

SENATE BILL NO. 491—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 27, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to mechanical voting systems and mechanical recording devices. (BDR 24-491)

FISCAL NOTE: Effect on Local Government: No.
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; authorizing the Secretary of State and certain counties to enter into an agreement for the lease of mechanical voting systems and mechanical recording devices without an option to purchase such systems or devices; making various other changes relating to mechanical voting systems and mechanical recording devices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a board of county commissioners to: (1) purchase
2 mechanical voting systems and mechanical recording devices; or (2) lease
3 mechanical voting systems and mechanical recording devices from the Secretary of
4 State with an option for the county to purchase such systems and devices. (NRS
5 293B.104, 293B.124) **Section 1** of this bill provides an additional option for
6 counties whose population is less than 100,000 (currently all counties other than
7 Clark and Washoe Counties) by authorizing the board of county commissioners of
8 such a county to lease mechanical voting systems and mechanical recording devices
9 from the Secretary of State without the option to purchase. **Sections 2-7** of this bill
10 make conforming changes.

11 Existing law provides that if the Secretary of State leases mechanical voting
12 systems and mechanical recording devices to a county, the rental payments from
13 such lease are deposited in the State General Fund. **Sections 1, 5 and 6** provide that
14 the rental payments must be: (1) deposited into a separate account in the State
15 General Fund; and (2) used to pay the costs of replacing aging and outdated
16 mechanical voting systems and mechanical recording devices.



* S B 4 9 1 *

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

Section 1. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State and a county whose population is less than 100,000 may enter into a written agreement for the lease of mechanical voting systems and mechanical recording devices, without an option for the county to purchase such systems and devices. Each agreement must provide in substance that:

(a) The systems or devices particularly described in the agreement are leased by the State, as lessor, to the county, as lessee, for a term of 2 years from the date of the agreement, with an exclusive option in the lessee to extend the term for like periods of 2 years at a time.

(b) The lessee will maintain and insure the systems and devices for the original term and each succeeding agreed term.

(c) The aggregate of rental payments for a term of 2 years under the lease does not exceed 10 percent of the purchase price of the systems and devices described in the agreement.

2. All rental payments received under all such agreements entered into pursuant to this section must be deposited into a separate account in the State General Fund to be used to pay the costs of replacing aging and outdated mechanical voting systems and mechanical recording devices.

Sec. 2. NRS 293B.110 is hereby amended to read as follows:

293B.110 A mechanical voting system *or mechanical recording device* may be adopted for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may be furnished with paper ballots or any other mechanical voting system **H** *or mechanical recording device.*

Sec. 3. NRS 293B.115 is hereby amended to read as follows:

293B.115 The board of county commissioners, city council or other governing body which adopts a mechanical voting system **H** *or mechanical recording device* as soon as practicable after adopting it, shall provide for each polling place one or more *mechanical voting systems or* mechanical recording devices in complete working order. When the *systems and* devices are not in use at an election, the board, council or governing body shall take custody of them and of the furniture and equipment of the polling place.

Sec. 4. NRS 293B.120 is hereby amended to read as follows:

293B.120 The board of county commissioners of any county or the city council or other governing body of any city, without



1 formally adopting a mechanical voting system *or mechanical*
2 *recording device* which it might lawfully adopt, may provide for its
3 experimental use at an election in one or more precincts. Its use at
4 the election is as valid for all purposes as if it were lawfully
5 adopted.

6 **Sec. 5.** NRS 293B.122 is hereby amended to read as follows:

7 293B.122 1. The Secretary of State may purchase
8 *mechanical voting systems and* mechanical recording devices and ,
9 *giving priority to those counties still using paper ballots*, lease
10 them to ~~counties, giving priority to those counties still using paper~~
11 ~~ballots.~~ :

12 (a) *A county whose population is 100,000 or more pursuant to*
13 *the provisions of NRS 293B.124.*

14 (b) *A county whose population is less than 100,000 pursuant to*
15 *the provisions of NRS 293B.124 or section 1 of this act.*

16 2. The Secretary of State may pay for such *systems and*
17 devices purchased pursuant to subsection 1 out of any money
18 ~~specifically~~ :

19 (a) *Specifically* appropriated for that purpose by the Legislature
20 ~~+~~ ; or

21 (b) *In an account established pursuant to NRS 293B.124 or*
22 *section 1 of this act.*

23 **Sec. 6.** NRS 293B.124 is hereby amended to read as follows:

24 293B.124 1. ~~The~~ *If a county wants to lease mechanical*
25 *voting systems or mechanical recording devices from the* Secretary
26 of State *with the option to purchase such system or devices, the*
27 *Secretary of State* and ~~each participating~~ *the* county shall enter a
28 written agreement designated as "Lease of Equipment with Option
29 to Purchase." Each agreement must provide in substance:

30 (a) That the systems *and devices* particularly described in the
31 agreement are leased by the State, as lessor, to the county, as lessee,
32 for a term of 2 years from the date of the agreement, with an
33 exclusive option in the lessee to extend the term for like periods of 2
34 years at a time, for an agreed maximum term not exceeding 20 years
35 after the date of the agreement.

36 (b) That the lessee will maintain and insure the systems *and*
37 *devices* for the original term and each succeeding agreed term.

38 (c) That the aggregate of rental payments provided for under the
39 maximum term of the lease agreement must equal the aggregate of
40 the purchase price of the *mechanical voting systems and*
41 mechanical recording devices covered by the agreement, together
42 with all interest, shipping, installation and other costs paid or agreed
43 to be paid by the State. Upon payment of the latter aggregate sum by
44 any lessee to the State, the State shall forthwith convey to that lessee
45 legal title to the systems *and devices* covered by the paid agreement.



2. ~~{The Secretary of State shall promptly transmit all}~~ *All* rental payments received under all such agreements ~~{to}~~ *entered into pursuant to this section must be deposited into a separate account in the State General Fund { } to be used to replace aging and outdated mechanical voting systems and mechanical recording devices.*

Sec. 7. NRS 293B.125 is hereby amended to read as follows:

293B.125 1. ~~{The}~~ *If a county or city purchases a mechanical voting system or mechanical recording device, the* cost of ~~{a mechanical voting system}~~ *such purchase* is a charge upon the county or city. ~~{adopting it.}~~

2. The board of county commissioners or city council or other governing body of any city may provide for the payment of the costs of such ~~{a voting system}~~ *systems and devices* in such manner and by such method as they consider in the best local interests, and also may for that purpose issue bonds, certificates of indebtedness, or other obligations which are a charge on the county or city. The bonds, certificates or other obligations may be issued with or without interest, payable at such time as the authorities may determine, but may not be issued or sold at less than par.

Sec. 8. This act becomes effective upon passage and approval.

