

ASSEMBLY BILL NO. 253—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 11, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires proof of identity for voting.
(BDR 24-1125)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; requiring, with limited exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue voter identification cards at no cost; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires, under certain circumstances, that a person provide
2 satisfactory identification to vote in person. (NRS 293.2725, 293.277, 293.303,
3 293.3081, 293.3082, 293.3085, 293.330, 293.353, 293.3585, 293.541, 293C.270,
4 293C.292, 293C.330, 293C.3585) This bill requires, with limited exceptions, that a
5 person provide one of the forms of proof of identity specified in **section 2** of this
6 bill to vote in person. **Section 2** sets forth the acceptable forms of proof of identity
7 which are: (1) certain government-issued documents or identity cards that show a
8 recognizable photograph of the person to whom the document or card is issued; (2)
9 a voter identification card; or (3) certain documentation from an administrator of
10 certain health care facilities that are licensed by the State.

11 **Sections 3-6** of this bill: (1) require the Department of Motor Vehicles to issue
12 a voter identification card, free of charge, to a person who does not possess one of
13 the forms of required photographic identification; (2) set forth requirements for the
14 issuance of voter identification cards; and (3) require that the Secretary of State
15 adopt regulations to carry out the provisions of those sections.

16 **Section 16** of this bill authorizes, under certain circumstances, a person who
17 fails to provide proof of identity when voting in person to cast a provisional ballot.
18 **Section 18** of this bill provides that the provisional ballot of such a voter must be
19 counted if the person provides to the county or city clerk not later than 5 p.m. on
20 the Friday following the election: (1) proof of identity; or (2) an affidavit stating
21 that the voter cannot provide proof of identity because he or she is indigent or has a
22 religious objection to being photographed.



23 The provisions of this bill which require that a person present, with limited
24 exceptions, one of the forms of proof of identity to vote in person are similar to the
25 provisions of an Indiana law which the United States Supreme Court has
26 determined does not unconstitutionally burden a person's right to vote, in part
27 because the person can obtain one of the forms of required proof of identity free of
28 charge and the requirements to provide proof of identity do not apply to persons
29 who vote by absent ballot. (*Crawford v. Marion County Election Bd.*, 553 U.S. 181
30 (2008))

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

4 **Sec. 2. 1. "Proof of identity" means:**

5 (a) *A document or identity card that:*

6 (1) *Is issued by the State, the United States or a federally*
7 *recognized Indian tribe;*

8 (2) *Shows a recognizable photograph of the person to*
9 *whom the document or identity card is issued;*

10 (3) *Shows the name and signature of the person to whom*
11 *the document or identity card is issued; and*

12 (4) *If the document or identity card is issued by the State,*
13 *bears an expiration date that is not earlier than 4 years before the*
14 *date of the election for which the document or identity card is*
15 *offered as proof of identity;*

16 (b) *A voter identification card issued pursuant to section 3 of*
17 *this act; or*

18 (c) *A document provided by the administrator of a licensed*
19 *medical facility or licensed facility for the dependent to a resident*
20 *of the facility attesting to the person's identity and that he or she is*
21 *a resident of the facility.*

22 2. *As used in this section:*

23 (a) *"Facility for the dependent" has the meaning ascribed to it*
24 *in NRS 449.0045.*

25 (b) *"Medical facility" has the meaning ascribed to it in*
26 *NRS 449.0151.*

27 **Sec. 3. 1. The Department of Motor Vehicles shall:**

28 (a) *Issue a voter identification card to a person who:*

29 (1) *Is registered to vote in this State;*

30 (2) *Does not possess a form of proof of identity described in*
31 *subsection 1 of section 2 of this act; and*

32 (3) *Complies with the provisions of section 4 of this act.*



1 **(b) Provide at least one place in each county at which the**
2 **Department accepts applications for and issues voter identification**
3 **cards.**

4 **2. The Department shall not charge a fee for the issuance of**
5 **a voter identification card.**

6 **Sec. 4. A person who wishes to obtain a voter identification**
7 **card must submit to the Department of Motor Vehicles:**

8 **1. An application in the form prescribed by the Secretary of**
9 **State;**

10 **2. Proof of the applicant's date of birth; and**

11 **3. A copy of a current utility bill, bank statement, paycheck or**
12 **check or other document issued by a governmental entity which**
13 **indicates the name and address of the applicant, but not including**
14 **a voter registration card issued pursuant to NRS 293.517.**

15 **Sec. 5. A voter identification card issued pursuant to section**
16 **3 of this act:**

17 **1. Must include, without limitation:**

18 **(a) The name, address, date of birth, sex, height, weight, eye**
19 **color, photograph and signature of the person to whom the card is**
20 **issued;**

21 **(b) The date of issuance of the card;**

22 **(c) The name of the county in which the card was issued; and**

23 **(d) Any other information required by the regulations of the**
24 **Secretary of State.**

25 **2. Is valid for as long as the person is registered to vote and**
26 **resides at the address stated on the card.**

27 **Sec. 6. The Secretary of State shall adopt regulations to**
28 **carry out the provisions of sections 3 to 6, inclusive, of this act. In**
29 **adopting such regulations, the Secretary of State shall consult**
30 **with the Department of Motor Vehicles.**

31 **Sec. 7. NRS 293.010 is hereby amended to read as follows:**

32 293.010 As used in this title, unless the context otherwise
33 requires, the words and terms defined in NRS 293.013 to 293.121,
34 inclusive, **and section 2 of this act** have the meanings ascribed to
35 them in those sections.

36 **Sec. 8. NRS 293.177 is hereby amended to read as follows:**

37 293.177 1. Except as otherwise provided in NRS 293.165, a
38 name may not be printed on a ballot to be used at a primary election
39 unless the person named has filed a declaration of candidacy or an
40 acceptance of candidacy, and has paid the fee required by NRS
41 293.193 not earlier than:

42 **(a) For a candidate for judicial office, the first Monday in**
43 **January of the year in which the election is to be held nor later than**
44 **5 p.m. on the second Friday after the first Monday in January; and**



(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including,



1 but not limited to, complying with any limitation prescribed
2 by the Constitution and laws of this State concerning the
3 number of years or terms for which a person may hold the
4 office; and that I understand that my name will appear on all
5 ballots as designated in this declaration.

6
7
8 (Designation of name)
9

10
11 (Signature of candidate for office)
12

13 Subscribed and sworn to before me
14 this day of the month of of the year

15
16 Notary Public or other person
17 authorized to administer an oath
18
19

20 (b) For nonpartisan office:

21
22 DECLARATION OF CANDIDACY OF FOR THE
23 OFFICE OF

24
25 State of Nevada

26
27 County of

28
29 For the purpose of having my name placed on the official
30 ballot as a candidate for the office of, I, the
31 undersigned, do swear or affirm under penalty of
32 perjury that I actually, as opposed to constructively, reside at
33, in the City or Town of, County of,
34 State of Nevada; that my actual, as opposed to constructive,
35 residence in the State, district, county, township, city or other
36 area prescribed by law to which the office pertains began on a
37 date at least 30 days immediately preceding the date of the
38 close of filing of declarations of candidacy for this office; that
39 my telephone number is, and the address at which I
40 receive mail, if different than my residence, is; that I
41 am a qualified elector pursuant to Section 1 of Article 2 of the
42 Constitution of the State of Nevada; that if I have ever been
43 convicted of treason or a felony, my civil rights have been
44 restored by a court of competent jurisdiction; that if
45 nominated as a nonpartisan candidate at the ensuing election,



I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the **documents and proof of ~~identity and~~ residency** provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and



1 (b) Must not contain the social security number or driver's
2 license or identification card number of the candidate.

