

2008

Nevada Voter Protection Laws in a Nutshell



Just Democracy!



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INTRODUCTION

This publication (“Nutshell”) is intended to distill complex election law for lawyers, advocates, voter registration campaigns, and “get out the vote” campaigns. It combines federal and state election law with state regulations, rules, attorney general opinions, and other election materials to provide a comprehensive interpretation of the law and practices with respect to elections. While this Nutshell does not cover every provision of election law, it highlights those provisions that, in our experience, have most affected the voting rights of minority voters.

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VOTER REGISTRATION - GENERAL

Who may register to vote?

Any person who meets all of the following criteria may register to vote in the State of Nevada:¹

- Is a citizen of the United States;
- Is 18 years of age or over;
 - A person may register at age 17 if s/he will be 18 by Election Day.
- Has continuously resided in the State and county at least 30 days and in the precinct at least 10 days before the next election
- Claims no other place as his/her legal residence;
- Is not determined by a court to be mentally incompetent;
- Is not currently serving a sentence for any felony conviction or other loss of civil rights;
 - People with felony convictions who had their civil rights restored (see Section II below) are eligible to register to vote.¹

When will the General Election be held in 2008?

Tuesday, November 4, 2008

What is the voter registration deadline for the General Election?

For Citizens not Registered to Vote

- Voter registration applications submitted by mail must be received by October 4, 2008²
- Voter registration applications submitted in person must be submitted by October 14, 2008³

For Military and Overseas Citizens

- Voter registration application must be postmarked no later than October 4, 2008⁴

Where can a person register to vote?

In Person: Nevada residents may register to vote at the following locations:⁵

- Department of Motor Vehicle offices;
- County Clerk offices;⁶
- Offices that provide public assistance as are designated by the Secretary of State;
- Offices that receive money from the State of Nevada to provide services to persons in the State who are disabled; and
- Such other county and municipal facilities as a City and/or County Clerk may designate.⁷

By Mail: Nevada residents may also register by mail and should be able to get mail-in application forms at the following locations (Voters should check the specific location in advance of visiting it):
Government offices, such as:

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- United States post offices;
- Public libraries;
- Public utility offices;
- Political committee offices and campaign headquarters of federal and state candidates;
- Financial and educational institutions;
- Places of worship and community centers for seniors;
- Other locations deemed appropriate by the County Clerk

Upon a resident's request, a County Clerk will also mail a voter registration application to the resident. The resident need only submit a written request for a mail-in application to the County Clerk for the county in which s/he resides before the registration deadline.

At Home: Nevada law permits certain residents to register in their own homes. If a person becomes ill or has a disability that requires special assistance, s/he may be eligible to register at his/her residence with the assistance of a field registrar if s/he can demonstrate a need for special assistance.⁸ This can be done any time before the fifth Sunday preceding an election (October 5, 2008 in this election cycle).⁹ To secure this special assistance, the resident must submit a written request to the County Clerk. Once the County Clerk receives the written request, s/he shall direct a field registrar to go to the home of the person to register that person to vote.¹⁰ The field registrar will require the person to submit official identification as proof of residency and identity, such as a driver's license, before registering him/her. If the applicant registers at home in this manner and does not provide proof of his/her residency and identity at that time, the applicant will be required to proof of his/her residence and identity before casting a ballot in person, by mail, or provisionally.

Online: Applications can also be requested via the web at <http://redrock.co.clark.nv.us/electionwebforms/VoterRegAppRequest.aspx>, although forms cannot be downloaded or printed from the web, and one cannot register via the web.

What information must be provided on a voter registration application?

An applicant must provide the following information on the application:¹¹

- Name
- Date of Birth
- Political Party Affiliation
- Residential Address (not including post office boxes, mail forward services, or business addresses unless actually living there, or highway contract routes)
- Registration Identification Number, which will be based on a resident's current and valid Nevada driver's license or Nevada-issued identification card or the last four digits of a resident's social security number, if the person does not have a driver's license or an identification card. If a resident does not have a current and valid license/identification card or a social security number, the applicant shall sign an affidavit stating that s/he does not have these items.¹² Once this affidavit is received, the County Clerk shall issue an identification number to the applicant, which will be used as the person's unique identifier for purposes of the statewide voter registration list.¹³
- Signature (If an applicant cannot sign his/her name due to a physical disability, s/he may use

a signature stamp that meets the standards of the Office of Disability Services,¹⁴ register, and provide appropriate identification in person at the Elections Department.)

In addition, an applicant will be required to provide a copy of an acceptable form of identification, such as a current and valid Nevada driver's license, a current and valid Nevada-issued identification card, a current utility bill, a current bank statement, a recent paycheck, and/or a document issued by a government entity if mailing in their registration. If they do not provide this information, they must show it when registering in person or at their first time voting in-person at the polls on Election Day.

How does a person without a home register to vote?

Nevada does not have specific laws addressing voter registration for people who do not have permanent residence. However, if a Nevada resident does not have a street address, s/he can register to vote by providing a description of his/her location with enough detail for it to be assigned to a precinct, such as four directly adjoining street corners or a township section.¹⁵

Victims of domestic violence, sexual assault, or stalking may use a fictitious address in order to register to vote.¹⁶ Additionally, any registered voter may submit a written request to their respective County Clerk/Registrar of Voters to have his/her address and telephone number withheld from the public.¹⁷

May a resident register by mail?

Yes. A resident may register to vote by mail simply by picking up a mail-in application form at one of the locations listed above, completing it, and sending the completed application to the County Clerk for the county in which the person resides or delivering the application in person to that County Clerk's office. The applicant should also include, with his/her application, a copy of his/her identification, which can be:

- current and valid Nevada driver's license
- a current and valid Nevada-issued identification card
- a current utility bill, a current bank statement
- a recent paycheck, and/or a document issued by a government entity if mailing in their registration

The voter registration form is due by October 4, 2008 (postmarked by that deadline and received within 3 days).

May a first-time voter also register by mail?

Yes. A first-time voter may register by mail, but if s/he did not include identification with the application, will be required to present one of the following forms of identification at the polling place on Election Day in order to actually vote:¹⁸

1. Nevada Driver's License or Nevada Identification Card or
2. a copy of a current utility bill, bank statement, paycheck, or document issued by a government entity (other than the voter registration card, but including a check bearing the first-time voter's name and address).

The following “first-time” voters are exempt from the proof of identification requirement:

- Voters who personally hand-deliver their certificate/federal form to an official at the County Clerk’s office, a Department of State office, or a designated state voter registration agency;
- Voters whose name, date of birth, and identification number supplied on the certificate/form (i.e., driver’s license number or last four digits of the social security number) are successfully matched by election officials with an existing state identification record;
- Voters who are 65-years-old or older or have a disability (permanent or temporary); and
- Voters who are eligible to vote other than in person under the Uniform and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, and/or any other applicable federal law.¹⁹

Will a mail-in voter registration application be accepted if it is received after the registration deadline?

All voter registration applications must be postmarked by the registration deadline, which, again, for 2008 is October 4. Voter registration forms submitted in person will be accepted until October 14, 2008.

The mail-in application deadline based on date of receipt does not apply to certain individuals. For members of the military and overseas citizens, voter registration applications need only be postmarked by the mail-in registration deadline, which is October 4, 2008.

May a person correct or provide additional information for a registration application after the deadline if the application was submitted before the deadline?

Yes. If an application is submitted before the registration deadline but is inaccurate or incomplete, the voter may be able to correct the omissions and/or provide the missing information provided that the correction/additional information is received by the County Clerk’s office within 15 days after the County Clerk mails the notice.

