

QUESTION NO. 4

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 3 of the 79th Session

CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended by adding a new section guaranteeing specific voting rights to all qualified and registered voters in the State?

Yes

No

EXPLANATION & DIGEST

EXPLANATION—This ballot measure would amend the *Nevada Constitution* by providing an enumerated list of voting rights guaranteed to all qualified and registered voters in the State similar to the enumerated list of voting rights currently protected by existing statutes. Specifically, each voter would be guaranteed the constitutional right to:

- Receive and cast a ballot that is written in a format which allows the clear identification of candidates and accurately records the voter’s selection of candidates;
- Have questions concerning voting procedures answered and have an explanation of the procedures for voting posted conspicuously at the polling place;
- Vote without being intimidated, threatened, or coerced;
- Vote during any period of early voting or on Election Day if the voter has not yet voted and, at the time that the polls close, the voter is waiting in line to vote at a polling place at which, by law, the voter is entitled to vote;
- Return a spoiled ballot and receive a replacement ballot;
- Request assistance in voting, if needed;
- Receive a sample ballot that is accurate, informative, and delivered in a timely manner as provided by law;
- Receive instruction on the use of voting equipment during any period of early voting or on Election Day;
- Have equal access to the elections system without discrimination;
- Have a uniform, statewide standard for counting and recounting all votes accurately as provided by law; and
- Have complaints about elections and election contests resolved fairly, accurately, and efficiently as provided by law.

A “Yes” vote would add a new section to the *Nevada Constitution* guaranteeing specific voting rights to all qualified and registered voters in the State.

A “No” vote would keep existing provisions of the *Nevada Constitution* and would not add a constitutional guarantee of specific voting rights to all qualified and registered voters in the State, but such voting rights would be protected by existing statutes.

DIGEST—Under existing provisions of the *Nevada Constitution*, voters must meet certain qualifications to be qualified electors to vote in elections, including qualifications regarding citizenship, age, and residency. (Nev. Const. Art. 2, § 1) Existing provisions of the *Nevada Constitution* also require the Legislature to enact laws providing for the registration of voters who are qualified electors and the regulation of elections to ensure their integrity and prohibit improper practices. (Nev. Const. Art. 2, § 6, Art. 4, § 27)

As part of its constitutional duties regarding voters and elections, the Legislature has enacted a “Voters’ Bill of Rights,” which provides all qualified and registered voters with an enumerated list of voting rights that are protected by existing statutes. (NRS 293.2543 through 293.2549) This ballot measure would amend the *Nevada Constitution* by adding a new section to provide all qualified and registered voters with a similar enumerated list of voting rights that would be protected by the *Nevada Constitution*.

ARGUMENTS FOR PASSAGE

The right to vote in free and fair elections, knowing that each vote counts, is one of the most important guarantees in protecting our democracy. Our election system faces many potential challenges, such as unforeseen technological glitches and the threat of bad actors attempting to alter election outcomes. This ballot measure would provide several simple, yet crucial, constitutional guarantees to protect both voters and the integrity of our elections.

It is also important to note that, because these constitutional guarantees are similar to voting rights that already exist in statute, there should be little or no cost associated with implementing them. More importantly, voters will be assured that no matter how the political winds may blow, any attempts to diminish or otherwise interfere with voting rights or with election outcomes in Nevada will be much more difficult to accomplish with these constitutional protections in place.

Protect voters' rights. Protect free, fair, and verifiable elections. Vote "yes" on Question 4.

ARGUMENTS AGAINST PASSAGE

Nevada's voting system functions exceptionally well as is, and basic voting rights are already enshrined in both the *United States Constitution* and the *Nevada Constitution*. There is a reason that the voting rights listed in Question 4 exist in statute and have not been added to the *Nevada Constitution*: these voting rights, while vitally important, are not timeless in their structure or application, and the forms they take may change substantially as the ways in which we vote and conduct elections evolve. Future advances in technology will likely make several of the voting matters addressed by Question 4—such as written ballots, polling places, and even in-person voting—obsolete.

Certainly, every voter should feel secure in his or her ability to understand and identify issues and candidates clearly, to vote accordingly, and to have his or her vote counted. Because these voting rights are already guaranteed elsewhere, there is no need to burden the *Nevada Constitution* with references to specific practices and systems that will surely change over time, forcing us yet again to amend the *Nevada Constitution* to remove outdated provisions.

Question 4 is a solution in search of a problem. Vote "no" on Question 4.

FISCAL NOTE

Financial Impact—No

Based on information received from the Office of the Secretary of State and from local governments, the provisions in Question 4 are similar to existing statutory provisions giving certain rights to voters. Because these existing statutory provisions are already enforced at the state and local level in Nevada, it is anticipated that the enactment of Question 4 would have no financial effect upon the State or local governments.

FULL TEXT OF THE MEASURE

Senate Joint Resolution No. 3 of the 79th Session—Senators
Spearman, Ford, Ratti, Cannizzaro, Woodhouse; Cancela,
Manendo, Parks and Segerblom

Joint Sponsors: Assemblymen Frierson;
Daly, Joiner and Miller

FILE NUMBER.....

SENATE JOINT RESOLUTION—Proposing to amend the Nevada
Constitution to provide certain rights to voters.

Legislative Counsel's Digest:

Existing law provides voters with certain rights. (NRS 293.2546) This resolution proposes to amend the Nevada Constitution by adding a new section to Article 2 to provide similar rights in the Nevada Constitution.

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

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 1A, be added to Article 2 of the Nevada Constitution to read as follows: *Sec. 1A. Each voter who is a*

qualified elector under this Constitution and is registered to vote in accordance with Section 6 of this Article and the laws enacted by the Legislature pursuant thereto has the right:

1. To receive and cast a ballot that:

- (a) Is written in a format that allows the clear identification of candidates; and*
 - (b) Accurately records the voter's preference in the selection of candidates.*
- 2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.*
 - 3. To vote without being intimidated, threatened or coerced.*
 - 4. To vote during any period for early voting or on election day if the voter is waiting in line at a polling place at which, by law, the voter is entitled to vote at the time that the polls close and the voter has not already cast a vote in that election.*
 - 5. To return a spoiled ballot and receive another ballot in its place.*
 - 7. To request assistance in voting, if necessary.*
 - 8. To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law.*
 - 9. To receive instruction in the use of the equipment for voting during any period for early voting or on election day.*
 - 10. To equal access to the elections system without discrimination, including, without limitation, discrimination on the basis of race, age, disability, military service, employment or overseas residence.*
 - 11. To a uniform, statewide standard for counting and recounting all votes accurately as provided by law.*
 - 12. To have complaints about elections and election contests resolved fairly, accurately and efficiently as provided by law.*