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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.

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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; requiring the secretary of state to provide certain materials to elderly or disabled persons in a format that can be used by those persons; encouraging each county and city clerk to provide certain information 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 voters who are elderly or disabled; excepting disabled voters from certain requirements regarding the voting of absent ballots; requiring absent ballots to be printed in at least 12-point type under certain circumstances; requiring that instructions for registering to vote be posted at certain locations; 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.** *Each county clerk is encouraged to:*
10 1. *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*



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 2. Provide in alternative audio and visual formats information
5 concerning elections, information concerning how to register to vote and
6 information concerning the manner of voting for use by a person who is
7 elderly or disabled, including, without limitation, providing such
8 information through a telecommunications device that is accessible to a
9 person who is deaf.
10 3. Not later than 5 working days after receiving the request of an
11 elderly or disabled person, provide to the person, in a format that can be
12 used by the person, any requested material that is:
13 (a) Related to elections; and
14 (b) Made available by the county clerk to the public in printed form.
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) Designed to allow a voter in a wheelchair to vote;
20 (2) Designated for use by a voter who is elderly or disabled; and
21 (3) Equipped to allow a voter who is elderly or disabled to vote with
22 the same privacy as a voter who is not elderly or disabled.
23 2. A polling place that does not comply with the provisions of
24 subsection 1 may be used if necessary because of a natural disaster,
25 including, without limitation, an earthquake, flood, fire or storm.
26 3. At each polling place, the county clerk is encouraged to:
27 (a) Post in a conspicuous place, in at least 12-point type, instructions
28 for voting;
29 (b) Provide ballots in alternative audio and visual formats for use by a
30 voter who is elderly or disabled; and
31 (c) Provide, in alternative audio and visual formats for use by a voter
32 who is elderly or disabled, all materials that are:
33 (1) Related to the election; and
34 (2) Made available to a voter in printed form at the polling place.
35 **Sec. 5.** NRS 293.127 is hereby amended to read as follows:
36 293.127 This Title ~~shall~~ **must** be liberally construed to the end that
37 ~~all electors shall~~ :
38 1. All electors, including, without limitation, electors who are elderly
39 or disabled, have an opportunity to participate in elections and ~~that they~~
40 cast their votes privately;
41 2. An eligible voter with a physical or mental disability is not denied
42 the right to vote solely because of the physical or mental disability; and
43 3. The real will of the electors ~~may not be~~ **is not** defeated by any
44 informality or by failure substantially to comply with the provisions of this
45 Title with respect to the giving of any notice or the conducting of an
46 election or certifying the results thereof.
47 **Sec. 6.** NRS 293.272 is hereby amended to read as follows:
48 293.272 1. Except as otherwise provided in subsection 2, a person
49 who registered to vote pursuant to the provisions of NRS 293.5235, shall,



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1 for the first election in which he votes at which that registration is valid,
2 vote in person unless he has previously voted in the county in which he is
3 registered to vote.

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

5 (a) Is entitled to vote in the manner prescribed in NRS 293.343 to
6 293.355, inclusive;

7 (b) Is entitled to vote an absent ballot pursuant to federal law or NRS
8 293.316 or 293.3165;

9 (c) *Is disabled;*

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

13 ~~1(d)~~ (e) Requests an absent ballot in person at the office of the county
14 clerk.

15 **Sec. 7.** NRS 293.309 is hereby amended to read as follows:

16 293.309 1. The county clerk of each county shall prepare an absent
17 ballot for the use of registered voters who have requested absent ballots.
18 The county clerk shall make reasonable accommodations for the use of the
19 absent ballot by an elderly or disabled *person, including, without*
20 *limitation, by providing, upon request, the absent ballot in 12-point type*
21 *to an elderly or disabled* person.

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

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

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

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

30 **Sec. 8.** NRS 293.504 is hereby amended to read as follows:

31 293.504 1. The following offices shall serve as voter registration
32 agencies:

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

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

37 (c) The offices of the motor vehicles branch of the department of motor
38 vehicles and public safety;

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

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

41 2. Each voter registration agency shall:

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

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

47 ~~1(b)~~ (c) Provide the same amount of assistance to an applicant in
48 completing an application to register to vote as the agency provides to a
49 person completing any other forms for the agency; and



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

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

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

13 **Sec. 9.** NRS 293.520 is hereby amended to read as follows:

14 293.520 ~~(The)~~ *Except as otherwise provided in this section, the*
15 registration or reregistration of electors who are unable to sign their names
16 must be made upon personal application of those electors at the office of
17 the county clerk where they may be identified or in the presence of a field
18 registrar. *If such an elector is unable to appear in person at the office of*
19 *the county clerk, the county clerk shall send a field registrar or an*
20 *employee of the office of the county clerk to the elector to identify the*
21 *elector and register or reregister the elector as appropriate.* The electors
22 *described in this section* may use a mark or cross in place of a signature.