Within 10 days of receipt of the accurate/missing information, the County Clerk will mail to the applicant: (a) a notice informing the person that s/he is registered to vote and a voter registration card; or (b) a notice informing the applicant that the list of registered voters has been corrected.²⁰

An applicant shall be deemed to be registered as of the date the application is postmarked or personally delivered. However, if the application is incorrect or incomplete and an applicant does not provide the correct or missing information within the 15-day period after the deadline, the application is void and the person will not be registered.²¹

Are there any special rules regarding federal registration applications?

No. A person may use either the federal registration form or the Nevada registration form to register to vote in federal, state, and/or local elections. Military/overseas citizens may also use voter registration applications prescribed and provided by the Federal Voting Assistance Program.²²

Are there any rules on assisting others with the completion of a voter registration application?

A person conducting a voter registration drive may assist an applicant in completing a registration application if the applicant requests assistance.²³ If assistance is provided, the person assisting must complete “Box 13” on the official Nevada Voter Registration Application²⁴ to acknowledge that assistance was provided to the applicant.²⁵ Failure to provide this information is a felony.²⁶

How many voter registration applications may individuals/organizations conducting voter registration drives receive from the State Elections Division or County Clerk’s offices?

There is no limit on the number of voter registration applications an individual or an organization may receive, but if an individual/organization wants 50 or more, s/he or it must submit the a Mail-In Application Distribution Plan,²⁷ which is available from the Secretary of State, and submit it to the Secretary of State. *For more information, see Guide to Voter Registration Drives in Appendix B.*

May individuals/organizations conducting voter registration drives make copies of completed voter registration applications before delivering them to the registrar’s/supervisor’s office?

There is nothing in the law that prohibits the copying of completed voter registration applications prior to submission.

Are individuals/organizations conducting voter registration drives required to deliver or mail completed voter registration applications within a certain time limit?

Yes. Individuals/Organizations conducting voter registration drives are required to return completed applications left in their custody to the County Clerk’s office within 10 days of their completion and no later than the registration deadline date or the individual/organization conducting the voter registration drives will be fined up to 20,000 dollars per violation.²⁸ When sent by mail by the organizer of the registration drive, postage must be pre-paid by the organizer.²⁹

When voter registration applications are mailed or delivered to election officials, how long will it take for the applications to be processed?

Once the County Clerk receives an application, it has 10 days to verify its completeness and mail to the applicant a notice that the person is registered to vote and a voter registration card, or a notice informing the applicant that the list of registered voters has been corrected to reflect any changes indicated on the application.³⁰

If the County Clerk determines that the application is not complete, the Clerk shall as soon as possible mail a notice to the applicant pointing out that additional information is required to complete the application. The applicant will then have an opportunity to respond and correct the application, but he must do so within 15 days of the clerk mailing the notice.³¹

What are the time limits for the State to process a voter registration application?

The County Clerk has 10 days to process a voter registration application after he determines the application is complete.

Can election officials delay the processing of a voter registration application or deny registration outright based on their inability to match an applicant's identification number with Social Security Administration or Department of Motor Vehicles records?

Although election officials may attempt to match the social security number or driver license number of an applicant with SSA/DMV records, it cannot deny an application based on an inability to match since in Nevada an applicant must be given a unique identifier where there is no valid social security and/or driver's license number. The voter will then be added to the rolls with the unique identifier and they will be flagged as "ID required" in the poll book. They will then be required to show identification prior to voting by regular ballot. This process, however, could delay the processing of a certificate/form, so applicants should double-check the information provided on his/her certificate/form for accuracy and completeness.

If election officials delay or deny processing a voter registration application because the applicant's identification number cannot be matched, will the applicant be notified?

Probably. The statute doesn't directly address this, but does say that if the voter doesn't provide sufficient information or if the information is believed to be fraudulent, the clerk shall cancel the registration.³² It's unclear if a HAVA ID number cannot be verified if that will trigger this statutory provision. If the provision is applicable to a non-verifiable HAVA ID number, then the County Clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made because of lack of sufficient proof of identity and residence. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the County Clerk, presents satisfactory proof of his identity and residence to the County Clerk, the County Clerk shall cancel his registration.³³

What can a person do if his/her registration application is denied?

An applicant whose registration has been denied or determined to be incomplete has 15 days after the notice of denial/incompleteness to provide the information requested by the County Clerk or to otherwise cure the application.³⁴ If the applicant does not do so, the application is void and the person will not be registered. If s/he does so, the County Clerk shall, within 10 days of receiving the information, issue a voter registration card to the applicant that contains: (a) the name, address, political affiliation and precinct number of the voter; (b) the date of issuance; and (c) the signature of the County Clerk.³⁵

If a person believes that his/her registration was denied in violation of the federal Help America Vote Act of 2002 ("HAVA"), which covers, among other things, voter registration procedures,³⁶ that person may file a complaint with the Secretary of State's Bureau of Elections.³⁷ The complaint must be in writing, signed and sworn by the person filing the complaint, and notarized.³⁸ The Bureau must "aspire" to complete an initial investigation within 30 days of the receipt of the complaint.³⁹ The complainant will be granted a hearing, which may be on the record at the complainant's request.⁴⁰ If the hearing officer determines that there is a violation, an appropriate remedy shall be provided.⁴¹ There is no right to appeal the final determination.⁴²

Finally and as a last resort, an applicant who believes that his/her certificate/form has been rejected unlawfully may want to consider seeking legal assistance in filing a lawsuit against the appropriate state agency/officials.⁴³

IDENTIFICATION REQUIREMENTS

What information is required to register to vote?

See Voter Registration Section, in previous section.

What identification is required to vote at the polling place on Election Day?

If a voter's name appears in the election board register or if the voter provides a written/oral affirmation that the s/he has moved within the same county (from one precinct to another, from one congressional district to another, or within the same precinct and attests to his/her new address,⁴⁴ s/he is entitled to vote without showing identification.

If a voter's name does not appear on the register or the voter does not provide the required affirmation, s/he will have to show one of the forms of identification accepted before s/he will be allowed to vote.⁴⁵

- Current and valid photo ID (Ex: Nevada Driver's License, Nevada ID card, Military ID)
- Copy of current utility bill, bank statement, paycheck, or document issued by government entity, including a check which indicates name/address of person

What identification is required to obtain or file an absentee ballot?

In Nevada, an absentee ballot is called an absent ballot. Any registered voter, for any reason, may request an absent ballot, but it must be done in writing.⁴⁶

The identification required to file an absent ballot depends upon the status of the voter. If a first-time voter wishes to vote by absent ballot and s/he did not provide identification when s/he originally registered to vote, s/he will be required to show identification at the time s/he submits his/her absent ballot. If the first-time voter does not provide a copy of the required identification, the absent ballot will be treated as a provisional ballot and counted only if the voter submits a copy of his/her identification to the Election Department by 5:00 p.m. on the Friday after Election Day and then only for his/her choices for federal offices, e.g., President, U.S. Senate, and Congress.

Absent ballots received by the county or city clerk after the polls are closed on the day of election are invalid.⁴⁷

What identification is required to file a provisional ballot?

A voter who is voting provisionally is required to identify him- or herself with proper identification, such as a current and valid Nevada driver's license or State-issued identification card, a utility bill, a bank statement, a recent paycheck, or any document issued by a government entity that contains the voter's name and residential address.

One of these forms of identification must be presented at the time the provisional ballot is cast or to the County or City Clerk no later than 5:00 p.m. on the Friday following Election Day. Failure to do so will result in the provisional ballot not being counted.⁴⁸

VOTER REGISTRATION LIST MAINTENANCE

For what reasons can a voter's registration be cancelled? Is the voter notified?