3 5. By filing the declaration or acceptance of candidacy, the
4 candidate shall be deemed to have appointed the filing officer for
5 the office as his or her agent for service of process for the purposes
6 of a proceeding pursuant to NRS 293.182. Service of such process
7 must first be attempted at the appropriate address as specified by the
8 candidate in the declaration or acceptance of candidacy. If the
9 candidate cannot be served at that address, service must be made by
10 personally delivering to and leaving with the filing officer duplicate
11 copies of the process. The filing officer shall immediately send, by
12 registered or certified mail, one of the copies to the candidate at the
13 specified address, unless the candidate has designated in writing to
14 the filing officer a different address for that purpose, in which case
15 the filing officer shall mail the copy to the last address so
16 designated.

17 6. If the filing officer receives credible evidence indicating that
18 a candidate has been convicted of a felony and has not had his or her
19 civil rights restored by a court of competent jurisdiction, the filing
20 officer:

21 (a) May conduct an investigation to determine whether the
22 candidate has been convicted of a felony and, if so, whether the
23 candidate has had his or her civil rights restored by a court of
24 competent jurisdiction; and

25 (b) Shall transmit the credible evidence and the findings from
26 such investigation to the Attorney General, if the filing officer is the
27 Secretary of State, or to the district attorney, if the filing officer is a
28 person other than the Secretary of State.

29 7. The receipt of information by the Attorney General or
30 district attorney pursuant to subsection 6 must be treated as a
31 challenge of a candidate pursuant to subsections 4 and 5 of NRS
32 293.182. If the ballots are printed before a court of competent
33 jurisdiction makes a determination that a candidate has been
34 convicted of a felony and has not had his or her civil rights restored
35 by a court of competent jurisdiction, the filing officer must post a
36 notice at each polling place where the candidate's name will appear
37 on the ballot informing the voters that the candidate is disqualified
38 from entering upon the duties of the office for which the candidate
39 filed the declaration of candidacy or acceptance of candidacy.

40 **Sec. 9.** NRS 293.2725 is hereby amended to read as follows:

41 293.2725 1. Except as otherwise provided in subsection 2, in
42 NRS 293.3081 and 293.3083 and in federal law, a person who
43 registers by mail or computer to vote in this State and who has not
44 previously voted in an election for federal office in this State:



- 1 (a) May vote at a polling place only if the person presents *proof*
2 *of identity* to the election board officer at the polling place ; †
3 ~~(1) A current and valid photo identification of the person,~~
4 ~~which shows his or her physical address; or~~
5 ~~(2) A copy of a current utility bill, bank statement, paycheck,~~
6 ~~or document issued by a governmental entity, including a check~~
7 ~~which indicates the name and address of the person, but not~~
8 ~~including a voter registration card issued pursuant to NRS 293.517; †~~
9 and
- 10 (b) May vote by mail only if the person provides to the county
11 or city clerk:
- 12 (1) A copy of ~~{a current and valid photo identification}~~ *proof*
13 *of identity* of the person † which shows his or her physical address;
14 or
- 15 (2) A copy of a current utility bill, bank statement, paycheck,
16 or document issued by a governmental entity, including a check
17 which indicates the name and address of the person, but not
18 including a voter registration card issued pursuant to NRS 293.517.
- 19 ➤ If there is a question as to the physical address of the person, the
20 election board officer or clerk may request additional information.
- 21 2. The provisions of subsection 1 do not apply to a person who:
- 22 (a) Registers to vote by mail and submits *a copy of his or her*
23 *proof of identity* with an application to register to vote ; †
24 ~~(1) A copy of a current and valid photo identification; or~~
25 ~~(2) A copy of a current utility bill, bank statement, paycheck,~~
26 ~~or document issued by a governmental entity, including a check~~
27 ~~which indicates the name and address of the person, but not~~
28 ~~including a voter registration card issued pursuant to NRS 293.517; †~~
- 29 (b) Except as otherwise provided in subsection 3, registers to
30 vote by mail or computer and submits with an application to register
31 to vote a driver's license number or at least the last four digits of his
32 or her social security number, if a state or local election official has
33 matched that information with an existing identification record
34 bearing the same number, name and date of birth as provided by the
35 person in the application;
- 36 (c) Is entitled to vote an absent ballot pursuant to the Uniformed
37 and Overseas Citizens Absentee Voting Act, ~~{42 U.S.C. §§ 1973}~~
38 *52 U.S.C. §§ 20301* et seq.;
- 39 (d) Is provided the right to vote otherwise than in person under
40 the Voting Accessibility for the Elderly and Handicapped Act, ~~{42~~
41 ~~U.S.C. §§ 1973ee}~~ *52 U.S.C. §§ 20101* et seq.; or
- 42 (e) Is entitled to vote otherwise than in person under any other
43 federal law.
- 44 3. The provisions of subsection 1 apply to a person described
45 in paragraph (b) of subsection 2 if the voter registration card issued



1 to the person pursuant to subsection 6 of NRS 293.517 is mailed by
2 the county clerk to the person and returned to the county clerk by
3 the United States Postal Service.

4 **Sec. 10.** NRS 293.277 is hereby amended to read as follows:

5 293.277 ~~+~~ Except as otherwise provided in NRS 293.541,
6 if a person's name appears in the election board register or if the
7 person provides an affirmation pursuant to NRS 293.525, the person
8 is entitled to vote and must :

9 *1. Present proof of identity; and*

10 *2. Except as otherwise provided in NRS 293.283, sign his or*
11 *her name in the election board register when he or she applies to*
12 *vote. The signature must be compared by an election board officer*
13 *with the signature or a facsimile thereof on the person's original*
14 *application to register to vote or ~~one of the forms of identification~~*
15 *listed in subsection 2.*

16 ~~—2.— Except as otherwise provided in NRS 293.2725, the forms of~~
17 ~~identification which may be used individually to identify a voter at~~
18 ~~the polling place are:~~

19 ~~—(a) The card issued to the voter at the time he or she registered~~
20 ~~to vote;~~

21 ~~—(b) A driver's license;~~

22 ~~—(c) An identification card issued by the Department of Motor~~
23 ~~Vehicles;~~

24 ~~—(d) A military identification card; or~~

25 ~~—(e) Any other form of identification issued by a governmental~~
26 ~~agency which contains the voter's signature and physical description~~
27 ~~or picture.] on his or her proof of identity.~~

28 **Sec. 11.** NRS 293.283 is hereby amended to read as follows:

29 293.283 Any registered voter who is unable to sign his or her
30 name must ~~be~~ :

31 *1. Present proof of identity; and*

32 *2. Be further identified by answering questions covering the*
33 *personal data which is reported on the original application to*
34 *register to vote. The officer in charge of the roster shall stamp, write*
35 *or print "Identified as" to the left of the voter's name.*

36 **Sec. 12.** NRS 293.285 is hereby amended to read as follows:

37 293.285 A registered voter applying to vote shall state his or
38 her name to the election board officer in charge of the election board
39 register, and the officer shall immediately announce the name ,
40 ~~and~~ take the registered voter's signature ~~+~~ *and require that the*
41 *registered voter present proof of identity.*

42 **Sec. 13.** NRS 293.287 is hereby amended to read as follows:

43 293.287 1. A registered voter applying to vote at any primary
44 election shall give his or her name and political affiliation, if any, to
45 the election board officer in charge of the election board register,



1 and the officer shall immediately announce the name and political
2 affiliation ~~H~~ *and require that the registered voter present proof of*
3 *identity.*

4 2. Any person's right to vote may be challenged by any
5 registered voter upon:

6 (a) Any of the grounds allowed for a challenge in NRS 293.303;

7 (b) The ground that the person applying does not belong to the
8 political party designated upon the register; or

9 (c) The ground that the register does not show that the person
10 designated the political party to which he or she claims to belong.

