

SENATE BILL NO. 169—SENATORS SETTELMAYER,
GOICOECHEA AND GUSTAVSON

FEBRUARY 17, 2015

JOINT SPONSORS: ASSEMBLYMEN FIORE; ELLISON,
KIRNER, O’NEILL, TROWBRIDGE AND WHEELER

Referred to Committee on Finance

SUMMARY—Requires proof of identity for voting. (BDR 24-599)

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

~

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;*



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

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

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

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

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

11 1. *An application in the form prescribed by the Secretary of*
12 *State;*

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

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

18 **Sec. 5.** *A voter identification card issued pursuant to section*
19 *3 of this act:*

20 1. *Must include, without limitation:*

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

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

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

26 (d) *Any other information required by the regulations of the*
27 *Secretary of State.*

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

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

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

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

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

40 293.177 1. Except as otherwise provided in NRS 293.165, a
41 name may not be printed on a ballot to be used at a primary election
42 unless the person named has filed a declaration of candidacy or an
43 acceptance of candidacy, and has paid the fee required by NRS
44 293.193 not earlier than:



1 (a) For a candidate for judicial office, the first Monday in
2 January of the year in which the election is to be held nor later than
3 5 p.m. on the second Friday after the first Monday in January; and

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

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

10 (a) For partisan office:

11
12 DECLARATION OF CANDIDACY OF FOR THE
13 OFFICE OF

14
15 State of Nevada

16
17 County of

18
19 For the purpose of having my name placed on the official
20 ballot as a candidate for the Party nomination for
21 the office of, I, the undersigned, do swear or
22 affirm under penalty of perjury that I actually, as opposed to
23 constructively, reside at, in the City or Town of
24, County of, State of Nevada; that my actual, as
25 opposed to constructive, residence in the State, district,
26 county, township, city or other area prescribed by law to
27 which the office pertains began on a date at least 30 days
28 immediately preceding the date of the close of filing of
29 declarations of candidacy for this office; that my telephone
30 number is, and the address at which I receive mail, if
31 different than my residence, is; that I am registered as a
32 member of the Party; that I am a qualified elector
33 pursuant to Section 1 of Article 2 of the Constitution of the
34 State of Nevada; that if I have ever been convicted of treason
35 or a felony, my civil rights have been restored by a court of
36 competent jurisdiction; that I have not, in violation of the
37 provisions of NRS 293.176, changed the designation of my
38 political party or political party affiliation on an official
39 application to register to vote in any state since December 31
40 before the closing filing date for this election; that I generally
41 believe in and intend to support the concepts found in the
42 principles and policies of that political party in the coming
43 election; that if nominated as a candidate of the
44 Party at the ensuing election, I will accept that nomination
45 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 that I understand that 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

(b) For nonpartisan 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 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 a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been



1 convicted of treason or a felony, my civil rights have been
 2 restored by a court of competent jurisdiction; that if
 3 nominated as a nonpartisan candidate at the ensuing election,
 4 I will accept the nomination and not withdraw; that I will not
 5 knowingly violate any election law or any law defining and
 6 prohibiting corrupt and fraudulent practices in campaigns and
 7 elections in this State; that I will qualify for the office if
 8 elected thereto, including, but not limited to, complying with
 9 any limitation prescribed by the Constitution and laws of this
 10 State concerning the number of years or terms for which a
 11 person may hold the office; and my name will appear on all
 12 ballots as designated in this declaration.

13

14

.....
 (Designation of name)

16

17

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

19

20

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

22

23

24

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

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

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.



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

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

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

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

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

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

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

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



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

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

6 (a) May vote at a polling place only if the person presents *proof*
7 *of identity* to the election board officer at the polling place ; †

8 ~~(1) A current and valid photo identification of the person,~~
9 ~~which shows his or her physical address; or~~

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

15 (b) May vote by mail only if the person provides to the county
16 or city clerk:

17 (1) A copy of ~~{a current and valid photo identification}~~ *proof*
18 *of identity* of the person †; which shows his or her physical address;
19 or

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

24 ➤ If there is a question as to the physical address of the person, the
25 election board officer or clerk may request additional information.

