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## CHAPTER 7

# ELIGIBLE INCARCERATED VOTERS

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# ELIGIBLE INCARCERATED VOTERS

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In 2023, Nevada Legislature passed [Assembly Bill 286](#), requiring each person who administers a county or city jail to establish a policy ensuring detained qualified electors and eligible registered voters within each facility to register to vote and/or vote in a primary or general election.

It does not allow incarcerated convicted felons to vote nor did it change the requirements of an election official to cancel the voter registration of an individual pursuant to [NRS 293.540\(2\)\(c\)](#).

With the support and collaboration of County election officials, jail administrators should establish policies that include the following information.

## Residency

The residence of an inmate in any public institution is not lost upon their absence pursuant to [NRS 293.487\(3\)](#).

Example: An eligible incarcerated voter, who's residence is in Churchill County but was arrested and detained in a Humboldt County detention center, would still be allowed to vote in Churchill County.

## In-person Voting for New Registrants

Each jail must establish a process that allows for same-day registration pursuant to [NRS 293.5847](#).

Additionally, section 5(3)(f) of AB286 further allows for a family member of a person detained within the jail to provide the necessary information to register to vote on the day of the election.

## Mail-Ballot Voting for Existing Registrants

Eligible incarcerated voters who are already registered to vote in Nevada may cast a mail ballot in any election in which they are eligible to vote using the following methods:

- An eligible but incarcerated elector could update their voter registration with the mailing address of the county or city jail not later than 14 days prior to the election either online or by mail.
- An eligible elector who is incarcerated 13 days or less before any election may request the delivery of a mail ballot from their county election official.
  - If requested and logistically practicable, the ballot should be delivered to the voter by the county election official in the most expedient manner possible (e.g., priority mail, same-day mail, etc.).

## Effective Absentee System for Elections (EASE)

Registered incarcerated voters who are eligible to use the Effective Absentee System for Elections (EASE) may do so, **only** if EASE is offered as an option in the county or city jail that they are detained in.

**Note:** Jail facilities may have established policies regarding inmate access to computers. If so, this may exclude the option for using [NVEASE.gov](https://nvease.gov) for eligible “covered voters” within that facility.

Registered voters who are otherwise considered a “covered voter” and are eligible to use EASE:

- Has a disability as described in [NAC 293.206](#);
- Is a tribal member and resides on an Indian reservation or Indian colony; or
- Is a covered voter, as that term is defined in [NRS 293D.030](#) or [NRS 293D.090](#).

The system will be available for elections with a federal contest on the ballot 45 days before Election Day at [NVEASE.gov](https://nvease.gov).

EASE retrieves the electronic image of the voter’s signature already on file with their county clerk or registrar or from the Nevada Department of Motor Vehicles so it can be used by the voter to register to vote, request an absent ballot or return an absent ballot, negating the requirement of printing and signing the ballot before returning it. After an authorized voter marks his or her own ballot within EASE, the system applies the voter’s electronic signature to the ballot and generates a cover sheet with the necessary declarations, affirmations, and information to allow the county to process and count the military, overseas or individuals with disabilities ballot.

When finished, an EASE voter has the option of saving the ballot material as a PDF file and emailing the document as an attachment to the respective county clerk or registrar’s office or printing it and returning it by mail or fax. The voter must return their completed documents and ballot to their Nevada election office independent of EASE. EASE does not return any documents or information for a user.

[EASE Demonstration](#)

[EASE - County Contact Information](#)

## Identification Requirements

An inmate booking sheet is an acceptable form of documentation, pursuant to [NRS 293.5487\(3\)](#), allowing an incarcerated voter to proof of an established residence.

Booking sheets cannot be used to establish proof of identity or for same-day registration. For same-day registration, qualified electors will need to provide either a NV driver’s license or ID card according to [NRS 293.5847\(2\)\(c\)](#). Other forms of identification for establishing identity in order to vote, [NAC 293.395](#).

## Reporting Requirements

### Jail Administrator Reporting Requirements

Not later than 30 days after each election, each administrator of a county or city jail must submit a report to the Secretary of State's office. To ensure the report is filed, election officials are asked to submit any reports received directly to the Secretary of State's office.

A copy of each jail administrator's policy should be attached to the report.

The report should include substantive answers to each of the following questions:

- Did the policy as written allow individuals to vote, and register to vote?
- Did the policy as it was carried out allow individuals to vote, and register to vote?
- Did the policy as written allow for qualified electors who were registered voters of another county than the county in which they were jailed to vote, and register to vote?
- Did the policy as it was carried out allow for qualified electors who were registered voters of another county than the county in which they were jailed to vote, and register to vote?
- Did the policy as it was written allow for same-day voter registration, including on election day?
- Did the policy as it was carried out allow for same-day voter registration, including on election day?
- Did the policy as it was written account for individuals with disabilities requesting to use a voting machine instead of a mail ballot to cast their vote?
- Did the policy as it was carried out account for individuals with disabilities requesting to use a voting machine instead of a mail ballot to cast their vote?

A summary of each complaint received should be included with the report, from any person detained within a jail regarding casting their ballot, registering to vote, or updating their registration.

### Election Official Reporting Requirements

In addition to the jail administrators report, election officials should provide a report including the below information:

- The number of incarcerated voters who cast a ballot; **and**
- The breakdown of the costs associated with the implementation.

## Restoration of Voting Rights

Nevada residents convicted of a felony and sentenced to a term of imprisonment lose their voting rights while incarcerated in prison. Their voting rights are immediately restored upon release from prison.

Individuals who have had their voting rights restored must meet all the other eligibility requirements to register to vote.

To be eligible to register to vote in Nevada, an individual must:

- Be a U.S. citizen;
- Be at least 18 years old by the date of the next election (or at least 17 years old if preregistering to vote);
- Have continuously resided in Nevada and the county for at least 30 days before the next election; and
- Have continuously resided in the precinct for at least 10 days before the next election.
- Any individual who has been convicted of a felony and is currently serving a term of imprisonment cannot register to vote or otherwise participate in the voting process while the individual is in prison.

### Voter Registration after Cancellation:

If an individual's voter registration was canceled due to a felony conviction, the individual may re-register to vote upon the individual's release from prison. The individual is not required to provide any documentation or other evidence at the time of re-registration to prove that the individual's voting rights have been restored.

### Felony Convictions in Other States or In Federal Court:

The restoration of voting rights for Nevada residents applies automatically upon the individual's release from prison. It does not matter if the individual was convicted of a felony in another state or in a federal court. The automatic restoration of voting rights applies in all cases upon the individual's release from prison.

### Eligibility Status for Individuals with Prior Felony Convictions:

Any Nevada resident who is not currently serving a term of imprisonment for a felony conviction is eligible to register to vote using any of the current voter registration methods.