

ASSEMBLY BILL NO. 327—ASSEMBLYMAN HAMBRICK

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections. (BDR 24-1003)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; eliminating early voting in elections; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that a person provide satisfactory identification to vote in
2 person or cast an absent ballot. (NRS 293.2725, 293.277, 293.303, 293.3081,
3 293.3082, 293.3083, 293.3085, 293.313, 293.3157, 293.316, 293.330, 293.353,
4 293.3585, 293.5235, 293.541, 293C.270, 293C.292, 293C.310, 293C.330,
5 293C.332, 293C.3585) This bill requires that a person provide one of the forms of
6 photographic identification specified in **section 2** of this bill to vote in person or
7 cast an absent ballot. **Section 2** provides a definition of “photographic
8 identification” that is limited to a driver’s license or identification card issued by
9 the Department of Motor Vehicles, an identification card issued by a branch of the
10 Armed Forces of the United States, a United States passport, an identification card
11 issued by an Indian tribe or a voter identification card issued by a county clerk.
12 **Sections 3-6** of this bill: (1) require a county clerk to issue a voter identification
13 card, free of charge, to a person who does not possess one of the forms of required
14 photographic identification; (2) set forth requirements for the issuance of voter
15 identification cards; and (3) require that the Secretary of State adopt regulations to
16 carry out the provisions of those sections.

17 Under existing law, a registered voter who wishes to vote an absent ballot in an
18 election must provide sufficient written notice to a city or county clerk in advance
19 of the election. (NRS 293.313, 293C.310) **Sections 17 and 32** of this bill provide



20 that the written notice must include the name, address and date of birth of the
21 registered voter, a statement that the requester is a registered voter, a statement
22 identifying the election for which the absent ballot is requested, the political
23 affiliation of the registered voter if the election is a primary election, the address to
24 which the absent ballot should be mailed and one other form of identifying
25 information or document of the registered voter.

26 The provisions of this bill which require that a person present one of the forms
27 of photographic identification specified in **section 2** to vote in person or cast an
28 absent ballot are similar to the provisions of an Indiana law which the United States
29 Supreme Court determined does not unconstitutionally burden a person's right to
30 vote, in part because the person can obtain one of the forms of required
31 photographic identification free of charge. (*Crawford v. Marion Cty. Election Bd.*,
32 128 S. Ct. 1610 (2008))

33 Finally, **sections 8, 18-22, 25-28 and 33-35** of this bill eliminate early voting in
34 primary elections, primary city elections, general elections and general city
35 elections.

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.** *“Photographic identification” means one of the*
5 *following forms of identification if it bears a recognizable*
6 *photograph of the person presenting it as identification:*

7 1. *A driver’s license or identification card issued by the*
8 *Department of Motor Vehicles;*

9 2. *An identification card issued by a branch of the Armed*
10 *Forces of the United States;*

11 3. *A United States passport;*

12 4. *An identification card issued by an Indian tribe; or*

13 5. *A voter identification card issued pursuant to section 3 of*
14 *this act.*

15 **Sec. 3.** 1. *A county clerk shall, in accordance with*
16 *regulations adopted by the Secretary of State pursuant to section 6*
17 *of this act:*

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

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

20 (2) *Does not possess a form of photographic identification*
21 *described in subsections 1 to 4, inclusive, of section 2 of this act;*
22 *and*

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

24 (b) *Provide at least one place in the county at which the county*
25 *clerk accepts applications for and issues voter identification cards.*

26 2. *A county clerk shall not charge a fee for the issuance of a*
27 *voter identification card.*



1 **Sec. 4.** *A person who wishes to obtain a voter identification*
2 *card must submit to the county clerk:*

3 1. *An application in the form prescribed by the Secretary of*
4 *State;*

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

6 3. *A voter registration card issued to the applicant pursuant*
7 *to NRS 293.517 or other evidence that the applicant is registered*
8 *to vote in this State; and*

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

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

16 1. *Must include, without limitation:*

17 (a) *The name, address, date of birth, sex, height, weight, eye*
18 *color and photograph of the person;*

19 (b) *The date of issuance of the voter identification card;*

20 (c) *The name of the county in which the voter identification*
21 *card was issued; and*

22 (d) *Any other information required by the Secretary of State.*

23 2. *Is valid so long as the person is registered to vote and*
24 *resides at the address stated on the voter identification card.*

25 **Sec. 6.** *The Secretary of State shall:*

26 1. *Provide each county clerk with the equipment, forms,*
27 *supplies and training that are necessary for the issuance of voter*
28 *identification cards.*

29 2. *Adopt regulations to carry out the provisions of sections 3*
30 *to 6, inclusive, of this act.*

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 293.2546 is hereby amended to read as follows:

37 293.2546 The Legislature hereby declares that each voter has
38 the right:

39 1. To receive and cast a ballot that:

40 (a) Is written in a format that allows the clear identification of
41 candidates; and

42 (b) Accurately records the voter's preference in the selection of
43 candidates.



- 1 2. To have questions concerning voting procedures answered
- 2 and to have an explanation of the procedures for voting posted in a
- 3 conspicuous place at the polling place.
- 4 3. To vote without being intimidated, threatened or coerced.
- 5 4. To vote on election day if the voter is waiting in line at his
- 6 or her polling place to vote before 7 p.m. and the voter has not
- 7 already cast a vote in that election.
- 8 5. To return a spoiled ballot and is entitled to receive another
- 9 ballot in its place.
- 10 6. To request assistance in voting, if necessary.
- 11 7. To a sample ballot which is accurate, informative and
- 12 delivered in a timely manner.
- 13 8. To receive instruction in the use of the equipment for voting
- 14 ~~[during early voting or]~~ on election day.
- 15 9. To have nondiscriminatory equal access to the elections
- 16 system, including, without limitation, a voter who is elderly,
- 17 disabled, a member of a minority group, employed by the military or
- 18 a citizen who is overseas.
- 19 10. To have a uniform, statewide standard for counting and
- 20 recounting all votes accurately.
- 21 11. To have complaints about elections and election contests
- 22 resolved fairly, accurately and efficiently.

