

ASSEMBLY BILL NO. 286—ASSEMBLYMEN BRITTNEY MILLER, C.H. MILLER; ANDERSON, BACKUS, BILBRAY-AXELROD, COHEN, CONSIDINE, D’SILVA, DURAN, GONZÁLEZ, GORELOW, LA RUE HATCH, MARZOLA, MONROE-MORENO, MOSCA, NEWBY, NGUYEN, PETERS, SUMMERS-ARMSTRONG, TAYLOR, THOMAS, TORRES AND WATTS

MARCH 14, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to elections.
(BDR 24-530)

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

CONTAINS UNFUNDED MANDATE (§§ 5, 6, 7, 13, 14)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; providing for the establishment of polling places in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children and state facility for the detention of children; requiring the Secretary of State to allow certain prisoners to use a certain system of approved electronic transmission to preregister and register to vote and to cast a ballot; requiring such a jail or facility to allow certain prisoners to register to vote; requiring such a jail or facility to allow a prisoner to vote and return his or her mail ballot; requiring such a jail or facility to submit a report to the Secretary of State after each election; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires a county clerk to establish polling places for a primary
- 2 election, presidential preference primary election or general election. (NRS
- 3 293.2731, 298.690) Existing law further requires, under certain circumstances, a
- 4 county or city clerk to establish a polling place in certain locations such as an



Indian reservation or Indian colony located in whole or in part within the county or city and in a residential development exclusively for elderly persons. (NRS 293.2733, 293.2735, 293C.2675, 293C.268)

Section 5 of this bill requires each county clerk to coordinate with the person who administers each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the county to establish a polling place in each such jail or facility exclusively for prisoners in the jail or facility who are registered voters in the county to vote in person on the day of each primary election, presidential preference primary election and general election. **Section 5** clarifies that, with certain exceptions, the provisions of election law apply to the polling places established in such jails and facilities, voting at such polling places and registering to vote on the day of the election at such polling places. **Section 5** further requires: (1) under certain circumstances, the county clerk to provide at least one mechanical voting device to the polling place in the jail or facility; and (2) the jail or facility to post in a prominent location and set forth in the prisoner handbook certain information relating to elections and voting in the jail or facility. **Section 13** of this bill sets forth similar requirements for the establishment of such polling places in a jail or facility for a primary city election and general city election.

Section 6 of this bill requires the Secretary of State to allow: (1) an elector who is a prisoner in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; (2) a registered voter in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military; and (3) allow certain prisoners to preregister to vote.

Section 7 of this bill requires each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children to allow: (1) a family member of a prisoner to bring to the prisoner in the jail or facility the prisoner's mail ballot; and (2) a prisoner to vote the mail ballot, return the mail ballot, and, if applicable, cure any signature defect on the mail ballot. **Section 14** of this bill sets forth similar requirements for city elections.

Sections 8 and 15 of this bill require each person who administers a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children to submit a report to the Secretary of State not later than 30 days after each primary election, presidential preference primary election, general election, primary city election and general city election.

Sections 10 and 16 of this bill provide that no member of the general public may observe the conduct of voting at a polling place established pursuant to **section 5 or 13** without approval from the person who administers the jail or facility.

Section 11 of this bill requires the county clerk to prepare a roster for each polling place established in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children.

Sections 2-4 of this bill, respectively, define the terms "local facility for the detention of children," "regional facility for the treatment and rehabilitation of children" and "state facility for the detention of children." **Section 9** of this bill



59 makes a conforming change to indicate the proper placement of **sections 2-4** in the
60 Nevada Revised Statutes.

