

Midterms 2022: The Poll Observer Landscape | Nevada

Poll observers — members of the public permitted to monitor conduct at polling places — are a feature of elections in nearly every state. They add a degree of transparency in the electoral process that promotes the public confidence in elections that is the lifeblood of democracy. However, in some cases, poll observers have also caused major disruption at the polls. For example, during the 2020 election in Michigan, large groups including partisan poll observers crowded polling sites and attempted to enter vote counting rooms.

Later this summer, the States United Democracy Center will release a report examining the relevant laws governing poll observers. We use this term to describe both *poll watchers*, private individuals who observe the election process, and *election challengers*, who have many of the same privileges and can also dispute whether a prospective voter is eligible to cast a ballot. (Our definition of “poll observers” for the purposes of this report does not include poll workers or other categories of officials permitted to be present at polling places.) This report will include detailed summaries of 12 key states that saw record voter participation, many of which were also subject to significant attempts to undermine the electoral process by a variety of partisan actors in 2020. We intend for this report to provide guidance regarding the power, privileges, and limitations of poll observers to statewide elected officials, law enforcement professionals, elections administrators, election protection groups, and others—regardless of partisan affiliation.

This summary of poll observer rights and responsibilities in Nevada is one of 12 that we will ultimately release. These summaries provide a review of state regulatory schemes concerning poll observers, detailing credentialing and training requirements as well as rights and responsibilities afforded to both poll watchers and election challengers in each state. We hope that these summaries will support the administration of free, fair, and secure elections.

Please note: this report does not purport to catalog all state statutes or rules that may regulate the behavior of individuals who serve as poll observers and should not be relied upon as legal advice. To ensure accuracy, completeness, and the most up-to-date language, please consult official sources before relying on the authorities described in this report.



Nevada

WHO IS PERMITTED TO WATCH OR CHALLENGE VOTERS AT THE POLLS AND HOW ARE THOSE ROLES DEFINED?

Poll Watchers:

Members of the general public are allowed to observe conduct at polling places in Nevada. (Nev. Rev. Stat. § 293.274). Polling places include, without limitation, a polling place for early voting and a vote center. (Nev. Admin. Code § 293.245(1)).

Challengers:

Between the 30th day and the 25th day before an election, a registered voter may file a written challenge with the county clerk challenging the right to vote of any other voter of the same precinct. (Nev. Rev. Stat. §§ 293.547(1), (2)(a)). Otherwise, any registered voter may orally challenge the right to vote of any other voter of the same precinct while at the polling place. (Nev. Rev. Stat. § 293.303(1)(a)).

HOW ARE WATCHERS AND CHALLENGERS APPOINTED OR DESIGNATED?

Poll Watchers:

Members of the public who wish to observe the polls must sign a prescribed form acknowledging applicable rules. (Nev. Admin. Code § 293.245(2)). The county or city clerk may limit the number of poll watchers to ensure public safety, protect voter privacy, or maintain order. (Nev. Admin. Code § 293.245(3)(a)).

Challengers:

There is no formal credentialing process for challengers in Nevada, beyond the requirement that challengers come from the same precinct as the challenged voter.



ARE THERE ANY RESIDENCY OR TRAINING REQUIREMENTS FOR WATCHERS OR CHALLENGERS?

Poll Watchers:

There are no residency or training requirements for watchers.

Challengers:

Challengers are required to be registered voters in the same precinct as the voter they challenge. (Nev. Rev. Stat. § 293.303(1)(a)). There are no training requirements for challengers.

WHAT PRIVILEGES OR SPECIAL RIGHTS DO WATCHERS OR CHALLENGERS HOLD AT POLLING SITES?

Poll Watchers:

A person observing the conduct of voting at a polling place 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. (Nev. Admin. Code § 293.245(6)). “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. (Nev. Admin. Code §(9)(b)).

It should be noted that “meaningful observation” does not permit an observer to:

- View the personal information of a voter, a voter’s ballot or selections on a voting machine, or
- Listen to any conversation between election board officers or between a voter and an election board officer. (Nev. Admin. Code §§ 293.245(9)(b)(1), (2)).



Challengers:

Beyond the right to challenge, there are no privileges or special rights for challengers.

WHAT ARE WATCHERS OR CHALLENGERS RESTRICTED FROM DOING AT THE POLLS?

Poll Watchers cannot:

- Talk to voters within the polling place;
- Use a mobile telephone or computer within the polling place;
- Advocate for or against a candidate, political party, or ballot question;
- Argue for or against or challenge any decisions of county or city election personnel; or
- Interfere with the conduct of voting. (Nev. Admin. Code § 293.245(2)(a)).

Further, watchers must wear a name tag with their full name and may be removed from the polling place by the county or city clerk for violating any state laws or regulations. (Nev. Admin. Code. §§ 293.245(3)(b), (7)).

Challengers:

Individuals who initiate a challenge must submit an affirmation signed under penalty of perjury that the challenge is based on personal knowledge of the registered voter. (Nev. Rev. Stat. § 293.303(1)(a)).

WHAT ARE THE GENERALLY APPLICABLE CIVIL OR CRIMINAL PROHIBITIONS ON INTERFERING WITH THE VOTING PROCESS?

Nevada state law imposes various civil and criminal penalties on a number of activities that threaten the voting process. (See Nev. Rev. Stat. §§ 293.700 – 293.830). For example, bribery of voters, voter intimidation, unlawful interference with the conduct of an election, and tampering with election equipment are felonies in Nevada. (Nev. Rev. Stat. §§ 293.700, 293.710, 293.730, 293.755). Violations such as these may also give rise to civil penalties of up to \$20,000 per violation. (Nev. Rev. Stat. § 293.840).



WHAT ARE THE CIVIL OR CRIMINAL PENALTIES FOR PEOPLE WHO INTERFERE WITH THE LAWFUL ACTIVITIES OF WATCHERS OR CHALLENGERS?

Nevada does not appear to impose any civil or criminal penalties specifically for interfering with the lawful activities of watchers or challengers.

This report does not constitute legal advice. Please consult official sources before relying on any of the authorities described in this report.

This guidance document was prepared by the States United Democracy Center.

The States United Democracy Center is a nonpartisan organization advancing free, fair, and secure elections. We focus on connecting state officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy. For more information visit www.statesuniteddemocracy.org or follow us at @statesunited.