11 3. Any such challenge must be disposed of in the manner
12 provided by NRS 293.303.

13 4. A registered voter who has designated on his or her
14 application to register to vote an affiliation with a minor political
15 party may vote a nonpartisan ballot at the primary election.

16 **Sec. 14.** NRS 293.3025 is hereby amended to read as follows:

17 293.3025 The Secretary of State and each county and city clerk
18 shall ensure that a copy of each of the following is posted in a
19 conspicuous place at each polling place on election day:

20 1. A sample ballot;

21 2. Information concerning the date and hours of operation of
22 the polling place;

23 3. Instructions for voting and casting a ballot, including a
24 provisional ballot;

25 4. Instructions concerning the ~~identification~~ *proof of identity*
26 required for persons who registered by mail *or computer* and are
27 first-time voters for federal office in this State;

28 5. Information concerning the accessibility of polling places to
29 persons with disabilities;

30 6. General information concerning federal and state laws which
31 prohibit acts of fraud and misrepresentation; and

32 7. Information concerning the eligibility of a candidate, a ballot
33 question or any other matter appearing on the ballot as a result of a
34 judicial determination or by operation of law, if any.

35 **Sec. 15.** NRS 293.303 is hereby amended to read as follows:

36 293.303 1. A person applying to vote may be challenged:

37 (a) Orally by any registered voter of the precinct upon the
38 ground that he or she is not the person entitled to vote as claimed or
39 has voted before at the same election. A registered voter who
40 initiates a challenge pursuant to this paragraph must submit an
41 affirmation that is signed under penalty of perjury and in the form
42 prescribed by the Secretary of State stating that the challenge is
43 based on the personal knowledge of the registered voter.

44 (b) On any ground set forth in a challenge filed with the county
45 clerk pursuant to the provisions of NRS 293.547.



1 2. If a person is challenged, an election board officer shall
2 tender the challenged person the following oath or affirmation:

3 (a) If the challenge is on the ground that the challenged person
4 does not belong to the political party designated upon the register, "I
5 swear or affirm under penalty of perjury that I belong to the political
6 party designated upon the register";

7 (b) If the challenge is on the ground that the register does not
8 show that the challenged person designated the political party to
9 which he or she claims to belong, "I swear or affirm under penalty
10 of perjury that I designated on the application to register to vote the
11 political party to which I claim to belong";

12 (c) If the challenge is on the ground that the challenged person
13 does not reside at the residence for which the address is listed in the
14 election board register, "I swear or affirm under penalty of perjury
15 that I reside at the residence for which the address is listed in the
16 election board register";

17 (d) If the challenge is on the ground that the challenged person
18 previously voted a ballot for the election, "I swear or affirm under
19 penalty of perjury that I have not voted for any of the candidates or
20 questions included on this ballot for this election"; or

21 (e) If the challenge is on the ground that the challenged person is
22 not the person he or she claims to be, "I swear or affirm under
23 penalty of perjury that I am the person whose name is in this
24 election board register."

25 ➔ The oath or affirmation must be set forth on a form prepared by
26 the Secretary of State and signed by the challenged person under
27 penalty of perjury.

28 3. Except as otherwise provided in subsection 4, if the
29 challenged person refuses to execute the oath or affirmation so
30 tendered, he or she must not be issued a ballot, and the officer in
31 charge of the election board register shall write the words
32 "Challenged" opposite his or her name in the election
33 board register.

34 4. If the challenged person refuses to execute the oath or
35 affirmation set forth in paragraph (a) or (b) of subsection 2, the
36 election board officers shall issue the person a nonpartisan ballot.

37 5. If the challenged person refuses to execute the oath or
38 affirmation set forth in paragraph (c) of subsection 2, the election
39 board officers shall inform the person that he or she is entitled to
40 vote only in the manner prescribed in NRS 293.304.

41 6. If the challenged person executes the oath or affirmation and
42 the challenge is not based on the ground set forth in paragraph (e) of
43 subsection 2, the election board officers shall issue the person a
44 partisan ballot.



1 7. If the challenge is based on the ground set forth in paragraph
2 (c) of subsection 2, and the challenged person executes the oath or
3 affirmation, the election board shall not issue the person a ballot
4 until he or she furnishes satisfactory identification which contains
5 proof of the address at which the person actually resides. For the
6 purposes of this subsection, a voter registration card issued pursuant
7 to NRS 293.517 does not provide proof of the address at which a
8 person resides.

9 8. If the challenge is based on the ground set forth in paragraph
10 (e) of subsection 2 and the challenged person executes the oath or
11 affirmation, the election board shall not issue the person a ballot
12 unless the person:

13 (a) Furnishes ~~official identification which contains a~~
14 ~~photograph of the person, such as a driver's license or other official~~
15 ~~document;~~ **proof of identity;** or

16 (b) Brings before the election board officers a person who is at
17 least 18 years of age who:

18 (1) Furnishes ~~official identification which contains a~~
19 ~~photograph of that person, such as a driver's license or other official~~
20 ~~document;~~ **his or her own proof of identity;** and

21 (2) Executes an oath or affirmation under penalty of perjury
22 that the challenged person is who he or she swears to be.

23 9. The election board officers shall:

24 (a) Record on the challenge list:

25 (1) The name of the challenged person;

26 (2) The name of the registered voter who initiated the
27 challenge; and

28 (3) The result of the challenge; and

29 (b) If possible, orally notify the registered voter who initiated
30 the challenge of the result of the challenge.

31 **Sec. 16.** NRS 293.3081 is hereby amended to read as follows:

32 293.3081 A person at a polling place may cast a provisional
33 ballot in an election to vote for a candidate for federal office if the
34 person complies with the applicable provisions of NRS 293.3082
35 and:

36 1. Declares that he or she has registered to vote and is eligible
37 to vote at that election in that jurisdiction, but ~~his or her~~ :

38 (a) *The person's* name does not appear on a voter registration
39 list as a voter eligible to vote in that election in that jurisdiction ~~for~~
40 ~~an~~ ;

41 (b) *An* election official asserts that the person is not eligible to
42 vote in that election in that jurisdiction; *or*

43 (c) *The person fails to provide proof of identity;*

44 2. Applies by mail or computer, on or after January 1, 2003, to
45 register to vote and has not previously voted in an election for



1 federal office in this State and fails to provide ~~the identification~~
2 ~~required pursuant to paragraph (a) of subsection 1 of NRS~~
3 ~~293.2725~~ *proof of identity* to the election board officer at the
4 polling place; or

5 3. Declares that he or she is entitled to vote after the polling
6 place would normally close as a result of a court order or other order
7 extending the time established for the closing of polls pursuant to a
8 law of this State in effect 10 days before the date of the election.

