

SENATE BILL NO. 118—SENATOR SETTELMEYER

PREFILED JANUARY 28, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes the office of registrar of voters an elected position. (BDR 20-597)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to counties; making the office of registrar of voters an elected position; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law the board of county commissioners in a county with a population of 100,000 or more (currently only Clark and Washoe Counties) is authorized to create the office of registrar of voters as an appointive office to assume all of the powers and duties of a county clerk related to elections. (NRS 244.164) **Section 2** of this bill provides that if the board of county commissioners in a county with a population of 100,000 or more creates the office of registrar of voters, the office holder must instead be elected to a 4-year term by the qualified voters of the county. **Sections 6-8, 10 and 13** of this bill make conforming changes.

Section 3 of this bill requires the board of county commissioners to set the salary for a registrar of voters. **Section 4** of this bill authorizes a registrar of voters to appoint deputies and employ staff. **Section 5** of this bill requires all registrars of voters to keep an office in the county seat of their county. **Section 9** of this bill makes the registrar of voters a nonpartisan office.

Section 12 of this bill provides that if a board of county commissioners of a county with a population of 100,000 or more has created the office of registrar of voters as an appointive office before the effective date of this bill, the person appointed to that office continues to serve until a successor is elected and qualified at the 2020 general election.



* S B 1 1 8 *

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

Section 1. Title 20 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *In each county having a population of 100,000 or more, the board of county commissioners may create the office of registrar of voters. In any county where such an office is created, the registrar of voters shall:*

(a) Be elected by the qualified electors of the respective county at the general election every 4 years;

(b) Enter upon the duties of his or her office on the first Monday of January subsequent to his or her election;

(c) Take the oath of office as prescribed by law before entering upon the duties of office; and

(d) Assume all of the powers and duties vested in and imposed upon the county clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election.

2. *If a board of county commissioners creates the office of registrar of voters, the first registrar of voters must, except as otherwise provided in this subsection, be elected at the next general election. If the board of county commissioners creates the office of registrar of voters after the time allowed for filing a declaration or acceptance of candidacy pursuant to NRS 293.177 for the next general election, the first registrar of voters must be elected at the second general election following the creation of the office.*

3. *If a vacancy occurs in the office of registrar of voters, the county board of commissioners shall appoint a person pursuant to NRS 245.170 to fill the vacancy.*

Sec. 3. *The board of county commissioners, at the regular meeting in December of any year immediately preceding a year in which an election of registrar of voters is held pursuant to section 2 of this act shall fix the minimum compensation of the registrar of voters for the ensuing term by stated salary, payable monthly, semimonthly or at regular 2-week intervals and may thereafter increase or change such compensation during the term but shall not reduce it below the minimum so established.*

Sec. 4. 1. *A registrar of voters elected pursuant to section 2 of this act may appoint deputies, who are authorized to transact such official business pertaining to the office as their principals direct. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of*



1 *the registrar of voters or the county by which the deputy is*
2 *employed.*

3 2. *All appointments of deputies must be made in writing and*
4 *must, with the oath of office, be filed in the office of the recorder*
5 *of the county within which the principal holds and exercises his or*
6 *her office.*

7 3. *Within the limits of appropriations for his or her office, a*
8 *registrar of voters may employ such subordinates, including,*
9 *without limitation, deputies appointed pursuant to this section, as*
10 *authorized by the board of county commissioners and as necessary*
11 *for the proper performance of his or her duties.*

12 **Sec. 5.** *A registrar of voters elected pursuant to section 2 of*
13 *this act shall keep an office at the county seat of the county.*

14 **Sec. 6.** NRS 281.574 is hereby amended to read as follows:

15 281.574 1. A list of each public officer who is required to file
16 a financial disclosure statement must be submitted electronically to
17 the Secretary of State, in a form prescribed by the Secretary of State,
18 on or before December 1 of each year by:

19 (a) Each county clerk for all public officers of the county and
20 other local governments within the county other than cities;

21 (b) Each city clerk for all public officers of the city;

22 (c) The Director of the Legislative Counsel Bureau for all public
23 officers of the Legislative Branch; and

24 (d) The Director of the Department of Administration for all
25 public officers of the Executive Branch.

26 2. Each county clerk, or the registrar of voters of the county if
27 ~~{one was appointed}~~ *such an office was created* pursuant to ~~{NRS~~
28 ~~244.164,}~~ *section 2 of this act*, and each city clerk shall submit
29 electronically to the Secretary of State, in a form prescribed by the
30 Secretary of State, a list of each candidate who filed a declaration of
31 candidacy or acceptance of candidacy with that officer within 10
32 days after the last day to qualify as a candidate for the applicable
33 office.

34 **Sec. 7.** NRS 293.044 is hereby amended to read as follows:

35 293.044 Except as the term is used in NRS 293.393, whenever
36 the term "county clerk" is used in this title it means "registrar of
37 voters" in those counties where such office has been created
38 pursuant to the provisions of ~~{NRS 244.164,}~~ *section 2 of this act.*

39 **Sec. 8.** NRS 293.186 is hereby amended to read as follows:

40 293.186 The Secretary of State and each county clerk, or the
41 registrar of voters of the county if ~~{one was appointed}~~ *such an*
42 *office was created* pursuant to ~~{NRS 244.164,}~~ *section 2 of this act*,
43 or city clerk who receives from a candidate for public office a
44 declaration of candidacy, acceptance of candidacy or certificate of
45 candidacy shall give to the candidate:



1 1. If the candidate is a candidate for judicial office, the form
2 prescribed by the Administrative Office of the Courts for the
3 making of a financial disclosure statement;

4 2. If the candidate is not a candidate for judicial office and is
5 required to file electronically the financial disclosure statement,
6 access to the electronic form prescribed by the Secretary of State; or

7 3. If the candidate is not a candidate for judicial office, is
8 required to submit the financial disclosure statement electronically
9 and has submitted an affidavit to the Secretary of State pursuant to
10 NRS 281.572, the form prescribed by the Secretary of State,
11 ➔ accompanied by instructions on how to complete the form and
12 the time by which it must be filed.

