



Helping Voters Register Under Nevada Law

Important: Voter registration drives in Nevada have to follow certain state laws and rules, such as a rule requiring drives to turn in the applications they collect within a certain amount of time, and a rule regarding paying canvassers. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Nevada, an individual may register to vote and vote if the person:¹

- Is a U.S. citizen;
- Has continuously resided in Nevada and the county in which she wishes to vote for 30 days, and in the precinct for 10 days, before the next election;
 - Any registered voter removing from one county to another in the State, or from one precinct to another within the same county, after the close of registration for any election is deemed to retain his or her residence in the county or precinct removed from for the purposes of that election.⁴
- Is or will be at least 18 years of age before the next election;
- Has not been specifically found by a court, by clear and convincing evidence, to lack the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process;⁵ and
- Has not been convicted of a felony, or has had their right to vote restored after a felony conviction.⁶

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: For the purposes of registering to vote, if the voter does not reside at a location that has been assigned a street address, the address at which the voter actually resides is a description of the location at which the voter actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.⁹

Felony Convictions: Persons who have been convicted of felonies must have voting rights restored after the conviction.¹⁰ Persons convicted of certain felonies in Nevada and who have been discharged honorably from

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parole are immediately restored the right to vote.¹¹ Nevada law also provides that persons convicted of certain felonies who have served out their prison sentence are immediately restored the right to vote.¹² If the person was convicted of a felony in another state, the right to vote of the person must be restored pursuant to the laws of the state in which the person was convicted.¹³ If a person's voter registration is canceled due to felon status and the person again becomes eligible, the person may reregister after presenting satisfactory evidence which demonstrates that the person's conviction has been overturned or that civil rights have been restored.¹⁴ Information on restoration of voting rights after conviction is available on the Secretary of State's website: <http://nvsos.gov/index.aspx?page=86>. Clark County also provides a resource page: <http://www.clarkcountynv.gov/election/Pages/Felons.aspx>.

College Students: College students who are Nevada residents may choose to register using their hometown address or their current campus home address.¹⁵ The state has a College Voter Information page located at <http://nvsos.gov/index.aspx?page=223>.

PART 3: FILLING OUT AN APPLICATION

Nevada voter registration forms include the following fields not designated as optional:¹⁶

- Citizenship and age checkboxes
 - If the applicant fails to check the citizenship box, the application cannot be considered invalid and the county clerk must provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.¹⁷
- Whether the registration is a new one or a change (and type of change)
- Full Name (Last, First, Middle, Suffix)
 - The form instructs applicants to enter the person's name exactly as it appears on the NV driver's license or Social Security card
- Residence address
- Mailing address, if different
- Current and valid Nevada Driver's License or state identification number; or, if neither, the last four digits of voter's Social Security Number; or, if none of these, voters are asked to contact their county clerk after completing and returning the voter registration form
- Party registration¹⁸
 - Applicants that register with a minor party or as nonpartisan will receive a nonpartisan ballot for the Primary election
- Date of birth
- Place of birth
- Previous voter registration information
- Signature and date

Election officials should be consulted as to which fields are required for the application to be considered complete.

Persons assisting voters in completing the application to register to vote by mail must not register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.¹⁹ Violation of this requirement is punishable as a Class E Felony.²⁰ Persons can assist in filling out a registration form only if requested to do so by the applicant.²¹ Organizations conducting drives should discuss with state and local election officials what conduct is deemed to "assist" in filling out a registration form.

PART 4: VOTER REGISTRATION DEADLINE

Mail applications must be postmarked by Saturday, 31 days before an election. Applicants may also register online or in person at a clerk or registrar's office by Tuesday, 21 days before an Election. Other deadlines apply to special/recall elections.²² **A specific turn-around-time applies to voter registration drives turning in applications they collect. See below.**

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	Yes, if requesting more than 50 forms. See question A below for details.
<i>Are there restrictions on getting voter registration forms?</i>	Yes, requests for more than 50 forms require a distribution plan, and charges may be assessed. In addition, only certain forms are authorized. See question B below for details.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Yes. Persons providing forms may not alter or deface blank applications other than by addressing the form to the applicant and affixing postage. The state also has rules on which application forms are authorized, including a ban on unauthorized copies, see question C below.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No, but there are rules regarding actions that persons assisting voters in completing the application must follow, such as regarding soliciting votes for a particular question or candidate. See question D below for details.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Yes. Canvassers may not be paid based on the total number of voters a person registers, and violations are punishable as a Class E felony. This statute has resulted in prosecution based on use of quotas. See question E below for details.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes, see question F below for details.

