

ASSEMBLY BILL NO. 191—ASSEMBLYMEN MUNFORD, SHERER,
ALLEN, ARBERRY JR., ATKINSON, BUCKLEY, CARPENTER,
CHRISTENSEN, CLABORN, DENIS, GERHARDT, HOGAN,
HOLCOMB, KIRKPATRICK, KOIVISTO, MANENDO,
MCCLEARY, MORTENSON, OCEGUERA, OHRENSCHALL,
PARKS AND SIBLEY

MARCH 9, 2005

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Revises provisions relating to electioneering.
(BDR 24-1016)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising the distance from a voting
area, polling place or city clerk's office within which
electioneering is prohibited; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, during certain periods, the practice of electioneering within 100 feet from the entrance of a voting area, a polling place or the city clerk's office, as applicable. (NRS 293.361, 293.740, 293C.328, 293C.361) Existing law defines the practice of electioneering to include several types of activities relating to the expression of support for or against a candidate, ballot question or political party, including the posting of signs, the distribution of literature, the use of loudspeakers to broadcast information and the polling of a voter or potential voter as to the manner in which the voter voted or the potential voter will vote. (NRS 293.740)

This bill changes the distance within which electioneering is prohibited from a fixed distance of 100 feet to a distance that is prescribed by rule or regulation by the county clerk, registrar of voters or city clerk, as applicable. This bill also allows the county clerk, registrar of voters or city clerk to delegate the duty to prescribe the distance within which electioneering is prohibited at individual polling places to the election board officers who are designated or assigned to the precinct or district in which the polling place is located. This bill provides that the distance within which electioneering is prohibited, whether prescribed by the



18 county clerk, registrar of voters, city clerk or designated election board officers,
19 must be at least 50 feet but not more than 100 feet from the entrance to the
20 applicable voting area, polling place or city clerk's office.

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
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *"Electioneer" means to campaign for or against a*
4 *candidate, ballot question or political party by:*

5 1. *Posting signs relating to the support of or opposition to a*
6 *candidate, ballot question or political party;*

7 2. *Distributing literature relating to the support of or*
8 *opposition to a candidate, ballot question or political party;*

9 3. *Using loudspeakers to broadcast information relating to*
10 *the support of or opposition to a candidate, ballot question or*
11 *political party;*

12 4. *Buying, selling, wearing or displaying any badge, button or*
13 *other insignie which is designed or tends to aid or promote the*
14 *success or defeat of any political party or a candidate or ballot*
15 *question to be voted upon at that election;*

16 5. *Polling or otherwise soliciting from a voter information as*
17 *to whether the voter intends to vote or has voted for or against a*
18 *particular political party, candidate or ballot question; or*

19 6. *Soliciting signatures for any kind of petition.*

20 **Sec. 3.** 1. *The county clerk or registrar of voters shall, by*
21 *rule or regulation, prescribe, or the persons appointed to act as*
22 *election board officers shall, if the duty is delegated to them*
23 *pursuant to subsection 2, prescribe:*

24 (a) *For the purposes of NRS 293.361, the distance from the*
25 *entrance to the voting area of a polling place for early voting*
26 *within which electioneering is prohibited which must be at least 50*
27 *feet but not more than 100 feet; and*

28 (b) *For the purposes of NRS 293.740, the distance from the*
29 *entrance to the building or other structure in which a polling*
30 *place is located within which electioneering is prohibited which*
31 *must be at least 50 feet but not more than 100 feet.*

32 2. *The county clerk or registrar of voters may delegate to the*
33 *persons appointed to act as election board officers for the various*
34 *precincts and districts in the county the duty to prescribe the*
35 *distance within which electioneering is prohibited at the individual*
36 *polling places located within the precinct or district to which such*
37 *officers are designated or assigned. If the county clerk or registrar*
38 *of voters delegates that duty, the election board officers to whom*



1 *the duty is delegated shall post the distance markers described in*
2 *NRS 293.361 and 293.740 indicating the area within which*
3 *electioneering is prohibited.*

4 **Sec. 4.** NRS 293.010 is hereby amended to read as follows:

5 293.010 As used in this title, unless the context otherwise
6 requires, the words and terms defined in NRS 293.013 to 293.121,
7 inclusive, *and section 2 of this act* have the meanings ascribed to
8 them in those sections.

