

ASSEMBLY BILL NO. 441—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to elections.
(BDR 24-814)

FISCAL NOTE: Effect on Local Government: No.
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 voting; authorizing a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a county clerk to establish the boundaries of election
2 precincts and authorizes election precincts to be combined into election districts.
3 (NRS 293.205-293.207) Existing law also prohibits a person from applying for or
4 receiving a ballot at any election precinct or district other than the one at which the
5 person is entitled to vote. (NRS 293.730)

6 **Section 2** of this bill authorizes a county clerk to establish one or more polling
7 places in the county where any person entitled to vote in the county by personal
8 appearance may do so. **Section 3** of this bill sets forth the procedure for the county
9 clerk to establish those polling places. **Section 4** of this bill requires the county
10 clerk to publicize the location of any such polling place. **Section 6** of this bill
11 requires the county clerk to prepare an election board register for any such polling
12 place. **Section 7** of this bill sets forth the procedure for a person to vote in person at
13 any such polling place. **Section 8** of this bill prohibits electioneering within 100
14 feet of any such polling place.

15 **Sections 13-19** of this bill set forth companion provisions authorizing city
16 clerks to establish polling places where any person entitled to vote in the city by
17 personal appearance may do so for city elections.



* A B 4 4 1 *

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. 1.** *The county clerk may establish one or more*
5 *polling places in the county where any person entitled to vote in*
6 *the county by personal appearance may do so. Any such polling*
7 *place must be at a location selected pursuant to section 3 of this*
8 *act.*

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

12 **Sec. 3. 1.** *A polling place established pursuant to section 2*
13 *of this act must satisfy the criteria provided by the county clerk*
14 *pursuant to subsection 2.*

15 **2.** *The county clerk shall:*

16 **(a)** *Provide by rule or regulation for the criteria to be used to*
17 *select a polling place described in section 2 of this act; and*

18 **(b)** *At a meeting of the board of county commissioners, inform*
19 *the board of the sites established as polling places pursuant to*
20 *section 2 of this act, if any.*

21 **Sec. 4. 1.** *If the county clerk establishes one or more*
22 *polling places pursuant to section 2 of this act, the county clerk*
23 *shall publish during the week before the election in a newspaper*
24 *of general circulation a notice of the location of each polling place*
25 *in the county that has been established pursuant to section 2 of*
26 *this act.*

27 **2.** *The county clerk shall post a copy of the locations*
28 *established pursuant to section 2 of this act, if any, on the bulletin*
29 *board used for posting notice of meetings of the board of county*
30 *commissioners. The copy of the locations must be posted*
31 *continuously for a period beginning not later than the fifth*
32 *business day before the election and ending at 7 p.m. on the day of*
33 *the election.*

34 **3.** *The county clerk shall make copies of the locations*
35 *available to the public in reasonable quantities without charge*
36 *during the period of posting.*

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

39 **Sec. 5.** *If ballots that are voted on a mechanical recording*
40 *device which directly records the votes electronically are used at a*
41 *polling place established pursuant to section 2 of this act, the*



1 *election board shall, before the polls open election day, prepare*
2 *each mechanical recording device for voting.*

3 **Sec. 6.** *For each polling place established pursuant to section*
4 *2 of this act, the county clerk must prepare an election board*
5 *register that contains for every registered voter in the county, the*
6 *voter's name, the address where he or she is registered to vote, his*
7 *or her voter identification number, the voter's precinct or district*
8 *number, and a place for the voter's signature.*

9 **Sec. 7. 1.** *Upon the appearance of a person to cast a ballot*
10 *at a polling place established pursuant to section 2 of this act, the*
11 *election board officer shall:*

12 (a) *Determine that the person is a registered voter in the*
13 *county;*

14 (b) *Instruct the voter to sign the election board register; and*

15 (c) *Verify the signature of the voter against that contained on*
16 *the original application to register to vote or a facsimile thereof,*
17 *the card issued to the voter at the time of registration or some*
18 *other piece of official identification.*

19 **2.** *The county clerk shall prescribe a procedure, approved by*
20 *the Secretary of State, to determine that the voter has not already*
21 *voted pursuant to this section.*

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

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

30 (a) *Prepare the mechanical recording device for the voter;*

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

34 (c) *Allow the voter to cast a vote.*

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

38 **Sec. 8. 1.** *During the time a polling place established*
39 *pursuant to section 2 of this act is open for voting, a person may*
40 *not electioneer for or against any candidate, measure or political*
41 *party in or within 100 feet from the entrance to the voting area.*

42 **2.** *During the period of voting, the county clerk shall keep*
43 *continuously posted:*



1 (a) *At the entrance to the room or area, as applicable, in which*
2 *the polling place is located a sign on which is printed in large*
3 *letters “Polling Place”;* and

4 (b) *At the outer limits of the area within which electioneering*
5 *is prohibited, a sign on which is printed in large letters “Distance*
6 *Marker: No electioneering between this point and the entrance to*
7 *the polling place.”*

8 3. *Ropes or other suitable objects may be used at the polling*
9 *place to ensure compliance with this section. Persons who are not*
10 *expressly permitted by law to be in a polling place must be*
11 *excluded from the polling place to the extent practicable.*

12 4. *Any person who willfully violates the provisions of this*
13 *section is guilty of a gross misdemeanor.*

14 **Sec. 9.** NRS 293.2546 is hereby amended to read as follows:

15 293.2546 The Legislature hereby declares that each voter has
16 the right:

17 1. To receive and cast a ballot that:

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

20 (b) Accurately records the voter’s preference in the selection of
21 candidates.

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

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

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

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

32 6. To request assistance in voting, if necessary.