For List Maintenance. A County Clerk will cancel the registration of a voter if: (a) the Clerk mails a written notice to the voter requesting verification of his/her address, which the United States Postal Service is required to forward; (b) the Clerk includes in this mailing a return postcard that has a place for the voter to write his/her new address, that is addressed to the County Clerk, and that has the postage guaranteed; (c) the voter does not respond by returning the postcard or otherwise verifying his/her address with the County Clerk; and, (d) the voter does not appear to vote in an election held before the second general election following the date of the notice.⁴⁹

Upon Challenge. A County Clerk may also cancel the registration of a voter when the voter's status is successfully challenged. A challenge begins when a voter or any reliable person files an affidavit with the County Clerk stating (a) the voter at issue is not a citizen of the United States, or (b) that the voter at issue has (1) moved outside the county where s/he is registered with the intention of remaining there for an indefinite time and with the intention of abandoning his/her residence in the county where registered, and (2) established the voter's residence in some other location, naming the place specifically. This affidavit must be filed no later than 30 days before an election. When an affidavit is filed, the County Clerk must notify the challenged voter by registered or certified mail, return receipt requested. A copy of the affidavit must be enclosed with the notice of the filing. The challenged voter must present satisfactory proof of citizenship and/or residency within 15 days after the return receipt has been filed in the County Clerk's office. The failure to do so will result in the cancellation of the voter's registration.⁵⁰

Other Bases for Cancellation. A County Clerk must also cancel a voter's registration for any one of the following reasons:

- The County Clerk has discovered an incorrect registration, has notified the person that s/he has submitted an incorrect registration, and the person has failed to respond or appear to vote within the required period;
- The County Clerk discovers a duplicate registration;
- The County Clerk has personal knowledge of the death of a person registered, or an authenticated certificate of the death of any voter is filed with the County Clerk's office;
- The local district attorney determines, after consultation with the County Clerk, that there is probable cause to believe that information in the registration concerning the identity or residence of the voter at issue is fraudulent;⁵¹
- The insanity or mental incompetence of the person registered is legally established;
- It has been determined that the person registered has been convicted of a felony and that person's right to vote has not been restored;⁵²

- Upon the production of a certified copy of the judgment of any court directing the cancellation to be made; or
- The voter at issue requests cancellation.

Under what circumstances will a person's name be placed on the list of inactive voters?

A voter can become inactive if s/he does not respond to the voter verification efforts by the County Clerk. Specifically, if a County Clerk has adhered to the proper notification procedures -- that is, s/he has sent the voter an inquiry, along with a return postcard, addressed to the County Clerk and postage guaranteed, asking the voter to list his/her address -- and the voter fails to return to the postcard within 30 days of the mailing, the County Clerk shall designate the voter as inactive.⁵³ The inactive voter will be cancelled and removed from the rolls if the voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice of inactive status.

How does a voter get his/her name back on the active list?

There is nothing in Nevada law that addresses this issue directly. The safest and surest way of getting back on the active list of registered voters is to re-register to vote or vote in the next federal election.⁵⁴

What should a voter do if s/he changes her address?

A voter who changes his/her address should notify the County Clerk in the county of the new address by completing a new voter registration application indicating the new address and submitting it to the new county. This will act as an update to the address listed on the voter registration form.⁵⁵

What are the procedures for removing the names of persons who have felony convictions?

The County Clerk will cancel the registration of a voter if it can be legally established that a person registered to vote has been convicted of a felony.⁵⁶

For purposes of establishing whether a voter has been convicted of a felony, a County Clerk may rely upon any information s/he receives from the Secretary of State or from Nevada's central repository of criminal records.⁵⁷

May a person whose name has been removed because of a felony conviction restore his/her right to vote?

Yes. If the registration of a voter is cancelled and the voter shows satisfactory evidence (written) that his/her conviction was overturned or that Nevada or the state where s/he was convicted has restored his/her civil rights, the voter may re-register to vote.⁵⁸ Any person with a felony conviction who was honorably discharged from parole in Nevada, or who served their sentence in Nevada, immediately regains their right to vote. The applicant must either petition the courts for the restoration of his civil rights or show documentation of his release and restoration of his rights or a pardon in order to register and be eligible to vote.⁵⁹ A person convicted of a felony in another state can also provide these documents from that state in order to become an eligible voter again.

What are the procedures for removing names of persons who have been found to be mentally incompetent?

Within 30 days after a person is adjudicated insane or mentally incompetent by a district court, the clerk of the district court shall provide a certified copy of the order or judgment of insanity or mental incompetence to the County Clerk of the county in which the person is a resident if the person is not a resident of the county in which the district court is located. The order must be sent to the registrar of voters of the county if the person is a resident of the county in which the district court is located and the county has created the office of registrar of voters.⁶⁰

What may a voter do if s/he learns that his/her name has been removed from the registered voter list in error?

As soon as a voter discovers that his/her name does not appear on the list of registered voters for the county in which s/he resides, the voter should contact his/her local County Clerk's office immediately and find out why his/her name is missing or has been removed. If the County Clerk finds that the registration of a voter was cancelled by mistake, the County Clerk must re-register the voter or allow the voter to vote on Election Day.⁶¹

Any voter may bring and any number of voters may join in an action or proceeding in a district court to compel the County Clerk to enter the name of such voter or voters in the registry or voters.⁶²

Who may obtain a list of registered voters?

Anyone. The statewide voter registration database⁶³ called NevVoter is publicly accessible through the Nevada Office of the Secretary of State and available in either hard copy or by a variety of electronic formats. NevVoter is accessible to the public; however, the Office of the Secretary of State retains full authority in granting, denying, or revoking access at any time, in accordance with applicable local, state and federal law or regulations.⁶⁴

ABSENTEE AND EARLY VOTING

Who is permitted to vote by absentee ballot?

The following voters may vote by absentee ballots:

- Voters who reside in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the County Clerk that there are not more than 200 registered voters;
- Voters who are eligible under federal law or because of illness, disability, or absence;
- Voters who submit or have previously submitted a written request for an absentee ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;
- Voters who request an absentee ballot in person at the office of the County Clerk
- Voters who are at least 65 years of age;⁶⁵
- Voters who have a physical disability or condition that substantially impairs his/her ability to go to the polling place;⁶⁶ and
- Voters who are unable to mark or sign a ballot or use a voting device without assistance, because of a disability.⁶⁷

How may a person request an absentee ballot?

A registered voter may, at any time before 5:00 p.m. on the seventh calendar day preceding any election, make an application to the County Clerk for an absentee ballot. When the voter has identified him- or herself to the satisfaction of the Clerk, s/he is entitled to receive the appropriate absentee ballot for his/her own use.⁶⁸

What is the procedure for requesting an absentee ballot? Can a request be made by fax?

Any citizen of the State who is registered to vote may request to vote by absentee ballot in person or by mail by the deadline, which, again, for October 4, 2008.

A citizen who resides temporarily outside of the United States may make their requests via facsimile transmission or mail.⁶⁹ Such fax or mail requests must be received by the County Clerk for the county in which the citizen permanently resides before 5:00 p.m. on the Tuesday preceding the election in which the voter wishes to vote.

Is this just applicable for those requesting via fax?

After receipt of a request for an absentee ballot, the County Clerk shall confirm that the person requesting the absentee ballot is a registered voter in his/her county. If the person is a registered voter, the County Clerk shall: (a) use a facsimile machine to send the absentee voter a sample ballot, ballot

card, and a cover sheet; (b) record the number of the ballot card, the name of the absentee voter, his/her precinct or district and political affiliation, if any, in the roster for absentee ballots; (c) record the destination of the ballot and the date that the ballot was sent; and (d) maintain the original ballot card in a secured and restricted area. The cover sheet must: (a) contain instructions for marking the ballot; (b) contain instructions for returning the ballot; (c) instruct the voter to read and sign a required statement and to sign the back of the mailing envelope; and (d) contain a statement that failure to sign the back of the mailing envelope will result in the ballot not being counted.

