



## Nevada

Updated March 23, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Nevada that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. Several of the requirements of H.R.1/S.1—including those relating to universal absentee voting and automatic voter registration—already exist in some form in Nevada. Other requirements, such as those relating to gerrymandering, would more fundamentally change Nevada’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Nevada:

### **Expanding & Protecting Voter Registration Opportunities**

- Requires states to use Automatic Voter Registration (AVR) for federal elections,<sup>1</sup> which is consistent with Nevada’s current practice of using AVR.
- Allows 16- and 17-year-olds to pre-register to vote and then vote immediately upon turning 18.<sup>2</sup> Under current Nevada law, 17-year-olds may pre-register to vote, but 16 year old’s may not.
- Prohibits officials from using voter caging or unverified match lists to prevent any individual from registering or voting in a federal election.<sup>3</sup> In the 2020 election, several lawsuits were brought challenging the eligibility of voters based on match lists, and the Republican Party of Nevada sent a criminal referral to the U.S. Department of Justice based on match lists.<sup>4</sup>
- Requires election officials to complete cross-check purges at least six months prior to a given election,<sup>5</sup> in contrast to Nevada law which places no restrictions on when voter purges must be complete.

### **Mandating Secure, Accessible Early Voting & Absent Balloting**

- Requires secure drop boxes must be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.<sup>6</sup> In 2020, counties were only required to provide one drop boxes in their jurisdiction, and while some counties provided more, others did not. Moreover, their use was subject to litigation and contest.

---

<sup>1</sup> H.R. 1, Title I, Subtitle A, Part 2.

<sup>2</sup> H.R. 1, Title I, Subtitle A, Part 10.

<sup>3</sup> H.R. 1, Title II, Subtitle F.

<sup>4</sup> See *Becker v. Cannizzaro* No. A-20-825130-W (Nev. Dist. Ct., Clark City.), *Law v. Whitmer*, No. 20 OC 00163 1B (Nev. Dist. Ct., Carson City), Celine Castronuovo, “Nevada Republican Party sends criminal referral to DOJ alleging thousands of cases of voter fraud,” *The Hill*, November 5, 2020, available at <https://thehill.com/homenews/campaign/524749-nevada-republican-party-sends-criminal-referral-to-doj-alleging-thousands>

<sup>5</sup> H.R. 1, Title II, Subtitle F.

<sup>6</sup> H.R. 1, Title I, Subtitle N, Part 1.



- Expands accessibility requirements for ballot drop box locations to ensure unhoused communities can participate in federal elections.<sup>7</sup>
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.<sup>8</sup>
- Deems ballots postmarked by Election Day valid and must be counted, if delivered to election officials up to ten days after Election Day.<sup>9</sup> Currently, Nevada law requires that a ballot must be received within seven days of Election Day to be counted.<sup>10</sup>
- Establishes more options to obtain absentee ballots for disabled, overseas, and military voters.<sup>11</sup>
- Mandates option to vote early (in-person absent) for a full 15 days before an election, including weekends and the day before Election Day.<sup>12</sup> Nevada currently provides for two weeks of early voting but exempts Sundays and federal holidays.<sup>13</sup>
- Requires early voting locations must be open at least ten hours each day, with hours before 9 a.m. and after 5 p.m.<sup>14</sup> Requires all polling stations to be open for a minimum of 4 total hours outside of the regular working hours from 9 a.m. to 5 p.m. in the time zone of the polling location.<sup>15</sup> Currently, Nevada law requires early voting locations to open eight hours each weekday and four hours each Saturday.<sup>16</sup>

### Protecting & Expanding Ballot Access

- Requires Nevada to take steps to ensure fair and equitable waiting time for all voters across the state and limits wait time at any polling place to no longer than 30 minutes.<sup>17</sup> During the 2020 election, hours-long lines were common in Nevada.<sup>18</sup>
- Mandates any changes to polling place locations be announced seven days before Election Day.<sup>19</sup>

---

<sup>7</sup> Amendment 15 to H.R.1, Part B.

<sup>8</sup> H.R. 1, Title I, Subtitle I.

<sup>9</sup> H.R. 1, Title I, Subtitle I.

<sup>10</sup> NRS § 293.317.

<sup>11</sup> H.R. 1, Title I, Subtitle J.

<sup>12</sup> H.R. 1, Title I, Subtitle H.

<sup>13</sup> NRS § 293.356(1).

<sup>14</sup> H.R. 1, Title I, Subtitle H.

<sup>15</sup> Amendment 50 to H.R.1, Part B.

<sup>16</sup> NRS § 293.356(3).

<sup>17</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>18</sup> Kaitlyn Olvera, "Voters face long lines, lengthy wait times as first day of early voting kicks off in Clark County," *8 News Now*, October 17, 2020, available at <https://www.8newsnow.com/news/local-news/voters-face-long-lines-lengthy-wait-times-as-first-day-of-early-voting-kicks-off-in-clark-county/>.

<sup>19</sup> H.R. 1, Title I, Subtitle N, Part 1.



## Restoring Civil Rights

- Requires Nevada to restore voting rights to people with felony convictions upon release from prison and to offer voter registration materials upon eligibility.<sup>20</sup> This is consistent with current Nevada law, which allows individuals convicted of a felony to vote upon release from prison.

## Strengthening Election Security & Trust in Elections

- Requires Nevada to begin pre-processing early voter ballots at least 14 days prior to the date of the election involved.<sup>21</sup> This will reduce the kinds of delays that were exploited in 2020 to spread distrust in Nevada's counting process.
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.<sup>22</sup>
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.<sup>23</sup>
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.<sup>24</sup>
- Requires the voting system to produce a paper ballot that is verified by the voter before the vote is cast.<sup>25</sup>
- Permits the security of drop boxes through remote or electronic surveillance.<sup>26</sup>

## Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Under current Nevada law, the legislature crafts congressional districts, subject to gubernatorial veto. It can do so for partisan advantage or to favor incumbents. There is no public input requirement. H.R.1/S.1 would do the following:
  - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.<sup>27</sup>
  - Requires consideration of "communities of interest" when drawing districts.<sup>28</sup>
  - Counts incarcerated Nevadans as residents of their home community for purposes of representation, which is consistent with current Nevada law.
  - H.R.1/S.1 does not apply to redistricting for state or local offices.

---

<sup>20</sup> H.R. 1, Title I, Subtitle E.

<sup>21</sup> H.R. 1, Title I, Subtitle I.

<sup>22</sup> Amendment 5 to H.R.1, Part B.

<sup>23</sup> Amendment 26 to H.R.1, Part B.

<sup>24</sup> Amendment 27 to H.R.1, Part B.

<sup>25</sup> H.R. 1, Title I, Subtitle F

<sup>26</sup> Amendment 9 to H.R.1, Part B.

<sup>27</sup> H.R. 1, Title II, Subtitle E.

<sup>28</sup> H.R. 1, Title II, Subtitle E.