9 **Sec. 17.** NRS 293.3082 is hereby amended to read as follows:

10 293.3082 1. Before a person may cast a provisional ballot
11 pursuant to NRS 293.3081, the person must complete a written
12 affirmation on a form provided by an election board officer, as
13 prescribed by the Secretary of State, at the polling place which
14 includes:

15 (a) The name of the person casting the provisional ballot;

16 (b) The reason for casting the provisional ballot;

17 (c) A statement in which the person casting the provisional
18 ballot affirms under penalty of perjury that he or she is a registered
19 voter in the jurisdiction and is eligible to vote in the election;

20 (d) The date and type of election;

21 (e) The signature of the person casting the provisional ballot;

22 (f) The signature of the election board officer;

23 (g) A unique affirmation identification number assigned to the
24 person casting the provisional ballot;

25 (h) If the person is casting the provisional ballot pursuant to
26 subsection 1 of NRS 293.3081:

27 (1) An indication by the person as to whether or not he or she
28 provided the required identification at the time the person applied to
29 register to vote;

30 (2) The address of the person as listed on the application to
31 register to vote;

32 (3) Information concerning the place, manner and
33 approximate date on which the person applied to register to vote;

34 (4) Any other information that the person believes may be
35 useful in verifying that the person has registered to vote; and

36 (5) A statement informing the voter that if the voter does not
37 provide ~~identification~~ *proof of identity* at the time the voter casts
38 the provisional ballot ~~the~~ :

39 (I) *The required ~~identification~~ proof of identity; or*

40 (II) *An affidavit stating that the voter is unable to*
41 *provide proof of identity because he or she is indigent or has a*
42 *religious objection to being photographed,*

43 *↪ must be provided to the county or city clerk not later than 5 p.m.*
44 *on the Friday following election day and that failure to do so will*
45 *result in the provisional ballot not being counted;*



1 (i) If the person is casting the provisional ballot pursuant to
2 subsection 2 of NRS 293.3081:

3 (1) The address of the person as listed on the application to
4 register to vote;

5 (2) The voter registration number, if any, issued to the
6 person; and

7 (3) A statement informing the voter that ~~that~~ :

8 (I) *The* required identification ; or

9 (II) *An affidavit stating that the voter is unable to*
10 *provide proof of identity because he or she is indigent or has a*
11 *religious objection to being photographed,*

12 *↪* must be provided to the county or city clerk not later than 5 p.m.
13 on the Friday following election day and that failure to do so will
14 result in the provisional ballot not being counted; and

15 (j) If the person is casting the provisional ballot pursuant to
16 subsection 3 of NRS 293.3081, the voter registration number, if any,
17 issued to the person.

18 2. After a person completes a written affirmation pursuant to
19 subsection 1:

20 (a) The election board officer shall provide the person with a
21 receipt that includes the unique affirmation identification number
22 described in subsection 1 and that explains how the person may use
23 the free access system established pursuant to NRS 293.3086 to
24 ascertain whether the person's vote was counted, and, if the vote
25 was not counted, the reason why the vote was not counted;

26 (b) The voter's name and applicable information must be
27 entered into the roster in a manner which indicates that the voter
28 cast a provisional ballot; and

29 (c) The election board officer shall issue a provisional ballot to
30 the person to vote only for candidates for federal offices.

31 **Sec. 18.** NRS 293.3085 is hereby amended to read as follows:

32 293.3085 1. Following each election, a canvass of the
33 provisional ballots cast in the election must be conducted pursuant
34 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

35 2. The county and city clerk shall not:

36 (a) Include any provisional ballot in the unofficial results
37 reported on election night; or

38 (b) Open any envelope containing a provisional ballot before 8
39 a.m. on the Wednesday following election day.

40 3. Except as otherwise provided in subsection 4, a provisional
41 ballot must be counted if:

42 (a) The county or city clerk determines that the person who cast
43 the provisional ballot was registered to vote in the election, eligible
44 to vote in the election and issued the appropriate ballot for the
45 address at which the person resides;



1 (b) A voter who failed to provide *the* required identification at
2 the polling place or with his or her mailed ballot provides ~~the~~
3 ~~required identification~~ to the county or city clerk not later than 5
4 p.m. on the Friday following election day ~~†~~:

5 *(1) If the voter cast his or her provisional ballot at the*
6 *polling place:*

7 *(I) His or her proof of identity; or*

8 *(II) An affidavit stating that the voter cannot provide*
9 *proof of identity because he or she is indigent or has a religious*
10 *objection to being photographed; or*

11 *(2) If the voter cast his or her provisional ballot by mail*
12 *pursuant to NRS 293.3083, the identification required pursuant to*
13 *paragraph (b) of subsection 1 of NRS 293.2725; or*

14 (c) A court order has not been issued by 5 p.m. on the Friday
15 following election day directing that provisional ballots cast
16 pursuant to subsection 3 of NRS 293.3081 not be counted, and the
17 provisional ballot was cast pursuant to subsection 3 of
18 NRS 293.3081.

19 4. A provisional ballot must not be counted if the county or
20 city clerk determines that the person who cast the provisional ballot
21 cast the wrong ballot for the address at which the person resides.

22 **Sec. 19.** NRS 293.330 is hereby amended to read as follows:

23 293.330 1. Except as otherwise provided in subsection 2 of
24 NRS 293.323 and chapter 293D of NRS, and any regulations
25 adopted pursuant thereto, when an absent voter receives an absent
26 ballot, the absent voter must mark and fold it in accordance with the
27 instructions, deposit it in the return envelope, seal the envelope,
28 affix his or her signature on the back of the envelope in the space
29 provided therefor and mail the return envelope.

30 2. Except as otherwise provided in subsection 3, if an absent
31 voter who has requested a ballot by mail applies to vote the ballot in
32 person at:

33 (a) The office of the county clerk, the absent voter must mark
34 the ballot, seal it in the return envelope and affix his or her signature
35 in the same manner as provided in subsection 1, and deliver the
36 envelope to the clerk.

37 (b) A polling place, including, without limitation, a polling place
38 for early voting, the absent voter must surrender the absent ballot
39 and provide ~~satisfactory identification~~ *proof of identity* before
40 being issued a ballot to vote at the polling place. A person who
41 receives a surrendered absent ballot shall mark it "Cancelled."

42 3. If an absent voter who has requested a ballot by mail applies
43 to vote in person at the office of the county clerk or a polling place,
44 including, without limitation, a polling place for early voting, and



1 the voter does not have the absent ballot to deliver or surrender, the
2 voter must be issued a ballot to vote if the voter:

- 3 (a) Provides ~~{satisfactory identification;}~~ *proof of identity;*
- 4 (b) Is a registered voter who is otherwise entitled to vote; and
- 5 (c) Signs an affirmation under penalty of perjury on a form
6 prepared by the Secretary of State declaring that the voter has not
7 voted during the election.

8 4. Except as otherwise provided in NRS 293.316, it is unlawful
9 for any person to return an absent ballot other than the voter who
10 requested the absent ballot or, at the request of the voter, a member
11 of the voter's family. A person who returns an absent ballot and who
12 is a member of the family of the voter who requested the absent
13 ballot shall, under penalty of perjury, indicate on a form prescribed
14 by the county clerk that the person is a member of the family of the
15 voter who requested the absent ballot and that the voter requested
16 that the person return the absent ballot. A person who violates the
17 provisions of this subsection is guilty of a category E felony and
18 shall be punished as provided in NRS 193.130.