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

24 293.2725 1. Except as otherwise provided in subsection 2, in

25 NRS 293.3081 and 293.3083 and in federal law, a person who

26 registers by mail to vote in this State and who has not previously

27 voted in an election for federal office in this State:

28 (a) May vote at a polling place only if the person presents

29 *photographic identification* to the election board officer at the

30 polling place ; ~~[-~~

31 ~~— (1) A current and valid photo identification of the person; or~~

32 ~~— (2) A copy of a current utility bill, bank statement, paycheck,~~

33 ~~or document issued by a governmental entity, including a check~~

34 ~~which indicates the name and address of the person, but not~~

35 ~~including a voter registration card issued pursuant to NRS 293.517;]~~

36 and

37 (b) May vote by mail only if the person provides *a copy of his*

38 *or her photographic identification* to the county or city clerk . ~~[-~~

39 ~~— (1) A copy of a current and valid photo identification of the~~

40 ~~person; or~~

41 ~~— (2) A copy of a current utility bill, bank statement, paycheck,~~

42 ~~or document issued by a governmental entity, including a check~~

43 ~~which indicates the name and address of the person, but not~~

44 ~~including a voter registration card issued pursuant to NRS 293.517.]~~



2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote ~~[-~~

~~(1) A] a copy of [a current and valid photo] his or her photographic identification; [or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;~~

~~(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;~~

~~(c)]~~

(b) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

~~[(d)]~~ (c) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

~~[(e)]~~ (d) Is entitled to vote otherwise than in person under any other federal law.

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

293.277 ~~[-]~~ Except as otherwise provided in NRS 293.541, if a person's name appears in the election board register, ~~[or if the person provides an affirmation pursuant to NRS 293.525.]~~ the person is entitled to vote and must ~~[sign]~~ :

1. *Present photographic identification; and*

2. *Sign* his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or ~~[one of the forms of identification listed in subsection 2.~~

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

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

~~(b) A driver's license;~~

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

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



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

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

5 293.283 Any registered voter who is unable to sign his or her
6 name must ~~[be]~~ :

7 **1. Present photographic identification; and**

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

12 **Sec. 12.** NRS 293.303 is hereby amended to read as follows:

13 293.303 1. A person applying to vote may be challenged:

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

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

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

25 (a) If the challenge is on the ground that the challenged person
26 does not belong to the political party designated upon the register, “I
27 swear or affirm under penalty of perjury that I belong to the political
28 party designated upon the register”;

29 (b) If the challenge is on the ground that the register does not
30 show that the challenged person designated the political party to
31 which he or she claims to belong, “I swear or affirm under penalty
32 of perjury that I designated on the application to register to vote the
33 political party to which I claim to belong”;

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

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

43 (e) If the challenge is on the ground that the challenged person is
44 not the person he or she claims to be, “I swear or affirm under



1 penalty of perjury that I am the person whose name is in this
2 election board register.”

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

6 3. Except as otherwise provided in subsection 4, if the
7 challenged person refuses to execute the oath or affirmation so
8 tendered, he or she must not be issued a ballot, and the officer in
9 charge of the election board register shall write the words
10 “Challenged” opposite his or her name in the election
11 board register.

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

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

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

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

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

35 (a) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
36 ~~contains a photograph of the person, such as a driver’s license or~~
37 ~~other official document;}~~ or

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

40 (1) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
41 ~~contains a photograph of that person, such as a driver’s license or~~
42 ~~other official document;}~~ and

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

45 9. The election board officers shall:



1 (a) Record on the challenge list:

2 (1) The name of the challenged person;

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

5 (3) The result of the challenge; and

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

8 **Sec. 13.** NRS 293.3081 is hereby amended to read as follows:

9 293.3081 A person at a polling place may cast a provisional
10 ballot in an election to vote for a candidate for federal office if the
11 person complies with the applicable provisions of NRS 293.3082
12 and:

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

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

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

20 (c) *The person fails to provide the photographic identification*
21 *required by NRS 293.277;*

22 2. Applies by mail, on or after January 1, 2003, to register to
23 vote and has not previously voted in an election for federal office in
24 this State and fails to provide the identification required pursuant to
25 paragraph (a) of subsection 1 of NRS 293.2725 to the election board
26 officer at the polling place; *or*

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

31 **Sec. 14.** NRS 293.3082 is hereby amended to read as follows:

32 293.3082 1. Before a person may cast a provisional ballot
33 pursuant to NRS 293.3081, the person must complete a written
34 affirmation on a form provided by an election board officer, as
35 prescribed by the Secretary of State, at the polling place which
36 includes:

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

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

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

42 (d) The date and type of election;

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

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



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

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

5 (1) An indication by the person as to whether or not he or she
6 provided the required *photographic* identification at the time the
7 person applied to register to vote;

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

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

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

14 (5) A statement informing the voter that if the voter does not
15 provide *photographic* identification at the time the voter casts the
16 provisional ballot, the required *photographic* identification must be
17 provided to the county or city clerk not later than 5 p.m. on the
18 Friday following election day and that failure to do so will result in
19 the provisional ballot not being counted;

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

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

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

26 (3) A statement informing the voter that the required
27 *photographic* identification must be provided to the county or city
28 clerk not later than 5 p.m. on the Friday following election day and
29 that failure to do so will result in the provisional ballot not being
30 counted; and

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

34 2. After a person completes a written affirmation pursuant to
35 subsection 1:

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

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



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

3 **Sec. 15.** NRS 293.3083 is hereby amended to read as follows:

4 293.3083 A person may cast a ballot by mail to vote for a
5 candidate for federal office, which must be treated as a provisional
6 ballot by the county or city clerk if the person:

7 1. Applies by mail to register to vote and has not previously
8 voted in an election for federal office in this State;

9 2. Fails to provide the *photographic* identification required
10 pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the
11 county or city clerk at the time that the person mails the ballot; and

12 3. Completes the written affirmation set forth in subsection 1
13 of NRS 293.3082.

14 **Sec. 16.** NRS 293.3085 is hereby amended to read as follows:

15 293.3085 1. Following each election, a canvass of the
16 provisional ballots cast in the election must be conducted pursuant
17 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

18 2. The county and city clerk shall not:

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

21 (b) Open any envelope containing a provisional ballot before
22 8 a.m. on the Wednesday following election day.

