

SENATE BILL NO. 227—SENATOR WIENER

MARCH 21, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires Secretary of State to prepare supplemental voter guide for general elections. (BDR 24-803)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring the Secretary of State to prepare and make available a supplemental voter guide for each general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe the form of all sample ballots and to provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared therefor. (NRS 293.250, 293.253)

This bill requires the Secretary of State, in cooperation with the Department of Education, to prepare a supplemental voter guide for each general election. The supplemental voter guide must include a concise biographical profile of and concise written statement from each candidate for federal or statewide office who will appear on the ballot for the general election and, for each proposed constitutional amendment and statewide measure that will appear on the ballot for the general election, must include an explanation, arguments for and against, and the estimated fiscal effect on the budget of the State.

This bill provides that the information included in the supplemental voter guide must be written objectively, written at an eighth grade reading level and presented in a format that is easy to understand. This bill also provides that the supplemental voter guide must be made available in separate English and Spanish versions.

This bill provides that the supplemental voter guide must be made available to the public, free of charge, at convenient locations including public libraries and the Internet website of the Secretary of State, and must also be available by mail upon request. This bill provides further that a sample ballot for a general election must include on the front page a notice in bold type stating the existence of a supplemental voter guide and setting forth the locations at which or from which the supplemental voter guide may be obtained.



25 This bill authorizes the Secretary of State to apply for any available grants and
26 to accept any gifts, grants, donations or contributions to pay the costs and expenses
27 of preparing and making available the supplemental voter guide. If such gifts,
28 grants, donations and contributions are exhausted, any remaining costs and
29 expenses are to be paid from the Reserve for Statutory Contingency Account upon
30 recommendation by the Secretary of State and approval by the State Board of
31 Examiners.

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.** *“Supplemental voter guide” means a publication*
4 *prepared by the Secretary of State pursuant to section 3 of this act.*

5 **Sec. 3. 1.** *The Secretary of State, in cooperation with the*
6 *Department of Education, shall prepare or cause to be prepared a*
7 *supplemental voter guide for each general election.*

8 **2.** *The supplemental voter guide must include, without*
9 *limitation:*

10 (a) *A concise biographical profile of and a concise written*
11 *statement from each candidate for federal or statewide office who*
12 *will appear on the ballot for the general election, insofar as the*
13 *Secretary of State is able to obtain such information;*

14 (b) *An explanation of each proposed constitutional*
15 *amendment and statewide measure;*

16 (c) *Arguments for and against each proposed constitutional*
17 *amendment and statewide measure;*

18 (d) *An explanation of the estimated fiscal effect of each*
19 *proposed constitutional amendment and statewide measure on the*
20 *budget of the State; and*

21 (e) *Such other information as the Secretary of State deems*
22 *appropriate.*

23 **3.** *The information required to be included in the*
24 *supplemental voter guide pursuant to subsection 2 must be:*

25 (a) *Written objectively;*

26 (b) *Written at an eighth grade reading level; and*

27 (c) *Presented in a format that is easy to understand.*

28 **4.** *The supplemental voter guide must be made available in*
29 *separate English language and Spanish language versions.*

30 **5.** *The supplemental voter guide must be made available to*
31 *the public, free of charge, and distributed at convenient locations,*
32 *including, without limitation:*

33 (a) *On the public website of the Office of the Secretary of State*
34 *on the Internet or its successor, if any;*



1 **(b) Public libraries; and**

2 **(c) Upon request, by mail from the Office of the Secretary of**
3 **State. Such a request to receive a copy of the supplemental voter**
4 **guide by mail must indicate whether the request is for an English**
5 **language version or a Spanish language version.**

6 **6. The Secretary of State may apply for any available grants**
7 **and accept any gifts, grants, donations or contributions from any**
8 **source to carry out the provisions of this section. Any money**
9 **received by the Secretary of State pursuant to this subsection:**

10 **(a) Must be deposited in the State Treasury and accounted for**
11 **separately in the State General Fund; and**

12 **(b) May only be used to carry out the provisions of this section.**

13 **7. If the gifts, grants, donations and contributions received**
14 **pursuant to subsection 6 are exhausted, any remaining expenses**
15 **and costs to carry out the provisions of this section are a charge**
16 **against the State and must be paid from the Reserve for Statutory**
17 **Contingency Account upon recommendation by the Secretary of**
18 **State and approval by the State Board of Examiners.**

19 **8. As used in this section, "eighth grade reading level" means**
20 **a level of literacy in reading which is consistent with that required**
21 **by the State Board of Education for pupils enrolled in public**
22 **schools in the eighth grade.**

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

24 293.010 As used in this title, unless the context otherwise
25 requires, the words and terms defined in NRS 293.013 to 293.121,
26 inclusive, **and section 2 of this act** have the meanings ascribed to
27 them in those sections.