19 **Sec. 20.** NRS 293.353 is hereby amended to read as follows:

20 293.353 1. Except as otherwise provided in subsection 2 or 3,
21 upon receipt of a mailing ballot from the county clerk, the registered
22 voter must, in accordance with the instructions, mark and fold the
23 ballot, deposit and seal the ballot in the return envelope, affix his or
24 her signature on the back of the envelope and mail the envelope to
25 the county clerk.

26 2. Except as otherwise provided in subsection 3, if a registered
27 voter who has received a mailing ballot applies to vote in person at:

28 (a) The office of the county clerk, the registered voter must
29 mark the ballot, place and seal it in the return envelope and affix his
30 or her signature in the same manner as provided in subsection 1, and
31 deliver the envelope to the clerk.

32 (b) One of the polling places on election day or a polling place
33 for early voting in the county designated pursuant to subsection 3 or
34 4 of NRS 293.343, the registered voter must surrender the mailing
35 ballot and provide ~~{satisfactory identification;}~~ *proof of identity*
36 before being issued a ballot to vote at the polling place. A person
37 who receives a surrendered mailing ballot shall mark it "Cancelled."

38 3. If a registered voter who has received a mailing ballot
39 wishes to vote in person at the office of the county clerk or at one of
40 the polling places on election day or a polling place for early voting
41 in the county designated pursuant to subsection 3 or 4 of NRS
42 293.343, and the voter does not have the mailing ballot to deliver or
43 surrender, the voter must be issued a ballot to vote if the voter:

- 44 (a) Provides ~~{satisfactory identification;}~~ *proof of identity;*
- 45 (b) Is a registered voter who is otherwise entitled to vote; and



1 (c) Signs an affirmation under penalty of perjury on a form
2 prepared by the Secretary of State declaring that the voter has not
3 voted during the election.

4 4. It is unlawful for any person to return a mailing ballot other
5 than the registered voter to whom the ballot was sent or, at the
6 request of the voter, a member of the family of that voter. A person
7 who returns a mailing ballot and who is a member of the family of
8 the voter who received the mailing ballot shall, under penalty of
9 perjury, indicate on a form prescribed by the county clerk that the
10 person is a member of the family of the voter who received
11 the mailing ballot and that the voter requested that he or she return
12 the mailing ballot. A person who violates the provisions of this
13 subsection is guilty of a category E felony and shall be punished as
14 provided in NRS 193.130.

15 **Sec. 21.** NRS 293.356 is hereby amended to read as follows:

16 293.356 If a request is made to vote early by a registered voter
17 in person, the election board shall , *except as otherwise provided in*
18 *NRS 293.3585*, issue a ballot for early voting to the voter. Such a
19 ballot must be voted on the premises of a polling place for early
20 voting established pursuant to NRS 293.3564 or 293.3572.

21 **Sec. 22.** NRS 293.3585 is hereby amended to read as follows:

22 293.3585 1. Upon the appearance of a person to cast a ballot
23 for early voting, the deputy clerk for early voting shall †:

24 ~~—(a) Determine that†~~ *determine whether* the person is a registered
25 voter in the county †;

26 ~~—(b)†~~ *and, if so:*

27 (a) Instruct the voter to sign the roster for early voting;

28 (b) *Require the voter to present proof of identity;* and

29 (c) Verify the signature of the voter against that contained on the
30 original application to register to vote or a facsimile thereof, the
31 card issued to the voter at the time of registration or ~~†some other~~
32 ~~piece of official identification.†~~ *the voter's proof of identity.*

33 2. The county clerk shall prescribe a procedure, approved by
34 the Secretary of State, to determine that the voter has not already
35 voted pursuant to this section.

36 3. The roster for early voting must contain:

37 (a) The voter's name, the address where he or she is registered
38 to vote, his or her voter identification number and a place for the
39 voter's signature;

40 (b) The voter's precinct or voting district number; and

41 (c) The date of voting early in person.

42 4. When a voter is entitled to cast a ballot and has identified
43 himself or herself to the satisfaction of the deputy clerk for early
44 voting, the voter is entitled to receive the appropriate ballot or



1 ballots, but only for his or her own use at the polling place for early
2 voting.

3 5. If the ballot is voted on a mechanical recording device which
4 directly records the votes electronically, the deputy clerk for early
5 voting shall:

6 (a) Prepare the mechanical recording device for the voter;

7 (b) Ensure that the voter's precinct or voting district and the
8 form of ballot are indicated on the voting receipt, if the county clerk
9 uses voting receipts; and

10 (c) Allow the voter to cast a vote.

11 6. A voter applying to vote early by personal appearance may
12 be challenged pursuant to NRS 293.303.

13 **Sec. 23.** NRS 293.517 is hereby amended to read as follows:

14 293.517 1. Any elector residing within the county may
15 register to vote:

16 (a) Except as otherwise provided in NRS 293.560 and
17 293C.527, by appearing before the county clerk, a field registrar or a
18 voter registration agency, completing the application to register to
19 vote, giving true and satisfactory answers to all questions relevant to
20 his or her identity and right to vote, and providing proof of residence
21 and identity **⚡ as provided in this subsection;**

22 (b) By completing and mailing or personally delivering to the
23 county clerk an application to register to vote pursuant to the
24 provisions of NRS 293.5235;

25 (c) Pursuant to the provisions of NRS 293.524 or chapter 293D
26 of NRS;

27 (d) At his or her residence with the assistance of a field registrar
28 pursuant to NRS 293.5237; or

29 (e) By submitting an application to register to vote by computer,
30 if the county clerk has established a system pursuant to NRS
31 293.506 for using a computer to register voters.

32 ➡ The county clerk shall require a person to submit official
33 identification as proof of residence and identity, such as a driver's
34 license or other official document, before registering the person. If
35 the applicant registers to vote pursuant to this subsection and fails to
36 provide proof of residence and identity **⚡ as provided in this**
37 **subsection,** the applicant must provide proof of residence and
38 identity before casting a ballot in person or by mail or after casting a
39 provisional ballot pursuant to NRS 293.3081 or 293.3083. For the
40 purposes of this subsection, a voter registration card issued pursuant
41 to subsection 6 does not provide proof of the residence or identity of
42 a person.

43 2. The application to register to vote must be signed and
44 verified under penalty of perjury by the elector registering.



1 3. Each elector who is or has been married must be registered
2 under his or her own given or first name, and not under the given or
3 first name or initials of his or her spouse.

4 4. An elector who is registered and changes his or her name
5 must complete a new application to register to vote. The elector may
6 obtain a new application:

7 (a) At the office of the county clerk or field registrar;

8 (b) By submitting an application to register to vote pursuant to
9 the provisions of NRS 293.5235;

10 (c) By submitting a written statement to the county clerk
11 requesting the county clerk to mail an application to register to vote;

12 (d) At any voter registration agency; or

13 (e) By submitting an application to register to vote by computer,
14 if the county clerk has established a system pursuant to NRS
15 293.506 for using a computer to register voters.

16 ➔ If the elector fails to register under his or her new name, the
17 elector may be challenged pursuant to the provisions of NRS
18 293.303 or 293C.292 and may be required to furnish proof of
19 identity , *as defined in section 2 of this act*, and subsequent change
20 of name.

21 5. Except as otherwise provided in subsection 7, an elector who
22 registers to vote pursuant to paragraph (a) of subsection 1 shall be
23 deemed to be registered upon the completion of an application to
24 register to vote.

