

SENATE BILL NO. 433—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-1145)

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 county clerk and city clerk to publish the voter turnout for each day of early voting by midnight of the following day; prohibiting an election board officer from displaying a political preference or party allegiance while serving; requiring the county clerk and city clerk to use certain criteria in determining polling places for early voting; revising the hours and days for early voting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county clerk or city clerk to appoint registered voters to act as election board officers. (NRS 293.217, 293C.220) **Sections 2 and 9** of this bill prohibit such officers from displaying any political preference or party allegiance while serving as election board officers.

Existing law requires each county clerk and city clerk to provide criteria to be used to select permanent and temporary polling places for early voting by personal appearance. (NRS 293.3561, 293C.3561) **Sections 3 and 11** of this bill require the criteria to ensure that to the extent possible: (1) such polling places are located near residential areas; and (2) a permanent or temporary polling place is located in every geographic region of the county or city, as applicable. **Section 3** also requires that the number of permanent or temporary polling places for early voting by personal appearance in a county with multiple assembly districts must be equally divided among those assembly districts.

Sections 1 and 6 of this bill require each county clerk and city clerk to publish before midnight of the following day the number of persons who voted in the county or city, as applicable, during each day of early voting.

Existing law requires that a permanent polling place for early voting be open from 8 a.m. to 6 p.m. on Monday through Friday and for at least 4 hours between



10 a.m. and 6 p.m. on Saturday. A county clerk or city clerk is authorized to provide for a permanent polling place to remain open until 8 p.m. on a Saturday or open on a Sunday for early voting. (NRS 293.3568, 293C.3568) Existing law also specifies that a temporary polling place may be open during any hours or days during early voting as determined by the county clerk or city clerk. (NRS 293.3572, 293C.3572) **Sections 4, 5, 12 and 13** of this bill provide that no permanent or temporary polling place may open before 7 a.m., remain open after 7 p.m. or open on Sundays during early voting.

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:

The county clerk shall publish before midnight of the following day the number of persons who voted in the county during each day of early voting. If the county clerk maintains an Internet website, the county clerk shall post the voter turnout on the Internet website.

Sec. 2. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in NRS 293.220 to 293.243, inclusive, and 293.384. The registered voters appointed as election board officers for any precinct or district must not all be of the same political party. *An election board officer shall not display a political preference or party allegiance while serving as an election board officer.* No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➡ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.



Sec. 3. NRS 293.3561 is hereby amended to read as follows:

293.3561 1. The permanent and temporary polling places for early voting by personal appearance must satisfy the criteria to be used to select permanent and temporary polling places for early voting by personal appearance provided by the county clerk pursuant to subsection 2.

2. The county clerk shall:

(a) Provide by rule or regulation for the criteria to be used to select permanent and temporary polling places for early voting by personal appearance. ~~[-; and]~~ *The criteria used to select permanent and temporary polling places for early voting by personal appearance must, without limitation:*

(1) Ensure that permanent and temporary polling places are located near residential areas of the county, to the extent possible.

(2) Ensure that a permanent or temporary polling place is located in every geographic area of the county, to the extent possible.

(b) At a meeting of the board of county commissioners, inform the board of the sites selected as permanent and temporary polling places for early voting by personal appearance.

3. The number of permanent and temporary polling places for early voting by personal appearance in a county with multiple assembly districts must be divided equally among the assembly districts.

Sec. 4. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and federal holidays excepted.

2. The county clerk may ~~[-;~~

~~—(a) Include]~~ *include* any ~~[-Sunday or]~~ federal holiday that falls within the period for early voting by personal appearance.

~~[(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.]~~

3. A permanent polling place for early voting ~~[-must]~~ :

(a) Must remain open:

~~[(a)]~~ *(1)* On Monday through Friday, ~~[-;~~

~~—(1) During the first week of early voting,]~~ from 8 a.m. until 6 p.m.

~~[(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.]~~

~~—(b)]~~ *(2)* On any Saturday that falls within the period for early voting, for at least 4 hours between ~~[-10]~~ 7 a.m. and ~~[-6]~~ 7 p.m.



~~[(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.]~~

(b) May remain open on Monday through Friday, from 7 a.m. until 7 p.m.

(c) May not open before 7 a.m. or remain open after 7 p.m.

Sec. 5. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary ~~[branch]~~ polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary ~~[branch]~~ polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk ~~[]~~, *except that a temporary polling place may not:*

(a) Open before 7 a.m.

(b) Remain open after 7 p.m.

(c) Open on any Sunday that falls within the period for early voting.