<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	The application must include the mailing address and signature of any person who assisted the applicant in completing the application. ²³ There is also a requirement for filling out the duplicate copy or receipt retained by the voter if the person who assists an elector with completing the form retains it. Violations are a class E felony. See question G below for details.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	A person who collects completed applications for submission must enter their information in the designated area of the applicant's receipt at the bottom of the application. See question H below for details.
<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	Identifying marks are not directly addressed in Nevada law. However, an application must not be altered or otherwise defaced after the applicant has completed and signed it. ²⁴ Willful violation of this prohibition is a category E felony. ²⁵
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	Nevada law does not address this issue.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Yes, applications must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed and signed by the applicant. ²⁶
<i>What are the consequences for failing to submit applications on time?</i>	Failure to meet the time limit is a category E felony. Intentional failure to submit it is also a category E felony, see details in question I below.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	This is unclear under Nevada law. See details in question J below.
<i>How will an applicant know whether the election official received the application?</i>	Applicants will receive notice of completed registrations and incomplete applications. See question K below for details.

<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Applicants must respond within 15 days of the notification being mailed. A special rule applies to the citizenship checkbox on the form, see question L below for details.
<i>Who investigates and enforces the state rules?</i>	Secretary of State/Attorney General/district attorney. See question M below for details.

BEFORE THE DRIVE

A. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

Requests for more than 50 voter registration forms at any one time require the organization to file a distribution plan with the Secretary of State, including, without limitation, identification of the county or counties with which the person or group plans to file the completed forms. The form is available at <http://nvsos.gov/Modules/ShowDocument.aspx?documentid=3975>. It requires the name and contact information of the person distributing the forms, the area of Nevada where the forms will be distributed, and the quantity and control numbers of the applications issued.²⁷

The county clerk and Secretary of State record on the completed request form the control numbers assigned to the applications which were provided in response to the request.²⁸ The state's voter registration drive guide states that when the drive is complete in accordance with all applicable deadlines, all completed and uncompleted forms must be returned to the county clerk.²⁹

Requests for less than 50 forms are made to the county clerk in person, by telephone, in writing or by fax.³⁰

B. Are there restrictions on getting voter registration forms?

Yes, requests for more than 50 voter registration forms at any one time require the organization to file a distribution plan, see question A. Charges may be assessed for requests for more than 50 applications in any 12-month period.

Only the official Nevada Voter Registration Application prescribed by the Nevada Secretary of State and federally authorized voter registration applications are accepted. Alternated or unauthorized voter registration applications are not accepted and they may not be electronically or manually modified. Unauthorized copies of registration applications will also not be accepted.³²

C. Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?

Yes. Nevada regulation provides that a person assisting an applicant to register to vote or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote shall not alter or deface a blank application form in any way other than by addressing the form to the applicant and affixing postage. The regulation further states that an application must not be marked, stamped, or partially or fully completed by anyone other than the applicant or another person who is assisting the applicant after being requested by the applicant to do so.³⁴

The state's guide for voter registration drives indicates that only the official Nevada Voter Registration Application prescribed by the Nevada Secretary of State and federally authorized voter registration

applications are accepted. Alternated or unauthorized voter registration applications are not accepted and they may not be electronically or manually modified. Unauthorized copies of registration applications will also not be accepted.³⁵

D. Does the state have restrictions on who may help others register to vote?

No. However, persons assisting voters in completing the application to register to vote by mail must not solicit a vote for or against a particular question or candidate; speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election, while registering an elector.³⁶ Further, a person must not hold himself or herself out to be, or attempt to exercise the duties of, a field registrar unless the person has been so appointed.³⁷ In addition, persons assisting voters in completing the application to register to vote by mail must not delegate any of his or her duties to another person.³⁸ A violation of each these requirements is punishable as a Class E felony.³⁹ Organizations should check with local and state election officials to determine what "assists" means.

Individuals or organizations conducting voter registration drives may assist applicants in filling out a registration form only if requested to do so by the applicant, and those who do so must include the required information (see Question G below).⁴⁰

E. Does the state have restrictions on paying drive workers?

Yes. Canvassers may not be paid based on the total number of voters a person registers. Violations are punishable as a Class E felony.⁴¹ This statute was used to prosecute an organization for using "quotas" to determine whether to retain a canvasser. The "quota" used consisted of terminating people who could not collect a reasonable number of applications. The organization pleaded guilty to the charges and there was no appeal on the matter.⁴² An employee of an organization also was convicted under this statute for conspiring to pay \$5 extra, on top of their hourly pay, to canvassers that collected more than 20 applications. The Supreme Court of Nevada upheld the statute as constitutional against arguments that it violated the First Amendment and was unconstitutionally vague.⁴³

F. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."⁴⁴ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."⁴⁵

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."⁴⁶

DURING THE DRIVE

G. Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?

