

ASSEMBLY BILL NO. 614—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

MARCH 18, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes to provisions regarding elections. (BDR 24-281)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

~

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

AN ACT relating to elections; making various provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places; increasing the residency requirement for a candidate from 30 to 90 days in his district; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; creating a task force to review and recommend revisions and consolidations of the statutes of this state regarding elections; making various changes to election procedures; providing a penalty; and providing other matters properly relating thereto.

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 thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *A registered voter who, because of a physical disability,***
4 ***is unable to mark or sign a ballot or use a voting device without***
5 ***assistance may submit a written statement to the appropriate county clerk***
6 ***requesting that he receive an absent ballot for each primary election and***
7 ***general election conducted during the period specified in subsection 3.***
8 **2. A written statement submitted pursuant to subsection 1 must:**
9 **(a) Include a statement from a physician licensed in this state**
10 ***certifying that the registered voter is a person with a physical disability***
11 ***and, because of the physical disability, he is unable to mark or sign a***
12 ***ballot or use a voting device without assistance;***

1 **(b) Designate the person who will assist the registered voter in**
2 **marking and signing the absent ballot on behalf of the registered voter;**
3 **and**

4 **(c) Include the name, address and signature of the person designated**
5 **pursuant to paragraph (b).**

6 **3. Upon receipt of a written statement submitted by a registered voter**
7 **pursuant to subsection 1, the county clerk shall, if the statement includes**
8 **the information required pursuant to subsection 2, issue an absent ballot**
9 **to the registered voter for each primary and general election that is**
10 **conducted within 2 years after the date the written statement is submitted**
11 **to the county clerk.**

12 **4. To determine whether a registered voter is entitled to receive an**
13 **absent ballot pursuant to this section, the county clerk may, every second**
14 **year after an absent ballot is issued to a registered voter pursuant to**
15 **subsection 3, require the registered voter to submit a statement from a**
16 **licensed physician as specified in paragraph (a) of subsection 2. If a**
17 **statement from a physician licensed in this state submitted pursuant to**
18 **this subsection indicates that the registered voter is no longer physically**
19 **disabled, the county clerk shall not issue an absent ballot to the**
20 **registered voter pursuant to this section.**

21 **5. A person designated pursuant to paragraph (b) of subsection 2**
22 **may, on behalf of and at the direction of the registered voter, mark and**
23 **sign an absent ballot issued to the registered voter pursuant to the**
24 **provisions of this section. If the person marks and signs the ballot, the**
25 **person shall indicate next to his signature that the ballot has been**
26 **marked and signed on behalf of the registered voter.**

27 **6. The procedure authorized pursuant to this section is subject to all**
28 **other provisions of this chapter relating to voting by absent ballot to the**
29 **extent that those provisions are not inconsistent with the provisions of**
30 **this section.**

31 **Sec. 3. 1. A person who, during the 6 months immediately**
32 **preceding an election, mails to more than a total of 500 registered voters**
33 **a form to request an absent ballot for the election shall:**

34 **(a) Mail the form prescribed by the secretary of state;**

35 **(b) Not later than 14 days before mailing such a form, notify the**
36 **county clerk of each county to which a form will be mailed of the number**
37 **of forms to be mailed to voters in the county and the date of the mailing**
38 **of the forms; and**

39 **(c) Not mail such a form later than 21 days before the election.**

40 **2. A person who violates this section is guilty of a category E felony**
41 **and shall be punished as provided in NRS 193.130.**

1 **Sec. 4.** NRS 293.1276 is hereby amended to read as follows:

2 293.1276 1. Within 4 days excluding Saturdays, Sundays and
3 holidays, after the submission of a petition containing signatures which are
4 required to be verified pursuant to NRS 293.128, **293.165**, 293.172,
5 293.200, 295.056, 298.109 ~~for 306.035,~~ **306.035 or 306.110**, the county
6 clerk shall determine the total number of signatures affixed to the
7 documents and forward that information to the secretary of state.

8 2. If the secretary of state finds that the total number of signatures filed
9 with all the county clerks is less than 100 percent of the required number
10 of registered voters, he shall so notify the person who submitted the
11 petition and the county clerks and no further action may be taken in regard
12 to the petition. If the petition is a petition to recall a county, district or
13 municipal officer, the secretary of state shall also notify the officer with
14 whom the petition is to be filed.

15 3. After the petition is submitted to the county clerk it must not be
16 handled by any other person except by an employee of the county clerk's
17 office until it is filed with the secretary of state.

18 **Sec. 5.** NRS 293.1277 is hereby amended to read as follows:

19 293.1277 1. If the secretary of state finds that the total number of
20 signatures submitted to all the county clerks is 100 percent or more of the
21 number of registered voters needed to declare the petition sufficient, he
22 shall immediately so notify the county clerks. Within 9 days excluding
23 Saturdays, Sundays and holidays after notification, each of the county
24 clerks shall determine the number of registered voters who have signed the
25 documents submitted in his county.

26 2. If more than 500 names have been signed on the documents
27 submitted to him, a county clerk shall examine the signatures by sampling
28 them at random for verification. The random sample of signatures to be
29 verified must be drawn in such a manner that every signature which has
30 been submitted to the county clerk is given an equal opportunity to be
31 included in the sample. The sample must include an examination of at least
32 500 or 5 percent of the signatures, whichever is greater.

33 3. In determining from the records of registration the number of
34 registered voters who signed the documents, the county clerk may use the
35 signatures contained in the file of applications to register to vote. If the
36 county clerk uses that file, he shall ensure that every application in the file
37 is examined, including any application in his possession which may not yet
38 be entered into his records. The county clerk shall rely only on the
39 appearance of the signature and the address and date included with each
40 signature in making his determination.

41 4. Except as otherwise provided in subsection 6, upon completing the
42 examination, the county clerk shall immediately attach to the documents a
43 certificate properly dated, showing the result of his examination and

1 transmit the documents with the certificate to the secretary of state. A copy
2 of this certificate must be filed in the clerk's office.

3 5. A person who submits a petition to the county clerk which is
4 required to be verified pursuant to NRS 293.128, **293.165**, 293.172,
5 293.200, 295.056, 298.109 , ~~for~~ 306.035 **or 306.110** must be allowed to
6 witness the verification of the signatures. A public officer who is the
7 subject of a recall petition must also be allowed to witness the verification
8 of the signatures on the petition.

9 6. For any petition containing signatures which are required to be
10 verified pursuant to the provisions of NRS **293.165**, 293.200 , ~~for~~ 306.035
11 **or 306.110** for any county, district or municipal office within one county,
12 the county clerk shall not transmit to the secretary of state the documents
13 containing the signatures of the registered voters.

14 7. The secretary of state may by regulation establish further
15 procedures for carrying out the provisions of this section.

