

Amendment No. 364

Senate Amendment to Senate Bill No. 162	(BDR 24-812)
<b>Proposed by:</b> Senate Committee on Legislative Operations and Elections	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 162 (§§ 1, 5.5).
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ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC/ERS



Date: 4/22/2023

S.B. No. 162—Provides for the establishment of polling places in county and city jails. (BDR 24-812)





SENATE BILL NO. 162—SENATOR SCHEIBLE

FEBRUARY 15, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—~~[Provides for the establishment of polling places]~~ Revises provisions relating to voting in county and city jails. (BDR 24-812)

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

CONTAINS UNFUNDED MANDATE (§§ 1 ~~[4]~~, 5.5) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to elections; ~~[providing for the establishment of polling places in county and city jails;]~~ requiring a person who administers a county or city jail to establish a policy that ensures that a prisoner in the jail who is a registered voter may vote in any election in which the prisoner is eligible to vote; setting forth certain requirements for such a policy; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a county clerk to ~~[establish polling places for a primary election, presidential preference primary election or general election. (NRS 293.2731, 298.690)]~~ Existing law further requires, under certain circumstances, a county or city clerk to establish a polling place in certain locations such as an Indian reservation or Indian colony located in whole or in part within the county or city and in a residential development exclusively for elderly persons. (NRS 293.2733, 293.2735, 293C.2675, 293C.268) cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540) Unless the person has been convicted of a felony, existing law does not prohibit a prisoner in a county or city jail from registering to vote or voting in an election.

**Section 1** of this bill requires each ~~[county clerk, county sheriff and]~~ person who administers ~~[the]~~ a county or city jail ~~[of a city in the county to coordinate to establish one polling place in each county jail and city jail exclusively for prisoners]~~ to establish a policy that ensures a prisoner in the jail who [are] is a registered [voters in the county to vote in person on the day of a] voter may vote in each primary election, presidential preference primary election, ~~[or]~~ general city election [ ] , primary city election, general election or special election. Each such policy must: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of voting at the jail; and (4) ensure the secrecy of the ballot of each prisoner. **Section 1** further ~~[provides that if prisoners of the county or city are detained in another county pursuant to certain interlocal agreements, the county clerk shall coordinate with the sheriff or person who administers the jail of the city in the county where the prisoners~~

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are located to establish a polling place for those prisoners. Also, section 1 clarifies that, with certain exceptions, the provisions of election law apply to the polling places established in jails, voting at such polling places and registering to vote on the day of the election at these polling places. requires each person who administers a county or city jail to submit a copy of the policy established pursuant to section 1 on or before October 1 of each odd-numbered year to the Secretary of State and the Director of the Legislative Counsel Bureau. Finally, section 1 clarifies that nothing in section 1 authorizes a person convicted of a felony in this State who has not had his or her right to vote or register to vote restored to vote or register to vote ~~at a polling place established in a county or city jail.~~

~~Section 2 of this bill provides that no member of the general public may observe the conduct of voting at a polling place established pursuant to section 1 without approval from the sheriff or person who administers the jail of the city.~~

~~Section 4 of this bill sets forth requirements for each city clerk to coordinate with the person who administers the city jail to establish a polling place for each primary city election or general city election, similar to the provisions of section 1.~~

~~Section 3 of this bill requires the county clerk to prepare a roster for each polling place established in a county or city jail pursuant to section 1 or 4.~~

Section 5.5 of this bill requires, on or before January 1, 2024, each person who administers a county or city jail to: (1) establish the policy required pursuant to section 1 that will apply to the 2024 Presidential Preference Primary Election, 2024 Primary Election, 2024 Primary City Election, 2024 General Election and 2024 General City Election; and (2) submit a copy of the policy to the Secretary of State and the Director of the Legislative Counsel Bureau.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each ~~county clerk, county sheriff and~~ person who administers ~~the~~ a county or city jail ~~of a city in the county~~ shall ~~coordinate to establish one polling place in each county jail and city jail exclusively for prisoners~~ establish a policy that ensures that a prisoner in the jail who ~~are~~ is a registered voter in the county to vote in person on the day of a voter may vote in each primary election, presidential preference primary election ~~or~~, primary city election, general election ~~. If prisoners of a county or city are detained in a jail located in another county pursuant to an agreement described in subsection 2 of NRS 211.010, the county clerk shall coordinate with the sheriff or person who administers the jail of the city, as applicable, in the county where the prisoners are detained to establish a polling place for those prisoners who are registered voters to vote in person on the day of the~~, general city election and special election ~~in which the prisoner is eligible to vote.~~

2. ~~Except as otherwise provided in this section or by specific statute,~~ Each policy established pursuant to subsection 1 must:

(a) Be developed in coordination with the county clerk and, if applicable, the city clerk;

(b) Be consistent with the provisions of this title relating to elections ~~including, without limitation,~~

~~(a) Polling places apply to a polling place established pursuant to this section.~~

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

~~1 (c) Same day voter registration apply to a prisoner who is an elector who  
2 applies to vote on election day at a polling place established pursuant to this  
3 section.;~~

4 (c) Ensure the safety of any election board officer or other person who  
5 assists in the conduct of voting at the jail; and

6 (d) Ensure the secrecy of the ballot, including, without limitation, the mail  
7 ballot of each prisoner.

8 3. On or before October 1 of each odd-numbered year, each person who  
9 administers a county or city jail shall submit a copy of the policy established  
10 pursuant to subsection 1 to the Secretary of State and the Director of the  
11 Legislative Counsel Bureau for transmittal to the Legislature or, if the  
12 Legislature is not in session, to the Legislative Commission. If a special election  
13 is held, each person who administers a county or city jail shall also submit a copy  
14 of the policy established pursuant to subsection 1 to the Secretary of State at least  
15 30 days before the date of the special election.