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

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

29 (b) A voter who failed to provide *the* required *photographic*
30 identification at the polling place or with his or her mailed ballot
31 provides the required *photographic* identification to the county or
32 city clerk not later than 5 p.m. on the Friday following election day;
33 or

34 (c) A court order has not been issued by 5 p.m. on the Friday
35 following election day directing that provisional ballots cast
36 pursuant to subsection 3 of NRS 293.3081 not be counted, and the
37 provisional ballot was cast pursuant to subsection 3 of
38 NRS 293.3081.

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

42 **Sec. 17.** NRS 293.313 is hereby amended to read as follows:

43 293.313 1. Except as otherwise provided in NRS 293.272
44 and 293.502, a registered voter who provides sufficient written



1 notice to the county clerk may vote an absent ballot as provided in
2 this chapter.

3 2. A registered voter who:

4 (a) Is at least 65 years of age; or

5 (b) Has a physical disability or condition which substantially
6 impairs his or her ability to go to the polling place,

7 may request an absent ballot for all elections held during the year
8 he or she requests an absent ballot.

9 3. A county clerk shall consider a request from a voter who has
10 given sufficient written notice on a form provided by the Federal
11 Government as a request for an absent ballot for the two primary
12 and general elections immediately following the date on which the
13 county clerk received the request.

14 4. It is unlawful for a person fraudulently to request an absent
15 ballot in the name of another person or to induce or coerce another
16 person fraudulently to request an absent ballot in the name of
17 another person. A person who violates this subsection is guilty of a
18 category E felony and shall be punished as provided in
19 NRS 193.130.

20 5. *A request from a voter for an absent ballot that is*
21 *submitted on a form other than a form provided by the Federal*
22 *Government must include, without limitation:*

23 (a) *The name and address of the registered voter;*

24 (b) *The date of birth of the registered voter;*

25 (c) *A statement that the person requesting the absent ballot is a*
26 *registered voter;*

27 (d) *A statement identifying the election for which the absent*
28 *ballot is requested;*

29 (e) *If the election identified pursuant to paragraph (d) is a*
30 *primary election, the political affiliation of the registered voter;*

31 (f) *The address to which the registered voter desires the absent*
32 *ballot to be mailed, if that address is different from the address*
33 *provided pursuant to paragraph (a); and*

34 (g) *One of the following:*

35 (1) *The driver's license number of the registered voter;*

36 (2) *The last four digits of the social security number of the*
37 *registered voter;*

38 (3) *A copy of the photographic identification of the*
39 *registered voter, which must include the name and address of the*
40 *registered voter; or*

41 (4) *A copy of a current utility bill, bank statement,*
42 *paycheck or document issued by a governmental entity, including*
43 *a check but not including a voter registration card issued pursuant*
44 *to NRS 293.517, which must include the name and address of the*
45 *registered voter.*



1 **6.** As used in this section, “sufficient written notice” means a:

2 (a) Written request for an absent ballot which *complies with the*
3 *requirements of subsection 5 and which* is signed by the registered
4 voter and returned to the county clerk in person or by mail or
5 facsimile machine;

6 (b) Form prescribed by the Secretary of State which *complies*
7 *with the requirements of subsection 5 and which* is completed and
8 signed by the registered voter and returned to the county clerk in
9 person or by mail or facsimile machine; or

10 (c) Form provided by the Federal Government.

11 **Sec. 18.** NRS 293.330 is hereby amended to read as follows:

12 293.330 1. Except as otherwise provided in NRS 293.3157
13 and subsection 2 of NRS 293.323 and any regulations adopted
14 pursuant thereto, when an absent voter receives an absent ballot, the
15 absent voter must mark and fold it in accordance with the
16 instructions, deposit it in the return envelope, seal the envelope,
17 affix his or her signature on the back of the envelope in the space
18 provided therefor and mail the return envelope.

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

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

26 (b) A polling place, ~~[including, without limitation, a polling~~
27 ~~place for early voting,]~~ the absent voter must surrender the absent
28 ballot and provide satisfactory *photographic* identification before
29 being issued a ballot to vote at the polling place. A person who
30 receives a surrendered absent ballot shall mark it “Cancelled.”

31 3. If an absent voter who has requested a ballot by mail applies
32 to vote in person at the office of the county clerk or a polling place
33 ~~[, including, without limitation, a polling place for early voting,]~~ and
34 the voter does not have the absent ballot to deliver or surrender, the
35 voter must be issued a ballot to vote if the voter:

36 (a) Provides satisfactory *photographic* identification;

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

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

41 4. Except as otherwise provided in NRS 293.316, it is unlawful
42 for any person to return an absent ballot other than the voter who
43 requested the absent ballot or, at the request of the voter, a member
44 of the voter’s family. A person who returns an absent ballot and who
45 is a member of the family of the voter who requested the absent



1 ballot shall, under penalty of perjury, indicate on a form prescribed
2 by the county clerk that the person is a member of the family of the
3 voter who requested the absent ballot and that the voter requested
4 that the person return the absent ballot. A person who violates the
5 provisions of this subsection is guilty of a category E felony and
6 shall be punished as provided in NRS 193.130.

7 **Sec. 19.** NRS 293.343 is hereby amended to read as follows:

8 293.343 1. A registered voter who resides in an election
9 precinct in which there were not more than 200 voters registered for
10 the last preceding general election, or in a precinct in which it
11 appears to the satisfaction of the county clerk that there are not more
12 than 200 registered voters, may vote at any election regulated by
13 this chapter in the manner provided in NRS 293.345 to 293.355,
14 inclusive.

15 2. Whenever the county clerk has designated a precinct as a
16 mailing precinct, registered voters residing in that precinct may vote
17 at any election regulated by this chapter in the manner provided in
18 NRS 293.345 to 293.355, inclusive.