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

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *“Local facility for the detention of children” has the*
5 *meaning ascribed to it in NRS 62A.190.*

6 **Sec. 3.** *“Regional facility for the treatment and rehabilitation*
7 *of children” has the meaning ascribed to it in NRS 62A.280.*

8 **Sec. 4.** *“State facility for the detention of children” has the*
9 *meaning ascribed to it in NRS 62A.330.*

10 **Sec. 5. 1.** *Each county clerk shall coordinate with the*
11 *person who administers each county jail, city jail, local facility for*
12 *the detention of children, regional facility for the treatment and*
13 *rehabilitation of children or state facility for the detention of*
14 *children in the county to establish a polling place in each such jail*
15 *or facility exclusively for prisoners in the jail or facility who are*
16 *registered voters in the county to vote in person on the day of each*
17 *primary election, presidential preference primary election and*
18 *general election. If prisoners of a county are detained in a jail or*
19 *facility located in another county pursuant to an agreement*
20 *entered into pursuant to subsection 2 of NRS 211.010, the county*
21 *clerk shall coordinate with the person who administers the jail in*
22 *the county where the prisoners are detained to establish a polling*
23 *place for those prisoners who are registered voters to vote in*
24 *person on the day of the election.*

25 **2.** *Except as otherwise provided in this section or by specific*
26 *statute, the provisions of this title relating to elections, including,*
27 *without limitation:*

28 **(a)** *Polling places, apply to a polling place established*
29 *pursuant to this section, including, without limitation, the*
30 *requirements set forth in NRS 293.2955 for a polling place to be*
31 *accessible to a voter with a disability.*

32 **(b)** *Voting in person on election day, apply to a prisoner who is*
33 *a registered voter who applies to vote at a polling place established*
34 *pursuant to this section.*

35 **(c)** *Same day voter registration, apply to a prisoner who is an*
36 *elector who applies to vote on election day at a polling place*
37 *established pursuant to this section. A person who administers the*
38 *jail or facility shall not prohibit a family member of a prisoner*
39 *from providing the prisoner in the jail or facility with the*



1 *necessary information to register to vote on the day of the election*
2 *pursuant to NRS 293.5847.*

3 *3. If a jail or facility has the technical ability to have a voting*
4 *booth equipped with a mechanical recording device, the county*
5 *clerk must provide a polling place established pursuant to this*
6 *section with at least one mechanical voting device.*

7 *4. A county jail, city jail, local facility for the detention of*
8 *children, regional facility for the treatment and rehabilitation of*
9 *children or state facility for the detention of children shall not*
10 *prohibit or restrict any prisoner who is eligible to vote or register*
11 *to vote in a primary election, presidential preference primary*
12 *election or general election from doing so.*

13 *5. Every county jail, city jail, local facility for the detention of*
14 *children, regional facility for the treatment and rehabilitation of*
15 *children or state facility for the detention of children shall post in*
16 *a prominent location and set forth in the prisoner handbook*
17 *information relating to elections and voting in the jail or facility,*
18 *including, without limitation, qualifications to register to vote and*
19 *to vote and the options and procedures for registering to vote and*
20 *voting at the jail or facility.*

21 *6. Nothing in this section authorizes a person convicted of a*
22 *felony in this State who has not had his or her right to vote*
23 *restored pursuant to NRS 213.157 to vote or to register to vote at a*
24 *polling place established pursuant to this section.*

25 *7. The Secretary of State shall adopt regulations to carry out*
26 *the provisions of this section.*

27 **Sec. 6. 1. Except as otherwise provided in this section, the**
28 **Secretary of State shall allow:**

29 *(a) An elector who is a prisoner in a county jail, city jail, local*
30 *facility for the detention of children, regional facility for the*
31 *treatment and rehabilitation of children or state facility for the*
32 *detention of children to use the system of approved electronic*
33 *transmission established pursuant to NRS 293D.200 to register to*
34 *vote in every election where the system of approved electronic*
35 *transmission is available to a covered voter to register to vote. The*
36 *deadline for such an elector to use the system of approved*
37 *electronic transmission to register to vote is the same as the*
38 *deadline set forth in NRS 293D.230 for a covered voter to register*
39 *to vote.*