16 **Sec. 6.** NRS 293.1279 is hereby amended to read as follows:

17 293.1279 1. If the statistical sampling shows that the number of valid
18 signatures filed is 90 percent or more but less than 100 percent of the
19 number of signatures of registered voters needed to declare the petition
20 sufficient, the secretary of state shall order the county clerks to examine
21 the signatures for verification. The county clerks ~~must~~ **shall** examine the
22 signatures for verification until they determine that 100 percent of the
23 number of signatures of registered voters needed to declare the petition
24 sufficient are valid.

25 2. If the statistical sampling shows that the number of valid signatures
26 filed in any county is 90 percent or more but less than 100 percent of the
27 number of signatures of registered voters needed to constitute 10 percent
28 of the number of voters who voted at the last preceding general election in
29 that county, the secretary of state may order the county clerk in that county
30 to examine every signature for verification.

31 3. Within 12 days excluding Saturdays, Sundays and holidays after
32 receipt of such an order, the clerk shall determine from the records of
33 registration what number of registered voters have signed the petition. If
34 necessary, the board of county commissioners shall allow the county clerk
35 additional assistants for examining the signatures and provide for their
36 compensation. In determining from the records of registration what
37 number of registered voters have signed the petition, the clerk may use any
38 file or list of registered voters maintained by his office or facsimiles of
39 voters' signatures. The county clerk may rely on the appearance of the
40 signature and the address and date included with each signature in
41 determining the number of registered voters that signed the petition.

42 4. Except as otherwise provided in subsection 5, upon completing the
43 examination, the county clerk shall immediately attach to the documents of

1 the petition an amended certificate properly dated, showing the result of
2 the examination and shall immediately forward the documents with the
3 amended certificate to the secretary of state. A copy of the amended
4 certificate must be filed in the county clerk's office.

5 5. For any petition containing signatures which are required to be
6 verified pursuant to the provisions of NRS **293.165**, 293.200 , ~~for~~ 306.035
7 **or 306.110** for any county, district or municipal office within one county,
8 the county clerk shall not forward to the secretary of state the documents
9 containing the signatures of the registered voters.

10 6. Except for a petition to recall a county, district or municipal officer,
11 the petition shall be deemed filed with the secretary of state as of the date
12 on which he receives certificates from the county clerks showing the
13 petition to be signed by the requisite number of voters of the state.

14 7. If the amended certificates received from all county clerks by the
15 secretary of state establish that the petition is still insufficient, he shall
16 immediately so notify the petitioners and the county clerks. If the petition
17 is a petition to recall a county, district or municipal officer, the secretary of
18 state shall also notify the officer with whom the petition is to be filed.

19 **Sec. 7.** NRS 293.165 is hereby amended to read as follows:

20 293.165 1. Except as otherwise provided in NRS 293.166, a vacancy
21 occurring in a major or minor political party nomination for office may be
22 filled by a candidate designated by the party central committee of the
23 county or state, as the case may be, subject to the provisions of subsections
24 4 and 5.

25 2. A vacancy occurring in a nonpartisan nomination after the close of
26 filing and **on or** before the ~~first~~ **fourth** Tuesday in ~~September~~ **August**
27 must be filled by filing a nominating petition that is signed by ~~at least~~
28 **registered voters of the state, county, district or municipality who may**
29 **vote for the office in question. The number of registered voters who sign**
30 **the petition must not be less than** 1 percent of the **number of** persons ~~who~~
31 ~~are registered to vote and~~ who voted for the office in question in the state,
32 county, district or municipality at the last preceding general election. The
33 petition must be filed not earlier than the first Tuesday in June and not later
34 than the ~~third~~ **first** Tuesday in September. **The petition may consist of**
35 **more than one document. Each document must bear the name of one**
36 **county and must not be signed by a person who is not a registered voter**
37 **of that county. Each document of the petition must be submitted for**
38 **verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the**
39 **county clerk of the county named on the document.** A candidate
40 nominated pursuant to the provisions of this subsection may be elected
41 only at a general election and his name must not appear on the ballot for a
42 primary election.

1 3. A vacancy occurring in a nonpartisan nomination ~~on or~~ after ~~the~~
2 ~~primary election~~ *the fourth Tuesday in August* and before the second
3 Tuesday in September must be filled by the person who ~~received~~ *receives*
4 the next highest vote for the nomination in the primary.

5 4. ~~Except to place a candidate nominated pursuant to subsection 2 on~~
6 ~~the ballot, no~~ *No* change may be made on the ballot after the second
7 Tuesday in September of the year in which the general election is held. If a
8 nominee dies after that date, his name must remain on the ballot and, if
9 elected, a vacancy exists.

10 5. All designations provided for in this section must be filed before 5
11 p.m. on the second Tuesday in September. In each case, the statutory filing
12 fee must be paid and an acceptance of the designation must be filed before
13 5 p.m. on that date.

14 **Sec. 8.** NRS 293.166 is hereby amended to read as follows:

15 293.166 1. A vacancy occurring in a party nomination for the office
16 of state senator or assemblyman from a legislative district comprising more
17 than one county may be filled as follows, subject to the provisions of
18 subsections 2 and 3. The county commissioners of each county, all or part
19 of which is included within the legislative district, shall meet to appoint a
20 person *who is* of the same political party as the former nominee *and who*
21 *actually, as opposed to constructively, resides in the district* to fill the
22 vacancy, under the chairmanship of the chairman of the board of county
23 commissioners of the county whose population residing within the district
24 is the greatest. Each board of county commissioners shall first meet
25 separately and determine the single candidate it will nominate to fill the
26 vacancy. Then, the boards shall meet jointly and the chairmen on behalf of
27 the boards shall cast a proportionate number of votes according to the
28 percent, rounded to the nearest whole percent, which the population of its
29 county is of the population of the entire district. Populations must be
30 determined by the last decennial census or special census conducted by the
31 Bureau of the Census of the United States Department of Commerce. The
32 person who receives a plurality of these votes is appointed to fill the
33 vacancy. If no person receives a plurality of the votes, the boards of county
34 commissioners of the respective counties shall each as a group select one
35 candidate, and the nominee must be chosen by drawing lots among the
36 persons so selected.

37 2. No change may be made on the ballot after the second Tuesday in
38 September of the year in which the general election is held. If a nominee
39 dies after that date, his name must remain on the ballot and, if elected, a
40 vacancy exists.

41 3. The designation of a nominee pursuant to this section must be filed
42 with the secretary of state before 5 p.m. of the second Tuesday in
43 September, and the statutory filing fee must be paid with the designation.

Sec. 9. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least ~~30 days before~~ *the 90 days immediately preceding the date of* the close of filing of declarations of candidacy or acceptances of candidacy for the office which he seeks, he has ~~been a legal resident of~~ *, in accordance with NRS 281.050, actually, as opposed to constructively, resided in* the state, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. Any person convicted pursuant to the provisions of this section is disqualified from entering upon the duties of the office for which he was a candidate.

4. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 10. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the third Monday in May.

