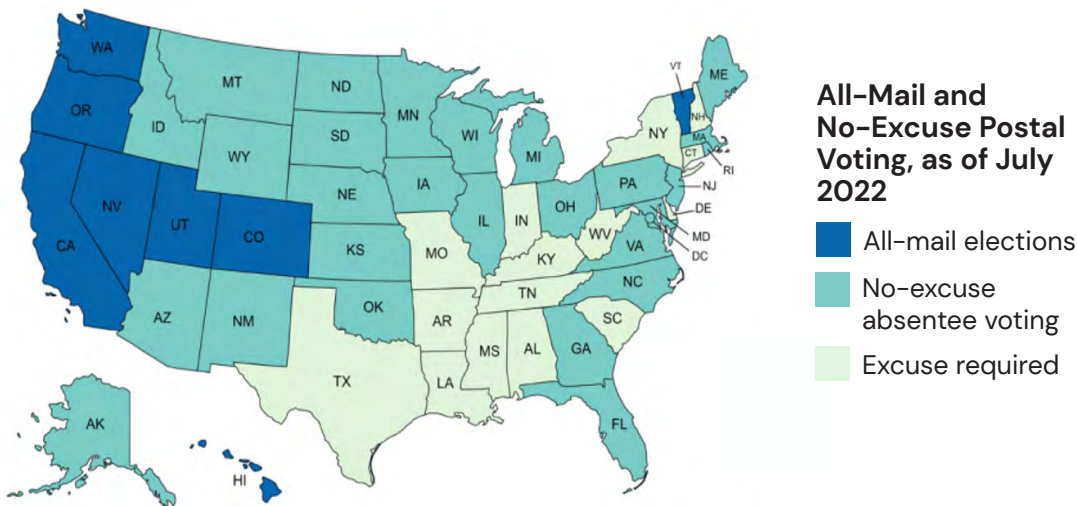
**Make ballot “harvesting” a crime once again.** Ballot harvesting creates the conditions for harassment or duress. It is anathema to a free election.

**Eliminate same-day voter registration.** Nevada already automatically registers voters at the Dept. of Motor Vehicles. Same-day registration slows tabulation.

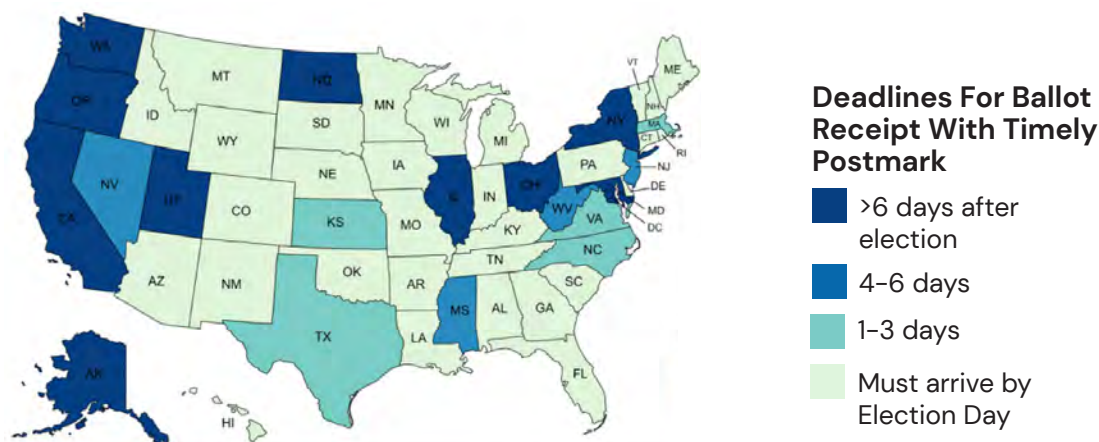
**Require mail ballots to be received by election day.** Timely tabulation of results is a universal expectation of electoral systems.

**Implement a voter identification requirement.** Although voter ID laws don’t have much impact on electoral outcomes, they are highly popular and engender trust.

## Mail Voting Laws by State (2022)



## Deadlines for Mail Ballot Receipt by State (2022)



Source: Walter Olson, “Efficient, Timely and Reliable: A Framework for Election Law in Nevada,” Nevada Policy, February 2024.