25 6. After the county clerk determines that the application to
26 register to vote of a person is complete and that, except as otherwise
27 provided in NRS 293D.210, the person is eligible to vote pursuant
28 to NRS 293.485, the county clerk shall issue a voter registration
29 card to the voter which contains:

30 (a) The name, address, political affiliation and precinct number
31 of the voter;

32 (b) The date of issuance; and

33 (c) The signature of the county clerk.

34 7. If an elector submits an application to register to vote or an
35 affidavit described in paragraph (c) of subsection 1 of NRS 293.507
36 that contains any handwritten additions, erasures or interlineations,
37 the county clerk may object to the application to register to vote if
38 the county clerk believes that because of such handwritten additions,
39 erasures or interlineations, the application to register to vote of the
40 elector is incomplete or that, except as otherwise provided in NRS
41 293D.210, the elector is not eligible to vote pursuant to NRS
42 293.485. If the county clerk objects pursuant to this subsection, he
43 or she shall immediately notify the elector and the district attorney
44 of the county. Not later than 5 business days after the district



1 attorney receives such notification, the district attorney shall advise
2 the county clerk as to whether:

3 (a) The application to register to vote of the elector is complete
4 and, except as otherwise provided in NRS 293D.210, the elector is
5 eligible to vote pursuant to NRS 293.485; and

6 (b) The county clerk should proceed to process the application
7 to register to vote.

8 ➔ If the District Attorney advises the county clerk to process the
9 application to register to vote, the county clerk shall immediately
10 issue a voter registration card to the applicant pursuant to
11 subsection 6.

12 **Sec. 24.** NRS 293.5235 is hereby amended to read as follows:

13 293.5235 1. Except as otherwise provided in NRS 293.502
14 and chapter 293D of NRS, a person may register to vote by mailing
15 an application to register to vote to the county clerk of the county in
16 which the person resides or may register to vote by computer, if the
17 county clerk has established a system pursuant to NRS 293.506 for
18 using a computer to register to vote. The county clerk shall, upon
19 request, mail an application to register to vote to an applicant. The
20 county clerk shall make the applications available at various public
21 places in the county. An application to register to vote may be used
22 to correct information in the registrar of voters' register.

23 2. An application to register to vote which is mailed to an
24 applicant by the county clerk or made available to the public at
25 various locations or voter registration agencies in the county may be
26 returned to the county clerk by mail or in person. For the purposes
27 of this section, an application which is personally delivered to the
28 county clerk shall be deemed to have been returned by mail.

29 3. The applicant must complete the application, including,
30 without limitation, checking the boxes described in paragraphs (b)
31 and (c) of subsection 10 and signing the application.

32 4. The county clerk shall, upon receipt of an application,
33 determine whether the application is complete.

34 5. If the county clerk determines that the application is
35 complete, he or she shall, within 10 days after receiving the
36 application, mail to the applicant:

37 (a) A notice that the applicant is registered to vote and a voter
38 registration card as required by subsection 6 of NRS 293.517; or

39 (b) A notice that the registrar of voters' register has been
40 corrected to reflect any changes indicated on the application.

41 6. Except as otherwise provided in subsection 5 of NRS
42 293.518, if the county clerk determines that the application is not
43 complete, the county clerk shall, as soon as possible, mail a notice to
44 the applicant that additional information is required to complete the
45 application. If the applicant provides the information requested by



1 the county clerk within 15 days after the county clerk mails the
2 notice, the county clerk shall, within 10 days after receiving the
3 information, mail to the applicant:

4 (a) A notice that the applicant is registered to vote and a voter
5 registration card as required by subsection 6 of NRS 293.517; or

6 (b) A notice that the registrar of voters' register has been
7 corrected to reflect any changes indicated on the application.

8 ➔ If the applicant does not provide the additional information
9 within the prescribed period, the application is void.

10 7. The applicant shall be deemed to be registered or to have
11 corrected the information in the register on the date the application
12 is postmarked or received by the county clerk, whichever is earlier.

13 8. If the applicant fails to check the box described in paragraph
14 (b) of subsection 10, the application shall not be considered invalid
15 and the county clerk shall provide a means for the applicant to
16 correct the omission at the time the applicant appears to vote in
17 person at the assigned polling place.

18 9. The Secretary of State shall prescribe the form for an
19 application to register to vote by:

20 (a) Mail, which must be used to register to vote by mail in this
21 State.

22 (b) Computer, which must be used to register to vote in a county
23 if the county clerk has established a system pursuant to NRS
24 293.506 for using a computer to register to vote.

25 10. The application to register to vote by mail must include:

26 (a) A notice in at least 10-point type which states:

27
28 NOTICE: You are urged to return your application to
29 register to vote to the County Clerk in person or by mail. If
30 you choose to give your completed application to another
31 person to return to the County Clerk on your behalf, and the
32 person fails to deliver the application to the County Clerk,
33 you will not be registered to vote. Please retain the duplicate
34 copy or receipt from your application to register to vote.
35

36 (b) The question, "Are you a citizen of the United States?" and
37 boxes for the applicant to check to indicate whether or not the
38 applicant is a citizen of the United States.

39 (c) The question, "Will you be at least 18 years of age on or
40 before election day?" and boxes for the applicant to check to
41 indicate whether or not the applicant will be at least 18 years of age
42 or older on election day.

43 (d) A statement instructing the applicant not to complete the
44 application if the applicant checked "no" in response to the question
45 set forth in paragraph (b) or (c).



1 (e) A statement informing the applicant that if the application is
2 submitted by mail and the applicant is registering to vote for the first
3 time, the applicant must ~~submit the information set forth in~~
4 ~~paragraph (a) of subsection 2 of NRS 293.2725 to avoid the~~
5 ~~requirements of subsection 1~~ **comply with the provisions** of NRS
6 293.2725. ~~[upon voting for the first time.]~~

7 11. Except as otherwise provided in subsection 5 of NRS
8 293.518, the county clerk shall not register a person to vote pursuant
9 to this section unless that person has provided all of the information
10 required by the application.

11 12. The county clerk shall mail, by postcard, the notices
12 required pursuant to subsections 5 and 6. If the postcard is returned
13 to the county clerk by the United States Postal Service because the
14 address is fictitious or the person does not live at that address, the
15 county clerk shall attempt to determine whether the person's current
16 residence is other than that indicated on the application to register to
17 vote in the manner set forth in NRS 293.530.

18 13. A person who, by mail, registers to vote pursuant to this
19 section may be assisted in completing the application to register to
20 vote by any other person. The application must include the mailing
21 address and signature of the person who assisted the applicant. The
22 failure to provide the information required by this subsection will
23 not result in the application being deemed incomplete.

24 14. An application to register to vote must be made available to
25 all persons, regardless of political party affiliation.

26 15. An application must not be altered or otherwise defaced
27 after the applicant has completed and signed it. An application must
28 be mailed or delivered in person to the office of the county clerk
29 within 10 days after it is completed.

30 16. A person who willfully violates any of the provisions of
31 subsection 13, 14 or 15 is guilty of a category E felony and shall be
32 punished as provided in NRS 193.130.

33 17. The Secretary of State shall adopt regulations to carry out
34 the provisions of this section.