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

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I *actually, as opposed to constructively,* reside at, in the City or Town of, County of, State of Nevada; that my actual, *as opposed to constructive,* residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a

1 date ~~[30 days or more before]~~ *at least 90 days immediately preceding* the
2 date of the close of filing of declarations of candidacy for this office; that I
3 am registered as a member of the Party; that I have not, in
4 violation of the provisions of NRS 293.176, changed the designation of my
5 political party or political party affiliation on an official application to
6 register to vote in any state since September 1 before the closing filing date
7 for this election; that I generally believe in and intend to support the
8 concepts found in the principles and policies of that political party in the
9 coming election; that if nominated as a candidate of the Party at
10 the ensuing election I will accept that nomination and not withdraw; that I
11 will not knowingly violate any election law or any law defining and
12 prohibiting corrupt and fraudulent practices in campaigns and elections in
13 this state; that I will qualify for the office if elected thereto, including, but
14 not limited to, complying with any limitation prescribed by the constitution
15 and laws of this state concerning the number of years or terms for which a
16 person may hold the office; and that I understand that my name will appear
17 on all ballots as designated in this declaration.

18
19

20 (Designation of name)

21

22 (Signature of candidate for
23 office)

24

25 Subscribed and sworn to before
26 me this day of, 19...

27

28

29 Notary Public or other person
30 authorized to administer an oath

31

32 (b) For nonpartisan office:

33

34 DECLARATION OF CANDIDACY OF FOR THE
35 OFFICE OF

36

37 State of Nevada

38

39 County of

40

41 For the purpose of having my name placed on the official ballot as a
42 candidate for the office of, I, the undersigned, do
43 swear or affirm under penalty of perjury that I *actually, as opposed to*

1 *constructively*, reside at, in the City or Town of, County of
2, State of Nevada; that my actual , *as opposed to constructive*,
3 residence in the state, district, county, township, city or other area
4 prescribed by law to which the office pertains began on a date ~~{30 days or~~
5 ~~more before}~~ *at least 90 days immediately preceding* the date of the close
6 of filing of declarations of candidacy for this office; that if nominated as a
7 nonpartisan candidate at the ensuing election I will accept the nomination
8 and not withdraw; that I will not knowingly violate any election law or any
9 law defining and prohibiting corrupt and fraudulent practices in campaigns
10 and elections in this state; that I will qualify for the office if elected
11 thereto, including, but not limited to, complying with any limitation
12 prescribed by the constitution and laws of this state concerning the number
13 of years or terms for which a person may hold the office; and my name
14 will appear on all ballots as designated in this declaration.

15

16

17 (Designation of name)

18

19 (Signature of candidate for
20 office)

21

22 Subscribed and sworn to before
23 me this day of, 19...

24

25

26 Notary Public or other person
27 authorized to administer an oath

28

29 3. A person may be a candidate under his given name and surname, a
30 contraction or familiar form of his given name followed by his surname or
31 the initial of his given name followed by his surname. A nickname of not
32 more than 10 letters may be incorporated into a candidate's name. The
33 nickname must be in quotation marks and appear immediately before the
34 candidate's surname. A nickname must not indicate any political,
35 economic, social or religious view or affiliation and must not be the name
36 of any person, living or dead, whose reputation is known on a statewide,
37 nationwide or worldwide basis, or in any other manner deceive a voter
38 regarding the person or principles for which he is voting.

39 4. The address of a candidate which must be included in the
40 declaration of candidacy or acceptance of candidacy pursuant to subsection
41 2 must be the street address of the residence where he actually , *as opposed*
42 *to constructively*, resides ~~H~~ *in accordance with NRS 281.050*, if one has
43 been assigned. The declaration or acceptance of candidacy must not be

accepted for filing if the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

Sec. 11. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of state senator or assemblyman must execute and file with his declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned , do swear or affirm under penalty of perjury that I have been a citizen resident of this state as required by NRS 218.010 and have *actually, as opposed to constructively*, resided ~~for intend to reside~~ at the following residence or residences ~~during the 12 months immediately preceding the date of the general election for the office for which I have filed.~~ *since November 1 of the preceding year:*

.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From.....To.....	FromTo.....
Dates of Residency	Dates of Residency
.....	
Street Address	Street Address
.....	
City or Town	City or Town
.....	
State	State
From.....To.....	FromTo.....
Dates of Residency	Dates of Residency
(Attach additional sheet or sheets of residences as necessary)	

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where he actually , *as opposed to constructively*, resided or resides ~~H~~ *in accordance with NRS 281.050*, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box, unless a street address has not been assigned to the residence.

Sec. 12. NRS 293.200 is hereby amended to read as follows:

1 293.200 1. An independent candidate for partisan office must file
2 with the proper filing officer:

3 (a) A copy of the petition of candidacy that he intends to circulate for
4 signatures. The copy must be filed before the petition may be circulated.

5 (b) ~~[A]~~ *If the office is a statewide office, a* petition of candidacy signed
6 by a number of registered voters equal to at least 1 percent of the total
7 number of ballots cast in the state ~~for in the county or district electing that~~
8 ~~officer~~ *for that office* at the last preceding general election in which a
9 person was elected to that office.

10 (c) *If the office is a county office, a petition of candidacy signed by a*
11 *number of registered voters equal to at least 1 percent of the total number*
12 *of ballots cast in the county for that office at the last preceding general*
13 *election in which a person was elected to that office.*

14 (d) *If the office is a district office, a petition of candidacy signed by a*
15 *number of registered voters equal to at least 1 percent of the total number*
16 *of ballots cast in the district for that office at the last preceding general*
17 *election in which a person was elected to that office.*

18 2. The petition may consist of more than one document. Each
19 document must bear the name of the county in which it was circulated and
20 only registered voters of that county may sign the document. The person
21 who circulates the document must be a registered voter of that county. If
22 the office is a district office, only the registered voters of that district may
23 sign the document. The documents which are circulated for signature in a
24 county must be submitted to that county clerk for verification in the
25 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than
26 40 days before filing the petition of candidacy with the proper filing
27 officer. Each signer shall add to his signature the address of the place at
28 which he actually resides, the date that he signs the petition and the name
29 of the county where he is registered to vote for the purpose of determining
30 whether he is a registered voter. The person who circulates each document
31 of the petition shall sign an affidavit attesting that the signatures on the
32 document are genuine to the best of his knowledge and belief and were
33 signed in his presence by persons registered to vote in that county.

34 3. The petition of candidacy may state the principle, if any, which the
35 person qualified represents.

36 4. Petitions of candidacy must be filed not earlier than the first
37 Monday in May preceding the general election and not later than 5 p.m. on
38 the third Tuesday in August.

39 5. No petition of candidacy may contain the name of more than one
40 candidate for each office to be filled.

41 6. A person may not file as an independent candidate if he is
42 proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Tuesday in August.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The first judicial district court if the petition of candidacy was filed with the secretary of state.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. An independent candidate for partisan office must file a declaration of candidacy with the proper filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is held nor later than 5 p.m. of the first Wednesday in July.

