

Conceptual Amendment for AB 286

Submitted by Assemblywoman Brittney Miller

- 1) **Delete** Sections 2-4 in its entirety, further removing all references to polling sites and local, regional, or state facilities for children.
- 2) **Change** Sec. 5. 1. ~~Each county clerk shall coordinate with the person who administers each county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children in the county to establish a polling place in each such jail or facility exclusively for prisoners in the jail or facility who are registered voters in the county to vote in person on the day of each primary election, presidential preference primary election and general election. If prisoners-electors of a county are detained in a jail or facility located in another county pursuant to an agreement entered into pursuant to subsection 2 of NRS 211.010, the county clerk shall coordinate with the person who administers the jail in the county where the prisoners-electors in custody are detained to establish a polling place procedure for those prisoners-electors in custody who are registered voters to vote in person on the day of the election.~~

Delete Sections 5.2 (a) and (b)

Change Sec 5.2 (c) Same day voter registration, apply to ~~a prisoner who is an elector~~ *who is in custody of a county or local jail* ~~applies~~ to vote on election day at a polling place established pursuant to this section. A person who administers the jail or facility shall not prohibit a family member of a ~~prisoner~~ *individual in custody* from providing the ~~prisoner in the jail or facility with~~ the necessary information to register to vote ~~on the day of the election~~ pursuant to NRS 293.5847. *The county or local jail may establish a necessary process pertaining to the delivery of such items.*

Delete Sections 5.3 and 4

Sec 5.5. Every county jail, city jail, ~~local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ shall post in a prominent location and set forth in the ~~prisoner~~ handbook information relating to elections and voting in the jail or facility, including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail or facility.

- 3) **Replace** the term mail ballot with *absentee* ballot, applicable throughout.
- 4) **Replace** the term local jail with *city jail*, applicable throughout.
- 5) **Replace** the term prisoner with *in the custody of a county or city jail or an individual in custody of a county or city jail* wherever applicable. Examples:

Section 6. 1. (a) **An elector who is *in the custody of a county or city jail*** ~~a prisoner in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~

Section 6.1 (b) **A registered voter who is *in the custody of a county or city jail*** ~~a prisoner in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~

Section 6. 2 **Upon receipt of an application and ballot cast by *an individual in custody of a county or city jail*** ~~a prisoner using...~~

Section 6.6 **The Secretary of State shall make available to an elector or registered voter who is *a prisoner in a county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children* *in the custody of a county or city jail* information.**

- 6) **Add** the word and at the end of Section 6.1 (a) ... **register to vote; and.**
- 7) **Delete** Section 7.1 (a)
- 8) **Change** *Sec 7.1 (b) Provide each ~~prisoner~~ elector in custody of a county or city jail with a reasonable amount of privacy to vote his or her ~~mail~~ absentee ballot, which may, without*

limitation, be in a common area, visitation area, room or cell;

9) **Change** *Sec 7.1 (c) Provide each ~~prisoner~~ elector in custody of a county or city with a pen with black or blue ink to vote his or her ~~mail~~ absentee ballot;*

10) **Delete** Sec 7.1 (d)

11) **Change** *Allow the county clerk to ~~establish a drop box~~ develop a process with the perspective county or city jail for the collection and security of the ~~mail~~ absentee ballots of ~~prisoners~~ electors in the custody of a county or city jail ~~in~~ and to collect the mail ballots from the drop box; and develop and document a consistent Chain of Custody.*

12) **Add** the following language: *Based on the technological ability of the county or local jail, make available to an elector who is in custody of a county or city jail the use of the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election (including all primaries, special elections, general elections) where the system of approved electronic transmission is available to a covered voter to register to vote;*

13) *Based on the technological ability of the county or local jail, make available to a registered voter who is in custody of a county or city jail the use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available;*

14) *Based on the technological ability of the county or local jail, provide access to the system of approved electronic transmission as described in sections (a) and (b) as soon as it becomes available for use through the Secretary of State website; and*

15) *Post in a prominent location and set forth in the inmate handbook current information relating to elections and voting in the jail, including, without limitation, qualifications to register to vote and to vote and the options and procedures for registering to vote and voting at the jail.*

16) An elector who is in custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

17) A registered voter who is in custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military-overseas ballot.

18) Provide access to voting electronically or by absentee ballot is consistent with early vote and election day schedule.

19) The ability to request a form to register to vote shall not be limited or subject to any specific schedule.

Change ~~A county jail, city jail, local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ or city jail shall not open a mail absentee ballot after a prisoner has voted and sealed the mail absentee ballot unless the jail or facility has a reasonable suspicion of a prohibited activity.

Add:

(a) Prohibit, restrict, or monitor the use of the system of approved electronic transmission established pursuant to NRS 293D.200 by any individual in the custody of a county or city jail; and

(b) Prohibit or restrict any individual in the custody of a county or city jail who is eligible to vote or to register to vote in a primary election, presidential preference primary election, or general election from doing so.

20) **Delete** Sections 10-14

21) **Change** Section 15

Not later than 30 days after each primary ~~city~~ election, presidential preference primary or general ~~city~~ election, each person who administers the county jail, city jail, ~~local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children~~ shall submit in a report to the Secretary of State:

2. A summary of each complaint received by the jail or facility from a ~~prisoner~~ an individual in custody relating to registering to vote or voting in the election.

22) **Delete** Section 16

23) **ADD:** An elector in the custody of a county or local jail shall request to register to vote and shall vote free of coercion or intimidation. There shall be no campaigning or electioneering on or near the premises in which the votes are cast.

24) **Create**, possibly in Sec 6.10

Sec. 2 NRS 293.250 is hereby amended to read as follows: 293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and

to keep records of registration.

(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.

(4) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters in custody of a Nevada county or city jail pursuant to Section 1 of this act.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against

constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.