23 **Sec. 10.** NRS 293.565 is hereby amended to read as follows:

24 293.565 1. Except as otherwise provided in subsection 2, sample
25 ballots must include:

26 (a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250,
27 for each proposed constitutional amendment or statewide measure;

28 (b) An explanation, as provided pursuant to NRS 218.443, of each
29 proposed constitutional amendment or statewide measure, including
30 arguments for and against it; and

31 (c) The full text of each proposed constitutional amendment.

32 2. Sample ballots that are mailed to registered voters may be printed
33 without the full text of each proposed constitutional amendment if:

34 (a) The cost of printing the sample ballots would be significantly
35 reduced if the full text of each proposed constitutional amendment were
36 not included;

37 (b) The county clerk ensures that a sample ballot that includes the full
38 text of each proposed constitutional amendment is provided at no charge to
39 each registered voter who requests such a sample ballot; and

40 (c) The sample ballots provided to each polling place include the full
41 text of each proposed constitutional amendment.

42 3. At least 10 days before any election, the county clerk shall cause to
43 be mailed to each registered voter in the county a sample ballot for his
44 precinct with a notice informing the voter of the location of his polling
45 place. If the location of the polling place has changed since the last
46 election:

47 (a) The county clerk shall mail a notice of the change to each registered
48 voter in the county not sooner than 10 days before mailing the sample
49 ballots; or



(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. *The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.*

5. The county clerk shall include in each sample ballot for a primary election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

~~5.1~~ 6. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

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

Sec. 12. *Each city clerk is encouraged to:*

1. *Not later than the earlier date of the first notice provided pursuant to subsection 3 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.282, 293C.310, subsection 1 of NRS 293C.312, NRS 293C.317 and 293C.318.*

2. *Provide in alternative audio and visual formats information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.*

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

(a) *Related to elections; and*

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

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

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

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

(1) *Designed to allow a voter in a wheelchair to vote;*

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

(3) *Equipped to allow a voter who is elderly or disabled to vote with the same privacy as a voter who is not elderly or disabled.*

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

3. *At each polling place, the city clerk is encouraged to:*



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

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

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

7 (1) *Related to the election; and*

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

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

10 293C.265 1. Except as otherwise provided in subsection 2, a person
11 who registered to vote pursuant to the provisions of NRS 293.5235, shall,
12 for the first city election in which he votes at which that registration is
13 valid, vote in person unless he has previously voted in the county in which
14 he is registered to vote.

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

16 (a) Is entitled to vote in the manner prescribed in NRS 293C.342 to
17 293C.352, inclusive;

18 (b) Is entitled to vote an absent ballot pursuant to federal law or NRS
19 293C.317 or 293C.318;

20 (c) *Is disabled;*

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

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

26 **Sec. 15.** NRS 293C.305 is hereby amended to read as follows:

27 293C.305 1. The city clerk shall prepare an absent ballot for the use
28 of registered voters who have requested absent ballots. The city clerk shall
29 make reasonable accommodations for the use of the absent ballot by an
30 elderly or disabled *person, including, without limitation, by providing,*
31 *upon request, the absent ballot in 12-point type to an elderly or disabled*
32 *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. 16.** NRS 293C.530 is hereby amended to read as follows:

39 293C.530 1. At least 10 days before an election, the city clerk shall
40 cause to be mailed to each registered voter in the city a sample ballot for
41 his precinct with a notice informing the voter of the location of his polling
42 place. If the location of the polling place has changed since the last
43 election:

44 (a) The city clerk shall mail a notice of the change to each registered
45 voter in the city not sooner than 10 days before mailing the sample ballots;
46 or



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1 (b) The sample ballot must also include a notice in at least 10-point bold
2 type immediately above the location which states:
3

4 NOTICE: THE LOCATION OF YOUR POLLING PLACE
5 HAS CHANGED SINCE THE LAST ELECTION
6

7 2. *The city clerk shall include in each sample ballot a statement*
8 *indicating that the city clerk will, upon request of a voter who is elderly*
9 *or disabled, make reasonable accommodations to allow the voter to vote*
10 *at his polling place and provide reasonable assistance to the voter in*
11 *casting his vote, including, without limitation, providing appropriate*
12 *materials to assist the voter.*

13 3. The city clerk shall include in each sample ballot for a primary city
14 election, a separate page on which is printed a list of the offices and
15 candidates for those offices for which there is no opposition.

16 ~~13-1~~ 4. The cost of mailing sample ballots for a city election must be
17 borne by the city holding the election.

18 **Sec. 17.** For the purposes of subsection 2 of section 3 of this act, the
19 legislature encourages each county by July 1, 2003, to provide at least one
20 telecommunications device that is accessible to a person who is deaf.