Sec. 13. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2, a person who registered to vote pursuant to the provisions of NRS 293.5235, shall, for the first election in which he votes at which that registration is valid, vote in person unless he has previously voted in the county in which he is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or *section 2 of this act or* NRS 293.316;

(c) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(d) Requests an absent ballot in person at the office of the county clerk.

Sec. 14. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his own choice, except:

(a) The voter's employer or his agent; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance *pursuant to this section* to a ~~disabled~~ voter in casting his vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof, but the election board may require a registered voter to sign a statement that he requires assistance in casting his vote by reason of a physical disability or an inability to read or write English when the need for assistance is not apparent or no member of the election board has knowledge thereof. The statement must be executed under penalty of perjury.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at his polling place.

Sec. 15. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots.

The absent ballot must be printed in at least 14-point bold type. The county clerk shall make reasonable accommodations for the use of the absent ballot by an elderly or disabled person.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Resides within the state, not later than 20 days before the election in which it is to be used; or

(b) Resides outside the state, not later than 40 days before a primary or general election, if possible.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 16. NRS 293.316 is hereby amended to read as follows:

293.316 1. Any registered voter *who is* unable to go to the polls

~~{because}~~ :

(a) Because of an illness or disability resulting in his confinement in a hospital, sanatorium, dwelling or nursing home ~~{may request in a written statement, signed by him, that the county clerk send him an absent ballot. The clerk shall deliver the ballot, at the office of the county clerk, to any authorized representative of the voter possessing a written statement signed by the voter stating that he is confined to a dwelling or is a patient in a hospital, sanatorium or nursing home, and that he will be confined therein on election day. If any registered voter is}~~ ; or

(b) Because he is suddenly hospitalized , ~~{or}~~ becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 293.315, ~~{and is unable to vote at the polling~~

place, _____ he _____ may _____ apply}

1 *may submit a written request* to the county clerk for an absent ballot . *The*
2 *request may be submitted* at any time before 5 p.m. on the day of the
3 election. ~~{The}~~

4 *2. If the county clerk determines that a request submitted pursuant to*
5 *subsection 1 includes the information required pursuant to subsection 3,*
6 *the* county clerk shall ~~{issue}~~, *at the office of the county clerk, deliver* an
7 absent ballot ~~{upon satisfactory proof of the emergency.}~~
8 ~~—2.—After~~ *to the person designated in the request to obtain the ballot*
9 *for the registered voter.*

10 *3. A written request submitted pursuant to subsection 1 must include:*

11 *(a) The name, address and signature of the registered voter requesting*
12 *the absent ballot;*

13 *(b) The name, address and signature of the person designated by the*
14 *registered voter to obtain, deliver and return the ballot for the registered*
15 *voter;*

16 *(c) A brief statement of the illness or disability of the registered voter*
17 *or of facts sufficient to establish that the registered voter was called away*
18 *from home after the time had elapsed for requesting an absent ballot;*

19 *(d) If the voter is confined in a hospital, sanatorium, dwelling or*
20 *nursing home, a statement that he will be confined therein on the day of*
21 *the election; and*

22 *(e) Unless the person designated pursuant to paragraph (b) will mark*
23 *and sign an absent ballot on behalf of the registered voter pursuant to*
24 *subsection 5, a statement signed under penalty of perjury that only the*
25 *registered voter will mark and sign the ballot.*

26 *4. Except as otherwise provided in subsection 5, after* marking his
27 ballot the voter must ~~{place}~~ :

28 *(a) Place* it in the identification envelope ~~{. He must affix}~~ ;

29 *(b) Affix* his signature on the back of the envelope ; and ~~{return}~~

30 *(c) Return* it to the office of the county clerk.

31 ~~{3.}~~ *5. A person designated in a request submitted pursuant to*
32 *subsection 1 may, on behalf of and at the direction of the registered*
33 *voter, mark and sign the absent ballot. If the person marks and signs the*
34 *ballot, the person shall indicate next to his signature that the ballot has*
35 *been marked and signed on behalf of the registered voter.*

36 *6. A request for* ~~{a}~~ *an absent ballot submitted* pursuant to this section
37 must be made, and the ballot delivered to the voter and returned to the
38 county clerk, not later than the time the polls close on election day.

39 ~~{4.}~~ *7. The procedure authorized by this section is subject to all other*
40 *provisions of this chapter relating to voting by* absent ballot ~~{voting insofar~~
41 ~~as}~~ *to the extent that* those provisions are not inconsistent with the
42 provisions of this section.

43 **Sec. 17.** NRS 293.330 is hereby amended to read as follows:

1 293.330 1. When an absent voter receives his ballot, he must mark
2 and fold it, if it is a paper ballot, or punch it, if the ballot is voted by
3 punching a card, in accordance with the instructions, deposit it in the return
4 envelope, seal the envelope, affix his signature on the back of the envelope
5 in the space provided therefor and mail the return envelope.

6 2. If the absent voter who has received a ballot by mail applies to vote
7 the ballot in person at:

8 (a) The county clerk's office, he must mark or punch the ballot, seal it
9 in the return envelope and affix his signature in the same manner as
10 provided in subsection 1, and deliver the envelope to the clerk.

11 (b) A polling place, he must surrender the absent ballot and provide
12 satisfactory identification before being issued a ballot to vote at the polling
13 place. A person who receives a surrendered absent ballot shall mark it
14 "Canceled."

15 3. Except as otherwise provided in NRS 293.316, it is unlawful for any
16 person *to return an absent ballot* other than the voter who requested ~~an~~
17 *the absent ballot* ~~[to return it.]~~ *or, at the request of the voter, a member of*
18 *his family. A person who returns an absent ballot and who is a member*
19 *of the family of the voter who requested the absent ballot shall, under*
20 *penalty of perjury, indicate on a form prescribed by the county clerk that*
21 *he is a member of the family of the voter who requested the absent ballot*
22 *and that the voter requested that he return the absent ballot.* A person
23 who violates the provisions of this subsection is guilty of a category E
24 felony and shall be punished as provided in NRS 193.130.

25 **Sec. 18.** NRS 293.359 is hereby amended to read as follows:

26 293.359 ~~[1.]~~ The ballot box for early voting in which voted ballots
27 which are paper ballots or ballots which are voted by punching a card are
28 deposited must have two ~~locks, each with a different key~~ *numbered*
29 *seals*, and must be designed and constructed so that the box can be sealed
30 to detect any unauthorized opening of the box and that the ballot slot can
31 be sealed to prevent any unauthorized deposit in the box. The seals for the
32 boxes must be serially numbered for each election.