26 2. The provisions of subsection 1 do not apply to a person who:

27 (a) Registers to vote by mail and submits *a copy of his or her*
28 *proof of identity* with an application to register to vote ; †

29 ~~(1) A copy of a current and valid photo identification; or~~

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

34 (b) Except as otherwise provided in subsection 3, registers to
35 vote by mail or computer and submits with an application to register
36 to vote a driver's license number or at least the last four digits of his
37 or her social security number, if a state or local election official has
38 matched that information with an existing identification record
39 bearing the same number, name and date of birth as provided by the
40 person in the application;

41 (c) Is entitled to vote an absent ballot pursuant to the Uniformed
42 and Overseas Citizens Absentee Voting Act, ~~{42 U.S.C. §§ 1973ff}~~
43 *52 U.S.C. §§ 20301* et seq.;



1 (d) Is provided the right to vote otherwise than in person under
2 the Voting Accessibility for the Elderly and Handicapped Act, ~~42~~
3 ~~U.S.C. §§ 1973ee~~ **52 U.S.C. §§ 20101** et seq.; or

4 (e) Is entitled to vote otherwise than in person under any other
5 federal law.

6 3. The provisions of subsection 1 apply to a person described
7 in paragraph (b) of subsection 2 if the voter registration card issued
8 to the person pursuant to subsection 6 of NRS 293.517 is mailed by
9 the county clerk to the person and returned to the county clerk by
10 the United States Postal Service.

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

12 293.277 ~~+~~ Except as otherwise provided in NRS 293.541,
13 if a person's name appears in the election board register or if the
14 person provides an affirmation pursuant to NRS 293.525, the person
15 is entitled to vote and must :

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

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

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

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

28 ~~—(b) A driver's license;~~

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

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

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

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

36 293.283 Any registered voter who is unable to sign his or her
37 name must ~~be~~ :

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

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

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

44 293.285 A registered voter applying to vote shall state his or
45 her name to the election board officer in charge of the election board



1 register, and the officer shall immediately announce the name ,
2 ~~and~~ take the registered voter's signature ~~H~~ *and require that the*
3 *registered voter present proof of identity.*

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

5 293.287 1. A registered voter applying to vote at any primary
6 election shall give his or her name and political affiliation, if any, to
7 the election board officer in charge of the election board register,
8 and the officer shall immediately announce the name and political
9 affiliation ~~H~~ *and require that the registered voter present proof of*
10 *identity.*

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

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

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

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

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

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

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

24 293.3025 The Secretary of State and each county and city clerk
25 shall ensure that a copy of each of the following is posted in a
26 conspicuous place at each polling place on election day:

27 1. A sample ballot;

28 2. Information concerning the date and hours of operation of
29 the polling place;

30 3. Instructions for voting and casting a ballot, including a
31 provisional ballot;

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

35 5. Information concerning the accessibility of polling places to
36 persons with disabilities;

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

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

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

43 293.303 1. A person applying to vote may be challenged:

44 (a) Orally by any registered voter of the precinct upon the
45 ground that he or she is not the person entitled to vote as claimed or



1 has voted before at the same election. A registered voter who
2 initiates a challenge pursuant to this paragraph must submit an
3 affirmation that is signed under penalty of perjury and in the form
4 prescribed by the Secretary of State stating that the challenge is
5 based on the personal knowledge of the registered voter.

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

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

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

14 (b) If the challenge is on the ground that the register does not
15 show that the challenged person designated the political party to
16 which he or she claims to belong, "I swear or affirm under penalty
17 of perjury that I designated on the application to register to vote the
18 political party to which I claim to belong";

19 (c) If the challenge is on the ground that the challenged person
20 does not reside at the residence for which the address is listed in the
21 election board register, "I swear or affirm under penalty of perjury
22 that I reside at the residence for which the address is listed in the
23 election board register";

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

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

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

35 3. Except as otherwise provided in subsection 4, if the
36 challenged person refuses to execute the oath or affirmation so
37 tendered, he or she must not be issued a ballot, and the officer in
38 charge of the election board register shall write the words
39 "Challenged" opposite his or her name in the election
40 board register.