19 3. In a county whose population is 100,000 or more, whenever
20 a registered voter is entitled to vote in a mailing precinct or an
21 absent ballot mailing precinct, the county clerk ~~;~~

22 ~~—(a) Shall~~ shall designate at least one polling place in the county
23 as the polling place where such a voter may vote in person, pursuant
24 to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of
25 NRS 293.353, on election day . ~~;~~ and

26 ~~—(b) May designate certain polling places for early voting as the~~
27 ~~polling places where such a voter may vote in person, pursuant to~~
28 ~~paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of~~
29 ~~NRS 293.353, during the period for early voting, if it is impractical~~
30 ~~for the county clerk to provide at each polling place for early voting~~
31 ~~a ballot in every form required in the county.]~~

32 4. In a county whose population is less than 100,000, whenever
33 a registered voter is entitled to vote in a mailing precinct or an
34 absent ballot mailing precinct, the county clerk ~~;~~

35 ~~—(a) May~~ may designate one or more polling places in the county
36 as the polling place where such a voter may vote in person, pursuant
37 to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of
38 NRS 293.353, on election day . ~~;~~ and

39 ~~—(b) May designate certain polling places for early voting as the~~
40 ~~polling places where such a voter may vote in person, pursuant to~~
41 ~~paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of~~
42 ~~NRS 293.353, during the period for early voting, if it is impractical~~
43 ~~for the county clerk to provide at each polling place for early voting~~
44 ~~a ballot in every form required in the county.]~~



1 5. Polling places designated pursuant to subsection 3 or 4 may
2 include, without limitation, polling places located as closely as
3 practicable to the mailing precincts.

4 **Sec. 20.** NRS 293.345 is hereby amended to read as follows:

5 293.345 1. Before 5 p.m. on the ~~[last business day preceding~~
6 ~~the first day of the period for early voting for any]~~ *third Friday*
7 *preceding a* primary election or general election, the county clerk
8 shall cause to be mailed to each registered voter in each mailing
9 precinct and in each absent ballot mailing precinct an official
10 mailing ballot, and accompanying supplies, as specified in
11 NRS 293.350.

12 2. If the county clerk has designated, pursuant to subsection 3
13 or 4 of NRS 293.343, one or more polling places where a voter may
14 vote in person, the official ballot and the sample ballot must include
15 a notice in bold type informing the voter of the location of the
16 designated polling place or polling places on election day ~~[and the~~
17 ~~polling places during the period for early voting]~~ where the voter
18 may vote in person pursuant to paragraph (b) of subsection 2 of
19 NRS 293.353 or subsection 3 of NRS 293.353.

20 **Sec. 21.** NRS 293.353 is hereby amended to read as follows:

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

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

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

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

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



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

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

17 **Sec. 22.** NRS 293.4695 is hereby amended to read as follows:

18 293.4695 1. Each county clerk shall collect the following
19 information regarding each primary and general election, on a form
20 provided by the Secretary of State and made available at each
21 polling place in the county, ~~[each polling place for early voting in~~
22 ~~the county.]~~ the office of the county clerk and any other location
23 deemed appropriate by the Secretary of State:

24 (a) The number of ballots that have been discarded or for any
25 reason not included in the final canvass of votes, along with an
26 explanation for the exclusion of each such ballot from the final
27 canvass of votes.

28 (b) A report on each malfunction of any mechanical voting
29 system, including, without limitation:

30 (1) Any known reason for the malfunction;

31 (2) The length of time during which the mechanical voting
32 system could not be used;

33 (3) Any remedy for the malfunction which was used at the
34 time of the malfunction; and

35 (4) Any effect the malfunction had on the election process.

36 (c) A list of each polling place not open during the time
37 prescribed pursuant to NRS 293.273 and an account explaining why
38 each such polling place was not open during the time prescribed
39 pursuant to NRS 293.273.

40 (d) A description of each challenge made to the eligibility of a
41 voter pursuant to NRS 293.303 and the result of each such
42 challenge.

43 (e) A description of each complaint regarding a ballot cast by
44 mail or facsimile filed with the county clerk and the resolution, if
45 any, of the complaint.



1 (f) The results of any audit of election procedures and practices
2 conducted pursuant to regulations adopted by the Secretary of State
3 pursuant to this chapter.

4 (g) The number of provisional ballots cast and the reason for the
5 casting of each provisional ballot.

6 2. Each county clerk shall submit to the Secretary of State, on a
7 form provided by the Secretary of State, the information collected
8 pursuant to subsection 1 not more than 60 days after each primary
9 and general election.

10 3. The Secretary of State may contact any political party and
11 request information to assist in the investigation of any allegation of
12 voter intimidation.

13 4. The Secretary of State shall establish and maintain an
14 Internet website pursuant to which the Secretary of State shall solicit
15 and collect voter comments regarding election processes.

16 5. The Secretary of State shall compile the information and
17 comments collected pursuant to this section into a report and shall
18 submit the report to the Director of the Legislative Counsel Bureau
19 for transmission to the Legislature not later than 30 days before the
20 start of each regular session of the Legislature.

21 6. The Secretary of State may make the report required
22 pursuant to subsection 5 available on an Internet website established
23 and maintained by the Secretary of State.

24 **Sec. 23.** NRS 293.5235 is hereby amended to read as follows:

25 293.5235 1. Except as otherwise provided in NRS 293.502, a
26 person may register to vote by mailing an application to register to
27 vote to the county clerk of the county in which the person resides.
28 The county clerk shall, upon request, mail an application to register
29 to vote to an applicant. The county clerk shall make the applications
30 available at various public places in the county. An application to
31 register to vote may be used to correct information in the registrar of
32 voters' register.

33 2. An application to register to vote which is mailed to an
34 applicant by the county clerk or made available to the public at
35 various locations or voter registration agencies in the county may be
36 returned to the county clerk by mail or in person. For the purposes
37 of this section, an application which is personally delivered to the
38 county clerk shall be deemed to have been returned by mail.

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

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



1 5. If the county clerk determines that the application is
2 complete, he or she shall, within 10 days after receiving the
3 application, 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 6. Except as otherwise provided in subsection 5 of NRS
9 293.518, if the county clerk determines that the application is not
10 complete, the county clerk shall, as soon as possible, mail a notice to
11 the applicant that additional information is required to complete the
12 application. If the applicant provides the information requested by
13 the county clerk within 15 days after the county clerk mails the
14 notice, the county clerk shall, within 10 days after receiving the
15 information, mail to the applicant:

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

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

20 ➤ If the applicant does not provide the additional information
21 within the prescribed period, the application is void.