33 ~~[2.—During the period for early voting by personal appearance, the~~
34 ~~county clerk shall keep the key to one of the locks to the ballot box for~~
35 ~~early voting and a designated custodian, not under the authority of the~~
36 ~~county clerk, shall keep the key to the second lock.~~

37 ~~—3.—Each custodian shall retain possession of the key entrusted to him~~
38 ~~until it is delivered to the ballot board for early voting.]~~

39 **Sec. 19.** NRS 293.3602 is hereby amended to read as follows:

40 293.3602 If paper ballots or ballots which are voted by punching a
41 card are used during the period for early voting by personal appearance:

42 1. The ballots voted at the permanent or temporary polling place must
43 be delivered by an election board officer to the county clerk's office at the

1 close of each voting day. The seal on the ballot box must indicate the
2 number of voted ballots contained in that box for that day.

3 2. When the ballot box is delivered pursuant to subsection 1, the
4 county clerk shall provide a new ballot box ~~locked~~ sealed in the manner
5 prescribed in NRS 293.359.

6 3. At the close of the fourth voting day before the last day to vote early
7 and at the close of each of the 3 days thereafter, the county clerk shall
8 deliver all ballots voted to the ballot board for early voting. At the close of
9 the last voting day, the county clerk shall deliver to the ballot board for
10 early voting:

11 (a) Each remaining ballot box containing the ballots voted early by
12 personal appearance ; ~~and his key to each box;~~

13 (b) A voting roster of all persons who voted early by personal
14 appearance; and

15 (c) Any list of registered voters used in conducting early voting.

16 4. ~~Upon the call of the chairmen of the board, the custodian of the key~~
17 ~~to the second lock on the ballot boxes shall deliver his key for each box to~~
18 ~~the presiding officer.~~

19 ~~5.]~~ Upon the receipt of ballots, the board shall:

20 (a) Remove all ballots from the ballot boxes and sort the ballots by
21 precinct or voting district;

22 (b) Count the number of ballots by precinct or voting district;

23 (c) Account for all ballots on an official statement of ballots; and

24 (d) Place all official ballots in the container provided to transport those
25 items to a central counting place and seal the container with a numbered
26 seal. The official statement of ballots must accompany the voted ballots to
27 the central counting place.

28 ~~16.]~~ 5. The county clerk shall allow members of the general public to
29 observe the handling of the ballots pursuant to subsection ~~15]~~ 4 if those
30 members do not interfere with the handling of the ballots.

31 **Sec. 20.** NRS 293.507 is hereby amended to read as follows:

32 293.507 1. The secretary of state shall prescribe:

33 (a) A standard form for applications to register to vote; and

34 (b) A special form for registration to be used in a county where
35 registrations are performed and records of registration are kept by
36 computer.

37 2. The county clerks shall provide forms for applications to register to
38 vote to field registrars in the form and number prescribed by the secretary
39 of state.

40 3. A form for an application to register to vote must include a
41 duplicate copy marked as the receipt to be retained by the applicant upon
42 completion of the form.

43 4. The form for an application to register to vote must include:

(a) A line on which to enter ~~[the number on]~~ :

(1) The first two letters of the last name of the voter;

(2) The year, month and day of the birth of the voter; and

(3) The last four digits of the voter's social security ~~[card, driver's license or identification card issued by the department of motor vehicles and public safety.]~~ number, if any. If the last four digits of a social security number are not provided, the county clerk shall assign a four-digit number.

(b) A line on which to enter the address at which the voter actually resides. The application must not be accepted if the address is listed as a post office box unless a street address has not been assigned to his residence.

(c) A notice that the voter may not list his address as a business unless he actually resides there.

(d) A line on which must be printed the words "Disabled Voter" and a box near those words for the purpose of indicating that the voter is disabled.

Sec. 21. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 23 of this act.

Sec. 22. 1. *A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each primary city election and general city election conducted during the period specified in subsection 3.*

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this state certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each primary and general election that is conducted within 2 years after the date the written statement is submitted to the city clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every second

1 *year after an absent ballot is issued to a registered voter pursuant to*
2 *subsection 3, require the registered voter to submit a statement from a*
3 *licensed physician as specified in paragraph (a) of subsection 2. If a*
4 *statement from a physician licensed in this state submitted pursuant to*
5 *this subsection indicates that the registered voter is no longer physically*
6 *disabled, the city clerk shall not issue an absent ballot to the registered*
7 *voter pursuant to this section.*

8 *5. A person designated pursuant to paragraph (b) of subsection 2*
9 *may, on behalf of and at the direction of the registered voter, mark and*
10 *sign an absent ballot issued to the registered voter pursuant to the*
11 *provisions of this section. If the person marks and signs the ballot, the*
12 *person shall indicate next to his signature that the ballot has been*
13 *marked and signed on behalf of the registered voter.*

14 *6. The procedure authorized pursuant to this section is subject to all*
15 *other provisions of this chapter relating to voting by absent ballot to the*
16 *extent that those provisions are not inconsistent with the provisions of*
17 *this section.*

18 **Sec. 23. 1. A person who, during the 6 months immediately**
19 **preceding an election, mails to more than a total of 500 registered voters**
20 **a form to request an absent ballot for the election shall:**

21 **(a) Mail the form prescribed by the secretary of state;**

22 **(b) Not later than 14 days before mailing such a form, notify the city**
23 **clerk of each city to which a form will be mailed of the number of forms**
24 **to be mailed to voters in the city and the date of the mailing of the forms;**
25 **and**

26 **(c) Not mail such a form later than 21 days before the election.**

27 **2. A person who violates this section is guilty of a category E felony**
28 **and shall be punished as provided in NRS 193.130.**

29 **Sec. 24. NRS 293C.185 is hereby amended to read as follows:**

30 **293C.185 1. Except as otherwise provided in NRS 293C.190, a**
31 **name may not be printed on a ballot to be used at a primary city election,**
32 **unless the person named has filed a declaration of candidacy or an**
33 **acceptance of candidacy and paid the fee established by the governing**
34 **body of the city not earlier than 40 days before the primary city election**
35 **and not later than 5 p.m. on the 30th day before the primary city election.**

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

38
39 **DECLARATION OF CANDIDACY OF FOR THE**
40 **OFFICE OF**

41
42 **State of Nevada**
43

1 City of

2
3 For the purpose of having my name placed on the official ballot as a
4 candidate for the office of, I, the undersigned, do
5 swear or affirm under penalty of perjury that I *actually, as opposed to*
6 *constructively*, reside at, in the City or Town of,
7 County of, State of Nevada; that my actual *, as opposed to*
8 *constructive*, residence in the city, township or other area prescribed by
9 law to which the office pertains began on a date ~~{30 days or more before}~~
10 *at least 90 days immediately preceding* the date of the close of filing of
11 declarations of candidacy for this office; that if nominated as a candidate at
12 the ensuing election I will accept the nomination and not withdraw; that I
13 will not knowingly violate any election law or any law defining and
14 prohibiting corrupt and fraudulent practices in campaigns and elections in
15 this state; that I will qualify for the office if elected thereto, including, but
16 not limited to, complying with any limitation prescribed by the constitution
17 and laws of this state concerning the number of years or terms for which a
18 person may hold the office; and my name will appear on all ballots as
19 designated in this declaration.

