

STATE QUESTION NUM. 7

Amendment to the *Nevada Constitution*

Initiative Petition C-02-2023

Should the *Nevada Constitution* be amended to require voters to either present photo identification to verify their identity when voting in-person or to provide certain personal information to verify their identity when voting by mail ballot?

Yes

No

EXPLANATION & DIGEST

EXPLANATION— This initiative, if enacted, changes Article 2 of the *Nevada Constitution* to create a requirement for voters to provide identification before they receive a ballot.

Voters who vote in-person at a polling place would need to show an ID that is current or that has not been expired for more than four years. If a voter is more than 70 years old, the identification could be expired for any length of time so long as it is otherwise valid.

The acceptable forms of identification include:

1. Nevada driver's license.
2. Identification card issued by the State of Nevada, any other State, or the US Government.
3. Employee photo identification card issued by the US government, Nevada government, or any county, municipality, board, authority, or other Nevada government entity.
4. US passport.
5. US military identification card.
6. Student photo identification card issued by a Nevada public college, university, or technical school.
7. Tribal photo identification.
8. Nevada concealed firearms permit.
9. Other form of government-issued photo identification that the Legislature may approve.

Voters who vote by mail ballot would need to include certain information so that election officials can use it to verify the voter's identity. That information includes:

1. The last four digits of their Nevada driver's license number.
2. If the voter does not possess a Nevada driver's license, the last four digits of their Social Security number.
3. If the voter has neither a Nevada driver's license or a Social Security number, the number provided by the county clerk when the voter registered to vote.

A “Yes” vote would amend Article 2 of the *Nevada Constitution* to require in-person Nevada voters present certain identification and mail ballot voters to provide certain information in order to cast a legal ballot.

A “No” vote would keep the *Nevada Constitution* in its current form.

DIGEST—Under current law, Nevada voters must only show identification in certain situations. These situations are rare and related to the method and timing of how they register to vote.

Currently only voters who register to vote by mail or computer, or who preregisters to vote by mail or computer, and who has not previously voted in an election for federal office in Nevada must provide identification. Additionally, state law requires voters who register to vote online less than 14 days before an election must also vote in-person and present an identification and proof of residency.

If approved by a vote by the voters during the 2024 general election it would go to the 2026 general election ballot for additional approval. If approved there, the Nevada Legislature could create related laws through legislation during the 2027 Legislative Session and these changes would go into effect for the 2028 election cycle.

ARGUMENTS FOR PASSAGE

Flaws in the nation’s registration and voting laws are being seen as creating a lack of confidence in election outcomes. Many people lost trust in how elections were run.

New voting technology raised worries about mistakes. More mail-in ballots also led to fears of fraud. A national bipartisan committee reviewed voting laws in many states. One of their recommendations in their report was to require Voter ID.¹

Requiring voters to show a photo ID before voting is a sensible and effective step to help make our elections more secure and to give people more confidence in the results.

In Nevada, many people support this idea. A recent poll shows 74% of Nevadans back it. This includes 68% of Independents, and 62% of Democrats.²

As of 2024, 36 states have laws requiring photo ID for voting. There have been no major complaints in these states, and, contrary to what people were told would happen, turnout has not decreased.³

Some argue that requiring a photo ID would unfairly impact minorities. They say that many minorities and low-income people don’t have a photo ID. This is not true, because people need a photo ID to apply for a job, cash a check, use a credit card, apply for a loan, see a doctor, pick up a prescription, apply to college, buy alcohol or tobacco, get on a plane, check into a hotel, and vote in some union elections.

Nevada law requires those who don’t register in person show identification and address the first time they vote. This doesn’t have to be a photo ID. It can be a utility bill or some other official document that shows only their name and address. Also, this is only for the first time they vote. After that, there is no requirement to show an ID when voting.⁴

Others say that voter fraud is rare. However, identity theft is a growing problem. Close elections also show the need for every vote to be legal. For example, a 2002 race in Nevada ended in a tie. Former U.S. Attorney Jennifer Arbittier Williams said, “If even one vote has been illegally cast...it diminishes faith in the process.”⁵

Requiring a photo ID has no environmental, public health, safety, or welfare impact.

