

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

Questions Involving Access to the Ballot:

1. If it is after 7:00 a.m. and the polling place is not open, what should I do?

Immediately contact your local County Clerk to report the problem. You can find the contact information for the county clerks at <http://www.nvsos.gov/elections/voter/clerks.asp>.

If the polling place is open at 6:00 a.m. and the voting machines have not arrived, please call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no voting machines available.

2. If it is 7:00 p.m. and my precinct is closed or closing and they will not let me vote, what should I do?

Voters in line by 7:00 p.m. must be allowed to vote. Immediately contact your local County Clerk to report the problem. You can find the contact information for the county clerks at <http://www.nvsos.gov/elections/voter/clerks.asp>.

3. If there are equipment problems at my precinct and I cannot vote, what should I do?

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with a voting machine, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

Identification and Provisional Ballots:

1. If I do not have any identification with me, can I still vote?

If a voter fails to provide any form of identification by the time he or she is present at the polls to vote, he or she will be allowed to vote by provisional ballot for federal offices only. However, you should encourage the voter to retrieve his or her identification, rather than voting by provisional ballot.

See the answer to Identification and Provisional Ballots Question 4 for an explanation on how to cast a provisional ballot.

2. If I am a registered voter who is not on the rolls at my precinct, can I vote?

If an individual's name does not appear on the voter registration list as a voter eligible to vote at a particular polling place, an election official must inform the individual that he or she has the right to cast a provisional ballot to vote for candidates for federal offices only. However, you should confirm that the voter is at the correct polling place before providing him or her with a provisional ballot.

See the answer to Identification and Provisional Ballots Question 4 for an explanation on how to cast a provisional ballot.

3. If poll workers are turning voters away because they do not have photo identification, what should I do?

Contact a Commander immediately to report the problem. An attorney will be dispatched to your polling place. Additionally, report the problem immediately to the local county clerk.

4. If I have been offered a provisional ballot, what should I do?

Before an individual will be allowed to cast a provisional ballot, the individual must complete a written affirmation that includes the following: (a) the individual's name; (b) the reason the individual is casting a provisional ballot; (c) a statement affirming, under penalty of perjury, that the individual is a registered voter in that jurisdiction and is eligible to vote in that election; (d) the date of the election; (e) the type of election; (f) the individual's signature; (g) the signature of an election board officer; and (h) a unique affirmation identification number.

There are five (5) categories of voters who must be permitted to cast a provisional ballot for candidates for federal office:

1. an individual that declares he or she has registered to vote and is eligible to vote in that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction;
2. an individual that declares he or she has registered to vote and is eligible to vote in that election in that jurisdiction, but an election official asserts that the individual is not eligible to vote in that election in that jurisdiction;
3. an individual who has not previously voted in an election for federal office in Nevada, who has applied by mail, on or after January 1, 2003, to register to vote, but who fails to provide: (a) valid photo identification, or (b) a copy of a current utility bill, bank statement, paycheck, or a document issued by a governmental entity, which indicates the name and address of the individual to the election board official at the polling place;
4. an individual who declares he or she is entitled to vote after the polling place would normally be closed as a result of a court order, or other governmental order, issued pursuant to a Nevada law that was in effect at least ten (10) days before the date of the election; or
5. an individual who has not previously voted in an election for federal office in Nevada; who applies by mail to register to vote; who mails his or her ballot, but fails, at the time of mailing his or her ballot, to provide the City or County Clerk with (a) valid photo identification, or (b) a copy of a current utility bill, bank statement, paycheck, or a document issued by a governmental entity, which indicates the name and address of the individual; and who completes a written affirmation.

If an individual casts a provisional ballot pursuant to (1) or (2) above, the individual's written affirmation must contain the following additional information: (a) an indication of whether the individual provided the required identification when he or she applied to register to vote; (b) the individual's address as listed on his or her registration application; (c) information regarding the place, manner, and approximate date on which the individual applied to register to vote; and (d) any other information he or she believes will be useful in verifying that he or she has, in fact, registered to vote. The written affirmation must also include a statement informing the individual that if he or she does not provide identification at the time he or she casts the provisional ballot, he or she must provide the required identification to the City or County Clerk before 5 p.m. on the Friday following the election day in order to have his or her provisional ballot counted.

If an individual casts a provisional ballot pursuant to (3) above, the individual's written affirmation must contain the following additional information: (a) the individual's address as listed on his or her registration application; and (b) the voter registration number, if any, issued to the individual. The written affirmation must also include a statement informing the individual that he or she must provide the required identification to the City or County Clerk before 5 p.m. on the Friday following the Election Day in order to have his or her provisional ballot counted.

If an individual casts a provisional ballot pursuant to (4) above, the individual's written affirmation must include the voter registration number, if any, issued to the individual.

Where to Vote:

1. If I have not moved, where do I vote?

Voters should contact their County Clerk to determine their correct polling place. You can also look up polling places at <http://www.vote411.org>.

2. If I have moved within the same *precinct* and have not updated my address for voter registration purposes, where should I vote?

A registered voter who has moved *within the same precinct* must be allowed to vote after he or she provides an oral or written affirmation before an election board officer attesting to his or her new address.

3. If I have moved to a different precinct within the same county and I have not updated my address for voter registration purposes, where should I vote?

A registered voter who moves from one precinct to another within the same county after the close of registration for any election shall be deemed to retain his or her residence in the precinct from which the voter moved for the purposes of that election.

A registered voter who moves from one precinct to another or from one congressional district to another within the same county after the last preceding general election must be allowed to vote in the precinct where the voter previously resided after the voter provides an oral or written affirmation before an election board officer attesting to his or her new address.