20
21
22 (Designation of name)

23
24 (Signature of candidate for
25 office)

26
27 Subscribed and sworn to before
28 me this day of, 19...

29
30
31 Notary Public or other person
32 authorized to administer an oath

33
34 3. A person may be a candidate under his given name and surname, a
35 contraction or familiar form of his given name followed by his surname or
36 the initial of his given name followed by his surname. A nickname of not
37 more than 10 letters may be incorporated into a candidate's name. The
38 nickname must be in quotation marks and appear immediately before the
39 candidate's surname. A nickname must not indicate any political,
40 economic, social or religious view or affiliation and must not be the name
41 of any person, living or dead, whose reputation is known on a statewide,
42 nationwide or worldwide basis, or in any other manner deceive a voter
43 concerning the person or principles for which he is voting.

4. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he 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 the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

Sec. 25. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least ~~30 days before~~ *the 90 days immediately preceding the date of* the close of filing of declarations or acceptances of candidacy for the office that he seeks, he has ~~been a legal resident of~~ *in accordance with NRS 281.050, actually, as opposed to constructively, resided in* the city or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.

3. Any person convicted pursuant to the provisions of this section is disqualified from entering upon the duties of the office for which he was a candidate.

Sec. 26. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2, a person who registered to vote pursuant to the provisions of NRS 293.5235, shall, for the first city election in which he votes at which that registration is valid, vote in person unless he has previously voted in the county in which he is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or *section 22 of this act or* NRS 293C.317;

(c) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(d) Requests an absent ballot in person at the office of the city clerk.

Sec. 27. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his own choice, except:

(a) The voter's employer or his agent; or

1 (b) An officer or agent of the voter's labor organization.

2 2. A person providing assistance *pursuant to this section* to a
3 ~~{disabled}~~ voter in casting his vote shall not disclose any information with
4 respect to the casting of that ballot.

5 3. The right to assistance in casting a ballot may not be denied or
6 impaired when the need for assistance is apparent or is known to the
7 election board or any member thereof, but the election board may require a
8 registered voter to sign a statement that he requires assistance in casting his
9 vote because of a physical disability or an inability to read or write English
10 when the need for assistance is not apparent or no member of the election
11 board has knowledge thereof. The statement must be executed under
12 penalty of perjury.

13 *4. In addition to complying with the requirements of this section, the*
14 *city clerk and election board officer shall, upon the request of a*
15 *registered voter with a physical disability, make reasonable*
16 *accommodations to allow the voter to vote at his polling place.*

17 **Sec. 28.** NRS 293C.305 is hereby amended to read as follows:

18 293C.305 1. The city clerk shall prepare an absent ballot for the use
19 of registered voters who have requested absent ballots. *The absent ballot*
20 *must be printed in at least 14-point bold type. The city clerk shall make*
21 *reasonable accommodations for the use of the absent ballot by an elderly*
22 *or disabled person.*

23 2. The ballot must be prepared and ready for distribution to a
24 registered voter who resides within or outside this state, not later than 20
25 days before the election in which it will be used.

26 3. Any legal action that would prevent the ballot from being issued
27 pursuant to subsection 2 is moot and of no effect.

28 **Sec. 29.** NRS 293C.317 is hereby amended to read as follows:

29 293C.317 1. Any registered voter *who is* unable to go to the polls
30 ~~{because}~~ :

31 *(a) Because of an illness or disability resulting in his confinement in a*
32 *hospital, sanatorium, dwelling or nursing home* ~~{may request in a written~~
33 ~~statement, signed by him, that the city clerk send him an absent ballot. The~~
34 ~~city clerk shall deliver the ballot, at the office of the city clerk, to any~~
35 ~~authorized representative of the voter possessing a written statement signed~~
36 ~~by the voter stating that he is confined to a dwelling or is a patient in a~~
37 ~~hospital, sanatorium or nursing home and that he will be confined therein~~
38 ~~on election day. If any registered voter is} ; or~~

39 *(b) Because he is* suddenly hospitalized , ~~{or}~~ becomes seriously ill or is
40 called away from home after the time has elapsed for requesting an absent
41 ballot as provided in NRS 293C.312 ~~{and is unable to vote at the polling~~
42 ~~place, he may apply}~~ ,

1 *may submit a written request* to the city clerk for an absent ballot . *The*
2 *request may be submitted* at any time before 5 p.m. on the day of the
3 election. ~~{The}~~

4 2. *If the city clerk determines that a request submitted pursuant to*
5 *subsection 1 includes the information required pursuant to subsection 3,*
6 *the city clerk shall {issue}, at the office of the city clerk, deliver* an absent
7 ballot ~~{upon satisfactory proof of the emergency.~~

8 ~~2. After~~ *to the person designated in the request to obtain the ballot*
9 *for the registered voter.*

10 3. *A written request submitted pursuant to subsection 1 must include:*

11 (a) *The name, address and signature of the registered voter requesting*
12 *the absent ballot;*

13 (b) *The name, address and signature of the person designated by the*
14 *registered voter to obtain, deliver and return the ballot for the registered*
15 *voter;*

16 (c) *A brief statement of the illness or disability of the registered voter*
17 *or of facts sufficient to establish that the registered voter was called away*
18 *from home after the time had elapsed for requesting an absent ballot;*

19 (d) *If the voter is confined in a hospital, sanatorium, dwelling or*
20 *nursing home, a statement that he will be confined therein on the day of*
21 *the election; and*

22 (e) *Unless the person designated pursuant to paragraph (b) will mark*
23 *and sign an absent ballot on behalf of the registered voter pursuant to*
24 *subsection 5, a statement signed under penalty of perjury that only the*
25 *registered voter will mark and sign the ballot.*

26 4. *Except as otherwise provided in subsection 5, after* marking his
27 ballot the voter must ~~{place}~~ :

28 (a) *Place* it in the identification envelope ~~{. The voter must affix}~~ ;

29 (b) *Affix* his signature on the back of the envelope ; and ~~{return}~~

30 (c) *Return* it to the office of the city clerk.

31 ~~{3.}~~ 5. *A person designated in a request submitted pursuant to*
32 *subsection 1 may, on behalf of and at the direction of the registered*
33 *voter, mark and sign the absent ballot. If the person marks and signs the*
34 *ballot, the person shall indicate next to his signature that the ballot has*
35 *been marked and signed on behalf of the registered voter.*

36 6. A request for ~~{a}~~ *an absent* ballot *submitted* pursuant to this section
37 must be made, and the ballot delivered to the voter and returned to the city
38 clerk, not later than the time the polls close on election day.

39 ~~{4.}~~ 7. The procedure authorized by this section is subject to all other
40 provisions of this chapter relating to *voting by* absent ballot ~~{voting insofar~~
41 ~~as}~~ *to the extent that* those provisions are not inconsistent with the
42 provisions of this section.