A photo ID requirement will help people trust our election system and make sure that every vote is valid. Vote “YES” on Question 7.

¹*Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform*, American University Center for Democracy and Election Management, Washington DC, 2005, pp 9-20.

²[Poll: Plurality of Nevada voters approve of Lombardo, majority support voter ID - The Nevada Independent](#)

³[Requiring Photo ID Has Little Effect on Voter Turnout, MU Study Finds | MU News Bureau \(missouri.edu\)](#)

⁴Nevada Revised Statutes 293.272, 293.2725

⁵[Eastern District of Pennsylvania | Former U.S. Congressman and Philadelphia Political Operative Pleads Guilty to Election Fraud Charges | United States Department of Justice](#)

The above argument was submitted by the Ballot Question Committee composed of citizens in favor of this question as provided for in NRS 293.252. Committee members: David Gibbs (Chair), Chuck Muth, and David O’Mara. This argument can also be found at www.nvsos.gov.

REBUTTAL TO ARGUMENTS FOR PASSAGE

The people who support Question 7 talk a lot about fear and mistrust. They’ve spent years trying to make us doubt our election system. But they can’t show us even one time when voter ID would have actually made our elections safer in Nevada.

They don’t tell you what bad things voter ID will stop because there haven’t been any. They don’t mention that identity theft has never changed any election here. They don’t talk about how many Nevadans—people just like you and me—don’t have the ID that Question 7 needs. They also don’t explain how Question 7 helps people get those IDs. It doesn’t.

They just say that other states have voter ID and people there like it. But remember, not everyone does things like cash checks, go to college, or fly on planes. These aren’t like voting. Voting is a right we all have to choose our leaders. We shouldn’t stop anyone who can vote from voting.

Think about this: you’re more likely to get hit by a meteor than to find someone cheating by pretending to be someone else when they vote. Question 7 is a step back for our democracy.

The above rebuttal was submitted by the Ballot Question Committee composed of citizens opposed to this question as provided for in NRS 293.252. Committee members: Jennifer Fleischmann Willoughby (Chair), Daniel Bravo, and Jessica Rodriguez. This argument can also be found at www.nvsos.gov.

ARGUMENTS AGAINST PASSAGE

When it comes to voting rights, we shouldn't be leaving anyone behind. The ID requirements in Question 7 will mean fewer eligible people will cast ballots, while the new law would do nothing to prevent voter fraud.

The measure's supporters say they want more confidence in elections, but they don't tell you that impersonating someone else at the polls never happens. One study found that out of more than a billion votes cast, it happened 31 times—statistically zero.¹ You have a better chance of being struck by lightning.² Question 7 overreacts to a problem that simply does not exist.

And the risks of Question 7 are big. It does not ensure that Nevadans have the kinds of ID the law demands, IDs that cost money and take time to get. Voters living in rural or tribal communities will have to travel long distances to a DMV to receive an ID. In fact, almost 21% of all voting-age Americans don't have a valid driver's license with their current name and address.³ In terms of Nevada's population, that would equal more than half a million people.⁴

Studies have shown that strict voter ID laws reduce turnout among underserved communities and communities of color, making it harder to have their voices heard at the ballot box.⁵

Voter ID laws are also a waste of taxpayer dollars. Indiana, for example, spent over \$10 million to produce free ID cards between 2007 and 2010.⁶

Question 7 will keep eligible Nevadans from voting, and won't improve election integrity. Vote no on laws that reduce participation in democracy, like Question 7.

Requiring a photo ID has no environmental impact.

¹Justin Levitt, "A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One Billion Ballots Cast," Washington Post, August 6, 2014, <https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credibleincidents-out-of-one-billion-ballots-cast/>.

²Brennan Center for Justice, January 31, 2017, <https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth>

³"Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge," Analyses Led by the Center for Democracy and Civic Engagement at the University of Maryland, <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%20survey%20Key%20Results%20June%202024.pdf>

⁴<https://www.federalregister.gov/documents/2023/03/31/2023-06717/estimates-of-the-voting-age-population-for-2022>

⁵"Voter ID Laws: What Do We Know So Far?" Berkeley Public Policy, Goldman School Working Paper, March 19, 2023, <https://gspp.berkeley.edu/research-and-impact/policy-initiatives/democracy-policy-initiative/policy-briefs/voter-id-laws-what-do-we-know-so-far>; "Who Do Voter ID Laws Keep from Voting?," Bernard L. Fraga and Michael G. Miller, The Journal of Politics, Vol. 84, No. 2, April 2022.

