

SENATE BILL NO. 401—SENATORS HORSFORD, TITUS,
CARE, COFFIN AND WOODHOUSE

MARCH 19, 2007

JOINT SPONSORS: ASSEMBLYMEN SEGERBLOM,
ATKINSON, LESLIE AND BOBZIEN

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requiring the Secretary of State and the county
clerks to provide certain reports concerning elections
to the Legislature. (BDR 24-248)

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 each county clerk to collect certain information regarding elections and to submit that information to the Secretary of State; requiring the Secretary of State to compile the information collected from the county clerks into a report to be submitted to the Legislature; requiring the Secretary of State and the county clerks of each county to study the feasibility of changing the deadline for registering to vote in an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Chapter 293 of NRS governs elections. **Section 1** of this bill requires the
2 Secretary of State to compile and submit to the Legislature a report concerning each
3 election. Each county clerk is required to collect information on each election
4 regarding uncounted ballots, malfunctions of mechanical voting machines,
5 unopened polling places, challenges to voter eligibility, complaints regarding
6 ballots cast by mail, election audits and provisional ballots. Each county clerk must
7 submit the collected information to the Secretary of State within 60 days after each
8 election. The Secretary of State must compile the information submitted by the
9 county clerks and collected by the Secretary of State from political parties and
10 through the use of his website into a report to be submitted to each regular session
11 of the Legislature.



Existing law provides that the period for registering to vote at an election ends at 9 p.m. on the third Tuesday preceding an election. For the period beginning on the fifth Sunday preceding an election and ending on the third Tuesday preceding an election, an elector may register to vote only by appearing in person at the office of the county clerk. (NRS 293.560) **Section 2** of this bill requires the Secretary of State and the county clerks for each county jointly to study the feasibility of changing the deadline for registering to vote to any date closer to the date of the election up to and including election day. **Section 2** also requires the Secretary of State and the county clerks to submit a report concerning the results of the study to the 75th Session of the Nevada Legislature.

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. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail filed with the county clerk and the resolution, if any, of the complaint.



1 (f) *The results of any audit of election procedures and*
2 *practices conducted pursuant to regulations adopted by the*
3 *Secretary of State pursuant to this chapter.*

4 (g) *The number of provisional ballots cast and the reason for*
5 *the casting of each provisional ballot.*

6 2. *Each county clerk shall submit to the Secretary of State, on*
7 *a form provided by the Secretary of State, the information*
8 *collected pursuant to subsection 1 not more than 60 days after*
9 *each primary and general election.*

10 3. *The Secretary of State may contact any political party and*
11 *request information to assist in the investigation of any allegation*
12 *of voter intimidation.*

13 4. *The Secretary of State shall establish and maintain an*
14 *Internet website pursuant to which he shall solicit and collect*
15 *voter comments regarding election processes.*

16 5. *The Secretary of State shall compile the information and*
17 *comments collected pursuant to this section into a report that he*
18 *shall submit to the Director of the Legislative Counsel Bureau for*
19 *transmission to the Legislature not later than 30 days before the*
20 *start of each regular session of the Legislature.*

21 6. *The Secretary of State may make the report required*
22 *pursuant to subsection 5 available on an Internet website*
23 *established and maintained by the Secretary of State.*

24 **Sec. 2.** 1. The Secretary of State and the county clerk of each
25 county jointly shall study the feasibility of changing the deadline for
26 registration of voters to allow qualified electors to register to vote in
27 an election on any date closer to the election up to and including the
28 date of the election.

29 2. The study conducted pursuant to subsection 1 must include,
30 without limitation, an analysis of:

31 (a) The potential for logistical and technical problems in
32 conducting an election if the deadline for the registration of voters is
33 changed;

34 (b) Any fiscal impact that would be likely to result from
35 changing the deadline for the registration of voters;

36 (c) The occurrence of voter fraud that would be likely to result
37 from changing the deadline for the registration of voters;

38 (d) The impact on voter turnout that would be likely to result
39 from changing the deadline for the registration of voters; and

40 (e) A review of the methods by which other states have provided
41 for the registration of voters on the date of the election.

42 3. On or before February 1, 2009, the Secretary of State and
43 the county clerks of each county jointly shall submit a written report
44 of the results of the study conducted pursuant to subsection 1 to the



- 1 Director of the Legislative Counsel Bureau for transmission to the
- 2 75th Session of the Nevada Legislature.
- 3 **Sec. 3.** 1. This section and section 2 of this act become
- 4 effective on July 1, 2007.
- 5 2. Section 1 of this act becomes effective on October 1, 2007.