16 4. Nothing in this section authorizes a person convicted of a felony in the  
17 State who has not had his or her right to vote restored pursuant to NRS 213.157  
18 to vote or register to vote. ~~at a polling place established pursuant to this section.~~

~~19 4. 5. The Secretary of State shall adopt regulations to carry out the  
20 provisions of this section.~~

21 Sec. 2. [NRS 293.274 is hereby amended to read as follows:

~~22 293.274 1. [The] Except as otherwise provided in this subsection, the  
23 county clerk shall allow members of the general public to observe the conduct of  
24 voting at a polling place. No member of the general public may observe the  
25 conduct of voting at a polling place established pursuant to section 1 of this act  
26 without the approval of the sheriff of the county or the person who administers  
27 the jail of the city, as applicable.~~

~~28 2. A member of the general public shall not photograph the conduct of voting  
29 at a polling place or record the conduct of voting on audiotape or any other means  
30 of sound or video reproduction.~~

~~31 3. For the purposes of this section, a member of the general public does not  
32 include any person who:~~

~~33 (a) Gathers information for communication to the public;~~

~~34 (b) Is employed or engaged by or has contracted with a newspaper, periodical,  
35 press association, or radio or television station; and~~

~~36 (c) Is acting solely within his or her professional capacity.] (Deleted by  
37 amendment.)~~

38 Sec. 3. [NRS 293.563 is hereby amended to read as follows:

~~39 293.563 1. During the interval between the closing of registration and the  
40 election, the county clerk shall prepare for:~~

~~41 (a) Each polling place;~~

~~42 (1) A roster containing the registered voters eligible to vote at the polling  
43 place; and~~

~~44 (2) A roster designated for electors who apply to register to vote or apply  
45 to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive; and~~

~~46 (b) Each polling place established pursuant to NRS 293.3072 or 293C.3032 or  
47 section 1 or 4 of this act a roster containing the registered voters eligible to vote in  
48 the county or city, respectively.~~

~~49 2. The rosters must be delivered or caused to be delivered by the county or  
50 city clerk to an election board officer of the proper polling place before the opening  
51 of the polls.] (Deleted by amendment.)~~

1        **Sec. 4.** ~~[Chapter 293C of NRS is hereby amended by adding thereto a new~~  
 2 ~~section to read as follows:~~

3 ~~1. Each city clerk and person who administers the jail of the city shall~~  
 4 ~~coordinate to establish one polling place in the city jail exclusively for prisoners~~  
 5 ~~in the jail who are registered voters in the city to vote in person on the day of a~~  
 6 ~~primary city election or general city election.~~

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

9 ~~(a) Polling places apply to a polling place established pursuant to this~~  
 10 ~~section.~~

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

13 ~~(c) Same day voter registration apply to a prisoner who is an elector who~~  
 14 ~~applies to vote on election day at a polling place established pursuant to this~~  
 15 ~~section.~~

16 ~~3. Nothing in this section authorizes a person convicted of a felony in the~~  
 17 ~~State who has not had his or her right to vote restored pursuant to NRS 213.157~~  
 18 ~~to vote or register to vote at a polling place established pursuant to this section.~~

19 ~~4. The Secretary of State shall adopt regulations to carry out the provisions~~  
 20 ~~of this section.] (Deleted by amendment.)~~

21        **Sec. 5.** ~~[NRS 293C.269 is hereby amended to read as follows:~~

22 ~~293C.269 1. [The] Except as otherwise provided in this subsection, the city~~  
 23 ~~clerk shall allow members of the general public to observe the conduct of voting at~~  
 24 ~~a polling place for a city election. No member of the general public may observe~~  
 25 ~~the conduct of voting at a polling place established pursuant to section 4 of this~~  
 26 ~~act without the approval of the person who administers the city jail.~~

27 ~~2. A member of the general public shall not photograph the conduct of voting~~  
 28 ~~at a polling place for a city election or record the conduct of voting on audiotape or~~  
 29 ~~any other means of sound or video reproduction.~~

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

32 ~~(a) Gathers information for communication to the public;~~

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

35 ~~(c) Is acting solely within his or her professional capacity.] (Deleted by~~  
 36 ~~amendment.)~~

37        **Sec. 5.5.** On or before January 1, 2024, each person who administers a  
 38 county or city jail shall:

39 1. In coordination with the county clerk, and if applicable, the city clerk,  
 40 establish the policy required pursuant to section 1 of this act that will apply to  
 41 the 2024 Presidential Preference Primary Election, 2024 Primary Election,  
 42 2024 Primary City Election, 2024 General Election and 2024 General City  
 43 Election; and

44 2. Submit a copy of the policy established pursuant to subsection 1 to the  
 45 Secretary of State and the Director of the Legislative Counsel Bureau for  
 46 transmittal to the Legislature, or if the Legislature is not in session, to the  
 47 Legislative Commission.

48        **Sec. 5.7.** The provisions of subsection 1 of NRS 218D.380 do not apply to  
 49 any provision of this act which adds or revises a requirement to submit a  
 50 report to the Legislature.

51        **Sec. 6.** The provisions of NRS 354.599 do not apply to any additional  
 52 expenses of a local government that are related to the provisions of this act.

- 1       **Sec. 7.** 1. This section and ~~section~~ sections 5.5 and 6 of this act become  
2 effective upon passage and approval.
- 3       2. Sections 1 to 5, inclusive, and 5.7 of this act become effective:
- 4       (a) Upon passage and approval for the purpose of adopting any regulations and  
5 performing any other preparatory administrative tasks that are necessary to carry  
6 out the provisions of this act; and
- 7       (b) On January 1, 2024, for all other purposes.