Nevada law provides that the application must include the mailing address and signature of any person who assisted the applicant in completing the application.⁴⁷ Willful violation of this requirement is punishable as a category E felony.⁴⁸ Further, if the person who assists an elector with completing the form for the application to register to vote retains the form, the person must enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form.⁴⁹ Violation of this

requirement is punishable as a category E felony.⁵⁰ Organizations should check with local and state election officials to determine what “assists” means.

H. Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?

The state’s voter registration drive guide states, “If you retain completed applications to submit on behalf of applicants, you must enter your information in the designated area of the applicant's receipt at the bottom of the Nevada Voter Registration Application.”⁵¹ Regulation provides that if the person who assists an elector with completing the form for the application to register to vote retains the form, the person must enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form.⁵²

I. What are the consequences for failing to submit voter registration applications on time?

A person who willfully violates the requirement to mail or deliver within 10 days after completion is guilty of a category E felony.⁵³ In addition, a person who provides a voter with a voter registration application and intentionally fails to submit a completed application is guilty of a category E felony.⁵⁴

J. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

This is unclear under Nevada law. An application must not be altered or otherwise defaced after the applicant has completed and signed it, and violation of this provision is punishable as a felony.⁵⁵ However, Nevada statute also provides that any person providing a form for the application to register to vote to an elector for the purpose of registering to vote “shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.”⁵⁶ Nevada regulation provides that a person assisting an applicant to register to vote or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote shall not alter or deface a blank application form in any way other than by addressing the form to the applicant and affixing postage. The regulation further states that an application must not be marked, stamped, or partially or fully completed by anyone other than the applicant or another person who is assisting the applicant after being requested by the applicant to do so.⁵⁷

K. How will an applicant know whether the election official received the application?

Voter registration applications are issued unique control numbers that are tracked by the SOS and the County Clerk or Registrar of Voters.⁵⁸ If the application is complete, the registrar registers the applicant and sends a notice to the applicant within 10 days. If the application is incomplete, as soon as possible, the registrar will notify the applicant.⁵⁹

L. How may an applicant correct an incomplete application after it has been submitted to election officials?

The county clerk, upon determining that an application is incomplete, will send notice to the applicant. The applicant must respond within 15 days of the notification’s mailing date, or the application is void.⁶⁰ If the applicant fails to check the citizenship box, the application cannot be considered invalid and the county clerk must provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.⁶¹

M. Who is responsible for investigating and enforcing the state rules?

As Chief Officer of Elections, the Secretary of State is responsible for the execution and enforcement of the provisions of title 24 of Nevada Revised Statutes and all other provisions of state and federal law

relating to elections in Nevada.⁶² Complaints alleging violations of the election laws or regulations initiate investigation by the Secretary of State's office and prosecution, if necessary, by the Nevada Attorney General.⁶³ Civil actions for violations of the election law may be brought by the Attorney General or the district attorney. Civil penalties of up to \$20,000 may be assessed for violation of the election laws.⁶⁴

WEB PAGE FOR STATUTE

<http://www.leg.state.nv.us/NRS/NRS-293.html>

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¹ Nev. Rev. Stat. §293.485

⁴ Nev. Rev. Stat. § 293.490

⁵ Nev. Rev. Stat. § 293.5415

⁶ Nev. Rev. Stat. § 293.540

⁹ Nev. Rev. Stat. § 293.486

¹⁰ Nev. Rev. Stat. § 293.540

¹¹ Nev. Rev. Stat. § 213.155(1.)(a)(1)

¹² Nev. Rev. Stat. § 213.157

¹³ Nev. Rev. Stat. § 293.540.

¹⁴ Nev. Rev. Stat. § 293.543

¹⁵ Nev. Sec'y of State, *College Voter Information*, <http://nvsos.gov/index.aspx?page=223> (last visited Jan.. 6, 2016).

¹⁶ Nevada Voter Registration Form, *see* <http://nvsos.gov/SOSVoterRegForm/VoterForm.aspx>.

¹⁷ Nev. Rev. Stat. § 293.5235(8)

¹⁸ Applicants who do not designate a party affiliation are designated "nonpartisan." Nev. Rev. Stat. § 293.518.