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

44 5. If the challenged person refuses to execute the oath or
45 affirmation set forth in paragraph (c) of subsection 2, the election



1 board officers shall inform the person that he or she is entitled to
2 vote only in the manner prescribed in NRS 293.304.

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

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

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

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

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

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

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

29 9. The election board officers shall:

30 (a) Record on the challenge list:

31 (1) The name of the challenged person;

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

34 (3) The result of the challenge; and

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

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

38 293.3081 A person at a polling place may cast a provisional
39 ballot in an election to vote for a candidate for federal office if the
40 person complies with the applicable provisions of NRS 293.3082
41 and:

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



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

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

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

7 2. Applies by mail or computer, on or after January 1, 2003, to
8 register to vote and has not previously voted in an election for
9 federal office in this State and fails to provide ~~the identification~~
10 ~~required pursuant to paragraph (a) of subsection 1 of NRS~~
11 ~~293.2725~~ *proof of identity* to the election board officer at the
12 polling place; or

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

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

18 293.3082 1. Before a person may cast a provisional ballot
19 pursuant to NRS 293.3081, the person must complete a written
20 affirmation on a form provided by an election board officer, as
21 prescribed by the Secretary of State, at the polling place which
22 includes:

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

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

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

28 (d) The date and type of election;

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

18 (I) *The required identification ; or*

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

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

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

28 2. After a person completes a written affirmation pursuant to
29 subsection 1:

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

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

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

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

42 293.3085 1. Following each election, a canvass of the
43 provisional ballots cast in the election must be conducted pursuant
44 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

45 2. The county and city clerk shall not:



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

3 (b) Open any envelope containing a provisional ballot before
4 8 a.m. on the Wednesday following election day.

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

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

11 (b) A voter who failed to provide *the* required identification at
12 the polling place or with his or her mailed ballot provides ~~the~~
13 ~~required identification~~ to the county or city clerk not later than
14 5 p.m. on the Friday following election day ~~†~~:

15 *(I) If the voter cast his or her provisional ballot at the*
16 *polling place:*

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

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

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

24 (c) A court order has not been issued by 5 p.m. on the Friday
25 following election day directing that provisional ballots cast
26 pursuant to subsection 3 of NRS 293.3081 not be counted, and the
27 provisional ballot was cast pursuant to subsection 3 of
28 NRS 293.3081.

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

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

33 293.330 1. Except as otherwise provided in subsection 2 of
34 NRS 293.323 and chapter 293D of NRS, and any regulations
35 adopted pursuant thereto, when an absent voter receives an absent
36 ballot, the absent voter must mark and fold it in accordance with the
37 instructions, deposit it in the return envelope, seal the envelope,
38 affix his or her signature on the back of the envelope in the space
39 provided therefor and mail the return envelope.

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

43 (a) The office of the county clerk, the absent voter must mark
44 the ballot, seal it in the return envelope and affix his or her signature



1 in the same manner as provided in subsection 1, and deliver the
2 envelope to the clerk.

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

8 3. If an absent voter who has requested a ballot by mail applies
9 to vote in person at the office of the county clerk or a polling place,
10 including, without limitation, a polling place for early voting, and
11 the voter does not have the absent ballot to deliver or surrender, the
12 voter must be issued a ballot to vote if the voter:

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

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

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

18 4. Except as otherwise provided in NRS 293.316, it is unlawful
19 for any person to return an absent ballot other than the voter who
20 requested the absent ballot or, at the request of the voter, a member
21 of the voter's family. A person who returns an absent ballot and who
22 is a member of the family of the voter who requested the absent
23 ballot shall, under penalty of perjury, indicate on a form prescribed
24 by the county clerk that the person is a member of the family of the
25 voter who requested the absent ballot and that the voter requested
26 that the person return the absent ballot. A person who violates the
27 provisions of this subsection is guilty of a category E felony and
28 shall be punished as provided in NRS 193.130.

