

SENATE BILL NO. 329—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

MARCH 24, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Provides for option of voting “no preference” for ballot question or certain offices. (BDR 24-1328)

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; requiring a ballot to provide the option of voting “no preference” for a question on the ballot or for certain offices; and providing other matters properly relating thereto.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Except for an office appearing on a ballot that is required to have a line for “None of these candidates” pursuant to the provisions of NRS 293.269, every ballot upon which appears the names of candidates for an office shall contain for that office an additional line equivalent to the lines on which the candidates’ names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express his choice of that line in the same manner as he would express his choice of a candidate, and the line shall read “No preference.”*

2. *Only votes cast for the named candidates may be:*

(a) Counted in determining nomination or election to an office; or

(b) Listed in any tally list, posting of voting results or abstract.



3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark his choice of the line "No Preference" only if he has not voted for any candidate for the office.

Sec. 3. 1. Every ballot upon which appears a measure shall contain for each measure an additional line equivalent to the lines on which a voter can vote for the approval or disapproval of the measure and placed at the end of the group of lines containing the choices for the approval or disapproval of the measure. Each additional line shall contain a square in which the voter may express his choice of that line in the same manner as he would express his choice for the approval or disapproval of the measure, and the line shall read "No preference."

2. Only votes cast for the approval or disapproval of a measure may be:

(a) Counted in determining whether a measure is approved or disapproved by the voters; or

(b) Listed in any tally list, posting of voting results or abstract.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark his choice of the line "No Preference" only if he has not voted for approval or disapproval of a measure.

Sec. 4. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. ~~{Voting}~~ Except as otherwise provided in section 2 of this act or NRS 293.269, voting must be only upon candidates whose names appear upon the ballot prepared by the election officers. ~~{ and no person may }~~ A person shall not write in the name of ~~{an additional candidate for any office.}~~ a person whose name does not appear on the ballot.

Sec. 5. NRS 293.293 is hereby amended to read as follows:

293.293 Where paper ballots are used for voting:

1. Except as otherwise provided in subsection 2, the voter shall mark his ballot in no other manner than by making a mark in the square following the name of each candidate for whom he intends to vote for each office, or upon one of the lines provided pursuant to NRS 293.269 ~~{ or section 2 of this act,~~ except that in a general election, at which the names of candidates for President and Vice President of the United States are on the ballot, followed by the designation of their party, one vote for the party designated



1 constitutes a vote for that party's candidates for President and Vice
2 President.

3 2. If a proposed constitutional amendment or *any* other
4 question is submitted to the registered voters, the voter's mark must
5 be placed in the square following the answer which the voter
6 chooses to give ~~[H]~~ *or upon one of the lines provided pursuant to*
7 *section 3 of this act.*

8 3. Before leaving the booth, the voter shall fold his ballot in
9 such a manner that the number of the ballot appears on the outside,
10 without exposing how he voted, and shall keep it so folded until he
11 has delivered it to the officer from whom he received it, who shall
12 announce the number of the ballot in an audible voice.

13 4. The election board officer who is in charge of the pollbook
14 shall repeat the number, and mark in the column opposite the
15 number the word "Voted," or a character indicating the word
16 "Voted."

17 5. The election board officer who receives the voted ballot
18 shall separate from the ballot the strip bearing the number and shall
19 deposit the ballot in the ballot box in the presence of the voter.

20 6. No ballot may be deposited in the ballot box until the slip
21 containing the number of the ballot has been removed from it by the
22 election board officer. The strip bearing the number must be
23 retained by the election board officer.

24 **Sec. 6.** NRS 293B.075 is hereby amended to read as follows:

25 293B.075 A mechanical voting system must permit the voter to
26 vote for :

27 *1. If the voter is casting a vote on a statewide office or for*
28 *President and Vice President of the United States,* any person for
29 ~~[any]~~ *the* office for which he has the right to vote, but none other, or
30 *to* indicate a vote against all candidates.

31 *2. If the voter is casting a vote for an office other than a*
32 *statewide office or for President and Vice President of the United*
33 *States, any person for the office for which he has the right to vote,*
34 *but none other, or to indicate a vote of no preference for or*
35 *against any of the candidates for the office.*

36 **Sec. 7.** NRS 293B.084 is hereby amended to read as follows:

37 293B.084 1. A mechanical recording device which directly
38 records votes electronically must:

39 (a) Bear a number which identifies that mechanical recording
40 device.

41 (b) Be equipped with a storage device which:

42 (1) Stores the ballots voted on the mechanical recording
43 device;



(2) Can be removed from the mechanical recording device for the purpose of transporting the ballots stored therein to a central counting place; and

(3) Bears the same number as the mechanical recording device.

(c) Be designed in such a manner that voted ballots may be stored within the mechanical recording device and the storage device required pursuant to paragraph (b) at the same time.

(d) Be capable of providing a record printed on paper of:

(1) Each ballot voted on the mechanical recording device;

~~and~~

(2) The total number of votes recorded on the mechanical recording device for each candidate and for or against each measure

~~;~~

(3) The total number of votes recorded on the mechanical recording device indicating votes against all candidates for each office for which this voting option is available; and

(4) The total number of votes recorded on the mechanical recording device indicating votes of no preference for or against any candidates for each office for which this voting option is available and votes of no preference on any measure.

2. The paper record described in paragraph (d) of subsection 1 must:

(a) Be printed and made available for a manual audit, as necessary; and

(b) Be printed and serve as an official record for a recount, as necessary.

Sec. 8. NRS 293B.095 is hereby amended to read as follows:

293B.095 A mechanical voting system must permit the voter to vote ~~for~~ only:

1. *For* or against ~~any~~ a measure he may have the right to vote on ~~but none other~~; or

2. *To indicate a vote of no preference on the measure.*