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

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

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

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

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



1 **Sec. 10.** NRS 293.275 is hereby amended to read as follows:
2 293.275 ~~Not~~

3 **1. Except as otherwise provided in subsection 2, no** election
4 board may perform its duty in serving registered voters at any
5 precinct or district polling place in any election provided for in this
6 title, unless it has before it the election board register for its precinct
7 or district.

8 **2. If a county clerk or city establishes a polling place**
9 **pursuant to section 2 or 13 of this act, respectively, the election**
10 **board may perform its duty in serving registered voters at the**
11 **polling place in an election if the election board has before it the**
12 **election board register for the county or city, as applicable.**

13 **Sec. 11.** NRS 293.790 is hereby amended to read as follows:

14 293.790 If any person whose vote has been rejected offers to
15 vote at the same election, at any polling place other than ~~the~~ one in
16 which the person is ~~registered~~ **authorized** to vote, such person is
17 guilty of a gross misdemeanor.

18 **Sec. 12.** Chapter 293C of NRS is hereby amended by adding
19 thereto the provisions set forth as sections 13 to 19, inclusive, of this
20 act.

21 **Sec. 13. 1. The city clerk may establish one or more polling**
22 **places in the city where any person entitled to vote in the city by**
23 **personal appearance may do so. Any such polling place must be at**
24 **a location selected pursuant to section 14 of this act.**

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

28 **Sec. 14. 1. A polling place established pursuant to section**
29 **13 of this act must satisfy the criteria provided by the city clerk**
30 **pursuant to subsection 2.**

31 **2. The city clerk shall:**

32 **(a) Provide by rule or regulation for the criteria to be used to**
33 **select a polling place described in section 13 of this act; and**

34 **(b) At a meeting of the city council or other governing body of**
35 **the city, inform the council or other governing body of the sites**
36 **established as polling places pursuant to section 13 of this act, if**
37 **any.**

38 **Sec. 15. 1. If the city clerk establishes one or more polling**
39 **places pursuant to section 13 of this act, the city clerk shall**
40 **publish during the week before the election in a newspaper of**
41 **general circulation a notice of the location of each polling place in**
42 **the city that has been established pursuant to section 13 of this act.**

43 **2. The city clerk shall post a copy of the locations established**
44 **pursuant to section 13 of this act, if any, on the bulletin board**
45 **used for posting notice of meetings of the city council or the**



1 governing body of the city. The copy of the locations must be
2 posted continuously for a period beginning not later than the fifth
3 business day before the election and ending at 7 p.m. on the day of
4 the election.

5 3. The city clerk shall make copies of the locations available
6 to the public in reasonable quantities without charge during the
7 period of posting.

8 4. No additional polling place may be established pursuant to
9 section 13 of this act after the publication pursuant to this section.

10 **Sec. 16.** If ballots that are voted on a mechanical recording
11 device which directly records the votes electronically are used at a
12 polling place established pursuant to section 13 of this act, the
13 election board shall, before the polls open election day, prepare
14 each mechanical recording device for voting.

15 **Sec. 17.** For each polling place established pursuant to
16 section 13 of this act, the city clerk must prepare an election board
17 register that contains for every registered voter in the city, the
18 voter's name, the address where he or she is registered to vote, his
19 or her voter identification number, the voter's precinct or district
20 number, and a place for the voter's signature.

21 **Sec. 18. 1.** Upon the appearance of a person to cast a ballot
22 at a polling place established pursuant to section 13 of this act, the
23 election board officer shall:

- 24 (a) Determine that the person is a registered voter in the city;
25 (b) Instruct the voter to sign the election board register; and
26 (c) Verify the signature of the voter against that contained on
27 the original application to register to vote or a facsimile thereof,
28 the card issued to the voter at the time of registration or some
29 other piece of official identification.

30 2. The city clerk shall prescribe a procedure, approved by the
31 Secretary of State, to determine that the voter has not already
32 voted pursuant to this section.

33 3. When a voter is entitled to cast a ballot and has identified
34 himself or herself to the satisfaction of the election board officer,
35 the voter is entitled to receive the appropriate ballot or ballots, but
36 only for his or her own use at the polling place where he or she
37 applies to vote.

38 4. If the ballot is voted on a mechanical recording device
39 which directly records the votes electronically, the election board
40 officer shall:

- 41 (a) Prepare the mechanical recording device for the voter;
42 (b) Ensure that the voter's precinct or voting district and the
43 form of ballot are indicated on the voting receipt, if the city clerk
44 uses voting receipts; and
45 (c) Allow the voter to cast a vote.



1 5. *A voter applying to vote at a polling place established*
2 *pursuant to section 13 of this act may be challenged pursuant to*
3 *NRS 293C.292.*

4 **Sec. 19.** *1. During the time a polling place established*
5 *pursuant to section 13 of this act is open for voting, a person may*
6 *not electioneer for or against any candidate, measure or political*
7 *party in or within 100 feet from the entrance to the voting area.*

8 *2. During the period of voting, the city clerk shall keep*
9 *continuously posted:*

10 *(a) At the entrance to the room or area, as applicable, in which*
11 *the polling place is located a sign on which is printed in large*
12 *letters "Polling Place"; and*

13 *(b) At the outer limits of the area within which electioneering*
14 *is prohibited, a sign on which is printed in large letters "Distance*
15 *Marker: No electioneering between this point and the entrance to*
16 *the polling place."*

17 *3. Ropes or other suitable objects may be used at the polling*
18 *place to ensure compliance with this section. Persons who are not*
19 *expressly permitted by law to be in a polling place must be*
20 *excluded from the polling place to the extent practicable.*

21 *4. Any person who willfully violates the provisions of this*
22 *section is guilty of a gross misdemeanor.*



