

**PROPOSED REGULATION OF THE  
SECRETARY OF STATE**

**LCB FILE NO. R098-211**

**The following document is the initial draft regulation proposed  
by the agency submitted on 11/23/2021**

**PROPOSED REGULATIONS OF THE SECRETARY OF STATE**

**ELECTIONS DIVISION**

**LCB File No. \_\_\_\_\_**

**Section 1. Chapter 293 of NAC is hereby amended by amending the provisions set forth in Section 2, inclusive of this regulation.**

**Sec. 2. NAC 293.245 is hereby amended to read as follows:**

**NAC. 293.245 Observation of conduct of voting at polling place *or vote center*.** (NRS 293.124, 293.247)

1. Subject to the provisions of subsections 2 to 8, inclusive, any person may observe the conduct of voting at a polling place *or vote center*.

2. Before observing the conduct of voting at a polling place *or vote center* pursuant to subsection 1, a person must sign an acknowledgement in the form prescribed by the Secretary of State stating that the person, during the time the person observes the conduct of voting:

(a) Acknowledges that he or she is prohibited from:

(1) Talking to voters within the polling place *or vote center*;

(2) Using a mobile telephone or computer within the polling place *or vote center*;

(3) Advocating for or against a candidate, political party or ballot question;

(4) Arguing for or against or challenging any decisions of county or city election personnel; and

(5) Interfering with the conduct of voting;

(b) May be removed from the polling place *or vote center* by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraph (a).

3. The county or city clerk may, at his or her discretion, remove from a polling place *or vote center* a person observing the conduct of voting pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraph (a) of subsection 2.

*4. The county or city clerk may, at his or her discretion, limit the number of observers permitted inside a polling place or vote center for reasons of public safety, to preserve voter privacy, or to maintain order.*

5. ~~4.~~ A person observing the conduct of voting at a polling place *or vote center* pursuant to subsection 1 must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.

6. ~~5.~~ A person observing the conduct of voting at a polling place *or vote center* pursuant to subsection 1 may remain in the designated area in the polling place *or vote center* after the polls close pursuant to NRS 293.273 so as to observe the closing of the polling place *or vote center*. The person shall not interfere with the closing of the polling place *or vote center*.

7. ~~6.~~ A person observing the conduct of voting at a polling place *or vote center* pursuant to subsection 1 may remain in an area designated by the chair of the election board to observe the activities conducted at the polling place *or vote center* without interfering with the voting. The designated area must allow for meaningful observation, but must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter.

8. ~~7.~~ A person observing the conduct of voting at a polling place *or vote center* pursuant to subsection 1 must wear a name tag denoting the person's full name.

9. ~~8.~~ The county and city clerk shall retain the signed acknowledgments described in subsection 2 for at least 180 days following the election observed by the person who signed the acknowledgment.

*10. ~~9.~~ As used in this section, “advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.*

*11. As used in this section, “meaningful observation” includes having a vantage point to observe the following:*

*(a) the processes of a voter checking in;*

*(b) the processes of a voter being handed a ballot or voting machine card;*

*(c) the voter going to a voting booth;*

*(d) the voter turning in their ballot or voting machine card; and*

*(e) the voter exiting the polling place.*

*12. As used in this section, “meaningful observation” does not mean that the observer can:*

*(a) view personal information regarding a voter;*

*(b) view a voter’s ballot or a voter’s selections on a voting machine; or*

*(b) hear conversations between voters and election board members or among election board members.*

*13. The election board for a polling place or vote center must arrange the facility to reasonably and fairly balance every voter’s ability to vote without interference with the observers’ ability to have meaningful observation.*

*14. As used in this section, “polling place” and “vote center” include locations used for early voting.*