

Oscar Dey Williams

June 12, 2025

Sigal Chattah, U.S. Attorney
501 Las Vegas Blvd. South, ste. 1100
Las Vegas, NV 89101

Re: Non-Compliance with Identity Theft and Assumption Deterrence Act

Dear Ms. Chattah,

I believe that Nevada is not in compliance with the federal Identity Theft and Assumption Deterrence Act because ballot return envelopes and identity verification cards expose one's signature, along with other identifiable information such as name and address. New bills in the 83rd Session of the Nevada Legislature intend to worsen the situation:

AB496: "Sections 4 and 9 of this bill require that the return envelope include: (1) the initials of the voter in print; and (2) a space for the voter to write his or her telephone number for purposes of contacting the voter, if necessary, for signature curing or verification."¹

AB499: "sections 5 and 9 provide that if the voter included on the return envelope the last four digits of the voter's driver's license, the last four digits of the voter's social security number or the voter's voter identification number and such information is confirmed by the clerk to be accurate, the voter is entitled to cast the ballot and the signature is not required to be verified."²

Fortunately, AB496 was vetoed, though AB499 is not as of this writing, I believe.

I have a right to identity protection so I don't fall victim to ID theft and forgery. Unfortunately, the Nevada mail ballot return envelope is designed to aid and abet the

¹ <https://www.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/12761/Text>

² <https://Fortuwww.leg.state.nv.us/App/NELIS/REL/83rd2025/Bill/12768/Text>

stealing of my identity. I never agreed to expose my signature when returning a mail ballot. Nevada has no valid basis upon which to deprive my right to identity protection, including forgery, when returning a mail ballot.

I filed complaints with Washoe County and the Secretary of State last year and received the enclosed replies: from Ms. Kandaras of the Washoe DA's office and from Mr. Harris of the Secretary's legal assistance department. I wish to highlight the flaws in their legal posturing as follows.

Ms. Kandaras wrote: "With respect to signatures, state law specifically provides that the rosters containing the signatures of voters who voted in an election are subject to the examination by any elector. The inference from this statutory provision is that your signature is public. NRS Chapter 239B does not identify signatures as personal information that requires protection from disclosure to governmental agencies."

Ms. Kandaras applies apples to oranges in regards to my complaint when she states that signatures in elections are public record. True that an elector may review the pollbooks for audit purposes. However, the poll book is only privy to those who request inspection of it and actually do so. At no point is my signature available for all to see before my ballot is even received and counted as is the case now. Most importantly, federal law classifies one's signature as non-public.

The exposure of my signature on the envelope is a surprise change in return envelope design. On that, Ms. Kandaras states: "The reason the signature block was moved to the outside of the envelope related to significant delays caused by the continual malfunction of the laser that cuts the envelope to expose the signature under the flap. It simply couldn't consistently cut large quantities of envelopes reliably."

The change in return envelope is a break from precedent that was originally set with privacy of one's signature in mind. (See images of 2020 envelope and 2022 envelope) If you recall, in past elections, when mailing in a ballot the voter signed their name under a security flap that sealed the envelope and protected one's signature from prying eyes and cameras or copiers. The change made by the Secretary goes against security of one's non-public information, exposing it to third parties who may illegally exploit it.

Hence, the change does not offer voters adequate identity protection when voting by mail.

The change does not include a warning to voters that their identity could be stolen.

My complaint to the Secretary rested in part on NRS 293.2696 that requires voting systems: "Secures to each voter privacy and independence in the act of voting..."

I think the language is pretty clear to which Mr. Harris' reply misses the point. In fact, Mr. Harris has no response to potentially aiding and abetting ID theft and forgery.

Mr. Harris also states that a change in envelope design now would require statutory change. In response, I don't recall a recent statutory change that allowed for the exposure of one's signature. The Secretary has apparently leap-frogged over protocol by enacting a unilateral envelope design change.

Personal signatures on sensitive or commercial documents are protected by U.S. Codes intended to avert identity theft and forgery pursuant to the Identity Theft and Assumption Deterrence Act. Hence, this discussion does not limit the reality that ID theft and forgery affects various areas of commerce of which elections are just one facet.

The problems in elections are that an exposed signature, transmitted by mail or ballot harvester before the ballot is even processed, carries an innate risk of aiding and abetting ID theft because certain individuals have access to one's credentials, including people in the home or office, postal workers, ballot harvesters, and election staffers, along with appointed election board members, trainees, volunteers, vendor reps, and state election officials, too. Any one of those persons can photograph the envelope with signature, name, and address, and sell that information on the Dark Web because cell phones are allowed in the central mail intake and processing room.

Or, individuals with access to someone else's ballot may commit forgery when they cast and return that ballot without the knowledge or consent of the voter. For example, it's not uncommon for a voter to retain their mail ballot and then vote in-person. In the 2024 general in Washoe, a number of double-votes were counted, indicating a voter went to the polls and returned a mail ballot, with one ballot nullifying the other. It is because of this innate risk that a voter's signature must be protected.

The return mail ballot package in question—mail ballot, privacy fold/sleeve, and return envelope—is my property and my votes are sacred. My ballot contains sensitive information and is commercial property offered by city/county/state election offices. My ballot property is protected by state and federal law as a commercial document but Nevada has not gotten the memo. I believe Nevada is not in compliance with the federal laws on identity protection and forgery.

I hope you agree and will act accordingly. Call me if you wish at 775-240-3456. Thank you for your interest and understanding.

Sincerely,

Oscar D. Williams

Enclosed: Opinion by Kandaras, Opinion by Harris, photocopies: 2020 general return envelope, 2022 general return envelope, 2024 primary return envelope, 2024 registration postcard, 2024 verification postcard

P.S. Approvals received from Paula Williams, Wyatt Williams, and Craig Taylor for use of their election materials.