

## **Nevada Poll Watchers: Rules and Constraints**

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Poll watchers, referred to as “polling place observers” in Nevada, are individuals who monitor polling places and ballot counting sites. While poll watchers play an important role in providing transparency, they can also be a potential source of disruption and intimidation. For this reason, all states have a series of regulations and constraints regarding who can serve as poll watchers and what they can do. Nevada’s, which derive both from the state’s election statutes and from its administrative code, are:

### **Appointment**

- Any member of the general public may serve as an observer without appointment, except for members of the press or anyone who “gathers information for communication to the public.”<sup>1</sup>
- In order to observe, a person must sign Form [EL704](#) acknowledging that certain conduct is prohibited and could lead to removal.<sup>2</sup>

### **Role of Observers**

- The chair of the election board may designate an area in which observers must remain while watching the election, provided that the area allows meaningful observation without infringing on the privacy and confidentiality of voters’ ballots.<sup>3</sup>
- Meaningful observation includes observing the identification of voters who appear at the polling place, the distribution of ballots to voters, the movement of voters to and from voting booths, the return of voters’ ballots to election board officials, and the exiting of the polling place by voters.<sup>4</sup>
- Observers may watch the closing of the polling place as long as they do not interfere.<sup>5</sup>

### **Prohibited Activities**

To prevent observers from disrupting elections, Nevada law prohibits the following activities:

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<sup>1</sup> Nev. Rev. Stat. § 293.274(1), (3). See also, generally, Nev. Admin. Code § 293.245.

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

<sup>3</sup> Nev. Admin. Code § 293.245(6).

<sup>4</sup> Nev. Admin. Code §§ 293.245(6), (9)(b).

<sup>5</sup> Nev. Admin. Code § 293.245(5).

- **Intimidation:** It is a felony under Nevada state law for anyone, including observers, to intimidate a voter or an election official in connection with an election, including by threat of coercion, violence, undue influence, blackmail, or other means.<sup>6</sup>
- **Photography and Video:** Observers are not permitted to photograph or record video or sound at a polling place.<sup>7</sup>

Nevada’s administrative code further forbids the following:

- **Interference:** Observers are prohibited from interfering with the conduct of voting.<sup>8</sup>
- **Electioneering:** Observers may not advocate for or against any political party, candidate, or ballot question. This ban includes speaking, displaying information, disseminating written material, or wearing identifying clothing, buttons, or other paraphernalia.<sup>9</sup>
- **Voter Interaction:** Observers are prohibited from talking to voters within a polling place.<sup>10</sup>
- **Device Use:** Observers may not use a cell phone or a computer within a polling place.<sup>11</sup>
- **Arguing Decisions:** Observers are forbidden from arguing about or challenging any decisions of election personnel.<sup>12</sup>

Federal and state law strictly prohibit all people, including observers, from engaging in voter intimidation. Any action that makes a voter feel intimidated, threatened, or coerced (including any effort to prevent a voter from registering to vote, voting, or voting for or against any candidate or ballot measure) could constitute voter intimidation, regardless of whether it breaks a specific rule.<sup>13</sup>

### **Removal**

- Under Nevada law, city and county clerks have discretion to remove from a polling place any observer who violates Nevada’s election statutes or engages in any conduct forbidden under Nevada’s administrative code.<sup>14</sup>
- City and county clerks may also remove law-abiding observers to limit the number of people at polling places to maintain public safety, voter privacy, or general order.<sup>15</sup>

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<sup>6</sup> Nev. Rev. Stat. §§ 293.705, 293.710.

<sup>7</sup> Nev. Rev. Stat. § 293.274(2).

<sup>8</sup> Nev. Admin. Code § 293.245(2)(a)(5).

<sup>9</sup> Nev. Admin. Code §§ 293.245(9)(a), (2)(a)(3). See also Nev. Rev. Stat. § 293.740.

<sup>10</sup> Nev. Admin. Code § 293.245(2)(a)(1).

<sup>11</sup> Nev. Admin. Code § 293.245(2)(a)(2).

<sup>12</sup> Nev. Admin. Code § 293.245(2)(a)(4).

<sup>13</sup> 18 U.S.C. §§ 241, 594; 52 U.S.C. § 10101(b).

<sup>14</sup> Nev. Admin. Code § 293.245(3)(b).

<sup>15</sup> Nev. Admin. Code § 293.245(3)(a).