



NEVADA EXPANDS VOTER REGISTRATION OPPORTUNITIES

Technology Permitting Automatic and Same-Day Voter Registration Will Change the Way Nevadans Engage in the Political Process

BY BRADLEY SCHRAGER, ESQ.

Whether one believes that the widest possible public participation in elections works to the political benefit or detriment of any particular party or project, Nevada has, over the last few years, moved to expand the eligible electorate and remove barriers to the first step in casting a ballot in state and federal elections: voter registration.

The calls to do so had been based, primarily, in the notion that registration barriers tend toward the anti-

democratic, that they end up blocking, disproportionately, the participation of potential voters of lesser means or in underrepresented communities. These electors may move residences more often due to economic circumstances or suffer other dislocations that find them at odds with voter registration procedures come election season. They may not receive or respond to mailed notices from elections officials regarding their status, or wind up unable to vote because deadlines pass without their awareness.

Many such voters will wind up either not voting at all or having to vote by provisional ballot, which often will not get counted as a valid vote. In a modern society possessing many tools to encourage more stable registration and

participation by such citizens, arguments that voting is somehow a privilege (it's not, voting is a fundamental right) that should entail overcoming palpable administrative hurdles do not resonate any longer, if they ever did.

A few of those tools are about to affect Nevada elections. Beginning in 2020, most interactions with the Department of Motor Vehicles will provide automatic voter registration for Nevadans, and voters will also be able to take advantage of more flexible registration deadlines, even up to and including Election Day itself. Furthermore, the advent of vote centers to replace precinct-based casting of ballots will make voting more convenient and accessible.



Automatic Voter Registration

During the 2018 general election, Nevada voters approved a ballot measure that is intended to implement automatic voter registration in the state. The measure, Question 5, had been proposed by the Nevada Legislature but then vetoed by then-Governor Brian Sandoval, sending it to the people for consideration. It was approved by a large margin: nearly 20 points and almost 200,000 votes.

As a result, Nevada law now requires that the information of an individual who submits an application for the issuance or renewal of a driver's license or identification card, or an address change at the Department of Motor Vehicles be automatically forwarded to the Nevada Secretary of State and the appropriate county clerk within five working days for voter registration.

In other words, the most common contacts Nevada residents have with the DMV—securing identification documents—will now result in the registration of that person for voting purposes, without the individual having to do anything more. It will be as if

that Nevadan had submitted a voter registration form directly to the state or county on his or her own initiative, whether in-person or through the online registration portal. The individual will receive a voter's registration card at the address on their state identification materials, they will be placed on the official roll and will become a registered elector.

Implementation of this process has overcome some practical and technological issues, but Secretary of State Barbara Cegavske said this program was scheduled to begin on January 1, 2020, in plenty of time for the June primary and November general elections. It is unclear exactly how many Nevadans this change will affect, but over time it will enhance participation of the electorate substantially by routing the procedure through a task—getting state identification—that we all undertake periodically.

Same-Day Voter Registration

Improvements in voter participation mechanisms did not stop there. During the 2019 Legislative Session, Nevada enacted Assembly Bill 345 which, among other things, now provides for expanded and even same-day voter registration.

For many years, Nevada had some of the earliest—and therefore most restrictive—deadlines for registering to vote. These had the predictable effect of closing the polling place doors to many prospective electors.

After passage of AB 345, Nevadans are now able to register to vote online through the last Thursday of early voting – five days before the election. Online registrants who take advantage of this procedure will need to provide identification when they arrive at the polls for the first time after registration and, due to time constraints, will not receive the sample ballots that many of us are accustomed to seeing arrive in the mail weeks prior to voting.

More importantly, AB 345 permits Nevadans to register to vote, or to correct their voter registration, at the polls during the entire period of early voting and, for the first time, on Election Day itself, and then still to cast ballots in that same election. Registrants will be required to show a current and valid Nevada driver's license or state-issued identification card that displays a current residential address where the voter actually lives.

Under the bill, many of the same-day registrants will be made to cast provisional ballots that will be subject to verification of eligibility by the county registrar, and will not be included in the election-night vote tally. For the first time, provisional ballots will include all offices, state and federal, where in elections past only federal offices were available for provisional balloting.

In 2018, more than 7,000 Nevadans registered to vote after the old deadlines, meaning they evinced a desire to participate but were unable to do so due to the close of registration. This timeframe is no longer a barrier for voters, whose valid votes will only be held up if there is some problem with the verification of either the residence or identification information provided at the polls by the voter.

Vote Centers

A further improvement in the structure of Nevada elections has come in the form of "vote centers."

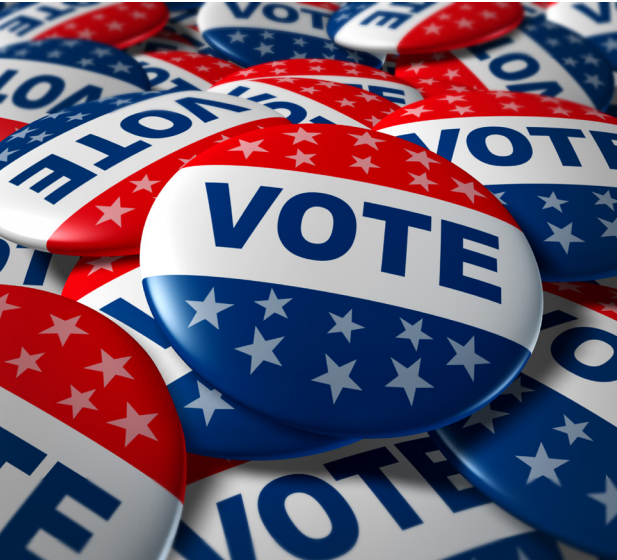
Technology has made the old system of precinct-based voting obsolete, of that there is no question. Anyone who has voted early in this state knows during that period, anyone can go anywhere in their

county, to a grocery store or a strip mall or even a mobile trailer, to cast an early ballot. Clearly, election officials had the ability to permit verification of voters and to assign appropriate ballots to any registered voter, no matter where he or she showed up within the county to vote. That ability has now been translated to

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CONTINUED ON PAGE 28

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Election Day, and instead of having to appear at a single precinct's polling place that day, Nevada electors may vote at any of the dozens of locations in their county.

A Clark County voter babysitting her grandchildren across town from her usual precinct can now vote more conveniently; a Washoe County casino worker does not have to leave work to return home to vote, but can instead find the closest vote center. A huge debt of gratitude for making this possible is due to the statewide county registrars and clerks, especially Joe Gloria in Clark County, who implemented this project in an appropriate exercise of his discretion even prior to its enshrinement in law, also in AB 345.

In summary, these measures demonstrate that Nevada is taking steps to enlarge the pool of its citizens who participate in the most important civic duty we have in a democracy. The fruits of this initiative, over time, will nourish our public discourse and encourage more people to have their say in the political process.

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