⁶ACLU Fact Sheet On Voter ID Laws, August 2021, https://assets.aclu.org/live/uploads/document/aclu_voter_id_fact_sheet_-_final_1.pdf

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REBUTTAL TO ARGUMENTS AGAINST PASSAGE

Opponents say that “impersonating someone else at the polls never happens.” But without a photo ID required, how can they be sure?

To try to back their argument, opponents cite an opinion column from Washington, DC, from over ten years ago. This was before Nevada adopted new election laws in 2021.

Opponents also claim that “21% of all voting-age Americans don’t have a valid driver’s license.” However, the same study shows that only 1% lack some other acceptable photo ID. The Legislature can find a way to help these voters, just like 36 other states have done.

Opponents say voter ID laws “reduce turnout” among minorities. But the same study also says that “the research is mixed on whether ID laws actually reduce turnout.”

A similar claim was made against Georgia’s photo ID law in 2021. Yet, Georgia’s Secretary of State reported that turnout in the 2022 general election set new records after the law took effect.⁷

The bottom line is this: Requiring a Photo ID won’t make it harder to vote. It will make it harder to cheat. Vote YES on Question 7.

⁷<https://sos.ga.gov/news/record-breaking-turnout-georgias-runoff-election>

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FISCAL NOTE

FINANCIAL IMPACT – YES

OVERVIEW

The Statewide Constitutional Initiative Petition – Identifier: C-02-2023 (Initiative) proposes to amend Article 2 of the Nevada Constitution by adding new Sections 1B and 1C, as follows:

- Section 1B would require the presentation of a specified form of identification in order to vote in person in an election in Nevada, either through early voting or on election day.
- Section 1C would require voters who submit a mail-in ballot to provide certain specified information in order to verify that voter’s identity.

FINANCIAL IMPACT OF THE INITIATIVE

Pursuant to Article 19, Section 2 of the Nevada Constitution, an initiative proposing to amend the Nevada Constitution must be approved by the voters at two successive general elections in order to become a part of the Constitution. If this Initiative is approved by voters at the November 2024 and November 2026 General Elections, the provisions of the Initiative would

become effective on the fourth Tuesday of November 2026 (November 24, 2026), when the votes are canvassed by the Supreme Court pursuant to NRS 293.395.

The provisions of the Initiative are anticipated to have a financial impact upon the State and local governments relating to procedures and systems utilized during the election process. The Secretary of State's Office has indicated that these provisions will require modifications to processes and systems related to check-in of voters at the polling location and verification of mail-in ballots, as well as ensuring that the statewide voter registration system is modified to ensure that all data necessary to implement the provisions of the Initiative is captured.

Based on information provided by the Secretary of State's Office, the estimated costs to make these changes to voter systems in Nevada would be approximately \$6,750, and these changes would need to be made in time for the elections that would be held in the year 2028.

The provisions of the Initiative additionally allow the Legislature to determine additional forms of valid identification that can be used to verify identity for voting, aside from those already specified in the Initiative, which the Fiscal Analysis Division assumes will need to be created by the Legislature for those people who do not have or cannot obtain another form of allowable identification.

The Fiscal Analysis Division additionally assumes that this alternate form of voter identification will be provided to the voter at no cost, which means that the cost for these identification documents will be wholly borne by the State or by one or more local governments. However, the Initiative does not specify the form which these alternative identification documents must take, nor does it specify which agency or agencies (either at the state or local level) will be required to provide these documents. Additionally, it is unknown how many registered voters will not have one of the specified documents that would be acceptable to provide as proof of identity for in-person voting, who would need to be issued one of these alternative documents.

Thus, the financial effect upon the State or local governments relating to the issuance of an alternative identity document to those voters who will require such a document in order to vote in person cannot be determined with any reasonable degree of certainty.

Prepared by the Fiscal Analysis Division of the Legislative Counsel Bureau – July 29, 2024