43 **Sec. 30.** NRS 293C.330 is hereby amended to read as follows:

1 293C.330 1. When an absent voter receives his ballot, he must mark
2 and fold it, if it is a paper ballot, or punch it, if the ballot is voted by
3 punching a card, in accordance with the instructions, deposit it in the return
4 envelope, seal the envelope, affix his signature on the back of the envelope
5 in the space provided therefor and mail the return envelope.

6 2. If the absent voter who has received a ballot by mail applies to vote
7 the ballot in person at:

8 (a) The city clerk's office, he must mark or punch the ballot, seal it in
9 the return envelope and affix his signature in the same manner as provided
10 in subsection 1, and deliver the envelope to the city clerk.

11 (b) A polling place, he must surrender the absent ballot and provide
12 satisfactory identification before being issued a ballot to vote at the polling
13 place. A person who receives a surrendered absent ballot shall mark it
14 "Canceled."

15 3. Except as otherwise provided in NRS 293C.317, it is unlawful for
16 any person *to return an absent ballot* other than the voter who requested
17 ~~an~~ the absent ballot ~~to return it.~~ *or, at the request of the voter, a*
18 *member of his family. A person who returns an absent ballot and who is*
19 *a member of the family of the voter who requested the absent ballot shall,*
20 *under penalty of perjury, indicate on a form prescribed by the city clerk*
21 *that he is a member of the family of the voter who requested the absent*
22 *ballot and that the voter requested that he return the absent ballot.* A
23 person 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. 31.** NRS 293C.359 is hereby amended to read as follows:

26 293C.359 ~~1.~~ The ballot box for early voting in which voted ballots
27 which are paper ballots or ballots which are voted by punching a card are
28 deposited must have two ~~locks, each with a different key~~ *numbered*
29 *seals*, and must be designed and constructed so that the box can be sealed
30 to detect any unauthorized opening of the box and that the ballot slot can
31 be sealed to prevent any unauthorized deposit in the box. The seals for the
32 boxes must be serially numbered for each election.

33 ~~2.—During the period for early voting by personal appearance, the city~~
34 ~~clerk shall keep the key to one of the locks to the ballot box for early~~
35 ~~voting and a designated custodian, not under the authority of the city clerk,~~
36 ~~shall keep the key to the second lock.~~

37 ~~3.—Each custodian shall retain possession of the key entrusted to him~~
38 ~~until it is delivered to the ballot board for early voting.]~~

39 **Sec. 32.** NRS 293C.3602 is hereby amended to read as follows:

40 293C.3602 If paper ballots or ballots which are voted by punching a
41 card are used during the period for early voting by personal appearance:

42 1. The ballots voted at the permanent or temporary polling place must
43 be delivered by an election board officer to the city clerk's office at the

1 close of each voting day. The seal on the ballot box must indicate the
2 number of voted ballots contained in that box for that day.

3 2. When the ballot box is delivered pursuant to subsection 1, the city
4 clerk shall provide a new ballot box ~~locked~~ *sealed* in the manner
5 prescribed in NRS 293C.359.

6 3. At the close of the fourth voting day before the last day to vote early
7 and at the close of each of the 3 days thereafter, the city clerk shall deliver
8 all ballots voted to the ballot board for early voting. At the close of the last
9 voting day, the city clerk shall deliver to the ballot board for early voting:

10 (a) Each remaining ballot box containing the ballots voted early by
11 personal appearance ; ~~and his key to each box;~~

12 (b) A voting roster of all persons who voted early by personal
13 appearance; and

14 (c) Any list of registered voters used in conducting early voting.

15 4. ~~Upon the call of the chairmen of the board, the custodian of the key~~
16 ~~to the second lock on the ballot boxes shall deliver his key for each box to~~
17 ~~the presiding officer.~~

18 ~~5.~~ Upon the receipt of ballots, the board shall:

19 (a) Remove all ballots from the ballot boxes and sort the ballots by
20 precinct or voting district;

21 (b) Count the number of ballots by precinct or voting district;

22 (c) Account for all ballots on an official statement of ballots; and

23 (d) Place all official ballots in the container provided to transport those
24 items to a central counting place and seal the container with a numbered
25 seal. The official statement of ballots must accompany the voted ballots to
26 the central counting place.

27 ~~6.~~ 5. The city clerk shall allow members of the general public to
28 observe the handling of the ballots pursuant to subsection ~~5~~ 4 if those
29 members do not interfere with the handling of the ballots.

30 **Sec. 33.** NRS 306.110 is hereby amended to read as follows:

31 306.110 1. A petition to nominate other candidates for the office
32 must be signed by registered voters of the state, or of the county, district or
33 municipality holding the election, equal in number to 25 percent of the
34 number of registered voters who voted in the state, or in the county, district
35 or municipality holding the election at the general election at which the
36 public officer was elected. *Each petition may consist of more than one*
37 *document. Each document must bear the name of one county and must*
38 *not be signed by a person who is not a registered voter of that county.*

39 2. The nominating petition must be filed, at least ~~15~~ 20 days before
40 the date of the special election, with the officer with whom the recall
41 petition is filed. *Each document of the petition must be submitted for*
42 *verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the*
43 *county clerk of the county named on the document.*

- 1 3. Each candidate who is nominated for office must file an acceptance
- 2 of candidacy with the appropriate filing officer and pay the fee required by
- 3 NRS 293.193 or by the governing body of a city at least ~~15~~ 20 days
- 4 before the date of the special election.

1 **Sec. 34.** NRS 218.010 is hereby amended to read as follows:

2 218.010 No person ~~{shall be}~~ **is** eligible to the office of state senator or
3 assemblyman who:

4 1. Is not a qualified elector and who has not been ~~{a}~~ **an actual, as**
5 **opposed to constructive,** citizen resident of this state for 1 year next
6 preceding his election.

7 2. At the time of election has not attained the age of 21 years.

8 **Sec. 35.** NRS 218.043 is hereby amended to read as follows:

9 218.043 Where a vacancy occurs in the office of state senator or
10 assemblyman during a regular or special session of the legislature or at a
11 time when no biennial election or regular election at which county officers
12 are to be elected will take place between the occurrence of the vacancy and
13 the next regular or special session, the procedure for filling the vacancy is
14 as follows:

15 1. Where the senator or assemblyman was elected from a district
16 wholly within one county, the board of county commissioners of the
17 county from which the former incumbent was elected shall appoint a
18 person of the same political party as the former incumbent **and who**
19 **actually, as opposed to constructively, resides in the district** to fill the
20 vacancy.