What is the deadline for requesting an absentee ballot?

- For registered voters, the deadline is October 28, 2008.
- For citizens not registered to vote, the postmark deadline to request an absentee ballot by mail (as part of your registration to vote) is October 4, 2008, and is October 14, 2008 if the request is made in-person.
- For overseas and military members, the deadline to request an absentee ballot by mail is October 4, 2008.⁷⁰

What if a voter missed the deadline for requesting an absentee ballot? Can a voter receive one due to an emergency?

Yes. If a voter missed the deadline for requesting an absentee ballot, s/he may request an “Emergency Ballot.” This can only be requested if the voter experiences a sudden illness or are suddenly called away from home. Your emergency must occur after the deadline to submit an absentee ballot request and be so severe as to not allow you to vote in-person on Election Day or at early voting.⁷¹ Such a request may be made beginning starting on October 29, 2008 through 5:00 pm on November 4, 2008.

How does a County Clerk process a request for an absentee ballot?

A County Clerk who receives a request for an absentee ballot shall compare the address of the voter’s residence in this state that is indicated on the request with the address that is indicated on the voter’s application to register to vote. If the County Clerk determines that the addresses do not match, the County Clerk shall notify the voter and include a postcard to be returned by the voter to the County Clerk that verifies the voter’s residence.

Can a voter receive assistance in requesting and casting an absent ballot?

Yes, another person can assist in requesting and marking an absent ballot provided that the voter who needs assistance swears in writing, under penalty of perjury, in an “Affidavit of Voter Assistance” that

- The voter is visually impaired, physically disabled, and/or cannot read or write English; and
- The assistant is not the voter’s employer or employer’s agent or a representative of any labor organization to which you may belong

There are also additional allowances for a voter who because of a physical disability is unable to sign or mark a ballot or use a voting device without assistance. Such a voter can submit a written request for an absent ballot or designate a person who will assist them.⁷²

Can a first-time voter cast an absentee ballot?

Yes. As noted above, a first-time voter can vote via absentee ballot provided that the first-time voter submits the following with the absentee ballot:

- A copy of a current and valid photo identification of the person, or
- A copy of a recent utility bill, bank statement, paycheck, or other document issued by a governmental entity that indicates the person's name and address.

If none of these forms of identification is sent with the absentee ballot, the first-time voter must submit a copy of his/her identification to the Election Department by 5:00 p.m. on the Friday after Election Day, November 7, 2008 or the ballot will not count.⁷³

How should a voter cast an absentee ballot to ensure that it will be counted?

After marking his/her ballot, the voter must (a) place it in the identification envelope; (b) affix his/her signature on the back of the envelope; and (c) return it to the office of the County Clerk. A person designated by the registered voter to obtain, deliver, and return the ballot for the registered voter may, on behalf of and at the direction of the registered voter, mark and sign the absentee ballot, indicating that s/he has been authorized to do so.⁷⁴

Are there any other requirements for casting an absentee ballot?

No.

When is the deadline for casting the absentee ballot?

The absentee ballot must be received by County Clerk's office by 7:00 p.m. on Election Day. An absentee ballot received after 7:00 p.m. on Election Day will not be counted.

When will absentee ballots be counted?

Absentee ballots are withdrawn from the ballot box, for counting, each day, beginning four working days before Election Day through Election Day. Absentee ballots are counted separately from regular returns of the precinct and are counted in public.⁷⁵

What is the procedure for determining if an absentee ballot will be counted?

Upon receipt of each absentee ballot, the County Clerk shall make a record of the return and check the signature on the return envelope against the original signature of the voter on the County Clerk's register. If the County Clerk determines that the absentee voter is entitled to cast his/her ballot, the Clerk shall deposit the ballot in the appropriate secure ballot box or secure container.

On Election Day, election officials receiving the absentee ballots shall, in the presence of a majority of the election board officers, remove the ballots from the ballot boxes/ containers in which the ballots were transported and deposit the ballots in the regular ballot box in the following manner: (1) the name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person; (2) the signature on the back of the return envelope must be compared with that on the original application to register to vote (3) if the board determines that the absentee voter is entitled to cast his/her ballot, the envelope must be opened, the numbers on the ballot and

envelope compared, the number strip or stub detached from the ballot, and, if the numbers are the same, the ballot deposited in the regular ballot box; and (4) the election board officers shall mark in the poll book opposite the name of the voter the word “Voted.”⁷⁶

What should a person do if s/he requested an absentee ballot but wants to vote in person on Election Day?

If an absentee voter who has requested a ballot by mail, but shows up to vote in person, s/he must either deliver a completed absentee ballot in person, or surrender the unvoted absentee ballot before voting in person, which will require providing satisfactory identification. However, some counties limit where voters who requested absentee ballots may vote on Election Day. For example, in Clark County, a voter who has requested an absentee ballot and then decides to vote in person may only vote at the Clark County Election’s Department Office.⁷⁷

If an absentee voter who has requested a ballot shows up to vote in person and the voter does not have the absentee ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter: (a) provides satisfactory identification; (b) is a registered voter who is otherwise entitled to vote; and (c) signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.⁷⁸

What are the situations for using an Emergency Ballot with or through a representative?

An Emergency Ballot will be issued to a voter’s authorized representative only if the voter was suddenly hospitalized or became seriously ill, or is suddenly called away from home,⁷⁹ and meets all of the following criteria:

- The illness, hospitalization, or absence occurs after the last day for requesting a absent ballot
- The voter cannot go to an early voting site or the period for early voting has ended;
- The voter cannot go to the polls on Election Day; and
- The voter cannot can provide facts sufficient to establish the emergency.

Voters who need to vote via Emergency Ballots may request an Emergency Ballot by calling 702-455-6552.

Does Nevada allow early voting?

Yes, Nevada allows early voting at both permanent and temporary polling places. Any person entitled to vote early by personal appearance may do so at any polling place for early voting. However, a County Clerk is not required to provide for early voting at each polling place if s/he concludes that it would be impractical to do so, in which case, the Clerk may: (a) provide appropriate forms of ballots for offices within a township, city, town or county commissioner election district, and/or (b) limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.⁸⁰

If a County Clerks decides to allow for early voting, the period for early voting in permanent polling

places begins October 18, 2008 and ends on October 31, 2008. Set forth below is the schedule for permanent polling places for early voting:

- Mondays through Fridays:
 - During the first week of early voting, from 8 a.m. until 6 p.m.
 - During the second week of early voting, from 8 a.m. until 6 p.m. or until 8 p.m. if the County Clerk so requires.
- On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.
- If the County Clerk includes a Sunday that falls within the period for early voting, s/he may establish the hours of operation.⁸¹

County Clerks have greater discretion for the location and schedules for early voting in temporary locations. Specifically, they may use public or private property for early voting and may set the schedule for early voting, which can vary among the temporary polling places.⁸²

County Clerks must advise the community of the locations and schedules for early voting by publishing such information in a newspaper of general circulation during the week before the period for early voting and at least once each week during the early voting period. County Clerks must also post a copy of the locations and schedules for early voting on the bulletin boards used by the Board of County Commissioners for posting notices. This information must be posted no later than the fifth day before the first day of the early voting period and remain posted until the last day of the early voting period. Finally, County Clerks shall make copies of the locations and schedules of early voting available to the public in reasonable quantities without charge.

No additional polling places for early voting may be established after the schedules are published.⁸³

What is the procedure for early voting?

