

## **Nevada: Protections Against Intimidation of Voters and Election Workers**

*This resource details state laws and policies protecting against the intimidation of voters and election workers and the disruption of the voting process.*

### **Voters in Nevada have the right to vote free from intimidation under federal and state law.<sup>1</sup>**

The federal protections that apply to all states are explained [here](#). The following actions are specifically prohibited by Nevada law:

- Using or threatening to use any force, intimidation, coercion, violence, restraint, or undue influence in connection with an election.<sup>2</sup>
- Exposing, publishing, or threatening to expose or publish information about another voter to pressure them to vote or not vote for a particular candidate or question.<sup>3</sup>
- Impeding or preventing a person from exercising their right to vote by abduction, duress, or fraud.<sup>4</sup>
- Remaining inside or outside a polling place so as to interfere with the conduct of an election.<sup>5</sup>
- Asking a person inside a polling place for their name, address, or political affiliation or for whom they intend to vote, unless asked by an election board officer in performing their official duties.<sup>6</sup>
- Electioneering inside a polling place or within 100 feet of a polling place or a ballot drop box.<sup>7</sup>

The below addresses the laws and policies that serve as guardrails against specific threats of intimidation.

### **Voter Challenges**

Although Nevada permits any registered voter to challenge the eligibility of another voter of the same precinct,<sup>8</sup> state law also provides for some guardrails. For example, a challenger must submit an affirmation signed under penalty of perjury stating that the challenge is based on

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<sup>1</sup> See, e.g., 18 U.S.C. §§ 594, 241; 52 U.S.C. § 10101(b); Nev. Rev. Stat. §§ 293.710, 293.730, 293.361(1), 293.740(1).

<sup>2</sup> Nev. Rev. Stat. § 293.710(1)(a).

<sup>3</sup> Nev. Rev. Stat. § 293.710(1)(c).

<sup>4</sup> Nev. Rev. Stat. § 293.710(1)(d).

<sup>5</sup> Nev. Rev. Stat. § 293.730(1)(a).

<sup>6</sup> Nev. Rev. Stat. § 293.730(1)(f).

<sup>7</sup> Nev. Rev. Stat. §§ 293.361(1), 293.740(1); Nev. Admin. Code 293.015.

<sup>8</sup> Nev. Rev. Stat. §§ 293.303(1)(a), 293.547(2)(a).

their firsthand, personal knowledge.<sup>9</sup> When challenged, a voter may receive a ballot and vote if they swear an oath stating they are entitled to vote and, in the case of challenges questioning the voter's identity or residence, provide identification.<sup>10</sup>

The National Voter Registration Act (NVRA) provides additional safeguards to protect voters from mass challenges before an election:

- The NVRA expressly recognizes that National Change of Address information is not sufficient on its own to serve as the basis for canceling a voter's registration.<sup>11</sup>
- The NVRA prohibits the systematic removal of voters from the rolls within 90 days of a federal election.<sup>12</sup>

### **Intimidation of Poll Workers and Election Officials**

In addition to federal protections against the intimidation of election workers, it is a felony in Nevada to use, threaten to use, or attempt to use any force, intimidation, coercion, violence, restraint, or undue influence with the intent to interfere with an election official's performance of their duties or to retaliate against an election official for the performance of their duties.<sup>13</sup> It is also a felony to disseminate any personal or sensitive information about an election official without their consent with the intent to cause bodily harm or stalking or with reckless disregard to such likely harm.<sup>14</sup>

### **Voter Intimidation by Poll Workers**

The Brennan Center and All Voting is Local published a detailed resource on the rules and constraints for Nevada poll workers [here](#).

### **Intimidation by Poll Watchers**

In addition to Nevada's voter intimidation laws detailed above, state law places limits on who may serve as a poll watcher and what they may and may not do:<sup>15</sup>

- Any member of the general public, other than members of the press, may observe the conduct of voting at a polling place.<sup>16</sup>
- Observers may not electioneer inside a polling place or within 100 feet of a polling place or ballot drop box.<sup>17</sup>

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<sup>9</sup> Nev. Rev. Stat. §§ 293.303(1)(b), 293.547(2)(b), (3); Nev. Admin. Code 293.416.

<sup>10</sup> Nev. Rev. Stat. § 293.303(6)–(8).

<sup>11</sup> 52 U.S.C. § 20507(c)(1)(B).

<sup>12</sup> 52 U.S.C. § 20507(c)(2)(A).

<sup>13</sup> Nev. Rev. Stat. § 293.705(1), (4).

<sup>14</sup> Nev. Rev. Stat. § 293.705(2), (4).

<sup>15</sup> Note that poll watchers in Nevada are referred to as "observers."

<sup>16</sup> Nev. Rev. Stat. § 293.274.

<sup>17</sup> Nev. Rev. Stat. §§ 293.361(1), 293.740(1); Nev. Admin. Code 293.015.

- Observers are prohibited from talking to voters inside the polling place; using a cell phone or computer inside the polling place; arguing for or against or challenging any poll worker decisions; interfering with the conduct of voting; or advocating for or against a candidate, political party, or ballot question.<sup>18</sup>
- Before they can observe, observers must sign an acknowledgment that they will not engage in prohibited conduct and wear a name tag bearing their full name.<sup>19</sup>

Clerks may remove observers from a polling place for violating any election law or regulation.<sup>20</sup> Clerks may also limit the number of observers in a polling place for reasons of public safety or to protect voter privacy or maintain order.<sup>21</sup>

### **Guns at Polling Places**

Firearm carry is generally illegal in several locations that are often used as polling locations, drop boxes, or places where votes are counted, including in public and private K-12 schools, childcare facilities, and the property of the Nevada System of Higher Education.<sup>22</sup> Some types of firearm carry are also prohibited in state and local government buildings.<sup>23</sup>

In any location in Nevada, it is a crime to draw or exhibit a firearm in a rude, angry, or threatening manner when doing so is not necessary for self-defense.<sup>24</sup>

Even at locations where firearms are not prohibited, firearm carry may constitute unlawful intimidation. Such conduct may consist of carrying a visible firearm while at a polling location, drop box, or vote-counting site; displaying a concealed firearm during a discussion or argument with a voter or election worker; or approaching a voter or election worker while displaying a firearm.

### **Door-to-Door Intimidation**

Nevada and federal law prohibit canvassing efforts that are used to intimidate voters.<sup>25</sup> Any voter who receives a visit from a privately organized canvassing group does not have to answer any questions and should report any incidents of intimidation to their local officials.

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<sup>18</sup> Nev. Admin. Code 293.245(2).

<sup>19</sup> Nev. Admin. Code 293.245(2), (7).

<sup>20</sup> Nev. Admin. Code 293.24(3)(b).

<sup>21</sup> Nev. Admin. Code 293.245(3)(a).

<sup>22</sup> Nev. Rev. Stat. §§ 202.265(1)(e)–(f), 202.3673(3)(a).

<sup>23</sup> Nev. Rev. Stat. § 202.3673(3)(b).

<sup>24</sup> Nev. Rev. Stat. § 202.320.

<sup>25</sup> 18 U.S.C. §§ 594, 241; Nev. Rev. Stat. § 293.710.