

ASSEMBLY BILL NO. 295—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

(ON BEHALF OF ASSEMBLYWOMAN GIUNCHIGLIANI)

MARCH 7, 2001

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Revises provisions governing participation in elections by elderly and disabled persons. (BDR 24-839)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 3, 4, 12, 13)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; providing that eligible voters who are elderly or disabled must not be denied the right to participate in elections and to vote privately and independently; requiring the secretary of state and each county and city clerk to provide certain information, instructions and materials, including ballots, in alternative formats that can be used by elderly or disabled persons; requiring all polling places to be accessible to and equipped for use by elderly and disabled voters; excepting disabled voters from certain requirements regarding the voting of absent ballots; requiring registration and voting instructions to be posted at certain locations; requiring absent ballots to be printed in at least 12-point type; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2, 3 and 4 of this act.
- 3 **Sec. 2.** *Not later than 5 working days after the request of an elderly*
- 4 *or disabled person, the secretary of state shall provide to the person, in a*
- 5 *format that can be used by the person, any requested material that is:*
- 6 *1. Related to elections; and*
- 7 *2. Made available by the secretary of state to the public in printed*
- 8 *form.*
- 9 **Sec. 3.** *1. Each county clerk shall:*
- 10 *(a) Not later than the earlier date of the notice provided pursuant to*
- 11 *NRS 293.203 or the first notice provided pursuant to subsection 3 of NRS*



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1 293.560, notify the public, through means designed to reach members of
2 the public who are elderly or disabled, of the provisions of NRS 293.296,
3 293.313, subsection 1 of NRS 293.315, NRS 293.316 and 293.3165.
4 (b) Provide instructions in alternative audio and visual formats on
5 how to register to vote for use by a person who is elderly or disabled,
6 including, without limitation, providing such instructions through a
7 telecommunications device that is accessible to a person who is deaf.
8 (c) Not later than 5 working days after receiving the request of an
9 elderly or disabled person, provide to the person, in a format that can be
10 used by the person, any requested material that is:
11 (1) Related to elections; and
12 (2) Made available by the county clerk to the public in printed form.
13 2. The secretary of state shall adopt regulations to carry out the
14 provisions of this section.
15 **Sec. 4.** 1. Except as otherwise provided in subsection 2, at all times
16 during which a polling place is open, the polling place must:
17 (a) Be accessible to a voter who is elderly or disabled; and
18 (b) Have at least one voting booth that is:
19 (1) At least 30 inches wide;
20 (2) Designed to allow a voter in a wheelchair to vote in the voting
21 booth;
22 (3) Designated for use by a voter who is elderly or disabled; and
23 (4) Equipped to allow a voter who is elderly or disabled to vote with
24 the same privacy and independence as a voter who is not elderly or
25 disabled.
26 2. A polling place that does not comply with the provisions of
27 subsection 1 may be used if necessary because of a natural disaster,
28 including, without limitation, an earthquake, flood, fire or storm.
29 3. At each polling place, the county clerk shall:
30 (a) Post in a conspicuous place, in at least 12-point type, instructions
31 for voting;
32 (b) Provide ballots in alternative audio and visual formats for use by a
33 voter who is elderly or disabled; and
34 (c) Provide, in alternative audio and visual formats for use by a voter
35 who is elderly or disabled, all materials that are:
36 (1) Related to elections; and
37 (2) Made available to a voter in printed form at the polling place.
38 **Sec. 5.** NRS 293.127 is hereby amended to read as follows:
39 293.127 This Title ~~shall~~ **must** be liberally construed to the end that
40 ~~all electors shall~~ :
41 1. All electors, including, without limitation, electors who are elderly
42 or disabled, have an opportunity to participate in elections and ~~that they~~ to
43 cast their votes privately and independently;
44 2. An eligible voter with a physical or mental disability is not denied
45 the right to vote solely because of the physical or mental disability; and
46 3. The real will of the electors ~~may not be~~ **is not** defeated by any
47 informality or by failure substantially to comply with the provisions of this
48 Title with respect to the giving of any notice or the conducting of an
49 election or certifying the results thereof.



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1 **Sec. 6.** NRS 293.272 is hereby amended to read as follows:
2 293.272 1. Except as otherwise provided in subsection 2, a person
3 who registered to vote pursuant to the provisions of NRS 293.5235, shall,
4 for the first election in which he votes at which that registration is valid,
5 vote in person unless he has previously voted in the county in which he is
6 registered to vote.

7 2. The provisions of subsection 1 do not apply to a person who:
8 (a) Is entitled to vote in the manner prescribed in NRS 293.343 to
9 293.355, inclusive;
10 (b) Is entitled to vote an absent ballot pursuant to federal law or NRS
11 293.316 or 293.3165;

12 (c) *Is disabled;*

13 (d) Submits or has previously submitted a written request for an absent
14 ballot that is signed by the registered voter before a notary public or other
15 person authorized to administer an oath; or

16 ~~14~~ (e) Requests an absent ballot in person at the office of the county
17 clerk.