When the voter appears at the polls during early voting, the early voting official shall (i) determine that the person is a registered voter in the county; (ii) instruct the voter to sign the roster⁸⁴ for early voting; and (iii) verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration, or some other piece of official identification.

When an early voter's eligibility is established, s/he will receive the appropriate ballot or ballots that can only be used by that voter at that polling place for early voting.

Votes cast during early voting are counted after 8 a.m. on Election Day. The returns for early voting must not be reported until after the polls have closed on Election Day. The returns for early voting must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.⁸⁵

POLLING PLACE LOCATIONS AND PROCEDURES

For how long are the polls open on Election Day?

The polls must open at 7:00 a.m. and remain open until 7:00 p.m.⁸⁶ If there are registered voters in line to vote at the time the polls are scheduled to close, the polls must remain open until all of those voters have cast their ballot.

When is the final list of polling place locations made available to the public?

On or before the third Wednesday in May of every even-numbered year. The County Clerk will also establish election precincts and boundaries.⁸⁷

How and when will voters be notified about polling place changes?

Before the period for early voting, but not later than October 25, 2008, County Clerk shall cause to be mailed to each registered voter in the county a sample ballot for his/her precinct with a notice informing the voter of the location of his/her polling place. If the location of the polling place 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 October 15, 2008; 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 HAS CHANGED SINCE THE LAST ELECTION".⁸⁸

How are decisions about polling place locations made?

The County Clerk may designate any building or any portion of a building as a polling site and any number of polling places for any of the precincts or districts in the county. If, in the opinion of the Clerk, it would be more convenient for voters to have multiple polling places in one building, or save the County money by combining precincts into one location, s/he may do so.

In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented and used as polling sites.⁸⁹

The County Clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:

- more than 100 of the residents of the development are registered to vote,
- there is a common area that is adequate and available, and
- the owner of the development consents to the establishment of the polling place on his property.⁹⁰

Must polling sites be accessible?

Yes. At all times during which a polling place is open, the polling place must (i) be accessible to voter who are elderly and/or disabled, and (ii) have at least one voting booth that is:

- designed to allow a voter in a wheelchair to vote in the same privacy as a voter who is not in a wheelchair, and

- designated to allow a voter who is elderly or disabled to vote with the same privacy as a voter who is not elderly or disabled.

A polling place that does not meet these accessibility guidelines may be used only if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.⁹¹

Additionally, at each polling place, the County Clerk is encouraged to provide ballots in alternative audio and visual formats for use by a voter who is elderly or disabled. If, in the opinion of the County Clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, s/he may do so.

Can voters request assistance with voting equipment at the polling place?

Yes, voters can request and receive assistance in order to vote.

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 his/her polling place.⁹²

The County Clerk shall also provide registration aids and voting aids for voters who are elderly and/or have a disability, such as instructions that are printed in large type and information through telecommunication devices.

Additionally, any registered voter who is unable to sign his/her name must be identified by answering questions covering the personal data that is reported on the original application to register to vote. The officer in charge of the roster shall stamp, write, or print “Identified as” to the left of the voter’s name.⁹³ judges shall give him/her the necessary information and retire before the curtain is drawn.

Any voter who is blind, has a physical disability, is unable to read or write, is a member of a language minority who is unable to read well enough to vote, and/or requires assistance in operating the voting system may request assistance. Upon requesting assistance, the voter may be assisted by a person of his/her own choosing, so long as that person is not the voter’s employer, an agent of the voter’s employer or union, or one of the candidates on the ballot.⁹⁴ The person selected to help the voter may assist the voter in marking and folding his/her paper ballot or recording his/her vote on the voting machine. The name of the person providing assistance must be noted in the signature roster, along with the voter’s name and the initials of the presiding judge.

Can a child/minor enter the voting booth with the voter?

Probably. The statute does not expressly allow minors to serve as assistants to voters in need, but does specifically allow a voter to choose a person of his/her choice to help the voter in the voting booth.⁹⁵

What accommodations must be made for non-English speakers or persons unable to read?

Each voting system used by a county shall provide voting materials in English and other languages

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in compliance with federal law.⁹⁶ In Nevada, the following counties provide information in the following language(s) in addition to English:

Clark County - Spanish.
Elko County- Shoshone and other tribe specified.
Humboldt County- other tribe specified.
Lyon County - Paiute.
Nye County- Shoshone.
White Pine County- Shoshone.

In addition, if language assistance is needed for non-English speakers, they are entitled to assistance from a consenting person of his/her choice, as long as they are not an employer or agent, or an officer or agent of the voter's union. The person providing assistance cannot disclose any information with respect to casting of that ballot. The right to assistance cannot be denied or impaired when the need is apparent or known, and if not apparent or known, the election board may require the voter to sign a statement that s/he requires such assistance.⁹⁷

If a voter is in line to vote at a poll closing time but has not reached the voting machine may s/he still vote?

Yes, if there are any registered voters in line at the time of closing, they must be allowed to enter the polling site and vote.⁹⁸

May a voter who has moved to a new address in another precinct but has not registered at his/her new address be allowed to vote at the precinct for their old address?

Any voter who is presently registered and has changed his/her residence after the last general election and who fails to return or never received a request for address confirmation

- Must be allowed to vote in his/her old precinct, if s/he (i) moved within the same precinct, and (ii) provides an oral or written affirmation before an election board officer attesting to his/her new address.⁹⁹
- Must be allowed to vote in his/her old precinct, if s/he (i) moved from one precinct to another or from one congressional district to another within the same county and (ii) provides an oral or written affirmation before an election board officer attesting to his/her new address.

Are poll-watchers or other non-voters permitted at the polling place?

Yes. Anyone may observe voting at a polling place. No credentials or paperwork are required. There will be a designated location within the polling place for a Public Observer. The Public Observer may not converse with the voter, electioneer, campaign, photograph, or use a cell phone. The Public Observer can examine the complete posting logs and observe the election.

Those who work for the media who are acting in their professional capacity cannot be Public Observers.¹⁰⁰

What activities are restricted at polling places on Election Day?

It is unlawful inside a polling place or within 100 feet from the entrance to the building for any person to

- Solicit a vote or speak to a voter on the subject of marking his/her ballot, unless authorized to do so as the voter's assistant, or
- Conduct any electioneering (campaigning for or against a candidate, ballot question, or party).

These restrictions do not apply to activities in private residences or on commercial or residential property that are within 100 feet from the entrance to a polling place.¹⁰¹

These rules are not intended to prohibit a person from voting solely because s/he is wearing a prohibited political button, tee-shirt, or other insignia and is reasonably unable to remove or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.¹⁰²

What activities are permitted at the polling places on Election Day?

Nevada has a Voter Bill of Rights, which confers upon each voter, among other rights:¹⁰³

- The right to vote on Election Day if the voter is waiting in line at his/her polling place to vote before 7:00 p.m., and s/he has not already cast his/her vote in that election;
- The right to have his/her questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place;
- The right to vote without being intimidated, threatened or coerced;
- The right to return a spoiled ballot and to receive another ballot in its place;
- The right to request and receive assistance in voting, if necessary; and
- The right to have complaints about elections and election contests resolved fairly, accurately, and efficiently.

The Secretary of State, each County Clerk, and each City Clerk must ensure that the Voters' Bill of Rights is available to the public, at every polling place, and on the web.¹⁰⁴

In addition, voters and non-voters may campaign on Election Day -- including displaying signs and distributing campaign literature -- provided such campaigning takes place more than 100 feet from the polling place.¹⁰⁵

CHALLENGES AND VOTER INTIMIDATION

Can a person's right to vote be challenged at the polls?