35 **Sec. 25.** NRS 293.541 is hereby amended to read as follows:

36 293.541 1. The county clerk shall cancel the registration of a
37 voter if:

38 (a) After consultation with the district attorney, the district
39 attorney determines that there is probable cause to believe that
40 information in the registration concerning the identity or residence
41 of the voter is fraudulent;

42 (b) The county clerk provides a notice as required pursuant to
43 subsection 2 or executes an affidavit of cancellation pursuant to
44 subsection 3; and



- 1 (c) The voter fails to present ~~{satisfactory}~~ proof of identity and
2 *satisfactory proof of* residence pursuant to subsection 2, 4 or 5.
- 3 2. Except as otherwise provided in subsection 3, the county
4 clerk shall notify the voter by registered or certified mail, return
5 receipt requested, of a determination made pursuant to subsection 1.
6 The notice must set forth the grounds for cancellation. Unless the
7 voter, within 15 days after the return receipt has been filed in the
8 office of the county clerk, presents ~~{satisfactory}~~ proof of identity
9 and *satisfactory proof of* residence to the county clerk, the county
10 clerk shall cancel the voter's registration.
- 11 3. If insufficient time exists before a pending election to
12 provide the notice required by subsection 2, the county clerk shall
13 execute an affidavit of cancellation and file the affidavit of
14 cancellation with the registrar of voters' register and:
- 15 (a) In counties where records of registration are not kept by
16 computer, the county clerk shall attach a copy of the affidavit of
17 cancellation in the election board register.
- 18 (b) In counties where records of registration are kept by
19 computer, the county clerk shall have the affidavit of cancellation
20 printed on the computer entry for the registration and add a copy of
21 it to the election board register.
- 22 4. If a voter appears to vote at the election next following the
23 date that an affidavit of cancellation was executed for the voter
24 pursuant to this section, the voter must be allowed to vote only if the
25 voter furnishes:
- 26 (a) ~~{Official identification which contains a photograph of the~~
27 ~~voter, including, without limitation, a driver's license or other~~
28 ~~official document;}~~ *Proof of identity;* and
- 29 (b) Satisfactory ~~{identification that contains}~~ proof of the
30 address at which the voter actually resides and that address is
31 consistent with the address listed on the election board register.
- 32 5. If a determination is made pursuant to subsection 1
33 concerning information in the registration to vote of a voter and an
34 absent ballot or a ballot voted by a voter who resides in a mailing
35 precinct is received from the voter, the ballot must be kept separate
36 from other ballots and must not be counted unless the voter presents
37 ~~{satisfactory}~~ *proof of identity* to the county clerk ~~{of identity}~~ and
38 *satisfactory proof of* residence before such ballots are counted on
39 election day.
- 40 6. For the purposes of this section, a voter registration card
41 issued pursuant to NRS 293.517 does not provide proof of the:
- 42 (a) Address at which a person actually resides; or
43 (b) Residence ~~{or identity}~~ of a person.



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.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to the residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the *documents and* proof of ~~identity and~~ residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified



1 address, unless the candidate has designated in writing to the city
2 clerk a different address for that purpose, in which case the city
3 clerk shall mail the copy to the last address so designated.

4 6. If the city clerk receives credible evidence indicating that a
5 candidate has been convicted of a felony and has not had his or her
6 civil rights restored by a court of competent jurisdiction, the city
7 clerk:

8 (a) May conduct an investigation to determine whether the
9 candidate has been convicted of a felony and, if so, whether the
10 candidate has had his or her civil rights restored by a court of
11 competent jurisdiction; and

12 (b) Shall transmit the credible evidence and the findings from
13 such investigation to the city attorney.

14 7. The receipt of information by the city attorney pursuant to
15 subsection 6 must be treated as a challenge of a candidate pursuant
16 to subsections 4 and 5 of NRS 293C.186. If the ballots are printed
17 before a court of competent jurisdiction makes a determination that
18 a candidate has been convicted of a felony and has not had his or her
19 civil rights restored by a court of competent jurisdiction, the city
20 clerk must post a notice at each polling place where the candidate's
21 name will appear on the ballot informing the voters that the
22 candidate is disqualified from entering upon the duties of the office
23 for which the candidate filed the declaration of candidacy or
24 acceptance of candidacy.

25 **Sec. 27.** NRS 293C.270 is hereby amended to read as follows:

26 293C.270 ~~HH~~ If a person's name appears in the election
27 board register or if the person provides an affirmation pursuant to
28 NRS 293C.525, the person is entitled to vote and must :

29 **1. Present proof of identity; and**

30 **2. Except as otherwise provided in NRS 293C.272,** sign his or
31 her name in the election board register when he or she applies to
32 vote. The signature must be compared by an election board officer
33 with the signature or a facsimile thereof on the person's original
34 application to register to vote or ~~one of the forms of identification~~
35 ~~listed in subsection 2.~~

36 ~~—2. The forms of identification that may be used to identify a~~
37 ~~voter at the polling place are:~~

38 ~~—(a) The card issued to the voter at the time he or she registered~~
39 ~~to vote;~~

40 ~~—(b) A driver's license;~~

41 ~~—(c) An identification card issued by the Department of Motor~~
42 ~~Vehicles;~~

43 ~~—(d) A military identification card; or~~



1 ~~—(e) Any other form of identification issued by a governmental~~
2 ~~agency that contains the voter’s signature and physical description~~
3 ~~or picture.] on his or her proof of identity.~~

4 **Sec. 28.** NRS 293C.272 is hereby amended to read as follows:

5 293C.272 Any registered voter who is unable to sign his or her
6 name must ~~be~~ :

7 1. *Present proof of identity; and*

8 2. *Be further* identified by answering questions covering the
9 personal data that is reported on the original application to register
10 to vote. The officer in charge of the roster shall stamp, write or print
11 “Identified as” to the left of the voter’s name.

12 **Sec. 29.** NRS 293C.275 is hereby amended to read as follows:

13 293C.275 A registered voter who applies to vote must state his
14 or her name to the election board officer in charge of the election
15 board register, and the officer shall immediately announce the name
16 , ~~and~~ take the registered voter’s signature ~~and~~ *and require that the*
17 *registered voter present proof of identity.*

18 **Sec. 30.** NRS 293C.277 is hereby amended to read as follows:

19 293C.277 ~~1. A registered voter who applies to vote at an~~
20 ~~election must give his or her name to the election board officer in~~
21 ~~charge of the election board register, and the officer shall~~
22 ~~immediately announce the name of the voter.~~

23 ~~2.]~~ Any person’s right to vote may be challenged by a
24 registered voter upon any of the grounds allowed for a challenge in
25 NRS 293C.292. Any such challenge must be disposed of in the
26 manner provided in NRS 293C.292.

27 **Sec. 31.** NRS 293C.292 is hereby amended to read as follows:

28 293C.292 1. A person applying to vote may be challenged:

29 (a) Orally by any registered voter of the precinct or district upon
30 the ground that he or she is not the person entitled to vote as claimed
31 or has voted before at the same election; or

32 (b) On any ground set forth in a challenge filed with the county
33 clerk pursuant to the provisions of NRS 293.547.

34 2. If a person is challenged, an election board officer shall
35 tender the challenged person the following oath or affirmation:

36 (a) If the challenge is on the ground that the challenged person
37 does not reside at the residence for which the address is listed in the
38 election board register, “I swear or affirm under penalty of perjury
39 that I reside at the residence for which the address is listed in the
40 election board register”;

41 (b) If the challenge is on the ground that the challenged person
42 previously voted a ballot for the election, “I swear or affirm under
43 penalty of perjury that I have not voted for any of the candidates or
44 questions included on this ballot for this election”; or



1 (c) If the challenge is on the ground that the challenged person is
2 not the person he or she claims to be, "I swear or affirm under
3 penalty of perjury that I am the person whose name is in this
4 election board register."