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

30 293.353 1. Except as otherwise provided in subsection 2 or 3,
31 upon receipt of a mailing ballot from the county clerk, the registered
32 voter must, in accordance with the instructions, mark and fold the
33 ballot, deposit and seal the ballot in the return envelope, affix his or
34 her signature on the back of the envelope and mail the envelope to
35 the county clerk.

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

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

42 (b) One of the polling places on election day or a polling place
43 for early voting in the county designated pursuant to subsection 3 or
44 4 of NRS 293.343, the registered voter must surrender the mailing
45 ballot and provide ~~[satisfactory identification]~~ *proof of identity*



1 before being issued a ballot to vote at the polling place. A person
2 who receives a surrendered mailing ballot shall mark it "Cancelled."

3 3. If a registered voter who has received a mailing ballot
4 wishes to vote in person at the office of the county clerk or at one of
5 the polling places on election day or a polling place for early voting
6 in the county designated pursuant to subsection 3 or 4 of NRS
7 293.343, and the voter does not have the mailing ballot to deliver or
8 surrender, the voter must be issued a ballot to vote if the voter:

9 (a) Provides ~~†satisfactory identification;†~~ ***proof of identity;***

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. It is unlawful for any person to return a mailing ballot other
15 than the registered voter to whom the ballot was sent or, at the
16 request of the voter, a member of the family of that voter. A person
17 who returns a mailing ballot and who is a member of the family of
18 the voter who received the mailing ballot shall, under penalty of
19 perjury, indicate on a form prescribed by the county clerk that the
20 person is a member of the family of the voter who received the
21 mailing ballot and that the voter requested that he or she return
22 the mailing ballot. A person who violates the provisions of this
23 subsection is guilty of a category E felony and shall be punished as
24 provided in NRS 193.130.

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

26 293.356 If a request is made to vote early by a registered voter
27 in person, the election board shall ***, except as otherwise provided in***
28 ***NRS 293.3585,*** issue a ballot for early voting to the voter. Such a
29 ballot must be voted on the premises of a polling place for early
30 voting established pursuant to NRS 293.3564 or 293.3572.

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

32 293.3585 1. Upon the appearance of a person to cast a ballot
33 for early voting, the deputy clerk for early voting shall ~~†~~
34 ~~—(a) Determine that†~~ ***determine whether*** the person is a registered
35 voter in the county ~~†~~

