

Assembly Bill No. 614—Committee on Elections,

Procedures, and Ethics

CHAPTER.....

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; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; changing the period that unused ballots must be held by the county clerk; revising the requirements for recounting ballots by hand; specifying the time within which a public officer who is subject to a recall may resign without a special election being conducted; making various changes to election deadlines and procedures; and providing other matters properly relating thereto.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 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 county clerk requesting that he receive an absent ballot for each 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 county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted during the year immediately succeeding the date the written statement is submitted to the county clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this state submitted pursuant to

this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

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

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

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

(a) Mail the form prescribed by the secretary of state, which must, in 14-point type or larger:

(1) Identify the person who is mailing the form;

(2) Include a notice stating, "This is a request for an absent ballot."; and

(3) State that by returning the form the form will be submitted to the county clerk;

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

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

2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.

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

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

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

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

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

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

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

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

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and transmit the documents with the certificate to the secretary of state. A copy of this certificate must be filed in the clerk's office.

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

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

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

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

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

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

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

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the secretary of state. A copy of the amended certificate must be filed in the county clerk's office.

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

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

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

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

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

2. A vacancy occurring in a nonpartisan nomination after the close of filing and *on or* before the ~~{first}~~ *second* Tuesday in ~~{September}~~ *August* must be filled by filing a nominating petition that is signed by ~~{at least}~~ *registered voters of the state, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than* 1 percent of the *number of* persons ~~{who are registered to vote and}~~ who voted for the office in question in the state, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in June and not later than the ~~{third}~~ *fourth* Tuesday in ~~{September}~~ *August. The petition may consist of more than one document. Each document must bear the name of one county and must not be signed by a person who is not a registered voter of that county. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document.* A candidate nominated pursuant to the provisions of this subsection ~~{may}~~ :

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only at a general election and his name must not appear on the ballot for a primary election.

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

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

5. All designations provided for in this section must be filed before 5 p.m. on the second Tuesday in September. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed before 5 p.m. on ~~{that date}~~ *the date the designation is filed.*

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

293.166 1. A vacancy occurring in a party nomination for the office of state senator or assemblyman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a

person **who is** of the same political party as the former nominee **and who actually, as opposed to constructively, resides in the district** to fill the vacancy, under the chairmanship of the chairman of the board of county commissioners of the county whose population residing within the district is the greatest. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairmen on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

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

3. The designation of a nominee pursuant to this section must be filed with the secretary of state before 5 p.m. of the second Tuesday in 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 **the** 30 days ~~before~~ **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 date **at least** 30 days ~~for more before~~ **immediately preceding** the date of the close of filing of declarations of candidacy for this office; that I am registered as a member of the Party; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, 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, 19...

.....
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 ~~for more before~~ **immediately preceding** the date of the close of filing
of declarations of candidacy for this office; that if nominated as a
nonpartisan candidate at the ensuing election I will accept the nomination
and not withdraw; that I will not knowingly violate any election law or any
law defining and prohibiting corrupt and fraudulent practices in campaigns
and elections in this state; that I will qualify for the office if elected thereto,
including, but not limited to, complying with any limitation prescribed by
the constitution and laws of this state concerning the number of years or
terms for which a person may hold the office; and my name will appear on
all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

4. 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 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. 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..... Dates of Residency	 From To..... Dates of Residency
..... Street Address	 Street Address
..... City or Town	 City or Town
..... State	 State

From.....To..... From.....To.....
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:

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

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

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

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

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

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

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

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

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

6. A person may not file as an independent candidate if he is 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 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} may submit a written request to the county clerk for an absent ballot . The request may be submitted at any time before 5 p.m. on the day of the election. {The}

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

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

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

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

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

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

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

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

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

(a) *Place* it in the identification envelope ~~[-. He must affix]~~ ;

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

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

~~13.1~~ 5. *A person designated in a request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.*

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

~~14.1~~ 7. *The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot ~~voting insofar as~~ to the extent that those provisions are not inconsistent with the provisions of this section.*

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

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

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

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

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

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

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

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

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

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

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

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

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.

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

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

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

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

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

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

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

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

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

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

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

~~[6.]~~ 5. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection ~~[5]~~ 4 if those members do not interfere with the handling of the ballots.

Sec. 20. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, ~~unused ballots,~~ tally lists, pollbooks, challenge lists, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk, and preserved for at least 22 months. All *such* sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction. *Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

3. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 21. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council must be present at the recount.

Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

2. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

3. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after consultation with each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. ~~{A}~~ **In addition, a** recount by computer must be made of all the selected ballots. If the count **by hand or the recount by computer** of the selected ballots ~~{or the recount}~~ shows a discrepancy ~~{of}~~ **equal to or greater than** 1 percent or ~~{more for either candidate,}~~ **5 votes, whichever is greater, for any candidate for the office,** or in favor of or against a ballot question, from the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office. ~~{If there is not a discrepancy of 1 percent or more,}~~ **Otherwise,** the county or city clerk ~~{shall not order such a count, but}~~ shall order a recount by computer of all the ballots for the office.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

Sec. 22. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed his residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 ~~H~~ or 293.535 who moved:

(a) From one precinct to another *or from one congressional district to another* within the same county must be allowed to vote in the precinct where he previously resided after he provides an oral or written affirmation before an election board officer attesting to his new address.

(b) Within the same precinct must be allowed to vote after he provides an oral or written affirmation before an election board officer attesting to his new address.

2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that he has changed his residence, he must be permitted to vote after he provides an oral or written affirmation before an election board officer attesting that he continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his address as required by this section, he may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the election board register.

