

SENATE BILL NO. 162—SENATOR SCHEIBLE

FEBRUARY 15, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—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, 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; 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:

1 Existing law requires a county clerk to cancel the registration of a voter upon
2 the determination that the person has been convicted of a felony and is currently
3 incarcerated. (NRS 293.540) Unless the person has been convicted of a felony,
4 existing law does not prohibit a prisoner in a county or city jail from registering to
5 vote or voting in an election.

6 **Section 1** of this bill requires each person who administers a county or city jail
7 to establish a policy that ensures a prisoner in the jail who is a registered voter may
8 vote in each primary election, presidential preference primary election, general city
9 election, primary city election, general election or special election. Each such
10 policy must: (1) be developed in coordination with the county clerk and, if
11 applicable, the city clerk; (2) be consistent with existing provisions of law relating
12 to elections; (3) ensure the safety of any election board officer or other person who
13 assists in the conduct of voting at the jail; and (4) ensure the secrecy of the ballot of
14 each prisoner. **Section 1** further requires each person who administers a county or
15 city jail to submit a copy of the policy established pursuant to **section 1** on or
16 before October 1 of each odd-numbered year to the Secretary of State and the
17 Director of the Legislative Counsel Bureau. Finally, **section 1** clarifies that nothing
18 in **section 1** authorizes a person convicted of a felony in this State who has not had
19 his or her right to vote or register to vote restored to vote or register to vote.



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

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 person who administers a county or city jail shall*
4 *establish a policy that ensures that a prisoner in the jail who is a*
5 *registered voter may vote in each primary election, presidential*
6 *preference primary election, primary city election, general*
7 *election, general city election and special election in which the*
8 *prisoner is eligible to vote.*

9 *2. Each policy established pursuant to subsection 1 must:*

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

12 *(b) Be consistent with the provisions of this title relating to*
13 *elections;*

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

16 *(d) Ensure the secrecy of the ballot, including, without*
17 *limitation, the mail ballot of each prisoner.*

18 *3. On or before October 1 of each odd-numbered year, each*
19 *person who administers a county or city jail shall submit a copy of*
20 *the policy established pursuant to subsection 1 to the Secretary of*
21 *State and the Director of the Legislative Counsel Bureau for*
22 *transmittal to the Legislature or, if the Legislature is not in*
23 *session, to the Legislative Commission. If a special election is*
24 *held, each person who administers a county or city jail shall also*
25 *submit a copy of the policy established pursuant to subsection 1 to*
26 *the Secretary of State at least 30 days before the date of the special*
27 *election.*

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

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

33 **Sec. 2.** (Deleted by amendment.)

34 **Sec. 3.** (Deleted by amendment.)

35 **Sec. 4.** (Deleted by amendment.)



1 **Sec. 5.** (Deleted by amendment.)

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

4 1. In coordination with the county clerk, and if applicable, the
5 city clerk, establish the policy required pursuant to section 1 of this
6 act that will apply to the 2024 Presidential Preference Primary
7 Election, 2024 Primary Election, 2024 Primary City Election, 2024
8 General Election and 2024 General City Election; and

9 2. Submit a copy of the policy established pursuant to
10 subsection 1 to the Secretary of State and the Director of the
11 Legislative Counsel Bureau for transmittal to the Legislature, or if
12 the Legislature is not in session, to the Legislative Commission.

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

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

19 **Sec. 7.** 1. This section and sections 5.5 and 6 of this act
20 become effective upon passage and approval.

21 2. Sections 1 to 5, inclusive, and 5.7 of this act become
22 effective:

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

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

