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Advisory Committee on Participatory Democracy (ACPD) nvsos.gov

A Guide to Elections and Civic Participation in Nevada

**Everything you need to know about voting &
elections in Nevada**

Other Voting Methods

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To most, voting means registering, deciding if we want to affiliate with a political party, and voting. Voting means selecting candidates and hoping those candidates win the most votes. If our candidates do not win, we usually accept that despite the fact, at times, the winning candidate does not get most of the votes.

How a person understands the act of voting depends largely on where they live. Most elections are a two-phase process; primary and general. [In Nevada, a voter must be registered to vote in either the Democratic or Republican Party](#)¹ (major political party) to vote in the primary election for all federal, state, and most county offices. [Types of elections](#) Major party registration is not required to vote in city primary elections or elections for judges and non-partisan county offices such as sheriff.

Since Nevada handles its elections in this way, some assume this is how all states handle elections. In fact, [more states handle primary elections differently](#).² This confuses voters who move to Nevada and assume they will vote in Nevada the same way they voted in their former state.

It is important to note that the Democratic and Republican Party are considered “major” and therefore eligible to conduct a primary election paid for by the state— this could change. All it takes is for any political party to have at least [ten percent share of registered voters](#).³ If either the Democratic or Republican Party fell below 10 percent (highly unlikely), they would no longer be considered a major party.

Primary elections:

- **Closed primary:** A voter must affiliate with a major political party to vote in that political party’s primary. This is the type of primary election used in Nevada. A recent change to Nevada law³ implementing same-day voter registration effectively removes the registration deadline, but not the requirement to be registered with a particular political party. Nevada is one of only nine states that uses a closed primary system.
- **Partially closed primary:** seven states use this process through which each political party allows voters not registered in a political party to vote in their partisan primary election. If this system were used in Nevada, the Democratic or Republican Party could allow voters registered as non-partisan to vote in their primary. Voters registered to vote in a minor political party are not considered unaffiliated because they do belong to a political party.
- **Partially open primaries:** six states (not Nevada) currently use this method through which any voter, regardless of existing party affiliation, may change their affiliation at the polls and vote in their newly declared party’s primary.

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- **Open to unaffiliated voter primary:** is a variation of the partially open primary and is open to only unaffiliated voters. Under this process, voters registered as non-partisan can request either the Democratic or Republican ballot and vote in that particular primary. However, unlike partially open primaries, voters registered to one of the major political parties cannot switch party and must vote in their current party's primary. Nine states use the open to unaffiliated voter primary system.
- **Open primaries:** fifteen states conduct open primaries through which voters determine which political party's primary election they wish to vote in and request that ballot at the polls. This allows major party, minor party, and non-partisan voters to vote in whichever party primary they want. A voter must vote only on the one party's ballot. They cannot vote for the Democratic candidates in one race and the Republican candidates in another.
- **Top-two primary:** is a fairly new primary type used in California, Washington, Nebraska and Louisiana. In a top-two primary election for partisan offices, all candidates, regardless of party affiliation (including independent candidates), are listed on a single ballot and all voters, regardless of party affiliation or status as non-partisan, are allowed to vote. The two candidates with the highest number of votes, regardless of political party, advance to the general election. While top-two is fairly new for partisan primaries, it has been the standard in primary elections for non-partisan offices.
- **First Past the Post (FPTP):** is the process of voting for the candidate of your choice on the ballot, with the candidate receiving the most votes winning the election. This process is being questioned on its effectiveness. [Different voting methods⁵](#) are not only being discussed, but also implemented.
- **Ranked Choice Voting (RCV):** is sometimes called "instant run-off voting" is not new. Its history can be traced back to the early 1900's and its uses can be found in many areas outside of public elections. However, over the past ten years, RCV has been growing. [RCV can be used⁶](#) in primary and general elections or, as some cities have done, to eliminate the primary and hold just a general election. When RCV is used, instead of voting just for the candidate a voter prefers most, the voter can vote for all the candidates they like, ranking them in order of preference; 1st, 2nd, 3rd. If a candidate receives a majority (50% + 1) of first-choice votes, that candidate is elected, or in the case of a primary election, nominated. If no candidate receives a majority of first-choice votes, the candidate with the lowest number of first-choice votes is eliminated and the second-choice votes of the voters who selected that candidate as their first choice is assigned to their second choice. The majority threshold is once again applied, and the process repeats until one candidate has a majority of the votes being counted.