13 **Sec. 9.** NRS 293.195 is hereby amended to read as follows:

14 293.195 1. Judicial offices, school offices, the office of
15 county sheriff, the Board of Regents of the University of Nevada,
16 city and town officers, *the office of registrar of voters*, the State
17 Board of Education and members of boards of hospital trustees of
18 public hospitals are hereby designated nonpartisan offices.

19 2. No words designating the party affiliation of a candidate for
20 nonpartisan offices may be printed upon the ballot.

21 **Sec. 10.** NRS 293.404 is hereby amended to read as follows:

22 293.404 1. Where a recount is demanded pursuant to the
23 provisions of NRS 293.403, the:

24 (a) County clerk of each county affected by the recount shall
25 employ a recount board to conduct the recount in the county, and
26 shall act as chair of the recount board unless the recount is for the
27 office of county clerk, in which case the registrar of voters of the
28 county, if ~~the~~ *the office of* registrar of voters has been ~~appointed~~
29 *created* for the county, shall act as chair of the recount board. If ~~the~~
30 *the office of* registrar of voters has not been ~~appointed~~ *created* for
31 the county, the chair of the board of county commissioners, if the
32 chair is not a candidate on the ballot, shall act as chair of the recount
33 board. If the recount is for the office of county clerk, ~~the~~ *the office*
34 *of* registrar of voters has not been ~~appointed~~ *created* for the county
35 and the chair of the board of county commissioners is a candidate on
36 the ballot, the chair of the board of county commissioners shall
37 appoint another member of the board of county commissioners who
38 is not a candidate on the ballot to act as chair of the recount board.
39 A member of the board of county commissioners who is a candidate
40 on the ballot may not serve as a member of the recount board.

41 (b) City clerk shall employ a recount board to conduct the
42 recount in the city, and shall act as chair of the recount board unless
43 the recount is for the office of city clerk, in which case the mayor of
44 the city, if the mayor is not a candidate on the ballot, shall act as
45 chair of the recount board. If the recount is for the office of city



1 clerk and the mayor of the city is a candidate on the ballot, the
2 mayor of the city shall appoint another member of the city council
3 who is not a candidate on the ballot to act as chair of the recount
4 board. A member of the city council who is a candidate on the ballot
5 may not serve as a member of the recount board.

6 2. Each candidate for the office affected by the recount and the
7 voter who demanded the recount, if any, may be present in person or
8 by an authorized representative, but may not be a member of the
9 recount board.

10 3. The recount must include a count and inspection of all
11 ballots, including rejected ballots, and must determine whether all
12 ballots are marked as required by law. All ballots must be recounted
13 in the same manner in which the ballots were originally tabulated.

14 4. The county or city clerk shall unseal and give to the recount
15 board all ballots to be counted.

16 5. The Secretary of State may adopt regulations to carry out the
17 provisions of this section.

18 **Sec. 11.** NRS 293.503 is hereby amended to read as follows:
19 293.503 1. The county clerk of each county where ~~the~~ **the**
20 **office of** registrar of voters has not been ~~appointed~~ **created**
21 pursuant to ~~[NRS 244.164:]~~ **section 2 of this act:**

22 (a) Is ex officio county registrar and registrar for all precincts
23 within the county.

24 (b) Shall have the custody of all books, documents and papers
25 pertaining to preregistration or registration provided for in this
26 chapter.

27 2. All books, documents and papers pertaining to
28 preregistration or registration are official records of the office of the
29 county clerk.

30 3. The county clerk shall maintain records of any program or
31 activity that is conducted within the county to ensure the accuracy
32 and currency of the registrar of voters' register for not less than 2
33 years after creation. The records must include the names and
34 addresses of any person to whom a notice is mailed pursuant to NRS
35 293.5235, 293.530, or 293.535 and whether the person responded to
36 the notice.

37 4. Any program or activity that is conducted within the county
38 for the purpose of removing the name of each person who is
39 ineligible to vote in the county from the registrar of voters' register
40 must be complete not later than 90 days before the next primary or
41 general election.

42 5. Except as otherwise provided by subsection 6, all records
43 maintained by the county clerk pursuant to subsection 3 must be
44 available for public inspection.



6. Except as otherwise provided in NRS 239.0115, any information relating to where a person preregisters or registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to preregistration and registration.

Sec. 12. If on October 1, 2019, a board of county commissioners in a county having a population of 100,000 or more has appointed a registrar of voters pursuant to NRS 244.164, as that section existed on September 30, 2019, the person so appointed:

1. Shall continue to hold that office until a successor is elected and qualified at the 2020 general election; and

2. May run for the office of registrar of voters when the office is placed on the ballot at the general election.

Sec. 13. NRS 244.164 is hereby repealed.

TEXT OF REPEALED SECTION

244.164 Registrar of voters: Creation of office; appointment, qualifications, powers and duties.

1. In each county having a population of 100,000 or more, the board of county commissioners may create the office of registrar of voters, prescribe the qualifications, duties and compensation of that office and make appointments to that office.

2. The registrar of voters, upon appointment as provided in subsection 1, shall assume all of the powers and duties vested in and imposed upon the county clerk of the county with respect to elections, except the duties imposed by virtue of NRS 293.393 to make out and deliver certificates of election.