3. The schedules for conducting voting are not required to be uniform among the temporary ~~[branch]~~ polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary ~~[branch]~~ polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 6. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

The city clerk shall publish before midnight of the following day the number of persons who voted in the city during each day of early voting. If the city clerk maintains an Internet website, the city clerk shall post the number of persons who voted on the Internet website.

Sec. 7. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in subsection 2, conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. Except as otherwise provided in NRS 293C.112, the governing body of the city shall provide for:



(a) Absent ballots to be voted in a city election pursuant to NRS 293C.305 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting by personal appearance in a city election pursuant to NRS 293C.355 to 293C.361, inclusive ~~H~~, *and section 6 of this act*;

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).

Sec. 8. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, *and section 6 of this act* do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 9. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.245, inclusive, and 293C.382. *An election board officer shall not display a political preference or party allegiance while serving as an election board officer.* No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or



1 the absent ballot central counting board. The deputized officer may
2 not receive any additional compensation for the services he or she
3 provides as an officer during the election for which the officer is
4 deputized.

5 ➤ Officers so appointed and deputized shall preserve order during
6 hours of voting and attend the closing of the polls.

7 2. The city clerk may appoint a trainee for the position of
8 election board officer as set forth in NRS 293C.222.

9 **Sec. 10.** NRS 293C.355 is hereby amended to read as follows:

10 293C.355 The provisions of NRS 293C.355 to 293C.361,
11 inclusive, *and section 6 of this act* apply to a city only if the
12 governing body of the city has provided for early voting by
13 personal appearance pursuant to paragraph (b) of subsection 2 of
14 NRS 293C.110.

15 **Sec. 11.** NRS 293C.3561 is hereby amended to read as
16 follows:

17 293C.3561 1. The permanent and temporary polling places
18 for early voting by personal appearance must satisfy the criteria to
19 be used to select permanent and temporary polling places for early
20 voting by personal appearance provided by the city clerk pursuant to
21 subsection 2.

22 2. The city clerk shall:

23 (a) Provide by rule or regulation for the criteria to be used to
24 select permanent and temporary polling places for early voting by
25 personal appearance. ~~[-and]~~ *The criteria used to select permanent*
26 *and temporary polling places for early voting by personal*
27 *appearance must, without limitation:*

28 (1) *Ensure that permanent and temporary polling places*
29 *are located near residential areas of the city, to the extent possible.*

30 (2) *Ensure that a permanent or temporary polling place is*
31 *located in every geographic area of the city, to the extent possible.*

32 (b) At a meeting of the city council or other governing body of
33 the city, inform the city council or other governing body of the sites
34 selected as permanent and temporary polling places for early voting
35 by personal appearance.

36 3. *The number of permanent and temporary polling places*
37 *for early voting by personal appearance in a city with multiple*
38 *assembly districts must be divided equally among the assembly*
39 *districts.*

40 **Sec. 12.** NRS 293C.3568 is hereby amended to read as
41 follows:

42 293C.3568 1. The period for early voting by personal
43 appearance begins the third Saturday preceding a primary city
44 election or general city election, and extends through the Friday
45 before election day, Sundays and federal holidays excepted.



2. The city clerk may ~~[-~~ **include** any ~~{Sunday or}~~ federal holiday that falls within the period for early voting by personal appearance.

~~{(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.}~~

3. A permanent polling place for early voting **[must]** :

(a) Must remain open:

~~{(a)}~~ **(1)** On Monday through Friday, ~~[-~~

~~(1) During the first week of early voting,]~~ from 8 a.m. until 6 p.m.

~~{(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.}~~

~~{(b)}~~ **(2)** On any Saturday that falls within the period for early voting, for at least 4 hours between ~~{10}~~ 7 a.m. and ~~{6}~~ 7 p.m.

~~{(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.}~~

(b) May remain open on Monday through Friday, from 7 a.m. until 7 p.m.

(c) May not open before 7 a.m. or remain open after 7 p.m.

Sec. 13. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, the city clerk may establish temporary **[branch]** polling places for early voting pursuant to NRS 293C.3561.

2. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary polling place. Voting at a temporary **[branch]** polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk ~~[-~~ **except that, a temporary polling place may not:**

(a) Open before 7 a.m.

(b) Remain open after 7 p.m.

(c) Open on any Sunday during the period for early voting.

3. The schedules for conducting voting are not required to be uniform among the temporary **[branch]** polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary **[branch]** polling place for early voting, except to the extent necessary to conduct early voting at that location.

