

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R098-21

December 20, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 293.124 and 293.247.

A REGULATION relating to elections; revising provisions relating to the observation of voting at a polling place; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations authorize any person to observe the conduct of voting at a polling place in an area designated by the chair of the election board. 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. (NAC 293.245) This regulation: (1) clarifies that the term “polling place” includes a polling place for early voting and a vote center; and (2) defines the term “meaningful observation.”

This regulation also authorizes the county or city clerk to limit the number of persons observing the conduct of voting at a polling place for reasons of public safety or to preserve voter privacy or maintain order.

Section 1. NAC 293.245 is hereby amended to read as follows:

293.245 1. Subject to the provisions of subsections 2 to 8, inclusive, any person may observe the conduct of voting at a polling place ~~H~~, *including, without limitation, a polling place for early voting and a vote center.*

2. Before observing the conduct of voting at a polling place pursuant to subsection 1, a person must sign an acknowledgment 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;

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

(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; and

(b) May be removed from the polling place 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~~:

(a) Limit the number of persons in the polling place who are observing the conduct of voting pursuant to this section for reasons of public safety or to protect voter privacy or maintain order.

(b) Remove from a polling place 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. A person observing the conduct of voting at a polling place 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, ~~and~~ *293C.269 and 293C.297.*

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

6. A person observing the conduct of voting at a polling place 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 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.

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

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.

9. As used in this section ~~}, “advocate”~~:

(a) “Advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

(b) “Meaningful observation” means a person may observe the identification of voters who appear at a polling place to vote, the distribution of a ballot or voting machine card to a voter, the movement of a voter to a voting booth, the return of a ballot or voting machine card by a voter and the exiting of a polling place by a voter. The term does not include allowing a person to:

(1) View the personal information of a voter, a voter's ballot or selections on a voting machine; or

(2) Listen to any conversation between election board officers or between a voter and an election board officer.

(c) “Vote center” means a polling place established by the county or city clerk, as applicable, pursuant to the provisions of NRS 293.3072 to 293.3075, inclusive, or 293C.3032 to 293C.3035, inclusive, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so on the day of the election.