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

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

30 9. The Secretary of State shall prescribe the form for an
31 application to register to vote by mail which must be used to register
32 to vote by mail in this State.

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

34 (a) A notice in at least 10-point type which states:
35

36 NOTICE: You are urged to return your application to
37 register to vote to the County Clerk in person or by mail. If
38 you choose to give your completed application to another
39 person to return to the County Clerk on your behalf, and the
40 person fails to deliver the application to the County Clerk,
41 you will not be registered to vote. Please retain the duplicate
42 copy or receipt from your application to register to vote.



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

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

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

11 (e) A statement informing the applicant that if the application is
12 submitted by mail and the applicant is registering to vote for the first
13 time, the applicant must ~~submit the information set forth in~~
14 ~~paragraph (a) of subsection 2 of NRS 293.2725 to avoid the~~
15 ~~requirements of subsection 1~~ *comply with the provisions* of NRS
16 293.2725. ~~[upon voting for the first time.]~~

17 11. Except as otherwise provided in subsection 5 of NRS
18 293.518, the county clerk shall not register a person to vote pursuant
19 to this section unless that person has provided all of the information
20 required by the application.

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

28 13. A person who, by mail, registers to vote pursuant to this
29 section may be assisted in completing the application to register to
30 vote by any other person. The application must include the mailing
31 address and signature of the person who assisted the applicant. The
32 failure to provide the information required by this subsection will
33 not result in the application being deemed incomplete.

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

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

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

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



1 **Sec. 24.** NRS 293.541 is hereby amended to read as follows:
2 293.541 1. The county clerk shall cancel the registration of a
3 voter if:

4 (a) After consultation with the district attorney, the district
5 attorney determines that there is probable cause to believe that
6 information in the registration concerning the identity or residence
7 of the voter is fraudulent;

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

11 (c) The voter fails to present satisfactory proof of identity and
12 residence pursuant to subsection 2, 4 or 5.

13 2. Except as otherwise provided in subsection 3, the county
14 clerk shall notify the voter by registered or certified mail, return
15 receipt requested, of a determination made pursuant to subsection 1.
16 The notice must set forth the grounds for cancellation. Unless the
17 voter, within 15 days after the return receipt has been filed in the
18 office of the county clerk, presents satisfactory proof of identity and
19 residence to the county clerk, the county clerk shall cancel the
20 voter's registration.

21 3. If insufficient time exists before a pending election to
22 provide the notice required by subsection 2, the county clerk shall
23 execute an affidavit of cancellation and file the affidavit of
24 cancellation with the registrar of voters' register and:

25 (a) In counties where records of registration are not kept by
26 computer, the county clerk shall attach a copy of the affidavit of
27 cancellation in the election board register.

28 (b) In counties where records of registration are kept by
29 computer, the county clerk shall have the affidavit of cancellation
30 printed on the computer entry for the registration and add a copy of
31 it to the election board register.

32 4. If a voter appears to vote at the election next following the
33 date that an affidavit of cancellation was executed for the voter
34 pursuant to this section, the voter must be allowed to vote only if the
35 voter furnishes ~~[-~~

36 ~~—(a) Official identification which contains a photograph of the~~
37 ~~voter, including, without limitation, a driver's license or other~~
38 ~~official document; and~~

39 ~~—(b) Satisfactory identification that contains proof of the address~~
40 ~~at which the voter actually resides and that address is consistent with~~
41 ~~the address listed on the election board register.] **photographic**~~
42 ~~identification.~~

43 5. If a determination is made pursuant to subsection 1
44 concerning information in the registration to vote of a voter and an
45 absent ballot or a ballot voted by a voter who resides in a mailing



1 precinct is received from the voter, the ballot must be kept separate
2 from other ballots and must not be counted unless the voter presents
3 satisfactory proof to the county clerk of identity and residence
4 before such ballots are counted on election day.

5 6. For the purposes of this section, a voter registration card
6 issued pursuant to NRS 293.517 does not provide proof of the:

- 7 (a) Address at which a person actually resides; or
- 8 (b) Residence or identity of a person.

9 **Sec. 25.** NRS 293.565 is hereby amended to read as follows:

10 293.565 1. Except as otherwise provided in subsection 2,
11 sample ballots must include:

12 (a) If applicable, the statement required by NRS 293.267;

13 (b) The fiscal note or description of anticipated financial effect,
14 as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482,
15 295.015 or 295.095 for each proposed constitutional amendment,
16 statewide measure, measure to be voted upon only by a special
17 district or political subdivision and advisory question;

18 (c) An explanation, as provided pursuant to NRS 218D.810,
19 293.250, 293.481, 293.482 or 295.121, of each proposed
20 constitutional amendment, statewide measure, measure to be voted
21 upon only by a special district or political subdivision and advisory
22 question;

23 (d) Arguments for and against each proposed constitutional
24 amendment, statewide measure, measure to be voted upon only by a
25 special district or political subdivision and advisory question, and
26 rebuttals to each argument, as provided pursuant to NRS 218D.810,
27 293.250, 293.252, 293.481, 293.482 or 295.121; and

28 (e) The full text of each proposed constitutional amendment.

29 2. Sample ballots that are mailed to registered voters may be
30 printed without the full text of each proposed constitutional
31 amendment if:

32 (a) The cost of printing the sample ballots would be significantly
33 reduced if the full text of each proposed constitutional amendment
34 were not included;

35 (b) The county clerk ensures that a sample ballot that includes
36 the full text of each proposed constitutional amendment is provided
37 at no charge to each registered voter who requests such a sample
38 ballot; and

39 (c) The sample ballots provided to each polling place include the
40 full text of each proposed constitutional amendment.