¹⁹ Nev. Rev. Stat. § 293.505(12)

²⁰ Nev. Rev. Stat. § 293.505(15)

²¹ Nev. Sec'y of State, *Guide for Conducting a Voter Registration Drive* ("Nev. Sec'y of State VR Drive Guide") at 2 (last revised Nov. 2015), available <http://nvsos.gov/Modules/ShowDocument.aspx?documentid=3973>.

²² Nev. Rev. Stat. § 293.560; Nevada Voter Registration Form, *see*

<http://nvsos.gov/SOSVoterRegForm/VoterForm.aspx>. Separate deadlines apply to military voters.

²³ Nev. Rev. Stat. § 293.5235(13). The state voter registration form indicates, "if you are assisting a person to register to vote and you are not a field registrar appointed by a County Clerk/Registrar or an employee of a voter registration agency" the field for name, address and signature must be completed; it does not state that

it is limited to persons who assist the applicant in completing the form. Election officials should be consulted regarding the scope of this requirement.

²⁴ Nev. Rev. Stat. § 293.5235(15)

²⁵ Nev. Rev. Stat. § 293.5235(16)

²⁶ Nev. Rev. Stat. § 293.5235(15)

²⁷ *Nev. Sec’y of State VR Drive Guide* at 1.

²⁸ Nev. Admin. Code § 293.425

²⁹ *Nev. Sec’y of State VR Drive Guide* at 1.

³⁰ Nev. Admin. Code § 293.425

³² *Nev. Sec’y of State VR Drive Guide* at 1 (citing Nev. Rev. Stat. §§ 293.507, 293.501, Nev. Admin. Code § 293.420).

³⁴ Nev. Admin. Code § 293.440

³⁵ *Nev. Sec’y of State VR Drive Guide* at 1 (citing Nev. Rev. Stat. §§ 293.507, 293.501, Nev. Admin. Code § 293.420).

³⁶ Nev. Rev. Stat. § 293.505(10)

³⁷ Nev. Rev. Stat. § 293.505(9)

³⁸ Nev. Rev. Stat. § 293.505(8)(a)

³⁹ Nev. Rev. Stat. § 293.505(15)

⁴⁰ *Nev. Sec’y of State VR Drive Guide* at 2 (citing Nev. Admin. Code § 293.440).

⁴¹ Nev. Rev. Stat. § 293.805

⁴² *See Nevada v. ACORN*, No. 09C256778-2 (Nev. Dist. Ct. judgment of conviction Aug. 17, 2011).

⁴³ *Busefink v. Nevada*, 286 P.3d 599 (Nev. 2012).

⁴⁴ 52 U.S.C. § 10307(c).

⁴⁵ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

⁴⁶ California Secretary of State, Guide to Voter Registration Drives 11, *available at* <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised February 2015).

⁴⁷ Nev. Rev. Stat. § 293.5235(13). The state voter registration form indicates, “if you are assisting a person to register to vote and you are not a field registrar appointed by a County Clerk/Registrar or an employee of a voter registration agency” the field for name, address and signature must be completed; it does not state that it is limited to persons who assist the applicant in completing the form. Election officials should be consulted regarding the scope of this requirement.

⁴⁸ Nev. Rev. Stat. § 293.5235 (16)

⁴⁹ Nev. Rev. Stat. § 293.505(13)(a)

⁵⁰ Nev. Rev. Stat. § 293.505(15). The state’s voter registration drive guide states, “If you retain completed applications to submit on behalf of applicants, you must enter your information in the designated area of the applicant’s receipt at the bottom of the Nevada Voter Registration Application.” *Nev. Sec’y of State VR Drive Guide* at 1 (citing Nev. Rev. Stat. § 293.505).

⁵¹ *Nev. Sec’y of State VR Drive Guide* at 1 (citing Nev. Rev. Stat. § 293.505).

⁵² Nev. Rev. Stat. § 293.505(13)(a)

⁵³ Nev. Rev. Stat. § 293.5235(16)

⁵⁴ Nev. Rev. Stat. § 293.800(5)(c)

⁵⁵ Nev. Rev. Stat. § 293.5235

⁵⁶ Nev. Rev. Stat. § 293.505(13)

⁵⁷ Nev. Admin. Code § 293.440

⁵⁸ Nev. Rev. Stat. § 293.507; Nev. Admin Code § 293.420

⁵⁹ Nev. Rev. Stat. § 293.5235(5)-(6)

⁶⁰ Nev. Rev. Stat. § 293.5235(6)

⁶¹ Nev. Rev. Stat. § 293.5235(8)

⁶² Nev. Rev. Stat. § 293.124

⁶³ *Nev. Sec’y of State VR Drive Guide* at 3.

⁶⁴ Nev. Stat. § 293.840.