18 **Sec. 7.** NRS 293.296 is hereby amended to read as follows:

19 293.296 1. Any registered voter who by reason of a physical
20 disability or an inability to read or write English is unable to mark a ballot
21 or use ~~any~~ a voting device without assistance is entitled to assistance
22 from a consenting person of his own choice, except:

23 (a) The voter's employer or his agent; or

24 (b) An officer or agent of the voter's labor organization.

25 2. A person providing assistance pursuant to this section to a voter in
26 casting his vote shall not disclose any information with respect to the
27 casting of that ballot.

28 3. The right to assistance in casting a ballot may not be denied or
29 impaired when the need for assistance is apparent or is known to the
30 election board or any member thereof, but the election board may require a
31 registered voter to sign a statement that he requires assistance in casting his
32 vote by reason of a physical disability or an inability to read or write
33 English when the need for assistance is not apparent or no member of the
34 election board has knowledge thereof. The statement must be executed
35 under penalty of perjury.

36 ~~14. In addition to complying with the requirements of this section, the~~
37 ~~county clerk and election board officer shall, upon the request of a~~
38 ~~registered voter with a physical disability, make reasonable~~
39 ~~accommodations to allow the voter to vote at his polling place.~~

40 **Sec. 8.** NRS 293.309 is hereby amended to read as follows:

41 293.309 1. The county clerk of each county shall prepare an absent
42 ballot, *in at least 12-point type*, for the use of registered voters who have
43 requested absent ballots. The county clerk shall make reasonable
44 accommodations for the use of the absent ballot by an elderly or disabled
45 person.

46 2. The ballot must be prepared and ready for distribution to a
47 registered voter who:

48 (a) Resides within the state, not later than 20 days before the election in
49 which it is to be used; or



1 (b) Resides outside the state, not later than 40 days before a primary or
2 general election, if possible.

3 3. Any legal action which would prevent the ballot from being issued
4 pursuant to subsection 2 is moot and of no effect.

5 **Sec. 9.** NRS 293.504 is hereby amended to read as follows:

6 293.504 1. The following offices shall serve as voter registration
7 agencies:

8 (a) Such offices that provide public assistance as are designated by the
9 secretary of state;

10 (b) Each office that receives money from the State of Nevada to provide
11 services to persons in this state who are disabled;

12 (c) The offices of the motor vehicles branch of the department of motor
13 vehicles and public safety;

14 (d) The offices of the city and county clerks; and

15 (e) Such other offices as the secretary of state deems appropriate.

16 2. Each voter registration agency shall:

17 (a) *Post in a conspicuous place, in at least 12-point type, instructions*
18 *for registering to vote;*

19 (b) Make applications to register to vote which may be returned by mail
20 available to each person who applies for or receives services or assistance
21 from the agency;

22 ~~(b)~~ (c) Provide the same amount of assistance to an applicant in
23 completing an application to register to vote as the agency provides to a
24 person completing any other forms for the agency; and

25 ~~(c)~~ (d) Accept completed applications to register to vote.

26 3. Except as otherwise provided in this subsection and NRS 293.524,
27 any application to register to vote accepted by a voter registration agency
28 must be transmitted to the county clerk not later than 10 days after the
29 application is accepted. During the 2 weeks immediately preceding the
30 close of registration for an election, the applications must be forwarded
31 daily. The county clerk shall accept any application to register to vote
32 which is completed by the last day to register if he receives the application
33 not later than 5 days after the close of registration.

34 4. The secretary of state shall cooperate with the Secretary of Defense
35 to develop and carry out procedures to enable persons in this state to apply
36 to register to vote at recruitment offices of the United States Armed Forces.

37 **Sec. 10.** NRS 293.520 is hereby amended to read as follows:

38 293.520 The registration or reregistration of electors who are unable to
39 sign their names must be made ~~upon personal application of those electors~~
40 ~~at the office of the county clerk where they may be identified or in the~~
41 ~~presence of a field registrar. The~~ *in the same manner as for electors who*
42 *are able to sign their names, except that such* electors may use a mark or
43 cross in place of a signature.

44 **Sec. 11.** Chapter 293C of NRS is hereby amended by adding thereto
45 the provisions set forth as sections 12 and 13 of this act.