28 **Sec. 5.** NRS 293.250 is hereby amended to read as follows:

29 293.250 1. The Secretary of State shall, in a manner
30 consistent with the election laws of this State, prescribe:

31 (a) The form of all ballots, absent ballots, diagrams, sample
32 ballots, **supplemental voter guides**, certificates, notices,
33 declarations, applications to register to vote, lists, applications,
34 pollbooks, registers, rosters, statements and abstracts required by the
35 election laws of this State.

36 (b) The procedure to be followed when a computer is used to
37 register voters and to keep records of registration.

38 2. The Secretary of State shall prescribe with respect to the
39 matter to be printed on every kind of ballot:

40 (a) The placement and listing of all offices, candidates and
41 measures upon which voting is statewide, which must be uniform
42 throughout the State.



(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 6. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. *A supplemental voter guide in English;*

3. *A supplemental voter guide in Spanish;*

4. Information concerning the date and hours of operation of the polling place;



~~[3-]~~ 5. Instructions for voting and casting a ballot, including a provisional ballot;

~~[4-]~~ 6. Instructions concerning the identification required for persons who registered by mail and are first-time voters for federal office in this State;

~~[5-]~~ 7. Information concerning the accessibility of polling places to persons with disabilities; and

~~[6-]~~ 8. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation.

Sec. 7. NRS 293.565 is hereby amended to read as follows:

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

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note, as provided pursuant to NRS 218.443, 293.250, 293.481 or 293.482, for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218.443, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218.443, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

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

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

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

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

3. Before the period for early voting, but not later than 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:



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

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

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

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; ~~and~~

(b) *If the sample ballot is for a general election, include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states the existence of a supplemental voter guide and sets forth the locations at which or from which the supplemental voter guide may be obtained; and*

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

**NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)**

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. 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. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:



1 (a) The addresses of such centralized voting locations;
2 (b) The types of specially equipped voting devices available at
3 such centralized voting locations; and

4 (c) That a voter who is elderly or disabled may cast his ballot at
5 such a centralized voting location rather than at his regularly
6 designated polling place.

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

10 **Sec. 8.** NRS 353.264 is hereby amended to read as follows:

11 353.264 1. The Reserve for Statutory Contingency Account
12 is hereby created in the State General Fund.

13 2. The State Board of Examiners shall administer the Reserve
14 for Statutory Contingency Account. The money in the Account must
15 be expended only for:

16 (a) The payment of claims which are obligations of the State
17 pursuant to NRS 41.03435, 41.0347, 621.050, 176.485, 179.310,
18 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203,
19 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

20 (b) The payment of claims which are obligations of the State
21 pursuant to:

22 (1) Chapter 472 of NRS arising from operations of the
23 Division of Forestry of the State Department of Conservation and
24 Natural Resources directly involving the protection of life and
25 property; and

26 (2) NRS 7.155, 34.750, 176A.640, 179.225, 213.153 and
27 293B.210,

28 ➔ except that claims may be approved for the respective purposes
29 listed in this paragraph only when the money otherwise appropriated
30 for those purposes has been exhausted;

31 (c) The payment of claims which are obligations of the State
32 pursuant to NRS 41.0349 and 41.037, but only to the extent that the
33 money in the Fund for Insurance Premiums is insufficient to pay the
34 claims; ~~and~~

35 (d) *The payment of claims which are obligations of the State*
36 *pursuant to section 3 of this act, but only to the extent that money*
37 *received pursuant to subsection 6 of that section is insufficient to*
38 *pay the claims; and*

39 (e) The payment of claims which are obligations of the State
40 pursuant to NRS 535.030 arising from remedial actions taken by the
41 State Engineer when the condition of a dam becomes dangerous to
42 the safety of life or property.

43 3. The State Board of Examiners may authorize its Clerk,
44 under such circumstances as it deems appropriate, to approve, on
45 behalf of the Board, the payment of claims from the Reserve for



- 1 Statutory Contingency Account. For the purpose of exercising any
- 2 authority granted to the Clerk of the State Board of Examiners
- 3 pursuant to this subsection, any statutory reference to the State
- 4 Board of Examiners relating to such a claim shall be deemed to refer
- 5 to the Clerk of the Board.