36 ~~—(b)†~~ ***and, if so:***

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

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

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

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



- 1 3. The roster for early voting must contain:
- 2 (a) The voter's name, the address where he or she is registered
- 3 to vote, his or her voter identification number and a place for the
- 4 voter's signature;
- 5 (b) The voter's precinct or voting district number; and
- 6 (c) The date of voting early in person.
- 7 4. When a voter is entitled to cast a ballot and has identified
- 8 himself or herself to the satisfaction of the deputy clerk for early
- 9 voting, the voter is entitled to receive the appropriate ballot or
- 10 ballots, but only for his or her own use at the polling place for early
- 11 voting.
- 12 5. If the ballot is voted on a mechanical recording device which
- 13 directly records the votes electronically, the deputy clerk for early
- 14 voting shall:
- 15 (a) Prepare the mechanical recording device for the voter;
- 16 (b) Ensure that the voter's precinct or voting district and the
- 17 form of ballot are indicated on the voting receipt, if the county clerk
- 18 uses voting receipts; and
- 19 (c) Allow the voter to cast a vote.
- 20 6. A voter applying to vote early by personal appearance may
- 21 be challenged pursuant to NRS 293.303.
- 22 **Sec. 23.** NRS 293.517 is hereby amended to read as follows:
- 23 293.517 1. Any elector residing within the county may
- 24 register to vote:
- 25 (a) Except as otherwise provided in NRS 293.560 and
- 26 293C.527, by appearing before the county clerk, a field registrar or a
- 27 voter registration agency, completing the application to register to
- 28 vote, giving true and satisfactory answers to all questions relevant to
- 29 his or her identity and right to vote, and providing proof of residence
- 30 and identity **† as provided in this subsection;**
- 31 (b) By completing and mailing or personally delivering to the
- 32 county clerk an application to register to vote pursuant to the
- 33 provisions of NRS 293.5235;
- 34 (c) Pursuant to the provisions of NRS 293.524 or chapter 293D
- 35 of NRS;
- 36 (d) At his or her residence with the assistance of a field registrar
- 37 pursuant to NRS 293.5237; or
- 38 (e) By submitting an application to register to vote by computer,
- 39 if the county clerk has established a system pursuant to NRS
- 40 293.506 for using a computer to register voters.
- 41 ➔ The county clerk shall require a person to submit official
- 42 identification as proof of residence and identity, such as a driver's
- 43 license or other official document, before registering the person. If
- 44 the applicant registers to vote pursuant to this subsection and fails to
- 45 provide proof of residence and identity **† as provided in this**



1 **subsection**, the applicant must provide proof of residence and
2 identity before casting a ballot in person or by mail or after casting a
3 provisional ballot pursuant to NRS 293.3081 or 293.3083. For the
4 purposes of this subsection, a voter registration card issued pursuant
5 to subsection 6 does not provide proof of the residence or identity of
6 a person.

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

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

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

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

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

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

20 (d) At any voter registration agency; or

21 (e) By submitting an application to register to vote by computer,
22 if the county clerk has established a system pursuant to NRS
23 293.506 for using a computer to register voters.

24 ➔ If the elector fails to register under his or her new name, the
25 elector may be challenged pursuant to the provisions of NRS
26 293.303 or 293C.292 and may be required to furnish proof of
27 identity, **as defined in section 2 of this act**, and subsequent change
28 of name.

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

33 6. After the county clerk determines that the application to
34 register to vote of a person is complete and that, except as otherwise
35 provided in NRS 293D.210, the person is eligible to vote pursuant
36 to NRS 293.485, the county clerk shall issue a voter registration
37 card to the voter which contains:

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

40 (b) The date of issuance; and

41 (c) The signature of the county clerk.

42 7. If an elector submits an application to register to vote or an
43 affidavit described in paragraph (c) of subsection 1 of NRS 293.507
44 that contains any handwritten additions, erasures or interlineations,
45 the county clerk may object to the application to register to vote if



1 the county clerk believes that because of such handwritten additions,
2 erasures or interlineations, the application to register to vote of the
3 elector is incomplete or that, except as otherwise provided in NRS
4 293D.210, the elector is not eligible to vote pursuant to NRS
5 293.485. If the county clerk objects pursuant to this subsection, he
6 or she shall immediately notify the elector and the district attorney
7 of the county. Not later than 5 business days after the district
8 attorney receives such notification, the district attorney shall advise
9 the county clerk as to whether:

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

13 (b) The county clerk should proceed to process the application
14 to register to vote.

15 ➔ If the District Attorney advises the county clerk to process the
16 application to register to vote, the county clerk shall immediately
17 issue a voter registration card to the applicant pursuant to
18 subsection 6.

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

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

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

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

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

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

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



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

3 6. Except as otherwise provided in subsection 5 of NRS
4 293.518, if the county clerk determines that the application is not
5 complete, the county clerk shall, as soon as possible, mail a notice to
6 the applicant that additional information is required to complete the
7 application. If the applicant provides the information requested by
8 the county clerk within 15 days after the county clerk mails the
9 notice, the county clerk shall, within 10 days after receiving the
10 information, mail to the applicant:

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

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

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

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

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

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

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

29 (b) Computer, which must be used to register to vote in a county
30 if the county clerk has established a system pursuant to NRS
31 293.506 for using a computer to register to vote.

