

ASSEMBLY BILL NO. 248—ASSEMBLYWOMAN TOLLES

MARCH 12, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections.  
(BDR 24-679)

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; setting forth certain requirements for partisan observers and international observers who wish to observe an election; revising provisions relating to a plan for the accommodation of members of the public who wish to observe an election; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a county or city clerk to allow members of the general public to observe the conduct of voting at a polling place, the handling of ballots, the delivery of a sealed container of ballots to a receiving center or central counting place, the counting of ballots and the processing of ballots. (NRS 293.274, 293B.330, 293B.335, 293B.353, 293B.380, 293C.269) Existing law also requires each county clerk and city clerk to submit a written plan to the Secretary of State for the accommodation of members of the general public who wish to observe such activities. (NRS 293B.354) **Sections 6, 8-10, 12 and 13** of this bill revise these provisions to require the county and city clerks to allow partisan observers and members of the general public to observe the conduct of an election in accordance with the written plan submitted to the Secretary of State. **Section 3** of this bill sets forth the qualifications for a person to act as a partisan observer and the process for a person to be certified by a political party to act as a partisan observer. **Section 2** of this bill defines the term "partisan observer."

**Section 11** of this bill requires the written plan submitted by a county or city clerk to the Secretary of State for approval to: (1) provide for the accommodation of at least one partisan observer from each major political party and then, to the extent space allows, members of the general public; and (2) include requirements for the conduct of partisan observers. **Section 11** also requires the written plan submitted by a county or city clerk to include requirements for the conduct of any persons taking a poll of voters after voting in the election, if such persons are located within the polling place. **Section 11** further requires each county clerk and city clerk to post the rules of conduct on the Internet website of the county clerk or



city clerk, as applicable, and at each polling place, receiving place or central counting place.

Existing law authorizes representatives of various political parties, candidates and the press to observe the testing of equipment used in an election. (NRS 293B.145) **Section 7** of this bill provides instead that partisan observers, representatives of candidates and the press may observe the conduct of these tests.

**Section 4** of this bill: (1) provides that an international election observer may be provided access to observe the conduct of an election to the extent that space at a polling place, receiving center or central counting place allows; and (2) requires a person who wishes to be certified as an international election observer to request approval from the Secretary of State and to follow the same rules of conduct that members of the general public and partisan observers are required to follow.

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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, 3 and 4 of this act.

**Sec. 2.** *"Partisan observer" means a person certified by a political party pursuant to section 3 of this act to observe the conduct of an election on behalf of the political party.*

**Sec. 3. 1.** *To act as a partisan observer in an election, a person must:*

*(a) Be a resident of the State of Nevada;*

*(b) Be a registered member of the political party that he or she seeks to represent; and*

*(c) Be certified as a partisan observer by the political party that he or she seeks to represent.*

**2.** *A person who would like to be certified as a partisan observer for a political party must submit, on a form prescribed by the Secretary of State, a request for certification to a state or county representative of the political party that he or she seeks to represent.*

**3.** *A partisan observer must:*

*(a) Present proof of certification by the political party pursuant to subsection 2 to an election official at the polling place, receiving center or central counting place; and*

*(b) Wear a badge provided by the election official at the polling place, receiving center or central counting place that includes his or her full name and the political party which he or she represents.*

**Sec. 4. 1.** *An international election observer may be provided access to observe the conduct of an election to the extent that space at a polling place, receiving center or central counting place allows, as determined by the county or city clerk or a representative of the county or city clerk.*



2. A person who wishes to be certified as an international election observer must request approval from the Secretary of State.

3. An international election observer must follow any rules of conduct established for partisan observers and members of the general public established pursuant to NRS 293B.354.

4. The Secretary of State may adopt regulations to carry out the provisions of this section.

5. For the purposes of this section, "international election observer" means a person who observes the conduct of an election and who is an official representative of an international organization, including, without limitation, the United Nations, the Organization for Security and Co-operation in Europe or the Organization of American States.

**Sec. 5.** NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 2 of this act*, have the meanings ascribed to them in those sections.

**Sec. 6.** NRS 293.274 is hereby amended to read as follows:

293.274 1. The county clerk shall allow *partisan observers and* members of the general public to observe the conduct of voting at a polling place ~~in accordance with the plan submitted to the Secretary of State pursuant to NRS 293B.354.~~

2. A *partisan observer or* member of the general public shall not photograph the conduct of voting at a polling place or record the conduct of voting on audiotape or any other means of sound or video reproduction.

3. For the purposes of this section, a member of the general public does not include any person who:

(a) Gathers information for communication to the public;

(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association, or radio or television station; and

(c) Is acting solely within his or her professional capacity.

**Sec. 7.** NRS 293B.145 is hereby amended to read as follows:

293B.145 1. The accuracy certification board shall observe the conduct of the tests prescribed by NRS 293B.150 and 293B.165.

2. ~~Representatives of the various political parties.~~ *Partisan observers, representatives* of the various candidates and the press may also observe the conduct of such tests.

**Sec. 8.** NRS 293B.330 is hereby amended to read as follows:

293B.330 1. Upon closing of the polls, the election board shall:



(a) Secure all mechanical recording devices against further voting.

(b) If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county clerk into the container provided by the county clerk to transport those items to a central counting place and seal the container.

(c) Record the number of voters on a form provided by the county clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the county clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the county clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The county clerk shall allow *partisan observers and* members of the general public to observe the handling of the ballots pursuant to subsection 1 *in accordance with the plan submitted to the Secretary of State pursuant to NRS 293B.354* if those *partisan observers and* members do not interfere with the handling of the ballots.

**Sec. 9.** NRS 293B.335 is hereby amended to read as follows:

293B.335 1. At least two members of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the county clerk. If practicable, the members must be of different political parties.