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- **Approval Voting:** this system is similar to RCV and is not a new concept, however, unlike RCV, actual use of approval voting is currently limited. In approval voting, a voter votes for all the candidates they support. Unlike RCV, the voter does not rank the candidates in order of preference. The winner is the candidate with the most votes.
- **Score Voting:** this is another process that is being discussed. We are familiar with score voting in such events as Olympic gymnastics where an athlete is given a score by each judge. When applied to voting, voters give a score to each candidate they wish to. The candidate with the highest score wins the election.

When discussing various voting methods, it is important to remember that [political parties are private organizations](#)⁷ and as such have latitude in developing internal operating procedures. The line between a party's rights to control their internal operations versus a state's right to hold fair elections can be narrow. The United States Supreme Court has ruled on the distinction in at least five cases:

Democratic Party of United States v. Wisconsin ex rel La Follette 450 U.S. 107 (1981)

Tashjian v Republican Party of Conn 479 U.S. 208 (1986)

Eu v San Francisco County Democratic Central Committee 489 U.S. 214 (1989)

Timmons v Twin Cities Area New Party 520 U.S. 351 (1997)

California Democratic Party v Jones 530 U.S. 567 (2000)

Washington State Grange v Washington 06-713 (2008)

[Diversity of representation](#)⁸ is another area that is under discussion. Diversity in this case means balanced representation between all political parties present in any given district. Currently, Congressional, state, and local districts are reapportioned following the decennial census. Redistricting, the drawing of district lines follows. Until recently, this function was left totally up to state legislatures. Since state legislatures have either a Democratic or Republican majority, the resulting district maps were developed to keep the current majority party in power (Gerrymandered). It is illegal for district lines to be drawn based on race. However, it is not required that districts represent all political parties equally. The result is normally partisan districts favoring the majority party. Recognizing this as a problem, some states have adopted independent boards or commissions to draw district lines. The U.S. Supreme Court [has upheld](#)⁹ the legality of such commissions where state law provides for voter initiative. These independent commissions tend to draw district boundaries not based on political party. The Supreme Court also recently ruled that it is up to state legislatures to address the issue of district boundaries based solely on political party. Since virtually all partisan political bodies have one representative per district, diverse representation is often lacking.

Having more than one representative for a single district and having those winners decided based on the proportional vote is not new. While no longer used in the United States, it was [not fixed in law](#)¹⁰ until 1967. Multi-member districts and proportional representation is the basis for parliamentary systems of government. There is renewed interest in these reforms and there is a bill in Congress, the [Fair Representation Act](#)¹¹ to try to bring the process back.

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Voter Registration Toolkit for Businesses and Community Groups

[ACPD - Introduction](#)

[ACPD - Types of Elections](#)

[ACPD - Registering to Vote](#)

[ACPD - Ways to Vote](#)

[ACPD – Other Voting Methods](#)

[ACPD – The Electoral College](#)

[ACPD – Participating on the Process](#)

[ACPD - Civics Education in Nevada](#)

[ACPD - Citizen Legislature](#)

[ACPD - Other Governments](#)

[ACPD Contacting Election Officials](#)

[ACPD - Resources](#)



APPENDIX

- 1- Nevada Primary and Caucus History: <https://www.nvsos.gov/sos/elections/election-information/about-elections/nevada-primary-and-caucus-history>
- 2-National Conference of State Legislatures (NCSL): <http://www.ncsl.org/research/elections-and-campaigns/primary-types.aspx>
- 3-NRS 293.128, Procedure for Qualification:
<https://www.leg.state.nv.us/NRS/NRS-293.html#NRS293Sec128>
- 4-AB345 of the 2019 80th Legislative Session;
<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6643/Overview>
- 5-Voting Methods Comparison Chart: <https://www.fairvote.org/alternatives>
- 6-Where Ranked Choice Voting is Used: https://www.fairvote.org/where_is_ranked_choice_voting_used
- 7-Doug Goodman- Right of Association, The Supreme Court and the Nevada Election Modernization and Reform Act: <https://nevadansforelectionreform.org/right-of-association-the-supreme-court-and-the-nevada-election-modernization-and-reform-act/>
- 8-How Proportional Representation Elections Work:
https://www.fairvote.org/how_proportional_representation_elections_work
- 9-Arizona State Legislature vs Arizona Independent Redistricting Commission:
<https://www.oyez.org/cases/2014/13-1314>
- 10-Tory Mast- The History of Single Member Districts for Congress: <http://archive.fairvote.org/?page=526>
- 11- H.R. 3057, Fair Representation Act: <https://www.congress.gov/bill/115th-congress/house-bill/3057>