40 *(b) A registered voter who is a prisoner in a county jail, city*
41 *jail, local facility for the detention of children, regional facility for*
42 *the treatment and rehabilitation of children or state facility for the*
43 *detention of children to use the system of approved electronic*
44 *transmission established pursuant to NRS 293D.200 to apply for*
45 *and cast a ballot in every election where the system of approved*



1 *electronic transmission is available to a covered voter to request*
2 *and cast a military-overseas ballot. The deadlines for such a*
3 *registered voter to use the system of approved electronic*
4 *transmission to request and cast a ballot are the same as the*
5 *deadlines set forth in NRS 293D.310 and 293D.400 for a covered*
6 *voter to request and cast a military-overseas ballot.*

7 (c) *A prisoner who is a citizen of the United States who is 17*
8 *years of age or older but less than 18 years of age and has*
9 *continuously resided in this State for 30 days or longer to*
10 *preregister to vote using the system of approved electronic*
11 *transmission established pursuant to NRS 293D.200. If a prisoner*
12 *preregisters to vote pursuant to this paragraph, the provisions of*
13 *NRS 293.4855 apply.*

14 2. *Upon receipt of an application and ballot cast by a prisoner*
15 *using the system of approved electronic transmission established*
16 *pursuant to NRS 293D.200, the local elections official shall affix,*
17 *mark or otherwise acknowledge receipt of the application and*
18 *ballot by means of a time stamp on the application.*

19 3. *The Secretary of State shall ensure that an elector or a*
20 *registered voter may provide his or her digital signature or*
21 *electronic signature on any document or other material that is*
22 *necessary for the elector or registered voter to register to vote,*
23 *apply for a ballot or cast a ballot, as applicable.*

24 4. *The Secretary of State shall prescribe the form and content*
25 *of a declaration for use by an elector or a registered voter to swear*
26 *or affirm specific representations pertaining to identity, eligibility*
27 *to vote, status as such an elector or registered voter and timely and*
28 *proper completion of a ballot.*

29 5. *The Secretary of State shall prescribe the duties of the*
30 *county and city clerks upon receipt of a ballot sent by a registered*
31 *voter using the system of approved electronic transmission*
32 *pursuant to this section, including, without limitation, the*
33 *procedures to be used in accepting, handling and counting the*
34 *ballot.*

35 6. *The Secretary of State shall make available to an elector or*
36 *registered voter who is a prisoner in a county jail, city jail, local*
37 *facility for the detention of children, regional facility for the*
38 *treatment and rehabilitation of children or state facility for the*
39 *detention of children information regarding instructions on using*
40 *the system for approved electronic transmission to register to vote*
41 *and apply for and cast a ballot.*

42 7. *A county jail, city jail, local facility for the detention of*
43 *children, regional facility for the treatment and rehabilitation of*
44 *children or state facility for the detention of children shall not*
45 *prohibit, restrict or monitor the use of the system of approved*



1 *electronic transmission established pursuant to NRS 293D.200 by*
2 *any prisoner.*

3 8. *The Secretary of State shall adopt any regulation necessary*
4 *to carry out the provisions of this section.*

5 9. *As used in this section:*

6 (a) *“Covered voter” has the meaning ascribed to it in*
7 *NRS 293D.030.*

8 (b) *“Digital signature” has the meaning ascribed to it in*
9 *NRS 720.060.*

10 (c) *“Electronic signature” has the meaning ascribed to it in*
11 *NRS 719.100.*

12 (d) *“Military-overseas ballot” has the meaning ascribed to it in*
13 *NRS 293D.050.*

14 **Sec. 7. 1.** *Each county jail, city jail, local facility for the*
15 *detention of children, regional facility for the treatment and*
16 *rehabilitation of children or state facility for the detention of*
17 *children shall:*

18 (a) *Allow a family member of a prisoner to bring to the*
19 *prisoner in the jail or facility the prisoner’s mail ballot that was*
20 *mailed to the prisoner by the county clerk;*