41 3. Before the ~~[period for early voting for any election begins.]~~
42 *third Saturday preceding a primary or general election*, the county
43 clerk shall cause to be mailed to each registered voter in the county
44 a sample ballot for his or her precinct, with a notice informing the



1 voter of the location of his or her polling place. If the location of the
2 polling place has changed since the last election:

3 (a) The county clerk shall mail a notice of the change to each
4 registered voter in the county not sooner than 10 days before
5 mailing the sample ballots; or

6 (b) The sample ballot must also include a notice in bold type
7 immediately above the location which states:

8
9 **NOTICE: THE LOCATION OF YOUR POLLING PLACE**
10 **HAS CHANGED SINCE THE LAST ELECTION**
11

12 4. Except as otherwise provided in subsection 5, a sample
13 ballot required to be mailed pursuant to this section must:

14 (a) Be printed in at least 12-point type; and

15 (b) Include on the front page, in a separate box created by bold
16 lines, a notice printed in at least 20-point bold type that states:

17
18 **NOTICE: TO RECEIVE A SAMPLE BALLOT IN**
19 **LARGE TYPE, CALL (Insert appropriate telephone number)**
20

21 5. A portion of a sample ballot that contains a facsimile of the
22 display area of a voting device may include material in less than 12-
23 point type to the extent necessary to make the facsimile fit on the
24 pages of the sample ballot.

25 6. The sample ballot mailed to a person who requests a sample
26 ballot in large type by exercising the option provided pursuant to
27 NRS 293.508, or in any other manner, must be printed in at least 14-
28 point type, or larger when practicable.

29 7. If a person requests a sample ballot in large type, the county
30 clerk shall ensure that all future sample ballots mailed to that person
31 from the county are in large type.

32 8. The county clerk shall include in each sample ballot a
33 statement indicating that the county clerk will, upon request of a
34 voter who is elderly or disabled, make reasonable accommodations
35 to allow the voter to vote at his or her polling place and provide
36 reasonable assistance to the voter in casting his or her vote,
37 including, without limitation, providing appropriate materials to
38 assist the voter. In addition, if the county clerk has provided
39 pursuant to subsection 4 of NRS 293.2955 for the placement at
40 centralized voting locations of specially equipped voting devices for
41 use by voters who are elderly or disabled, the county clerk shall
42 include in the sample ballot a statement indicating:

43 (a) The addresses of such centralized voting locations;

44 (b) The types of specially equipped voting devices available at
45 such centralized voting locations; and



1 (c) That a voter who is elderly or disabled may cast his or her
2 ballot at such a centralized voting location rather than at his or her
3 regularly designated polling place.

4 9. The cost of mailing sample ballots for any election other
5 than a primary or general election must be borne by the political
6 subdivision holding the election.

7 **Sec. 26.** NRS 293B.150 is hereby amended to read as follows:

8 293B.150 Not earlier than 2 weeks before and not later than
9 5 p.m. on the ~~[day before the first day of early voting,]~~ *third Friday*
10 *preceding an election*, the county or city clerk, *as applicable*, shall
11 test:

12 1. The mechanical recording device which directly records
13 votes electronically, if any; or

14 2. The automatic tabulating equipment and programs, if any,
15 ➔ to ascertain that the device or equipment and programs will
16 correctly count the votes cast for all offices and on all measures.

17 **Sec. 27.** NRS 293C.110 is hereby amended to read as follows:

18 293C.110 1. Except as otherwise provided in subsection 2,
19 conduct of any city election is under the control of the governing
20 body of the city, and it shall, by ordinance, provide for the holding
21 of the election, appoint the necessary election officers and election
22 boards and do all other things required to carry the election into
23 effect.

24 2. Except as otherwise provided in NRS 293C.112, the
25 governing body of the city shall provide for:

26 (a) Absent ballots to be voted in a city election pursuant to NRS
27 293C.305 to 293C.325, inclusive, and 293C.330 to 293C.340,
28 inclusive; and

29 (b) The conduct of ~~[-~~

30 ~~— (1) Early voting by personal appearance in a city election~~
31 ~~pursuant to NRS 293C.355 to 293C.361, inclusive;~~

32 ~~— (2) Voting] voting~~ by absent ballot in person in a city
33 election pursuant to NRS 293C.327. ~~[-; or~~

34 ~~— (3) Both early voting by personal appearance as described in~~
35 ~~subparagraph (1) and voting by absent ballot in person as described~~
36 ~~in subparagraph (2).]~~

37 **Sec. 28.** NRS 293C.112 is hereby amended to read as follows:

38 293C.112 1. The governing body of a city may conduct a city
39 election in which all ballots must be cast by mail if:

40 (a) The election is a special election; or

41 (b) The election is a primary city election or general city
42 election in which the ballot includes only:

43 (1) Offices and ballot questions that may be voted on by the
44 registered voters of only one ward; or

45 (2) One office or ballot question.



1 2. The provisions of NRS 293C.265 to 293C.302, inclusive,
2 *and* 293C.305 to 293C.340, inclusive, ~~[and 293C.355 to 293C.361,~~
3 ~~inclusive,]~~ do not apply to an election conducted pursuant to this
4 section.

5 3. For the purposes of an election conducted pursuant to this
6 section, each precinct in the city shall be deemed to have been
7 designated a mailing precinct pursuant to NRS 293C.342.

8 **Sec. 29.** NRS 293C.270 is hereby amended to read as follows:
9 293C.270 ~~[1.]~~ If a person's name appears in the election
10 board register, ~~[or if the person provides an affirmation pursuant to~~
11 ~~NRS 293C.525,]~~ the person is entitled to vote and must ~~[sign]~~ :

12 1. *Present photographic identification; and*

13 2. *Sign* his or her name in the election board register when he
14 or she applies to vote. The signature must be compared by an
15 election board officer with the signature or a facsimile thereof on the
16 person's original application to register to vote or ~~[one of the forms~~
17 ~~of identification listed in subsection 2.~~

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

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

22 ~~—(b) A driver's license;~~

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

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

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

29 **Sec. 30.** NRS 293C.272 is hereby amended to read as follows:
30 293C.272 Any registered voter who is unable to sign his or her
31 name must ~~[be]~~ :

32 1. *Present photographic identification; and*

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

37 **Sec. 31.** NRS 293C.292 is hereby amended to read as follows:
38 293C.292 1. A person applying to vote may be challenged:

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

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

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



1 (a) If the challenge is on the ground that the challenged person
2 does not reside at the residence for which the address is listed in the
3 election board register, “I swear or affirm under penalty of perjury
4 that I reside at the residence for which the address is listed in the
5 election board register”;

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

10 (c) If the challenge is on the ground that the challenged person is
11 not the person he or she claims to be, “I swear or affirm under
12 penalty of perjury that I am the person whose name is in this
13 election board register.”

