

From: [Athar Haseebullah](#)
To: [Legislative Commission](#)
Cc: [Sadmira Ramic](#); kmaese@aclunv.org
Subject: Legislative Commission Meeting (12/17) Written Comment, Agenda Item V
Date: Wednesday, December 17, 2025 10:39:49 AM
Attachments: [2025 Legislative Commission Letter.pdf](#)

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Hello,

I hope this email finds you well. Attached is ACLU of Nevada's written comment related to Agenda Item V for today's Legislative Commission meeting. I am asking that it be uploaded onto NELIS. Thank you.

Best,

Athar Haseebullah, Esq.
Executive Director, ACLU of Nevada
Pronouns: he/him/his ([why I share my pronouns](#))

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December 16, 2025

Legislative Commission
Nevada State Legislature
401 S Carson St.
Carson City, NV 89701

Re: Agenda Item V, Election Procedures Manual

Dear Members of the Legislative Commission:



4362 W. Cheyenne Ave.
(702) 366-1226
aclunv.org

In November, the Secretary of State's Office hosted a series of public forums to gather feedback and suggestions on the proposed revisions to Nevada's Election Procedures Manual (EPM). We write to raise concerns with some of the proposed amended provisions in the draft version of the EPM. We look forward to working with the Secretary of State's Office to address these concerns but are writing today to ensure our concerns are placed on the record if resolutions are not met surrounding these provisions.

Mail Ballot Return

The amendment to this section of the EPM states that a person may deliver their mail ballot to their "respective county" or to "a ballot drop box in the county," implying that voters from one county could improperly drop off ballots in another county's drop box. This language may create some level of confusion surrounding the State's interpretation of NRS 293.269921, which mandates the return of mail ballots to the jurisdiction in which the voter is registered.

Registration Changes that Impact Ballots

The amendment to this section of the EPM states that a voter who updates their mailing address after mail ballots have been sent but not within 14 days of the election, the county or City Clerk must cancel the first mail ballot and, on or before the 13th day before the election, send the voter a second mail ballot to the updated address. If a voter updates their residential address within the same county that changes their voting precinct after mail ballots have been sent but not within 14 days of the election, the City Clerk must cancel the first mail ballot and, on or before the 13th day before the election, send the voter a second mail ballot. This language can be improved upon by clearly delineating between election day and the election period, which will start at the commencement of the early vote.

Voting Observation

The amendment to this section of the EPM states that vote centers have a limited number of spots reserved for observers. The number of places available is unique to each vote center and depends on the space available in the facility. If all available spots are full, potential observers must wait for the next available place, but individuals cannot loiter in a vote center. The provisions as written in the EPM are too broad [and may create First Amendment issues, which ACLU of Nevada has had to address as recently as last election cycle.](#) This section uses the term "loitering" but it's not clear whether the legal definition of loitering is intended here or the general-purpose term. Because this provision may lead to suggestions someone is improperly loitering while they are merely waiting to engage in observation, this provision should be modified. Additionally, this doesn't make clear the process for determining what to do if more

observers are present than space within an observation area or where an individual is to wait if the observation area is at capacity.

Cell Phone Usage

NRS 293.274(2) prohibits members of the general public from photographing or otherwise recording the conduct of voting at a polling place, which encompasses photos, videos, and audio recordings. The EPM proposes new provisions that may incorrectly interpret this statute. Existing conduct related to cell phone usage has already been construed by the Legislature and broadening restrictions on cell phone activity falls outside the purview of state law. People use their cell phones for all kinds of reasons, including individuals with cognitive disabilities who may use their cell phone to retrieve information that may aid them in casting their vote. While we understand the need to maintain voter privacy and are certainly advocates for privacy as is well known, broadening interpretations of how cell phones may be used can raise a variety of issues.

We look forward to connecting with the Secretary of State's Office to try to resolve any issues in advance of the election and thank the Secretary and his team for their willingness to work with stakeholders to improve processes.

Best,

Kaylah Maese

Kaylah Maese
Policy Manager

Sadmira Ramic

Sadmira Ramic, Esq.
Senior Staff Attorney

Athar Haseebullah

Athar Haseebullah, Esq.
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