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

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

34
35 NOTICE: You are urged to return your application to
36 register to vote to the County Clerk in person or by mail. If
37 you choose to give your completed application to another
38 person to return to the County Clerk on your behalf, and the
39 person fails to deliver the application to the County Clerk,
40 you will not be registered to vote. Please retain the duplicate
41 copy or receipt from your application to register to vote.
42

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



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

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

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

14 11. Except as otherwise provided in subsection 5 of NRS
15 293.518, the county clerk shall not register a person to vote pursuant
16 to this section unless that person has provided all of the information
17 required by the application.

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

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

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

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

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

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

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

43 293.541 1. The county clerk shall cancel the registration of a
44 voter if:



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

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

8 (c) The voter fails to present ~~}[satisfactory]~~ proof of identity and
9 *satisfactory proof of* residence pursuant to subsection 2, 4 or 5.

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

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

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

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

29 4. If a voter appears to vote at the election next following the
30 date that an affidavit of cancellation was executed for the voter
31 pursuant to this section, the voter must be allowed to vote only if the
32 voter furnishes:

33 (a) ~~}[Official identification which contains a photograph of the
34 voter, including, without limitation, a driver's license or other
35 official document;]~~ *Proof of identity;* and

36 (b) Satisfactory ~~}[identification that contains]~~ proof of the
37 address at which the voter actually resides and that address is
38 consistent with the address listed on the election board register.

39 5. If a determination is made pursuant to subsection 1
40 concerning information in the registration to vote of a voter and an
41 absent ballot or a ballot voted by a voter who resides in a mailing
42 precinct is received from the voter, the ballot must be kept separate
43 from other ballots and must not be counted unless the voter presents
44 ~~}[satisfactory]~~ proof *of identity* to the county clerk ~~}[of identity]~~ and



1 *satisfactory proof of* residence before such ballots are counted on
2 election day.

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

5 (a) Address at which a person actually resides; or

6 (b) Residence ~~for identity~~ of a person.

7 **Sec. 26.** NRS 293C.185 is hereby amended to read as follows:

8 293C.185 1. Except as otherwise provided in NRS 293C.115
9 and 293C.190, a name may not be printed on a ballot to be used at a
10 primary city election unless the person named has filed a declaration
11 of candidacy or an acceptance of candidacy and has paid the fee
12 established by the governing body of the city not earlier than 70
13 days before the primary city election and not later than 5 p.m. on the
14 60th day before the primary city election.

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

17
18 DECLARATION OF CANDIDACY OF FOR THE
19 OFFICE OF

20 State of Nevada

21 City of.....

22
23 For the purpose of having my name placed on the official
24 ballot as a candidate for the office of, I,
25, the undersigned do swear or affirm under penalty
26 of perjury that I actually, as opposed to constructively, reside
27 at, in the City or Town of, County of
28, State of Nevada; that my actual, as opposed to
29 constructive, residence in the city, township or other area
30 prescribed by law to which the office pertains began on a date
31 at least 30 days immediately preceding the date of the close
32 of filing of declarations of candidacy for this office; that my
33 telephone number is, and the address at which I
34 receive mail, if different than my residence, is;
35 that I am a qualified elector pursuant to Section 1 of Article 2
36 of the Constitution of the State of Nevada; that if I have ever
37 been convicted of treason or a felony, my civil rights have
38 been restored by a court of competent jurisdiction; that if
39 nominated as a candidate at the ensuing election I will accept
40 the nomination and not withdraw; that I will not knowingly
41 violate any election law or any law defining and prohibiting
42 corrupt and fraudulent practices in campaigns and elections in
43 this State; that I will qualify for the office if elected thereto,
44
45