9 **Sec. 5.** NRS 293.361 is hereby amended to read as follows:

10 293.361 1. During the time a polling place for early voting is
11 open for voting, a person may not electioneer for or against any
12 candidate, measure or political party in or within ~~100-feet~~ *the*
13 *distance prescribed pursuant to section 3 of this act* from the
14 entrance to the voting area.

15 2. During the period of early voting, the county clerk *or*
16 *registrar of voters, or his delegate*, shall keep continuously posted:

17 (a) At the entrance to the room or area, as applicable, in which
18 the polling place for early voting is located a sign on which is
19 printed in large letters "Polling Place for Early Voting"; and

20 (b) At the outer limits of the area within which electioneering is
21 prohibited, a sign on which is printed in large letters "Distance
22 Marker: No electioneering between this point and the entrance to the
23 polling place."

24 3. Ropes or other suitable objects may be used at the polling
25 place to ensure compliance with this section. Persons who are not
26 expressly permitted by law to be in a polling place must be excluded
27 from the polling place to the extent practicable.

28 4. Any person who willfully violates the provisions of this
29 section is guilty of a gross misdemeanor.

30 **Sec. 6.** NRS 293.740 is hereby amended to read as follows:

31 293.740 1. Except as otherwise provided in subsection 2, it is
32 unlawful inside a polling place or within ~~100-feet~~ *the distance*
33 *prescribed pursuant to section 3 of this act* from the entrance to the
34 building or other structure in which a polling place is located:

35 (a) For any person to solicit a vote or speak to a voter on the
36 subject of marking his ballot.

37 (b) For any person, including an election board officer, to do
38 any electioneering on election day.

39 ➤ The county clerk or registrar of voters *, or his delegate*, shall
40 ensure that, at the outer limits of the area within which
41 electioneering is prohibited, notices are continuously posted on
42 which are printed in large letters "Distance Marker: No
43 electioneering between this point and the entrance to the polling
44 place."



2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within ~~[100 feet]~~ *the distance prescribed pursuant to section 3 of this act* from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he is wearing a prohibited political insignia and is reasonably unable to remove the insignia or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:~~

~~—(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;~~

~~—(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;~~

~~—(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;~~

~~—(d) Buying, selling, wearing or displaying any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election;~~

~~—(e) Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or~~

~~—(f) Soliciting signatures to any kind of petition.]~~

Sec. 7. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city clerk shall, by rule or regulation, prescribe, or the persons appointed to act as election board officers shall, if the duty is delegated to them pursuant to subsection 2, prescribe:

(a) For the purposes of NRS 293C.328, the distance from the entrance to the city clerk's office within which electioneering is prohibited which must be at least 50 feet but not more than 100 feet; and

(b) For the purposes of NRS 293C.361, the distance from the entrance to the voting area of a polling place for early voting within which electioneering is prohibited which must be at least 50 feet but not more than 100 feet.



2. *The city clerk may delegate to the persons appointed to act as election board officers for the various precincts and districts in the city the duty to prescribe the distance within which electioneering is prohibited at the individual polling places located within the precinct or district to which such officers are designated or assigned. If the city clerk delegates that duty, the election board officers to whom the duty is delegated shall post the distance markers described in NRS 293C.328 and 293C.361 indicating the area within which electioneering is prohibited.*

Sec. 8. NRS 293C.328 is hereby amended to read as follows:

293C.328 1. During the period specified in subsection 2 of NRS 293C.327 when the city clerk's office is maintained with suitable equipment for voting an absent ballot in person:

(a) A person may not electioneer for or against any candidate, measure or political party in or within ~~100 feet~~ *the distance prescribed pursuant to section 7 of this act* from the entrance to the city clerk's office.

(b) The city clerk *or his delegate* shall keep continuously posted:

(1) At each entrance to the city clerk's office, a sign on which is printed in large letters "Polling Place for Voting Absent Ballots"; and

(2) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and any entrance to the city clerk's office."

2. Ropes or other suitable objects may be used at the city clerk's office to ensure compliance with this section.

3. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 9. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within ~~100 feet~~ *the distance prescribed pursuant to section 7 of this act* from the entrance to the voting area.

2. During the period of early voting, the city clerk *or his delegate* shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."



1 3. Ropes or other suitable objects may be used at the polling
2 place to ensure compliance with this section. Persons who are not
3 expressly permitted by law to be in a polling place must be excluded
4 from the polling place to the extent practicable.

5 4. Any person who willfully violates the provisions of this
6 section is guilty of a gross misdemeanor.