Yes, a person's right to vote (including by absentee or provisional ballot) can be challenged at the polls by any registered voter. A registered voter who initiates the challenge must submit an oath or affirmation -- on a form prepared by the Secretary of State and signed under penalty of perjury - - stating the basis/bases for the challenge, which must be based on the personal knowledge of the challenger.

Challenges can be based on several different grounds:¹⁰⁶

- On the ground that the voter does not belong to the political party designated upon the register;
- On the ground that the register does not show that the voter designated the political party to which s/he claims to belong;
- On the ground that the voter does not reside at the residence listed in the election board register;
- On the ground that the voter previously voted a ballot for the election; and/or
- On the ground that the voter is not the person s/he claims to be.

What can a person do if challenged at the polls?

A challenged voter can take an oath or affirmation, provided by the election board officer, to prove that the issue s/he is being challenged does not apply to him.

The oath or affirmation required -- which must be set forth on a form prepared by the Secretary of State and signed by the voter under penalty of perjury¹⁰⁷ -- depends on the challenge:

- For political party challenge: "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register."
 - Where the register does not show that the voter designated the political party to which s/he claims to belong: "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong."
 - For residency challenge: "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register." In addition, a voter being challenged on residency must prove their residency by showing proof of address (previously-issued voter registration card not sufficient).
- If a person is successfully challenged on the ground that s/he does not reside in the residence listed, and s/he refuses to provide the necessary oath/affirmation, the election board shall instruct the voter that s/he may vote at a special polling place maintained in the Clerk's office or at such other location(s) as the Clerk deems necessary.

- Challenge that s/he previously voted: “I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election.”
- Challenge of the voter’s identity: “I swear or affirm under penalty of perjury that I am the person whose name is in this election board register.”¹⁰⁸ Additionally, the voter must provide an official photo identification of him- or herself, such as a driver’s license, or bring before election board officers a person who is at least 18 years of age, who can furnish official photo identification, and who is willing to and does execute an oath or affirmation under penalty of perjury that the challenged person is who s/he swears s/he is.

Upon completing the oath or affirmation and any other required identification or information, the voter will receive a ballot and be allowed to vote.

What are the steps taken if a voter’s name does not appear on the poll book?

If a voter’s name does not appear on the poll book on Election Day, the voter should vote provisionally and may do so if s/he swears under penalty of perjury and in a written affirmation or oath that, among other things, s/he is a registered voter in the jurisdiction and is eligible to vote in the election. The voter must also provide identification at the time s/he casts the provisional ballot or to the County City Clerk no later than 5:00 p.m. on the Friday following Election Day. The provisional ballot will not be counted without the required oath/affirmation and the presentation of identification by the deadline.

What constitutes illegal intimidation of voters at the polls?

It is unlawful for any person, in connection with any election or petition, whether acting alone or through another person to:

- Use or threaten to use any force, coercion, violence, restraint or undue influence;
- Inflict or threaten to inflict any physical or mental injury, damage, harm, or loss upon the person or property of another;
- Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;
- Impede or prevent, by abduction, duress, or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce, or prevail upon any voter to give or refrain from giving his or her vote; or
- Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.¹⁰⁹

It is also unlawful for a person to:

- Remain inside or outside of any polling place so as to interfere with the conduct of the election;
- Except for an election board officer, deliver a ballot to a voter or receive from any voter a ballot prepared by the voter (except for a person authorized to assist the voter in voting);
- Except for an election board officer in the course of his/her official duties inside of a polling

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- place, ask another person his/her name, address, or political affiliation;
- Remove a ballot from any polling place before the closing of the polls;
- Apply for or receive a ballot at any election precinct or district other than the one at which s/he is entitled to vote;
- Show his/her ballot to any person, after voting, so as to reveal any of the names voted for (except for a person authorized to assist the voter in voting); or
- Inside a polling place, ask another person for whom s/he intends to vote;

Are law enforcement officers allowed in a polling place during voting hours?

There is no express provision in the law about the presence of law enforcement officers at the polling place.

To whom should a person report acts of intimidation?

Acts of intimidation should be reported to the polling place supervisors, County Elections Division, and the Secretary of State.

PROVISIONAL BALLOTS

What is a provisional ballot?

A provisional ballot is an alternative way to cast a ballot when a voter does not meet the requirements necessary to cast a traditional in-person ballot.

Who may vote via a provisional ballot?

A voter may cast a provisional ballot for candidates for federal office if the person:

- Declares s/he has the right to vote but his/her name does not appear on the voter registration list in that county or precinct or is an election officer believes the person is not eligible to vote in that election in that location;
- Applied to vote by mail and is voting in person for the first time without the required identification; or
- Declares that s/he is entitled to vote after the polling place would normally close as a result of court order or other order extending the time established for the closing of polls pursuant to a law of the state in effect 10 days before the date of the election.¹¹⁰

Why and when will provisional ballots be provided to voters?

A voter may request a provisional ballot at the polls to vote for federal offices if s/he meets the requirements above.¹¹¹ Additionally, under HAVA, election officials should tell qualified individuals of their right to vote via a provisional ballot.¹¹²

Who decides whether a voter gets a provisional ballot?

Voters who request provisional ballots and meet the qualifications must receive provisional ballots.¹¹³

What can a voter do if s/he requests but does not receive a provisional ballot?

A person who believes that a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State.¹¹⁴

What information must be provided to voters who cast provisional ballots?

The Secretary of State and each County and City Clerk must ensure that a copy of the instructions for voting and casting a ballot, including a provisional ballot, is posted in a conspicuous place at each polling place on Election Day.¹¹⁵ Additionally, the Secretary of State shall establish a free access system, such as a toll-free telephone number or a website, to inform a person who cast a provisional ballot whether his/her vote was counted and, if his/her vote was not counted, the reason why the vote was not counted.¹¹⁶

When will provisional ballots be counted?

Provisional ballots will be counted once the electoral board completes its determination of whether persons who cast provisional ballots were entitled to vote, but not before 5:00 p.m. on November 7, 2008 is the time allowed to those who cast provisional ballots to provide the required identification to evidence their eligibility to vote.¹¹⁷

Does the voter who casts a provisional ballot have the right to present evidence or appear in court before the election officials evaluating whether it will count?

There is nothing in the law that grants a provisional voter the right to present evidence or appear in court before a determination is made on whether to count that voter's provisional ballot.

How do election officials determine whether a provisional ballot will be counted?

The County Clerk determines whether a provisional ballot will be counted,¹¹⁸ and it must be counted if it meets the following criteria:

- The County Clerk concludes that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election, and was issued the appropriate ballot for the address at which s/he resides;
- For a voter who failed to provide required identification at the polling place or with his/her mailed ballot provides the required identification by the deadline;
- The provisional ballot was cast in accordance with law; and
- There are no court orders preventing the counting of the provisional ballot.¹¹⁹

A provisional ballot cannot be counted if the Clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which s/he resides.¹²⁰

Will a provisional ballot voted in the wrong polling place be null and void completely?

In Nevada, provisional ballots are only allowed for the Federal level,¹²¹ and only provisional ballots cast in their correct precincts will be counted. Nevada will also count provisional ballots that are cast in the precinct of a voter's previous address if that voter provides an affirmation that the precinct in which s/he cast his/her vote would have been the correct precinct for his/her previous address.¹²² Provisional ballots cast in the wrong precinct or without an affirmation about the previous address will be completely null and void.¹²³

How can voters find out whether their provisional ballots have been counted?

Under Nevada law, the Secretary of State must establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person who cast a provisional ballot whether his/her vote was counted, and, if not, the reason why the vote was not counted.¹²⁴

For the 2008 elections, the toll-free telephone number is 1-877-766-8683.¹²⁵

Does a voter have a right to appeal a decision not to count his/her provisional ballot?