21 (b) *Provide each prisoner with a reasonable amount of privacy*
22 *to vote his or her mail ballot, which may, without limitation, be in*
23 *a common area, visitation area, room or cell;*

24 (c) *Provide each prisoner with a pen with black or blue ink to*
25 *vote his or her mail ballot;*

26 (d) *Allow the prisoner to return his or her mail ballot by mail*
27 *such that the mail ballot is postmarked and received by the county*
28 *clerk pursuant to NRS 293.269921, authorize a person to return*
29 *the mail ballot on behalf of the prisoner pursuant to NRS*
30 *293.269923 or allow the prisoner to return his or her mail ballot*
31 *by drop box established pursuant to paragraph (e);*

32 (e) *Allow the county clerk to establish a drop box for the*
33 *collection of the mail ballots of prisoners and to collect the mail*
34 *ballots from the drop box; and*

35 (f) *If applicable, allow the prisoner to cure any defect in*
36 *signature on the mail ballot pursuant to NRS 293.269927.*

37 2. *A county jail, city jail, local facility for the detention of*
38 *children, regional facility for the treatment and rehabilitation of*
39 *children or state facility for the detention of children shall not*
40 *open a mail ballot after a prisoner has voted and sealed the mail*
41 *ballot unless the jail or facility has a reasonable suspicion of a*
42 *prohibited activity.*

43 **Sec. 8.** *Not later than 30 days after each primary election,*
44 *presidential preference primary election or general election, each*
45 *person who administers the county jail, city jail, local facility for*



the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall submit in a report to the Secretary of State:

1. An explanation of the process the jail or facility used to comply with the requirements of sections 5, 6 and 7 of this act for the election; and

2. A summary of each complaint received by the jail or facility from a prisoner relating to registering to vote or voting in the election.

Sec. 9. 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 293.016 to 293.121, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 293.274 is hereby amended to read as follows:

293.274 1. ~~[The]~~ *Except as otherwise provided in this subsection, the* county clerk shall allow members of the general public to observe the conduct of voting at a polling place. *No member of the general public may observe the conduct of voting at a polling place established pursuant to section 5 of this act without the approval of the person who administers the county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children, as applicable.*

2. A 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. 11. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for:

(a) Each polling place:

(1) A roster containing the registered voters eligible to vote at the polling place; and

(2) A roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive; and



(b) Each polling place established pursuant to NRS 293.3072 or 293C.3032 *or section 5 or 13 of this act* a roster containing the registered voters eligible to vote in the county or city, respectively.

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

Sec. 12. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 13, 14 and 15 of this act.

Sec. 13. *1. Each city clerk shall coordinate with the person who administers each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the city to establish a polling place in each such jail or facility exclusively for prisoners in the jail or facility who are registered voters in the city to vote in person on the day of each primary city election and general city election.*

2. Except as otherwise provided in this section or by specific statute, the provisions of this title relating to city elections, including, without limitation:

(a) Polling places, apply to a polling place established pursuant to this section, including, without limitation, the requirements set forth in NRS 293C.281 for a polling place to be accessible to a voter with a disability.

(b) Voting in person on election day, apply to a prisoner who is a registered voter who applies to vote at a polling place established pursuant to this section.

(c) Same day voter registration, apply to a prisoner who is an elector who applies to vote on election day at a polling place established pursuant to this section. A person who administers the jail or facility shall not prohibit a family member of a prisoner from providing the prisoner in the jail with the necessary information to register to vote on the day of the election pursuant to NRS 293.5847.

3. If a jail or facility has the technical ability to have a voting booth equipped with a mechanical recording device, the city clerk must provide a polling place established pursuant to this section with at least one mechanical voting device.

4. A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children shall not prohibit or restrict any prisoner who is eligible to vote or register to vote in a primary city election or general city election from doing so.