1 including, but not limited to, complying with any limitation
2 prescribed by the Constitution and laws of this State
3 concerning the number of years or terms for which a person
4 may hold the office; and my name will appear on all ballots
5 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 3. The address of a candidate that must be included in the
21 declaration or acceptance of candidacy pursuant to subsection 2
22 must be the street address of the residence where the candidate
23 actually, as opposed to constructively, resides in accordance with
24 NRS 281.050, if one has been assigned. The declaration or
25 acceptance of candidacy must not be accepted for filing if:

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

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

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

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

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

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

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

42 5. By filing the declaration or acceptance of candidacy, the
43 candidate shall be deemed to have appointed the city clerk as his or
44 her agent for service of process for the purposes of a proceeding
45 pursuant to NRS 293C.186. Service of such process must first be



1 attempted at the appropriate address as specified by the candidate in
2 the declaration or acceptance of candidacy. If the candidate cannot
3 be served at that address, service must be made by personally
4 delivering to and leaving with the city clerk duplicate copies of the
5 process. The city clerk shall immediately send, by registered or
6 certified mail, one of the copies to the candidate at the specified
7 address, unless the candidate has designated in writing to the city
8 clerk a different address for that purpose, in which case the city
9 clerk shall mail the copy to the last address so designated.

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

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

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

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

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

32 293C.270 ~~HH~~ If a person's name appears in the election
33 board register or if the person provides an affirmation pursuant to
34 NRS 293C.525, the person is entitled to vote and must :

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

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

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

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



- 1 ~~—(b) A driver’s license;~~
- 2 ~~—(c) An identification card issued by the Department of Motor~~
- 3 ~~Vehicles;~~
- 4 ~~—(d) A military identification card; or~~
- 5 ~~—(e) Any other form of identification issued by a governmental~~
- 6 ~~agency that contains the voter’s signature and physical description~~
- 7 ~~or picture.] on his or her proof of identity.~~

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

9 293C.272 Any registered voter who is unable to sign his or her
10 name must ~~be~~ :

11 *1. Present proof of identity; and*

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

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

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

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

23 293C.277 ~~H. — A registered voter who applies to vote at an~~
24 ~~election must give his or her name to the election board officer in~~
25 ~~charge of the election board register, and the officer shall~~
26 ~~immediately announce the name of the voter.~~

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

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

32 293C.292 1. A person applying to vote may be challenged:

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

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

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

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



1 (b) If the challenge is on the ground that the challenged person
2 previously voted a ballot for the election, "I swear or affirm under
3 penalty of perjury that I have not voted for any of the candidates or
4 questions included on this ballot for this election"; or

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

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

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

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

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

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

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

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

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

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



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

3 8. The election board officers shall:

4 (a) Record on the challenge list:

5 (1) The name of the challenged person;

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

8 (3) The result of the challenge; and

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

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

12 293C.330 1. Except as otherwise provided in subsection 2 of
13 NRS 293C.322 and chapter 293D of NRS, and any regulations
14 adopted pursuant thereto, when an absent voter receives an absent
15 ballot, the 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 city clerk, the absent voter must mark the
23 ballot, seal it in the return envelope and affix his or her signature in
24 the same manner as provided in subsection 1, and deliver the
25 envelope to the city clerk.

26 (b) A polling place, including, without limitation, a polling place
27 for early voting, the absent voter must surrender the absent ballot
28 and provide ~~[/satisfactory identification/]~~ **proof of identity** 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 city 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 identification;/]~~ **proof of identity;**

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 293C.317, it is
42 unlawful for any person to return an absent ballot other than the
43 voter who requested the absent ballot or, at the request of the voter,
44 a member of the voter's family. A person who returns an absent
45 ballot and who is a member of the family of the voter who requested



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

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

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

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

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

20 293C.3585 1. Upon the appearance of a person to cast a
21 ballot for early voting, the deputy clerk for early voting shall ~~†~~

22 ~~—(a) Determine that†~~ *determine whether* the person is a registered
23 voter in the county ~~†~~

24 ~~—(b)†~~ *and, if so:*

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

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

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

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

34 3. The roster for early voting must contain:

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

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

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

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



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

Ⓢ