No, a voter does not have the right to appeal the decision.¹²⁶

ENDNOTES

- 1 Nev. Rev. Stat. 293.485 (1995).
- 2 Id.
- 3 Id.
- 4 Id.
- 5 Nev. Rev. Stat. 293.504 (2005).
- 6 See Appendix A.
- 7 N.A.C. § 293.430 (2006).
- 8 Nev. Rev. Stat. 293.5237 (1995).
- 9 Id.
- 10 Id.
- 11 Register to Vote Clark County Elections Department, www.accessclarkcounty.com/depts/election/english/pages/votequal.aspx (Last visited July 30, 2008).
- 12 Nev. Rev. Stat. 293.507(5) (2007).
- 13 Id.
- 14 Nev. Rev. Stat. 426.257 (2005).
- 15 Nev. Rev. Stat. 293.486 (2001).
- 16 Nev. Rev. Stat. 293.5002 (2001).
- 17 Nev. Rev. Stat. NRS 293.558 (2005).
- 18 Nev. Rev. Stat. 293.2725 (2007).
- 19 42 U.S.C. § 15483(b)(3); N.C.G.S. § 163-166.12(d) (2008).
- 20 Nev. Reg. Stat. 293.5235(6) (2005)
- 21 Id.
- 22 Registering to Vote, Elections Department Clark County, Nevada, <http://www.accessclarkcounty.com/depts/Election/English/Pages/votequal.aspx>. Military personnel and their dependents temporarily living outside of Clark County, and Clark County residents temporarily living overseas should submit a “Registration and Absentee Ballot Request - Federal Post Card Application” (FPCA) instead of the standard Voter Registration Application. It is a combined Voter Registration Application and mail ballot request that eliminates the need to submit these items separately.
- 23 Nev. Reg. Stat. 293.5235(13) (2005)
- 24 Id.
- 25 Id.
- 26 Id.
- 27 Nev. Admin. Code 293.425. Form for the plan available online at www.nvsos.gov or in person at the offices of the Nevada Secretary of State or local County Clerks/registrars. The Mail-In Distribution Plan requires the name and contact information of the person distributing the form; the area of Nevada where the forms will be distributed; and, the quantity and control numbers of the applications issued.
- 28 Nev. Rev. Stat. 293.5235 (2005). See also Nev. Admin. Code 293.435 (2006)
- 29 Id.
- 30 Nev. Rev. Stat. 293.5235(5) (2005)
- 31 Nev. Rev. Stat. 293.5235(6) (2005)
- 32 Nev. Rev. Stat. 293.541(1) (2007).
- 33 Nev. Rev. Stat. 293.541(2) (2007).
- 34 Nev. Rev. Stat. 293.5235 (6) (2005)
- 35 Nev. Rev. Stat. 293.5235 (2005) with requirements of voter ID card discussed in Nev. Rev. Stat. 293.517(6) (2007).
- 36 N.M. Stat. Ann. § 1-2-2.1(A) (2007).
- 37 N.M. Stat. Ann. § 1-2-2.1(B) (2007); *see also* N.M.A.C. § 1.10.18.8 (2008).
- 38 N.M. Stat. Ann. § 1-2-2.1(C) (2007).
- 39 N.M.A.C. § 1.10.18.9(A) (2008).
- 40 N.M. Stat. Ann. § 1-2-2.1(D) (2007).
- 41 N.M. Stat. Ann. § 1-2-2.1(E) (2007).

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- 42 N.M.A.C. § 1.10.18.12 (2008).
- 43 N.M. Stat. Ann. § 39-3-1.1(D) (2007).
- 44 Nev. Rev. Stat. 293.525(1)(a) (1999).
- 45 These include voter ID card, driver's license, Nevada State ID card, military ID card, or any other form of ID issued by governmental agency which contains the voter's signature and physical description or picture.
- 46 Nev. Rev. Stat. 293.313(1) (2003).
- 47 Nev. Rev. Stat. 293.317 (2001).
- 48 Nev. Rev. Stat. 293.3082(1)(h)(5) (2003).
- 49 Nev. Rev. Stat. 293.530 (2003).
- 50 Nev. Rev. Stat. 293.535 (1997).
- 51 Nev. Rev. Stat. 293.541 (2007).
- 52 Nev. Rev. Stat. 293.540(3)(a) (2005). If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157. (b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.
- 53 Nev. Rev. Stat. 293.530 (2003).
- 54
- 55 Registering to Vote, <http://sos.state.nv.us/elections/voter/registration.asp> (Last visited July 31, 2008).
- 56 Nev. Rev. Stat. 293.540 (2005).
- 57 Nev. Admin. Code 293.414(1-2) (2006).
- 58 Nev. Rev. Stat. 293.543(2) (2005).
- 59 Nev. Rev. Stat. 293.543 (2002), Nev. Rev. Stat. 293.090 (2005), Nev. Rev. Stat. 213.155 (2005), and Nev. Rev. Stat. 213.157 (2005).
- 60 Nev. Rev. Stat. 293.542 (1997).
- 61 Nev. Rev. Stat. 293.537(1) (1997).
- 62 Nev. Rev. Stat. 293.533 (1973)
- 63 Nev. Rev. Stat. 293.675 (2003).
- 64 Nev Voter Statewide Registration List, <http://sos.state.nv.us/elections/voter-reg/nevvoter.asp> (Last visited August 2, 2008).
- 65 Nev. Rev. Stat. 293.313 (2003).
- 66 Id.
- 67 Nev. Rev. Stat. 293.3165 (1999).
- 68 Nev. Rev. Stat. 293.315 (1-2) (2001).
- 69 Nev. Rev. Stat. 293.3157(3) (2007).
- 70 2008 Election and Voter Registration Dates, <http://sos.state.nv.us/elections/nvelection/electionDates.asp> (Last visited August 3, 2008).
- 71 Emergency Voting, Elections Department, Clark County, Nevada, http://www.accessclarkcounty.com/depts/Election/English/Pages/emergency_voting.aspx (Last visited October 1, 2008).
- 72 Nev. Rev. Stat. 293.3165 (1999).
- 73 Mail Absentee Ballot Voting, Election Department Clark County, Nevada, <http://www.accessclarkcounty.com/depts/Election/English/Pages/mail.aspx> (Last visited September 24, 2008).
- 74 Nev. Rev. Stat. 293.316 (1999), see also Nev. Rev. Stat. 293.3165 (1999).
- 75 Nev. Rev. Stat. 293.385 (2007).
- 76 Nev. Rev. Stat. 293.333 (2007).
- 77 Mail Absentee Ballot Voting, Election Department Clark County, Nevada, <http://www.accessclarkcounty.com/depts/Election/English/Pages/mail.aspx> (Last visited September 12, 2008).
- 78 Nev. Rev. Stat. 293.330 (2007).
- 79 Nev. Rev. Stat. 293.316 (1999) and http://www.accessclarkcounty.com/depts/election/English/pages/emergency_voting.aspx (Last visited September 23, 2008).
- 80 Nev. Rev. Stat. 293.3564 (2005).
- 81 Nev. Rev. Stat. 293.3568 (2007).
- 82 Nev. Rev. Stat. 293.3572 (2005).
- 83 Nev. Rev. Stat. 293.3576 (1999).
- 84 Nev. Rev. Stat. 293.3585 (2007). Procedure for Voting: The roster for early voting must contain:

- (a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number; and
- (c) The date of voting early in person.