5 ➤ The oath or affirmation must be set forth on a form prepared by
6 the Secretary of State and signed by the challenged person under
7 penalty of perjury.

8 3. If the challenged person refuses to execute the oath or
9 affirmation so tendered, he or she must not be issued a ballot, and
10 the officer in charge of the election board register shall write the
11 words "Challenged" opposite his or her name in the
12 election board register.

13 4. If the challenged person refuses to execute the oath or
14 affirmation set forth in paragraph (a) of subsection 2, the election
15 board officers shall inform the person that he or she is entitled to
16 vote only in the manner prescribed in NRS 293C.295.

17 5. If the challenged person executes the oath or affirmation and
18 the challenge is not based on the ground set forth in paragraph (c) of
19 subsection 2, the election board officers shall issue him or her a
20 ballot.

21 6. If the challenge is based on the ground set forth in paragraph
22 (a) of subsection 2, and the challenged person executes the oath or
23 affirmation, the election board shall not issue the person a ballot
24 until he or she furnishes satisfactory identification that contains
25 proof of the address at which the person actually resides. For the
26 purposes of this subsection, a voter registration card issued pursuant
27 to NRS 293.517 does not provide proof of the address at which a
28 person resides.

29 7. If the challenge is based on the ground set forth in paragraph
30 (c) of subsection 2 and the challenged person executes the oath or
31 affirmation, the election board shall not issue the person a ballot
32 unless the person:

33 (a) Furnishes ~~{official identification which contains a~~
34 ~~photograph of the person, such as a driver's license or other official~~
35 ~~document;}~~ **proof of identity;** or

36 (b) Brings before the election board officers a person who is at
37 least 18 years of age who:

38 (1) Furnishes ~~{official identification which contains a~~
39 ~~photograph of the person, such as a driver's license or other official~~
40 ~~document;}~~ **his or her own proof of identity;** and

41 (2) Executes an oath or affirmation under penalty of perjury
42 that the challenged person is who he or she swears to be.

43 8. The election board officers shall:

44 (a) Record on the challenge list:

45 (1) The name of the challenged person;



1 (2) The name of the registered voter who initiated the
2 challenge; and

3 (3) The result of the challenge; and

4 (b) If possible, orally notify the registered voter who initiated
5 the challenge of the result of the challenge.

6 **Sec. 32.** NRS 293C.330 is hereby amended to read as follows:

7 293C.330 1. Except as otherwise provided in subsection 2 of
8 NRS 293C.322 and chapter 293D of NRS, and any regulations
9 adopted pursuant thereto, when an absent voter receives an absent
10 ballot, the absent voter must mark and fold it in accordance with the
11 instructions, deposit it in the return envelope, seal the envelope,
12 affix his or her signature on the back of the envelope in the space
13 provided therefor and mail the return envelope.

14 2. Except as otherwise provided in subsection 3, if an absent
15 voter who has requested a ballot by mail applies to vote the ballot in
16 person at:

17 (a) The office of the city clerk, the absent voter must mark the
18 ballot, seal it in the return envelope and affix his or her signature in
19 the same manner as provided in subsection 1, and deliver the
20 envelope to the city clerk.

21 (b) A polling place, including, without limitation, a polling place
22 for early voting, the absent voter must surrender the absent ballot
23 and provide ~~[satisfactory identification]~~ *proof of identity* before
24 being issued a ballot to vote at the polling place. A person who
25 receives a surrendered absent ballot shall mark it "Cancelled."

26 3. If an absent voter who has requested a ballot by mail applies
27 to vote in person at the office of the city clerk or a polling place,
28 including, without limitation, a polling place for early voting, and
29 the voter does not have the absent ballot to deliver or surrender, the
30 voter must be issued a ballot to vote if the voter:

31 (a) Provides ~~[satisfactory identification;]~~ *proof of identity;*

32 (b) Is a registered voter who is otherwise entitled to vote; and

33 (c) Signs an affirmation under penalty of perjury on a form
34 prepared by the Secretary of State declaring that the voter has not
35 voted during the election.

36 4. Except as otherwise provided in NRS 293C.317, it is
37 unlawful for any person to return an absent ballot other than the
38 voter who requested the absent ballot or, at the request of the voter,
39 a member of the voter's family. A person who returns an absent
40 ballot and who is a member of the family of the voter who requested
41 the absent ballot shall, under penalty of perjury, indicate on a form
42 prescribed by the city clerk that the person is a member of the
43 family of the voter who requested the absent ballot and that the
44 voter requested that the person return the absent ballot. A person



1 who violates the provisions of this subsection is guilty of a category
2 E felony and shall be punished as provided in NRS 193.130.

3 **Sec. 33.** NRS 293C.356 is hereby amended to read as follows:

4 293C.356 1. If a request is made to vote early by a registered
5 voter in person, the city clerk shall, *except as otherwise provided in*
6 *NRS 293C.3585*, issue a ballot for early voting to the voter. Such a
7 ballot must be voted on the premises of the clerk's office and
8 returned to the clerk.

9 2. On the dates for early voting prescribed in NRS 293C.3568,
10 each city clerk shall provide a voting booth, with suitable equipment
11 for voting, on the premises of the city clerk's office for use by
12 registered voters who are issued ballots for early voting in
13 accordance with this section.

14 **Sec. 34.** NRS 293C.3585 is hereby amended to read as
15 follows:

16 293C.3585 1. Upon the appearance of a person to cast a
17 ballot for early voting, the deputy clerk for early voting shall †:

18 ~~—(a) Determine that†~~ *determine whether* the person is a registered
19 voter in the county †;

20 ~~—(b)† and, if so:~~

21 (a) Instruct the voter to sign the roster for early voting;

22 (b) *Require the voter to present proof of identity;* and

23 (c) Verify the signature of the voter against that contained on the
24 original application to register to vote or a facsimile thereof, the
25 card issued to the voter at the time of registration or ~~†some other~~
26 ~~piece of official identification.†~~ *the voter's proof of identity.*

27 2. The city clerk shall prescribe a procedure, approved by the
28 Secretary of State, to determine that the voter has not already voted
29 pursuant to this section.

30 3. The roster for early voting must contain:

31 (a) The voter's name, the address where he or she is registered
32 to vote, his or her voter identification number and a place for the
33 voter's signature;

34 (b) The voter's precinct or voting district number; and

35 (c) The date of voting early in person.

36 4. When a voter is entitled to cast a ballot and has identified
37 himself or herself to the satisfaction of the deputy clerk for early
38 voting, the voter is entitled to receive the appropriate ballot or
39 ballots, but only for his or her own use at the polling place for early
40 voting.

41 5. If the ballot is voted on a mechanical recording device which
42 directly records the votes electronically, the deputy clerk for early
43 voting shall:

44 (a) Prepare the mechanical recording device for the voter;



- 1 (b) Ensure that the voter's precinct or voting district and the
2 form of ballot are indicated on the voting receipt, if the city clerk
3 uses voting receipts; and
4 (c) Allow the voter to cast a vote.
5 6. A voter applying to vote early by personal appearance may
6 be challenged pursuant to NRS 293C.292.
7 **Sec. 35.** This act becomes effective:
8 1. Upon passage and approval for the purpose of adopting
9 regulations and performing other preparatory administrative tasks
10 that are necessary to carry out the provisions of this act; and
11 2. On January 1, 2016, for all other purposes.