21 2. Where the former incumbent was elected from a district comprising
22 more than one county, the county commissioners of each county within or
23 partly within the district shall meet to appoint a person of the same
24 political party as the former incumbent **and who actually, as opposed to**
25 **constructively, resides in the district** to fill the vacancy, under the
26 chairmanship of the chairman of the board of county commissioners of the
27 county whose population residing within the district is the greatest. Each
28 board of county commissioners shall first meet separately and determine
29 the single candidate it will nominate to fill the vacancy. Then , the boards
30 shall meet jointly and the chairmen on behalf of the boards shall cast a
31 proportionate number of votes according to the percent, rounded to the
32 nearest whole percent, which the population of its county is of the
33 population of the entire district. Populations must be determined by the last
34 decennial census or special census conducted by the Bureau of the Census
35 of the United States Department of Commerce. The person who receives a
36 plurality of these votes is appointed to fill the vacancy. If no person
37 receives a plurality of the votes, the boards of county commissioners of the
38 respective counties shall each select a candidate, and the appointee ~~{shall}~~
39 **must** be chosen by drawing lots among the candidates so selected.

40 3. The board of county commissioners or the board of the county
41 which has the largest population within the district, as the case may be,
42 shall issue a certificate of appointment naming the appointee. The county
43 clerk or the clerk of the county which has the largest population within the

1 district, as the case may be, shall give the certificate to the appointee and
2 send a copy of the certificate to the secretary of state.

3 **Sec. 36.** NRS 281.050 is hereby amended to read as follows:

4 281.050 1. The ~~legal~~ residence of a person with reference to his
5 eligibility to office is ~~[that place where he has been actually, physically and~~
6 ~~corporeally present]~~ **his actual residence** within the state or county or
7 district, as the case may be, during all the period for which residence is
8 claimed by him. ~~Should~~ **If** any person ~~absent~~ **absents** himself from the
9 jurisdiction of his residence ~~[such absence shall]~~ **with the intention in good**
10 **faith to return without delay and continue his residence, the period of**
11 **absence must not** be considered in determining the question of ~~legal~~
12 residence.

13 2. If a candidate who has filed for elective office moves his residence
14 out of the state, county, district, ward, subdistrict or any other unit
15 prescribed by law for which he is a candidate and in which he is required
16 **actually, as opposed to constructively,** to reside, a vacancy is created
17 thereby and the appropriate action for filling ~~[such vacancy shall]~~ **the**
18 **vacancy must** be taken. **A person shall be deemed to have moved his**
19 **residence for the purposes of this section if:**

- 20 (a) **He has acted affirmatively to remove himself from one place; and**
21 (b) **He has an intention to remain in another place.**

22 3. The district court has jurisdiction to determine the question of
23 ~~legal~~ residence in an action for declaratory judgment.

24 4. **As used in this section, "actual residence" means the place where**
25 **a person is legally domiciled and maintains a permanent habitation. If**
26 **the person maintains more than one such habitation, the place he**
27 **declares to be his principal permanent habitation when filing a**
28 **declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be**
29 **deemed to be his actual residence.**

30 **Sec. 37.** NRS 283.040 is hereby amended to read as follows:

31 283.040 1. Every office becomes vacant upon the occurring of any
32 of the following events before the expiration of the term:

33 (a) The death or resignation of the incumbent.

34 (b) The removal of the incumbent from office.

35 (c) The confirmed insanity of the incumbent, found by a court of
36 competent jurisdiction.

37 (d) A conviction of the incumbent of any felony or offense involving a
38 violation of his official oath or bond or a violation of NRS 241.040,
39 293.1755 or 293C.200.

40 (e) A refusal or neglect of the person elected or appointed to take the
41 oath of office, as prescribed in NRS 282.010, or, when a bond is required
42 by law, his refusal or neglect to give the bond within the time prescribed
43 by

law.

1 (f) Except as otherwise provided in NRS 266.400, the ceasing of the
2 incumbent to be ~~an~~ *an actual, as opposed to constructive*, resident of the
3 state, district, county, city, ward or other unit prescribed by law in which
4 the duties of his office are to be exercised, or from which he was elected or
5 appointed, or in which he was required to reside to be a candidate for
6 office or appointed to office.

7 (g) The neglect or refusal of the incumbent to discharge the duties of his
8 office for a period of 30 days, except when prevented by sickness or
9 absence from the state or county, as provided by law. In a county whose
10 population is less than 10,000, after an incumbent, other than a state
11 officer, has been prevented by sickness from discharging the duties of his
12 office for at least 6 months, the district attorney, either on his own volition
13 or at the request of another person, may petition the district court to declare
14 the office vacant. If the incumbent holds the office of district attorney, the
15 attorney general, either on his own volition or at the request of another
16 person, may petition the district court to declare the office vacant. The
17 district court shall hold a hearing to determine whether to declare the office
18 vacant and, in making its determination, shall consider evidence relating
19 to:

- 20 (1) The medical condition of the incumbent;
21 (2) The extent to which illness, disease or physical weakness has
22 rendered the incumbent unable to manage independently and perform the
23 duties of his office; and
24 (3) The extent to which the absence of the incumbent has had a
25 detrimental effect on the applicable governmental entity.

26 (h) The decision of a competent tribunal declaring the election or
27 appointment void or the office vacant.

28 2. Upon the happening of any of the events described in subsection 1,
29 if the incumbent fails or refuses to relinquish his office, the attorney
30 general shall, if the office is a state office or concerns more than one
31 county, or the district attorney shall, if the office is a county office or
32 concerns territory within one county, commence and prosecute, in a court
33 of competent jurisdiction, any proceedings for judgment and decree
34 declaring that office vacant.

35 **Sec. 38.** 1. The secretary of state shall establish and coordinate a
36 task force to review the election laws of this state to recommend how:

- 37 (a) The laws may be consolidated;
38 (b) Antiquated language may be replaced; and
39 (c) Duplicative language may be eliminated.
40 2. The task force established pursuant to subsection 1 must include:
41 (a) The secretary of state or his designee;
42 (b) One representative of a county whose population is 400,000 or
43 more;

1 (c) One representative of a county whose population is 100,000 or more
2 but less than 400,000; and

3 (d) Five representatives of five counties whose population is less than
4 100,000.

5 3. The task force established pursuant to subsection 1 shall submit a
6 report of its findings and recommendations, on or before September 1,
7 2000, to the director of the legislative counsel bureau for distribution to the
8 next regular session of the legislature. The task force shall provide a copy
9 of the report to the office of the attorney general for its review to ensure
10 compliance with federal law not less than 30 days before the task force
11 submits the report to the director of the legislative counsel bureau.

12 4. The members appointed to the task force serve without
13 compensation except that a local government that employs a member of
14 the task force shall pay the regular salary, per diem allowance and travel
15 expenses of that member for each day or portion of a day during which he
16 attends a meeting of the task force or is otherwise engaged in the business
17 of the task force.

18 **Sec. 39.** The provisions of subsection 1 of NRS 354.599 do not apply
19 to any additional expenses of a local government that are related to the
20 provisions of this act.

21 **Sec. 40.** The amendatory provisions of this act do not apply to
22 conduct that occurred before October 1, 1999.