- 85 Nev. Rev. Stat. 293.3606 (1999).
- 86 Nev. Rev. Stat. 293.273(1) (2001).
- 87 Nev. Rev. Stat. 293.205 (1989).
- 88 Nev. Rev. Stat. 293.565 (2007).
- 89 Nev. Rev. Stat. 293.437 (1987).
- 90 Nev. Rev. Stat. 293.2735 (1999).
- 91 Nev. Rev. Stat. 293.2955 (1-2) (2003).
- 92 Nev. Rev. Stat. 293.740(2) (1997).
- 93 Nev. Rev. Stat. 293.283 (1995).
- 94 Nev. Rev. Stat. 293.296 (1999).
- 95 Nev. Rev. Stat. 293.296 (1999).
- 96 Nev. Rev. Stat. 293.2699(1) (2003) and 42 U.S.C. §1973aa-1a.
- 97 Nev. Rev. Stat. 293.296 (1999).
- 98 Nev. Rev. Stat. 293.305(1) (1987).
- 99 Nev. Rev. Stat. 293.525 (1999).
- 100 Nev. Rev. Stat. 293.274 (1999).
- 101 Nev. Rev. Stat. 293.740.
- 102 Nev. Rev. Stat. 293.740(2) (1997).
- 103 Nev. Rev. Stat. 293.2546 (2003).
- 104 Nev. Rev. Stat. 293.2549 (2003).
- 105 N.M. Stat. Ann. § 1-20-16 (2007).
- 106 Nev. Rev. Stat. 293.303 (2007)
- 107 Id.
- 108 Id.
- 109 Nev. Rev. Stat. 293.710 (1993).
- 110 Nev. Rev. Stat. 293.3081 (2003).
- 111 Id.
- 112 HAVA, 42 U.S.C. 15482(a)(1)
- 113 Nev. Rev. Stat. 293.3081 (2003).
- 114 Nev. Admin. Code 293.515 (2003).
- 115 Nev. Rev. Stat. 293.3025 (2003).
- 116 Nev. Rev. Stat. 293.3086(1) (2003).
- 117 Id.
- 118 Id.
- 119 Id.
- 120 Id.
- 121 Email response from Harvard Lomax, Registrar in Clark County, Nevada (July 29, 2008).
- 122 This is only an issue for Clark County, which has two congressional districts in the county.
- 123 Id.
- 124 Nev. Rev. Stat. 293.3086 (2003).
- 125 Provisional Voting Results, http://www.elkocountynv.net/clerk/PROVISIONAL%20VOTING%20RESULTS%20NOTICE%202_.pdf (Last visited September 24, 2008).
- 126 Email response from Matthew M. Griffin, Staff Attorney in Elections Division, Nevada Secretary of State's Office on October 1, 2008.

APPENDIX A



County Clerk Contact Information

COUNTY CLERKS & VOTER REGISTRARS

CARSON CITY:

Alan Glover, County Clerk
885 East Musser Street Suite 1025
Carson City, Nevada 89701-4475
(775)-887-2087 FAX-887-2146
Email: elections@ci.carson-city.nv.us
Website: <http://www.carson-city.nv.us/>

CHURCHILL COUNTY:

Kelly G. Helton, County Clerk
155 N Taylor St, Suite 110
Fallon, Nevada 89406-2748
(775)-423-6028 FAX-423-7069
Email: khelton@churchillcounty.org
Website: <http://www.churchillcounty.org/>

CLARK COUNTY:

Larry Lomax, Registrar of Voters
965 Trade Drive Suite A
North Las Vegas, NV 89030-7802
(702)-455-VOTE (8683)
Email: HLL@co.clark.nv.us

CLARK COUNTY ELECTIONS DEPARTMENT:

P.O. Box 3909
Las Vegas, Nevada 89127-3909
(702)-455-VOTE (8683) FAX-455-2793
Email: elinfo@co.clark.nv.us
Website: <http://www.accessclarkcounty.com/>

DOUGLAS COUNTY:

Ted Thran, County Clerk
1594 Esmeralda Street
P.O. Box 218
Minden, Nevada 89423-0218
(775)-782-9023 FAX-782-9016
Email: tthran@co.douglas.nv.us
Website: ctr.co.douglas.nv.us

ELKO COUNTY:

Win Smith, County Clerk
571 Idaho St. 3rd Floor
Elko, Nevada 89801-3700
(775)-753-4600 FAX-753-4610
Email: wsmith@elkocountynv.net
Website: <http://www.elkocountynv.net/>

ESMERALDA COUNTY:

Lacinda "Cindy" Elgan, County Clerk
Corner of Crook & Euclid
P.O. Box 547
Goldfield, Nevada 89013-0547
(775)-485-6367 FAX-485-6376
Email: celgan@citlink.net
Website: <http://www.accessesmeralda.com/>

EUREKA COUNTY:

Jackie Berg , County Clerk
County Courthouse, Main Street
P.O. Box 677
Eureka, Nevada 89316-0677
(775)-237-5262 FAX-237-6015
Email: jberg_ecct@eurekanv.org
Website: co.eureka.nv.us

HUMBOLDT COUNTY:

Tami Rae Spero, County Clerk
50 W. 5th Street, #207
Winnemucca, Nevada 89445-3199
(775)-623-6343 FAX-623-6309
Email: coclerkts@hcnv.us
Website: <http://www.hcnv.us/>

LANDER COUNTY:

Gladys Burris, County Clerk
315 So. Humboldt Street
Battle Mountain, Nevada 89820-9998
(775)-635-5738 FAX-635-5761
Email: clerk@landercounty.org
Website: <http://www.landercounty.org/>

LINCOLN COUNTY:

Lisa Lloyd, County Clerk
1 North Main Street
P.O. Box 90
Pioche, Nevada 89043-0090
(775)-962-5390 FAX-962-5180
Email: llloyd@lincolnnv.com
Website: <http://www.lincolncountynevada.com/>

LYON COUNTY:

Nikki A Bryan, County Clerk
27 South Main Street
Yerington, Nevada 89447-2571
(775)-463-6501 FAX-463-5305
Email: nbryan@lyon-county.org
Website: <http://www.lyon-county.org/>

MINERAL COUNTY:

Cherrie A. George, County Clerk
105 South "A" Street, Suite 1
P.O. Box 1450
Hawthorne, Nevada 89415-1450
(775)-945-2446 FAX-945-0706
Email: clerk-treasurer@mineralcountynv.org

NYE COUNTY:

Sandra L. "Sam" Merlino, County Clerk
101 Radar Road
P.O. Box 1031
Tonopah, Nevada 89049-1031
(775)-482-8127 FAX-482-8133
Email: sam.merlino@co.nye.nv.us
Website: <http://www.co.nye.nv.us/>

PERSHING COUNTY:

Donna Giles, County Clerk
398 Main Street
P.O. Box 820
Lovelock, Nevada 89419-0820
(775)-273-2208 FAX-273-3015
Email: <mailto:dgiles@pershingcounty.net>

STOREY COUNTY:

Vanessa Dixon, County Clerk
County Courthouse, "B" Street
Drawer "D"
Virginia City, Nevada 89440-0139
(775)-847-0969 FAX-847-0921
Email: vdixon@storeycounty.org

WASHOE COUNTY:

Dan Burk, Registrar of Voters
1001 E. Ninth Street
P.O. Box 11130
Reno, Nevada 89520-0027
(775)-328-3670 FAX-328-3747
Email: dburk@mail.co.washoe.nv.us
Website: www.co.washoe.nv.us/voters

WHITE PINE COUNTY:

Donna Bath, County Clerk
801 Clark Street #4
Ely, Nevada 89301-1994
(775)-289-2341 FAX-289-2544
Email: wpclerk@mwpower.net
Website: <http://www.whitepinecounty.com/>