46 **Sec. 12. 1. Each city clerk shall:**

47 (a) *Not later than the earlier date of the first notice provided pursuant*
48 *to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public,*
49 *through means designed to reach members of the public who are elderly*



1 *or disabled, of the provisions of NRS 293C.282, 293C.310, subsection 1*
2 *of NRS 293C.312, NRS 293C.317 and 293C.318.*

3 *(b) Provide instructions in alternative audio and visual formats on*
4 *how to register to vote for use by a person who is elderly or disabled,*
5 *including, without limitation, providing such instructions through a*
6 *telecommunications device that is accessible to a person who is deaf.*

7 *(c) Not later than 5 working days after receiving the request of an*
8 *elderly or disabled person, provide to the person, in a format that can be*
9 *used by the person, any requested material that is:*

10 *(1) Related to elections; and*

11 *(2) Made available by the city clerk to the public in printed form.*

12 *2. The secretary of state shall adopt regulations to carry out the*
13 *provisions of this section.*

14 **Sec. 13.** *1. Except as otherwise provided in subsection 2, at all*
15 *times during which a polling place is open, the polling place must:*

16 *(a) Be accessible to a voter who is elderly or disabled; and*

17 *(b) Have at least one voting booth that is:*

18 *(1) At least 30 inches wide;*

19 *(2) Designed to allow a voter in a wheelchair to vote in the voting*
20 *booth;*

21 *(3) Designated for use by a voter who is elderly or disabled; and*

22 *(4) Equipped to allow a voter who is elderly or disabled to vote with*
23 *the same privacy and independence as a voter who is not elderly or*
24 *disabled.*

25 *2. A polling place that does not comply with the provisions of*
26 *subsection 1 may be used if necessary because of a natural disaster,*
27 *including, without limitation, an earthquake, flood, fire or storm.*

28 *3. At each polling place, the city clerk shall:*

29 *(a) Post in a conspicuous place, in at least 12-point type, instructions*
30 *for voting;*

31 *(b) Provide ballots in alternative audio and visual formats for use by a*
32 *voter who is elderly or disabled; and*

33 *(c) Provide, in alternative audio and visual formats for use by a voter*
34 *who is elderly or disabled, all materials that are:*

35 *(1) Related to elections; and*

36 *(2) Made available to a voter in printed form at the polling place.*

37 **Sec. 14.** NRS 293C.265 is hereby amended to read as follows:

38 293C.265 1. Except as otherwise provided in subsection 2, a person
39 who registered to vote pursuant to the provisions of NRS 293.5235, shall,
40 for the first city election in which he votes at which that registration is
41 valid, vote in person unless he has previously voted in the county in which
42 he is registered to vote.

43 2. The provisions of subsection 1 do not apply to a person who:

44 (a) Is entitled to vote in the manner prescribed in NRS 293C.342 to
45 293C.352, inclusive;

46 (b) Is entitled to vote an absent ballot pursuant to federal law or NRS
47 293C.317 or 293C.318;

48 (c) *Is disabled;*



1 (d) Submits or has previously submitted a written request for an absent
2 ballot that is signed by the registered voter before a notary public or other
3 person authorized to administer an oath; or

4 ~~(d)~~ (e) Requests an absent ballot in person at the office of the city
5 clerk.

6 **Sec. 15.** NRS 293C.282 is hereby amended to read as follows:

7 293C.282 1. Any registered voter who, because of a physical
8 disability or an inability to read or write English, is unable to mark a ballot
9 or use ~~any~~ a voting device without assistance is entitled to assistance
10 from a consenting person of his own choice, except:

11 (a) The voter's employer or his agent; or

12 (b) An officer or agent of the voter's labor organization.

13 2. A person providing assistance pursuant to this section to a voter in
14 casting his vote shall not disclose any information with respect to the
15 casting of that ballot.

16 3. The right to assistance in casting a ballot may not be denied or
17 impaired when the need for assistance is apparent or is known to the
18 election board or any member thereof, but the election board may require a
19 registered voter to sign a statement that he requires assistance in casting his
20 vote because of a physical disability or an inability to read or write English
21 when the need for assistance is not apparent or no member of the election
22 board has knowledge thereof. The statement must be executed under
23 penalty of perjury.

24 ~~4. In addition to complying with the requirements of this section, the~~
25 ~~city clerk and election board officer shall, upon the request of a registered~~
26 ~~voter with a physical disability, make reasonable accommodations to allow~~
27 ~~the voter at his polling place.~~

28 **Sec. 16.** NRS 293C.305 is hereby amended to read as follows:

29 293C.305 1. The city clerk shall prepare an absent ballot, *in at least*
30 *12-point type*, for the use of registered voters who have requested absent
31 ballots. The city clerk shall make reasonable accommodations for the use
32 of the absent ballot by an elderly or disabled person.

33 2. The ballot must be prepared and ready for distribution to a
34 registered voter who resides within or outside this state, not later than 20
35 days before the election in which it will be used.

36 3. Any legal action that would prevent the ballot from being issued
37 pursuant to subsection 2 is moot and of no effect.

38 **Sec. 17.** The provisions of subsection 1 of NRS 354.599 do not apply
39 to any additional expenses of a local government that are related to the
40 provisions of this act.