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

17 3. If the challenged person refuses to execute the oath or
18 affirmation so tendered, he or she must not be issued a ballot, and
19 the officer in charge of the election board register shall write the
20 words “Challenged” opposite his or her name in the
21 election board register.

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

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

30 6. If the challenge is based on the ground set forth in paragraph
31 (a) of subsection 2, and the challenged person executes the oath or
32 affirmation, the election board shall not issue the person a ballot
33 until he or she furnishes satisfactory identification that contains
34 proof of the address at which the person actually resides. For the
35 purposes of this subsection, a voter registration card issued pursuant
36 to NRS 293.517 does not provide proof of the address at which a
37 person resides.

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

42 (a) Furnishes ~~[official]~~ **photographic** identification ; ~~[which~~
43 ~~contains a photograph of the person, such as a driver’s license or~~
44 ~~other official document;]~~ or



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

3 (1) Furnishes ~~official~~ **photographic** identification ; ~~[which~~
4 ~~contains a photograph of the person, such as a driver's license or~~
5 ~~other official document;]~~ and

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

8 8. The election board officers shall:

9 (a) Record on the challenge list:

10 (1) The name of the challenged person;

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

13 (3) The result of the challenge; and

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

16 **Sec. 32.** NRS 293C.310 is hereby amended to read as follows:

17 293C.310 1. Except as otherwise provided in NRS 293.502
18 and 293C.265, a registered voter who provides sufficient written
19 notice to the city clerk may vote an absent ballot as provided in this
20 chapter.

21 2. A city clerk shall consider a request from a voter who has
22 given sufficient written notice on a form provided by the Federal
23 Government as:

24 (a) A request for the primary city election and the general city
25 election unless otherwise specified in the request; and

26 (b) A request for an absent ballot for the two primary and
27 general elections immediately following the date on which the city
28 clerk received the request.

29 3. It is unlawful for a person fraudulently to request an absent
30 ballot in the name of another person or to induce or coerce another
31 person fraudulently to request an absent ballot in the name of
32 another person. A person who violates any provision of this
33 subsection is guilty of a category E felony and shall be punished as
34 provided in NRS 193.130.

35 4. *A request from a voter for an absent ballot that is*
36 *submitted on a form other than a form provided by the Federal*
37 *Government must include, without limitation:*

38 (a) *The name and address of the registered voter;*

39 (b) *The date of birth of the registered voter;*

40 (c) *A statement that the person requesting the absent ballot is a*
41 *registered voter;*

42 (d) *A statement identifying the election for which the absent*
43 *ballot is requested;*



1 (e) *If the election identified pursuant to paragraph (d) is a*
2 *primary city election, the political affiliation of the registered*
3 *voter;*

4 (f) *The address to which the registered voter desires the absent*
5 *ballot to be mailed, if that address is different from the address*
6 *provided pursuant to paragraph (a); and*

7 (g) *One of the following:*

8 (1) *The driver's license number of the registered voter;*

9 (2) *The last four digits of the social security number of the*
10 *registered voter;*

11 (3) *A copy of the photographic identification of the*
12 *registered voter, which must include the name and address of the*
13 *registered voter; or*

14 (4) *A copy of a current utility bill, bank statement,*
15 *paycheck or document issued by a governmental entity, including*
16 *a check but not including a voter registration card issued pursuant*
17 *to NRS 293.517, which must include the name and address of the*
18 *registered voter.*

19 5. As used in this section, "sufficient written notice" means a:

20 (a) Written request for an absent ballot ~~[that]~~ *which complies*
21 *with the requirements of subsection 4 and which* is signed by the
22 registered voter and returned to the city clerk in person or by mail or
23 facsimile machine;

24 (b) Form prescribed by the Secretary of State ~~[that]~~ *which*
25 *complies with the requirements of subsection 4 and which* is
26 completed and signed by the registered voter and returned to the city
27 clerk in person or by mail or facsimile machine; or

28 (c) Form provided by the Federal Government.

29 **Sec. 33.** NRS 293C.330 is hereby amended to read as follows

30 293C.330 1. Except as otherwise provided in NRS 293C.315
31 and subsection 2 of NRS 293C.322 and any regulations adopted
32 pursuant thereto, when an absent voter receives an absent ballot, the
33 absent voter must mark and fold it in accordance with the
34 instructions, deposit it in the return envelope, seal the envelope,
35 affix his or her signature on the back of the envelope in the space
36 provided therefor and mail the return envelope.

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

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

44 (b) A polling place, ~~[including, without limitation, a polling~~
45 ~~place for early voting,]~~ the absent voter must surrender the absent



1 ballot and provide ~~[satisfactory]~~ *photographic* identification before
2 being issued a ballot to vote at the polling place. A person who
3 receives a surrendered absent ballot shall mark it "Cancelled."

4 3. If an absent voter who has requested a ballot by mail applies
5 to vote in person at the office of the city clerk or a polling place ~~[;~~
6 ~~including, without limitation, a polling place for early voting.];~~ and
7 the voter does not have the absent ballot to deliver or surrender, the
8 voter must be issued a ballot to vote if the voter:

9 (a) Provides ~~[satisfactory]~~ *photographic* identification;

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

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

14 4. Except as otherwise provided in NRS 293C.317, it is
15 unlawful for any person to return an absent ballot other than the
16 voter who requested the absent ballot or, at the request of the voter,
17 a member of the voter's family. A person who returns an absent
18 ballot and who is a member of the family of the voter who requested
19 the absent ballot shall, under penalty of perjury, indicate on a form
20 prescribed by the city clerk that the person is a member of the
21 family of the voter who requested the absent ballot and that the
22 voter requested that the person return the absent ballot. A person
23 who violates the provisions of this subsection is guilty of a category
24 E felony and shall be punished as provided in NRS 193.130.

