

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 office. (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 any office; 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 a new section to read as follows:

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 counted in determining whether a measure is approved or disapproved by the voters, but for each measure the number of ballots on which the additional line reading “no preference” was chosen shall be listed following the lines for the approval or disapproval of the measure and the number of votes



1 *for the approval or disapproval of the measure in every posting,*
2 *abstract and proclamation of the results of the election.*

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

8 **Sec. 2.** NRS 293.269 is hereby amended to read as follows:

9 293.269 1. Every ballot upon which appears the names of
10 candidates for any ~~{statewide office or for President and Vice~~
11 ~~President of the United States}~~ office shall contain for each office an
12 additional line equivalent to the lines on which the candidates'
13 names appear and placed at the end of the group of lines containing
14 the names of the candidates for that office. Each additional line shall
15 contain a square in which the voter may express his choice of that
16 line in the same manner as he would express his choice of a
17 candidate, and the line shall read ~~{"None of these candidates."}~~ "No
18 preference."

19 2. Only votes cast for the named candidates shall be counted in
20 determining nomination or election to any ~~{statewide office or~~
21 ~~presidential nominations or the selection of presidential electors,}~~
22 office, but for each office the number of ballots on which the
23 additional line was chosen shall be listed following the names of the
24 candidates and the number of their votes in every posting, abstract
25 and proclamation of the results of the election.

26 3. Every sample ballot or other instruction to voters prescribed
27 or approved by the Secretary of State shall clearly explain that the
28 voter may mark his choice of the line ~~{"None of these candidates"}~~
29 "No preference" only if he has not voted for any candidate for the
30 office.

31 **Sec. 3.** NRS 293.270 is hereby amended to read as follows:

32 293.270 1. Voting at any election regulated by this title must
33 be on printed ballots or by any other system approved by the
34 Secretary of State or specifically authorized by law.

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

40 **Sec. 4.** NRS 293.293 is hereby amended to read as follows:

41 293.293 Where paper ballots are used for voting:

42 1. Except as otherwise provided in subsection 2, the voter shall
43 mark his ballot in no other manner than by making a mark in the
44 square following the name of each candidate for whom he intends to
45 vote for each office, or upon one of the lines provided pursuant to



1 NRS 293.269, except that in a general election, at which the names
2 of candidates for President and Vice President of the United States
3 are on the ballot, followed by the designation of their party, one vote
4 for the party designated constitutes a vote for that party's candidates
5 for President and Vice President.

6 2. If a proposed constitutional amendment or *any* other
7 question is submitted to the registered voters, the voter's mark must
8 be placed in the square following the answer which the voter
9 chooses to give ~~H~~ *or upon one of the lines provided pursuant to*
10 *section 1 of this act.*

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

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

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

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

27 **Sec. 5.** NRS 293B.075 is hereby amended to read as follows:

28 293B.075 A mechanical voting system must permit the voter to
29 vote for any person for any office for which he has the right to vote,
30 but none other, or *to* indicate a vote ~~{against all candidates.}~~ *of no*
31 *preference for any of the candidates for the office.*

32 **Sec. 6.** NRS 293B.084 is hereby amended to read as follows:

33 293B.084 1. A mechanical recording device which directly
34 records votes electronically must:

35 (a) Bear a number which identifies that mechanical recording
36 device.

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

38 (1) Stores the ballots voted on the mechanical recording
39 device;

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

43 (3) Bears the same number as the mechanical recording
44 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

~~{;} and~~

(3) 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. 7. 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.