2. At least two members of the election board shall provide for the transportation or other disposition of all other supplies and election materials as directed by the county clerk.

3. Any *partisan observer or* member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place *in accordance with the plan submitted to*



1 *the Secretary of State pursuant to NRS 293B.354* if he or she does  
2 not interfere with the delivery of the sealed container.

3 **Sec. 10.** NRS 293B.353 is hereby amended to read as follows:

4 293B.353 1. The county or city clerk shall allow *partisan*  
5 *observers and* members of the general public to observe the  
6 counting of the ballots at the central counting place *in accordance*  
7 *with the plan submitted to the Secretary of State pursuant to NRS*  
8 *293B.354* if those *partisan observers and* members do not interfere  
9 with the counting of the ballots.

10 2. The county or city clerk may photograph or record or cause  
11 to be photographed or recorded on audiotape or any other means of  
12 sound or video reproduction the counting of the ballots at the central  
13 counting place.

14 3. A registered voter may submit a written request to the  
15 county or city clerk for any photograph or recording of the counting  
16 of the ballots prepared pursuant to subsection 2. The county or city  
17 clerk shall, upon receipt of the request, provide the photograph or  
18 recording to the registered voter at no charge.

19 **Sec. 11.** NRS 293B.354 is hereby amended to read as follows:

20 293B.354 1. The county clerk shall, not later than April 15 of  
21 each year in which a general election is held, submit to the Secretary  
22 of State for approval a written plan for the accommodation of *at*  
23 *least one partisan observer from each major political party and, to*  
24 *the extent that space at the polling place, receiving center or*  
25 *central counting place will allow*, members of the general public ,  
26 *which may include, without limitation, residents of the State and*  
27 *proponents or opponents of a ballot measure*, who observe the  
28 delivery, counting, handling and processing of ballots at a polling  
29 place, receiving center or central counting place.

30 2. The city clerk shall, not later than April 15 of each year in  
31 which a general city election is held, submit to the Secretary of State  
32 for approval a written plan for the accommodation of *at least one*  
33 *partisan observer from each major political party and, to the*  
34 *extent that space at the polling place, receiving center or central*  
35 *counting place will allow*, members of the general public , *which*  
36 *may include, without limitation, residents of the State and*  
37 *proponents or opponents of a ballot measure*, who observe the  
38 delivery, counting, handling and processing of the ballots at a  
39 polling place, receiving center or central counting place.

40 3. Each plan must include:

41 (a) The location of the central counting place and of each polling  
42 place and receiving center;

43 (b) A procedure for the establishment of areas within each  
44 polling place and receiving center and the central counting place



from which *partisan observers and* members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of ~~the~~ :

(1) *Partisan observers and* members of the general public who observe the activities set forth in subsections 1 and 2; *and*

(2) *Any persons conducting a poll of voters after voting if such persons conducting polls are present inside the polling place;* and

(d) Any other provisions relating to the accommodation of *partisan observers and* members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

*4. Each county clerk and city clerk shall post the requirements concerning the conduct of partisan observers and members of the general public who observe the activities set forth in subsections 1 and 2, as applicable, and persons conducting a poll of voters:*

*(a) On the Internet website of the county clerk or city clerk, as applicable; and*

*(b) At each polling place, receiving center and central counting place.*

**Sec. 12.** NRS 293B.380 is hereby amended to read as follows:

293B.380 1. The ballot processing and packaging board must be composed of persons who are qualified in the use of the data processing equipment to be operated for the voting count.

2. The board shall:

(a) Allow *partisan observers and* members of the general public to observe the counting area where the computers are located during the period when ballots are being processed if those members do not interfere with the processing of the ballots.

(b) Receive ballots and maintain groupings of them by precinct.

(c) Before each counting of the ballots or computer run begins, validate the testing material with the counting program.

(d) Maintain a log showing the sequence in which the ballots of each precinct are processed, as a measure to ensure that the ballots of all precincts are processed.

(e) After each counting of the ballots, again verify the testing material with the counting program to substantiate that there has been no substitution or irregularity.

(f) Record an explanation of any irregularity that occurs in the processing.

(g) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,



1 ➡ ensure that a list is compiled indicating the total votes, other than  
2 absentee votes and votes in a mailing precinct, which each candidate  
3 accumulated in each precinct.

4 (h) Collect all returns, programs, testing materials, ballots and  
5 other items used in the election at the computer center and package  
6 and deliver the items to the county clerk for sealing and storage.

7 **Sec. 13.** NRS 293C.269 is hereby amended to read as follows:

8 293C.269 1. The city clerk shall allow *partisan observers*  
9 *and* members of the general public to observe the conduct of voting  
10 at a polling place for a city election ~~in accordance with the plan~~  
11 *submitted to the Secretary of State pursuant to NRS 293B.354.*

12 2. A *partisan observer or* member of the general public shall  
13 not photograph the conduct of voting at a polling place for a city  
14 election or record the conduct of voting on audiotape or any other  
15 means of sound or video reproduction.

16 3. For the purposes of this section, a member of the general  
17 public does not include any person who:

18 (a) Gathers information for communication to the public;

19 (b) Is employed or engaged by or has contracted with a  
20 newspaper, periodical, press association, or radio or television  
21 station; and

22 (c) Is acting solely within his or her professional capacity.

23 **Sec. 14.** 1. This section becomes effective upon passage and  
24 approval.

25 2. Sections 1 to 13, inclusive, of this act become effective:

26 (a) Upon passage and approval for the purpose of adopting any  
27 regulations and performing any other preparatory administrative  
28 tasks that are necessary to carry out the provisions of this act; and

29 (b) On January 1, 2022, for all other purposes.