5. Every county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of



1 children or state facility for the detention of children shall post in
2 a prominent location and set forth in the prisoner handbook
3 information relating to elections and voting in the jail or facility,
4 including, without limitation, qualifications to register to vote and
5 to vote and the options and procedures for registering to vote and
6 voting at the jail or facility in city elections.

7 6. Nothing in this section authorizes a person convicted of a
8 felony in this State who has not had his or her right to vote
9 restored pursuant to NRS 213.157 to vote or to register to vote at a
10 polling place established pursuant to this section.

11 7. The Secretary of State shall adopt regulations to carry out
12 the provisions of this section.

13 **Sec. 14.** 1. Each county jail, city jail, local facility for the
14 detention of children, regional facility for the treatment and
15 rehabilitation of children or state facility for the detention of
16 children shall:

17 (a) Allow a family member of a prisoner to bring to the
18 prisoner in the jail or facility the prisoner's mail ballot that was
19 mailed to the prisoner by the city clerk;

20 (b) Provide each prisoner with a reasonable amount of privacy
21 to vote his or her mail ballot, which may, without limitation, be in
22 a common area, visitation area, room or cell;

23 (c) Provide each prisoner with a pen with black or blue ink to
24 vote his or her mail ballot;

25 (d) Allow the prisoner to return his or her mail ballot by mail
26 such that the mail ballot is postmarked and received by the city
27 clerk pursuant to NRS 293C.26321, authorize a person to return
28 the mail ballot on behalf of the prisoner pursuant to NRS
29 293C.26323 or allow the prisoner to return his or her mail ballot
30 by drop box established pursuant to paragraph (e);

31 (e) Allow the city clerk to establish a drop box for the
32 collection of the mail ballots of prisoners and to collect the mail
33 ballots from the drop box; and

34 (f) If applicable, allow the prisoner to cure any defect in
35 signature on the mail ballot pursuant to NRS 293C.26327.

36 2. A county jail, city jail, local facility for the detention of
37 children, regional facility for the treatment and rehabilitation of
38 children or state facility for the detention of children shall not
39 open a mail ballot after a prisoner has voted and sealed the mail
40 ballot unless the jail or facility has a reasonable suspicion of a
41 prohibited activity.

42 **Sec. 15.** Not later than 30 days after each primary city
43 election or general city election, each person who administers the
44 county jail, city jail, local facility for the detention of children,
45 regional facility for the treatment and rehabilitation of children or



1 *state facility for the detention of children shall submit in a report*
2 *to the Secretary of State:*

3 1. *An explanation of the process the jail or facility used to*
4 *comply with the requirements of sections 13 and 14 of this act for*
5 *the election; and*

6 2. *A summary of each complaint received by the jail or*
7 *facility from a prisoner relating to registering to vote or voting in*
8 *the election.*

9 **Sec. 16.** NRS 293C.269 is hereby amended to read as follows:

10 293C.269 1. ~~[The]~~ *Except as otherwise provided in this*
11 *subsection, the city clerk shall allow members of the general public*
12 *to observe the conduct of voting at a polling place for a city*
13 *election. No member of the general public may observe the*
14 *conduct of voting at a polling place established pursuant to section*
15 *13 of this act without the approval of the person who administers*
16 *the county jail, city jail, local facility for the detention of children,*
17 *regional facility for the treatment and rehabilitation of children or*
18 *state facility for the detention of children, as applicable.*

19 2. A member of the general public shall not photograph the
20 conduct of voting at a polling place for a city election or record the
21 conduct of voting on audiotape or any other means of sound or
22 video reproduction.

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

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

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

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

30 **Sec. 17.** The provisions of NRS 354.599 do not apply to any
31 additional expenses of a local government that are related to the
32 provisions of this act.

33 **Sec. 18.** 1. This section and section 17 of this act become
34 effective upon passage and approval.

35 2. Sections 1 to 16, inclusive, of this act, become effective:

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

39 (b) On January 1, 2024, for all other purposes.