25 **Sec. 34.** NRS 293C.530 is hereby amended to read as follows:

26 293C.530 1. Before the ~~[period for early voting for any~~
27 ~~election begins.];~~ *third Saturday preceding a primary city election*
28 *or general city election,* the city clerk shall cause to be mailed to
29 each registered voter in the city a sample ballot for his or her
30 precinct, with a notice informing the voter of the location of his or
31 her polling place. If the location of the polling place has changed
32 since the last election:

33 (a) The city clerk shall mail a notice of the change to each
34 registered voter in the city not sooner than 10 days before mailing
35 the sample ballots; or

36 (b) The sample ballot must also include a notice in bold type
37 immediately above the location which states:

38
39 **NOTICE: THE LOCATION OF YOUR POLLING PLACE**
40 **HAS CHANGED SINCE THE LAST ELECTION**
41

42 2. Except as otherwise provided in subsection 3, a sample
43 ballot required to be mailed pursuant to this section must:

44 (a) Be printed in at least 12-point type;



1 (b) Include the description of the anticipated financial effect and
2 explanation of each citywide measure and advisory question,
3 including arguments for and against the measure or question, as
4 required pursuant to NRS 293.481, 293.482, 295.205 or 295.217;
5 and

6 (c) Include on the front page, in a separate box created by bold
7 lines, a notice printed in at least 20-point bold type that states:

8
9 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
10 LARGE TYPE, CALL (Insert appropriate telephone number)
11

12 3. A portion of a sample ballot that contains a facsimile of the
13 display area of a voting device may include material in less than 12-
14 point type to the extent necessary to make the facsimile fit on the
15 pages of the sample ballot.

16 4. The sample ballot mailed to a person who requests a sample
17 ballot in large type by exercising the option provided pursuant to
18 NRS 293.508, or in any other manner, must be printed in at least 14-
19 point type, or larger when practicable.

20 5. If a person requests a sample ballot in large type, the city
21 clerk shall ensure that all future sample ballots mailed to that person
22 from the city are in large type.

23 6. The city clerk shall include in each sample ballot a statement
24 indicating that the city clerk will, upon request of a voter who is
25 elderly or disabled, make reasonable accommodations to allow the
26 voter to vote at his or her polling place and provide reasonable
27 assistance to the voter in casting his or her vote, including, without
28 limitation, providing appropriate materials to assist the voter. In
29 addition, if the city clerk has provided pursuant to subsection 4 of
30 NRS 293C.281 for the placement at centralized voting locations of
31 specially equipped voting devices for use by voters who are elderly
32 or disabled, the city clerk shall include in the sample ballot a
33 statement indicating:

34 (a) The addresses of such centralized voting locations;

35 (b) The types of specially equipped voting devices available at
36 such centralized voting locations; and

37 (c) That a voter who is elderly or disabled may cast his or her
38 ballot at such a centralized voting location rather than at the voter's
39 regularly designated polling place.

40 7. The cost of mailing sample ballots for a city election must
41 be borne by the city holding the election.

42 **Sec. 35.** NRS 293.046, 293.356, 293.3561, 293.3564,
43 293.3568, 293.3572, 293.3576, 293.358, 293.3583, 293.3585,
44 293.3594, 293.3604, 293.3606, 293.3608, 293.361, 293C.355,
45 293C.356, 293C.3561, 293C.3564, 293C.3568, 293C.3572,



1 293C.3576, 293C.358, 293C.3583, 293C.3585, 293C.3594,
2 293C.3604, 293C.3606, 293C.3608 and 293C.361 are hereby
3 repealed.

4 **Sec. 36.** The provisions of NRS 354.599 do not apply to any
5 additional expenses of a local government that are related to the
6 provisions of this act.

7 **Sec. 37.** This act becomes effective upon passage and approval
8 for the purpose of adopting regulations and performing any other
9 preparatory administrative tasks that are necessary to carry out the
10 provisions of this act, and on October 1, 2012, for all other
11 purposes.

LEADLINES OF REPEALED SECTIONS

293.046 “Deputy clerk” defined.

293.356 Issuance of ballot; location at which ballot must be
voted.

293.3561 County clerk to establish criteria for selection of
permanent and temporary polling places for early voting by
personal appearance.

293.3564 Permanent polling places for early voting.

293.3568 Period for early voting; hours for permanent
polling places.

293.3572 Temporary branch polling places: Authority of
county clerk to establish; hours during which voting may be
conducted; legal rights and remedies of property owners or
lessors not affected by presence of polling places.

293.3576 Schedule of locations and times for early voting.

293.358 Appointment of deputy clerks.

293.3583 Mechanical recording devices: Preparation before
polls open each day.

293.3585 Procedure for voting.

293.3594 Security precautions.

293.3604 Mechanical recording devices: Duties of election
board at close of each voting day; duties of ballot board for
early voting and county clerk at close of last voting day.

293.3606 Returns; secrecy of ballots; disseminating
information about count of returns before polls close
prohibited; penalty.

293.3608 County clerk to ensure that mechanical recording
devices used for early voting provide record of number of votes;
delivery of records and other items to central counting place.



293.361 Electioneering prohibited near polling place; penalty.

293C.355 Applicability of provisions.

293C.356 Issuance of ballots; voting booth for use by persons issued ballots.

293C.3561 City clerk to establish criteria for selection of permanent and temporary polling places for early voting by personal appearance.

293C.3564 Permanent polling places for early voting.

293C.3568 Period for early voting; hours for permanent polling places.

293C.3572 Temporary branch polling places.

293C.3576 Schedule of locations and times for early voting.

293C.358 Appointment of deputy clerks.

293C.3583 Preparation of mechanical recording devices before polls open each day.

293C.3585 Procedure for voting.

293C.3594 Security precautions.

293C.3604 Mechanical recording devices: Duties of election board at close of each voting day; duties of ballot board for early voting and clerks at close of last voting day.

293C.3606 Returns; secrecy of ballots; disseminating information about count of returns before polls close prohibited; penalty.

293C.3608 Delivery to central counting place of printed record of votes recorded on mechanical recording device during period for early voting and of related items and devices.

293C.361 Electioneering prohibited near polling place; penalty.



