

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 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) (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; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a county clerk to establish polling places for a primary
2 election, presidential preference primary election or general election. (NRS
3 293.2731, 298.690) Existing law further requires, under certain circumstances, a
4 county or city clerk to establish a polling place in certain locations such as an
5 Indian reservation or Indian colony located in whole or in part within the county or
6 city and in a residential development exclusively for elderly persons. (NRS
7 293.2733, 293.2735, 293C.2675, 293C.268)

8 **Section 1** of this bill requires each county clerk, county sheriff and person who
9 administers the jail of a city in the county to coordinate to establish one polling
10 place in each county jail and city jail exclusively for prisoners in the jail who are
11 registered voters in the county to vote in person on the day of a primary election,
12 presidential preference primary election or general election. **Section 1** further
13 provides that if prisoners of the county or city are detained in another county
14 pursuant to certain interlocal agreements, the county clerk shall coordinate with the
15 sheriff or person who administers the jail of the city in the county where the
16 prisoners are located to establish a polling place for those prisoners. Also, **section 1**
17 clarifies that, with certain exceptions, the provisions of election law apply to the
18 polling places established in jails, voting at such polling places and registering to
19 vote on the day of the election at these polling places. Finally, **section 1** clarifies
20 that nothing in **section 1** authorizes a person convicted of a felony in this State who
21 has not had his or her right to vote or register to vote restored to vote or register to
22 vote at a polling place established in a county or city jail.



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

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

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

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

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

3 *1. Each county clerk, county sheriff and person who*
4 *administers the jail of a city in the county shall coordinate to*
5 *establish one polling place in each county jail and city jail*
6 *exclusively for prisoners in the jail who are registered voters in the*
7 *county to vote in person on the day of a primary election,*
8 *presidential preference primary election or general election. If*
9 *prisoners of a county or city are detained in a jail located in*
10 *another county pursuant to an agreement described in subsection*
11 *2 of NRS 211.010, the county clerk shall coordinate with the*
12 *sheriff or person who administers the jail of the city, as applicable,*
13 *in the county where the prisoners are detained to establish a*
14 *polling place for those prisoners who are registered voters to vote*
15 *in person on the day of the election.*

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

19 *(a) Polling places apply to a polling place established pursuant*
20 *to this section.*

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

24 *(c) Same day voter registration apply to a prisoner who is an*
25 *elector who applies to vote on election day at a polling place*
26 *established pursuant to this section.*

27 *3. Nothing in this section authorizes a person convicted of a*
28 *felony in the State who has not had his or her right to vote*
29 *restored pursuant to NRS 213.157 to vote or register to vote at a*
30 *polling place established pursuant to this section.*

31 *4. The Secretary of State shall adopt regulations to carry out*
32 *the provisions of this section.*



1 **Sec. 2.** NRS 293.274 is hereby amended to read as follows:
2 293.274 1. ~~[The]~~ *Except as otherwise provided in this*
3 *subsection, the* county clerk shall allow members of the general
4 public to observe the conduct of voting at a polling place. *No*
5 *member of the general public may observe the conduct of voting at*
6 *a polling place established pursuant to section 1 of this act without*
7 *the approval of the sheriff of the county or the person who*
8 *administers the jail of the city, as applicable.*

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

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

- 14 (a) Gathers information for communication to the public;
15 (b) Is employed or engaged by or has contracted with a
16 newspaper, periodical, press association, or radio or television
17 station; and
18 (c) Is acting solely within his or her professional capacity.

19 **Sec. 3.** NRS 293.563 is hereby amended to read as follows:

20 293.563 1. During the interval between the closing of
21 registration and the election, the county clerk shall prepare for:

22 (a) Each polling place:
23 (1) A roster containing the registered voters eligible to vote
24 at the polling place; and

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

28 (b) Each polling place established pursuant to NRS 293.3072 or
29 293C.3032 *or section 1 or 4 of this act* a roster containing the
30 registered voters eligible to vote in the county or city, respectively.

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

34 **Sec. 4.** Chapter 293C of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 1. *Each city clerk and person who administers the jail of the*
37 *city shall coordinate to establish one polling place in the city jail*
38 *exclusively for prisoners in the jail who are registered voters in the*
39 *city to vote in person on the day of a primary city election or*
40 *general city election.*

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

44 (a) *Polling places apply to a polling place established pursuant*
45 *to this section.*



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

4 (c) *Same day voter registration apply to a prisoner who is an*
5 *elector who applies to vote on election day at a polling place*
6 *established pursuant to this section.*

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

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

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

14 293C.269 1. ~~The~~ *Except as otherwise provided in this*
15 *subsection, the city clerk shall allow members of the general public*
16 *to observe the conduct of voting at a polling place for a city*
17 *election. No member of the general public may observe the*
18 *conduct of voting at a polling place established pursuant to section*
19 *4 of this act without the approval of the person who administers*
20 *the city jail.*

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

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

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

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

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

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

35 **Sec. 7.** 1. This section and section 6 of this act become
36 effective upon passage and approval.

37 2. Sections 1 to 5, inclusive, of this act become effective:

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

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