4. If I have moved from one county to another and have not updated my address for voter registration purposes, where should I vote?

A registered voter who moves from one county to another in Nevada after the close of registration for any election shall be deemed to retain his or her residence in the county from which the voter moved for the purposes of that election.

Assistance at the polls:

1. If I am physically disabled and need assistance, will my polling place be accessible?

Each polling place must be accessible to a voter who is elderly or a voter with a disability unless the polling place is of a temporary nature due to a natural disaster. Information about the accessibility of the polling place is required to be posted in a conspicuous place.

At least one (1) voting booth must be:

1. designed to allow a voter in a wheelchair to vote;
2. designated for use by a voter who is elderly or disabled;
3. equipped to allow who is elderly or disabled to vote with the same privacy as a voter who is not elderly or a voter without a disability; and
4. equipped with a mechanical recording device which directly records the votes electronically and which may be used by a voter with a disability.

2. If I am blind, physically disabled or cannot read English and require assistance at the polls in order to vote, can I get assistance at the polls?

Any registered voter who by reason of a physical disability or of an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance. Assistance may not be provided by an employer or agent of the employer, or an officer of the voter's labor organization. The election board may require the voter to sign a statement under penalty of perjury that he or she requires such assistance when the need for assistance is not apparent and no member of the election board has knowledge thereof.

Section 203 of the Voting Rights Act of 1965 requires that a state or political subdivision provide non-English ballots and other voting materials where the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate and one (1) of the following three (3) criteria are fulfilled:

1. more than five percent (5%) of the citizens of voting age of such state or political subdivision are members of a single language minority and are limited-English proficient;
2. more than ten thousand (10,000) of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or
3. in the case of a political subdivision that contains all or part of an Indian reservation, more than five percent (5%) of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient.

Miscellaneous Issues:

I. If I have been approached by candidates or others at the polls, what should I do?

Immediately report any intimidation or other unlawful activity to a Commander. An attorney will be dispatched to the polling place. It is unlawful for any person to:

1. bribe, attempt to bribe, or use any other corrupt means to influence the way another voter votes or to deter another voter from voting;
2. use, or threaten to use, force, coercion, violence, restraint, or undue influence in connection with any election or petition;
3. inflict or threaten to inflict, any physical or mental, injury, damage, harm, or loss upon another person or another person's property in connection with any election or petition;
4. expose or publish, or threaten to expose or publish, any fact concerning another person in order to induce or compel, that other person to vote for or against a particular candidate or issue, or to compel the other person to refrain from voting;
5. impede or prevent, another voter from freely exercising the right to vote by abduction, duress, or fraud, or to use such means to induce another voter to vote for or against a particular candidate or issue, or to refrain from voting;
6. interfere with the conduct of an election, either inside, or outside, a polling place;
7. ask another person, while inside a polling place, for whom the other person intends to vote;
8. ask another person, while inside a polling place, for the other person's name, address, or political affiliation unless the person asking is an election board officer performing his or her official duties;
9. campaign for or against a candidate, ballot question, or political party inside a polling place or within one hundred (100) feet of the entrance to a polling place, unless that campaigning takes place on residential or commercial property that happens to be within one hundred (100) feet of the entrance to a polling place; or
10. solicit a vote or speak to another voter on the subject of how that person should vote inside a polling place or within one hundred (100) feet of the entrance to a polling place, unless that campaigning takes place on residential or commercial property that happens to be within one hundred (100) feet of the entrance to a polling place.

Please see the Nevada Election Protection Manual for an exhaustive list.

2. If I requested an absentee ballot but I want to vote in person on Election Day, what should I do?

If a voter who has requested an absentee ballot by mail applies to vote the ballot in person at the office of the County Clerk, the voter must mark the ballot, seal it in the return envelope and affix his or her signature, and deliver the envelope to the clerk.

If an absentee voter who has requested a ballot by mail applies to vote the ballot in person at a polling place, including a polling place for early voting, the voter must surrender the absentee ballot and provide satisfactory identification before being issued a ballot to vote at the polling place.

If a voter who has requested an absentee ballot by mail applies to vote in person at the office of the County Clerk or a polling place, including a polling place for early voting, and the voter does not have the absentee ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

1. provides satisfactory identification;
2. is a registered voter who is otherwise entitled to vote; and
3. signs an affirmation under penalty of perjury declaring that the voter has not voted during the election.

3. If there are people at the polls trying to intimidate voters, what should I do?

Contact a Commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.

4. If I have a felony conviction, can I vote?

A resident of Nevada who has been convicted of a felony and is incarcerated may not vote in Nevada elections. A person who received an honorable discharge from parole or a person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison will have his or her right to vote immediately restored.

The right to vote will not be restored to a person who has received an honorable discharge from parole or who has been released from prison if the person has previously been convicted in this state:

1. of a Category A felony;
2. of an offense that would constitute a Category A felony if committed as of the date of his or her honorable discharge from parole or the date of his or her release from prison;
3. of a Category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim;
4. of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim that would constitute a Category B felony if committed as of the date of his or her honorable discharge from parole or his or her release from prison; or
5. two (2) or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence of another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction.

5. If I am a college student, can I vote where I go to school?

Yes. Students who establish legal residency in Nevada can register to vote in Nevada. Any U.S. citizen who will be 18 years old and who has been a legal resident of Nevada for at least 30 days and of their precinct for at least 10 days can register to vote in Nevada.

If a properly registered student is turned away at the poll, contact a Commander to dispatch an attorney to the location and contact the appropriate election official.