

SENATE BILL NO. 492—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 27, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to polling places.
(BDR 24-450)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing the county clerk in counties with larger populations to establish polling places where any registered voter of the county may vote in person on the day of a primary or general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730)

Section 2 of this bill authorizes the county clerk of a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. **Section 3** of this bill requires the county clerk to publicize the location of any such polling place. **Section 4** of this bill requires the county clerk to prepare a roster of eligible voters in the county for any such polling place. **Section 5** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 6-15** of this bill make conforming changes.



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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 to 5, inclusive, of this act.

Sec. 2. 1. *In each county whose population is 100,000 or more, the county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary election or general election.*

2. *Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.*

Sec. 3. 1. *In each county whose population is 100,000 or more, if the county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk shall publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.*

2. *The county clerk shall post a list of the locations established pursuant to section 2 of this act, if any, on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.*

3. *No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section.*

Sec. 4. 1. *For each polling place established pursuant to section 2 of this act, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and a place for the voter's signature.*

2. *The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.*

Sec. 5. 1. *Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

(a) *Determine that the person is a registered voter in the county.*

(b) *Instruct the voter to sign the roster.*



1 (c) Verify the signature of the voter in the manner set forth in
2 NRS 293.277.

3 (d) Verify that the voter has not already voted in the current
4 election.

5 2. If the signature of the voter does not match, the voter must
6 be identified by:

7 (a) Answering questions from the election board officer
8 covering the personal data which is reported on the application to
9 register to vote;

10 (b) Providing the election board officer, orally or in writing,
11 with other personal data which verifies the identity of the voter;
12 or

13 (c) Providing the election board officer with proof of
14 identification as described in NRS 293.277 other than the card
15 issued to the voter at the time he or she registered to vote.

16 3. If the signature of the voter has changed in comparison to
17 the signature on the application to register to vote, the voter must
18 update his or her signature on a form prescribed by the Secretary
19 of State.

20 4. The county clerk shall prescribe a procedure, approved by
21 the Secretary of State, to verify that the voter has not already voted
22 in the current election.

23 5. When a voter is entitled to cast a ballot and has identified
24 himself or herself to the satisfaction of the election board officer,
25 the voter is entitled to receive the appropriate ballot or ballots, but
26 only for his or her own use at the polling place where he or she
27 applies to vote.

28 6. If the ballot is voted on a mechanical recording device
29 which directly records the votes electronically, the election board
30 officer shall:

31 (a) Prepare the mechanical recording device for the voter;

32 (b) Ensure that the voter's precinct or voting district and the
33 form of the ballot are indicated on the voting receipt, if the county
34 clerk uses voting receipts; and

35 (c) Allow the voter to cast a vote.

36 7. A voter applying to vote at a polling place established
37 pursuant to section 2 of this act may be challenged pursuant to
38 NRS 293.303.

39 **Sec. 6.** NRS 293.2546 is hereby amended to read as follows:

40 293.2546 The Legislature hereby declares that each voter has
41 the right:

42 1. To receive and cast a ballot that:

43 (a) Is written in a format that allows the clear identification of
44 candidates; and



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(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line *to vote before 7 p.m.* at ~~this or her~~ a polling place *at which he or she is entitled* to vote ~~before 7 p.m.~~ and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 7. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~Whenever~~ *Except as otherwise provided in this subsection, whenever* at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. *This subsection does not apply to a polling place established pursuant to section 2 of this act.*

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.



1 **Sec. 8.** NRS 293.275 is hereby amended to read as follows:
2 293.275 ~~Not~~

3 **1. Except as otherwise provided in subsection 2, an** election
4 board may **not** perform its duty in serving registered voters at any
5 polling place in any election provided for in this title, unless it has
6 before it the roster for the polling place.

7 **2. In each county whose population is 100,000 or more, if a**
8 **county clerk establishes a polling place pursuant to section 2 of**
9 **this act, the election board may perform its duty in serving**
10 **registered voters at the polling place in an election if the election**
11 **board has before it the roster for the county.**

12 **Sec. 9.** NRS 293.277 is hereby amended to read as follows:

13 293.277 1. Except as otherwise provided in NRS 293.283
14 and 293.541, if a person's name appears in the roster or if the person
15 provides an affirmation pursuant to NRS 293.525, the person is
16 entitled to vote and must sign his or her name in the roster when he
17 or she applies to vote. The signature must be compared by an
18 election board officer with the signature or a facsimile thereof on the
19 person's application to register to vote or one of the forms of
20 identification listed in subsection 2.

21 2. Except as otherwise provided in NRS 293.2725, the forms of
22 identification which may be used individually to identify a voter at
23 the polling place are:

24 (a) The card issued to the voter at the time he or she registered
25 to vote;

26 (b) A driver's license;

27 (c) An identification card issued by the Department of Motor
28 Vehicles;

29 (d) A military identification card; or

30 (e) Any other form of identification issued by a governmental
31 agency which contains the voter's signature and physical description
32 or picture.

33 **3. The county clerk shall prescribe a procedure, approved by**
34 **the Secretary of State, to verify that the voter has not already voted**
35 **in the current election.**

36 **Sec. 10.** NRS 293.285 is hereby amended to read as follows:

37 293.285 1. Except as otherwise provided in NRS 293.283, a
38 registered voter applying to vote shall state his or her name to the
39 election board officer in charge of the roster, and the officer shall
40 immediately announce the name, instruct the voter to sign the roster
41 , ~~and~~ **verify the signature of the voter in the manner set forth in**
42 **NRS 293.277 ~~H~~ and verify that the registered voter has not**
43 **already voted in the current election.**

44 2. If the signature does not match, the voter must be identified
45 by:



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(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 11. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~this or her~~ a polling place ~~H~~ *at which he or she is entitled to vote.*

Sec. 12. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is ~~required~~ *entitled* to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.



2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 13. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and



(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place **H or places**. If the location of the polling place **or places** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE **OR PLACES** HAS CHANGED SINCE THE LAST ELECTION

7. Except as otherwise provided in subsection 8, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

8. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

9. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided



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pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

10. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

11. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

12. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 14. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~the~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:



1 (a) Receive a ballot from any person other than an election
2 board officer.

3 (b) Deliver to an election board or to any member thereof any
4 ballot other than the one received.

5 (c) Place any mark upon his or her ballot by which it may
6 afterward be identified as the one voted by the person.

7 3. Any person who violates any provision of this section is
8 guilty of a category E felony and shall be punished as provided in
9 NRS 193.130.

10 **Sec. 15.** NRS 293.790 is hereby amended to read as follows:
11 293.790 If any person whose vote has been rejected offers to
12 vote at the same election, at any polling place other than ~~the~~ one in
13 which the person is ~~registered~~ *entitled* to vote, such person is
14 guilty of a gross misdemeanor.

15 **Sec. 16.** This act becomes effective on July 1, 2017.