Sec. 23. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the ~~15th~~ 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He is registered to vote in the same precinct or district as the person whose right to vote is challenged; or

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall file the challenge in the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

(b) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

6. The county clerk shall, within 5 days after a challenge is filed, mail a notice to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. A copy of the challenge must accompany the notice.

Sec. 24. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. 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 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 city election that is conducted during the year immediately succeeding 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 year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this state submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the

provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

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

Sec. 26. *1. A person who, during the 6 months immediately preceding an election, mails to more than a total of 500 registered voters a form to request an absent ballot for the election shall:*

(a) Mail the form prescribed by the secretary of state, which must, in 14-point type or larger:

(1) Identify the person who is mailing the form;

(2) Include a notice stating, "This is a request for an absent ballot."; and

(3) State that by returning the form the form will be submitted to the city clerk;

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

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

2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.

Sec. 27. NRS 293C.185 is hereby amended to read as follows:

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

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

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City 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 city, township or other area prescribed by law to which the office pertains began on a date **at least** 30 days ~~for more before~~ **immediately preceding** the date of the close of filing of declarations of candidacy for this office; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

3. A person may be a candidate under his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter 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 ~~H~~ **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. 28. 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 **the** 30 days ~~before~~ **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. 29. 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 25 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. 30. 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

(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 because 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 city 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. 31. NRS 293C.305 is hereby amended to read as follows:

293C.305 1. The city clerk shall prepare an absent ballot for the use of registered voters who have requested absent ballots. **The city 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 resides within or outside this state, not later than 20 days before the election in which it will be used.

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

Sec. 32. NRS 293C.317 is hereby amended to read as follows:

293C.317 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 city clerk send him an absent ballot. The city clerk shall deliver the ballot, at the office of the city 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 293C.312 ~~{and is unable to vote at the polling place, he may apply}~~ , **may submit a written request** to the city clerk for an absent ballot . **The request may be submitted** at any time before 5 p.m. on the day of the election. ~~{The}~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Except as otherwise provided in NRS 293C.317, it is unlawful for any person *to return an absent ballot* other than the voter who requested ~~{an}~~ *the* absent ballot ~~{to return it.}~~ *or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is*

a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A

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

Sec. 34. NRS 293C.359 is hereby amended to read as follows:

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

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

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

Sec. 35. NRS 293C.3602 is hereby amended to read as follows:

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

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the city clerk's office at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.

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

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

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

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

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

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

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

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

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

;

(c) Account for all ballots on an official statement of ballots; and
(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

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

Sec. 36. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, ~~[unused ballots,]~~ tally lists, pollbooks, challenge lists, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 and stubs of the ballots used, enclosed and sealed must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least 22 months. All *such* sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials. *Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

3. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

Sec. 37. Chapter 306 of NRS is hereby amended by adding thereto a new section to read as follows:

If a public officer who is subject to a recall petition resigns his office:

1. Before the call for a special election is issued:

(a) The official with whom the petition to recall is filed shall cease any further proceedings regarding the petition;

(b) A vacancy occurs in that office; and

(c) The vacancy thereby created must be filled in the manner provided by law.

2. After the call for a special election is issued, the special election must be conducted.

Sec. 38. NRS 306.110 is hereby amended to read as follows:

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

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

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

Sec. 39. NRS 218.010 is hereby amended to read as follows:

218.010 No person ~~shall be~~ is eligible to the office of state senator or assemblyman who:

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

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

Sec. 40. NRS 218.043 is hereby amended to read as follows:

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

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

2. Where the former incumbent was elected from a district comprising more than one county, the county commissioners of each county within or partly within the district shall meet to appoint a person of the same political party as the former incumbent *and who actually, as opposed to constructively, resides in the district* to fill the vacancy, under the

chairmanship of the chairman of the board of county commissioners of the county whose population residing within the district is the greatest. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairmen on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each select a candidate, and the appointee ~~{shall}~~ **must** be chosen by drawing lots among the candidates so selected.

3. The board of county commissioners or the board of the county which has the largest population within the district, as the case may be, shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county which has the largest population within the district, as the case may be, shall give the certificate to the appointee and send a copy of the certificate to the secretary of state.

Sec. 41. NRS 281.050 is hereby amended to read as follows:

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

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

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

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

4. **As used in this section, "actual residence" means the place where a person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place he**

declares to be his principal permanent habitation when filing a declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to be his actual residence.

Sec. 42. NRS 283.040 is hereby amended to read as follows:

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

- (a) The death or resignation of the incumbent.
- (b) The removal of the incumbent from office.
- (c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.
- (d) A conviction of the incumbent of any felony or offense involving a violation of his official oath or bond or a violation of NRS 241.040, 293.1755 or 293C.200.
- (e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010, or, when a bond is required by law, his refusal or neglect to give the bond within the time prescribed by law.
- (f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be ~~an~~ ***an actual, as opposed to constructive***, resident of the state, district, county, city, ward or other unit prescribed by law in which the duties of his office are to be exercised, or from which he was elected or appointed, or in which he was required to reside to be a candidate for office or appointed to office.
- (g) The neglect or refusal of the incumbent to discharge the duties of his office for a period of 30 days, except when prevented by sickness or absence from the state or county, as provided by law. In a county whose population is less than 10,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of his office for at least 6 months, the district attorney, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the attorney general, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:
 - (1) The medical condition of the incumbent;
 - (2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of his office; and
 - (3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.
- (h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

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

Sec. 43. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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