

ASSEMBLY BILL NO. 671—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

(ON BEHALF OF COUNTY FISCAL OFFICERS ASSOCIATION)

MARCH 22, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes relating to elections. (BDR 24-287)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to elections; providing in skeleton form for clarification that certain provisions governing elections apply to a voting district as well as a precinct; revising provisions prohibiting candidacy under certain circumstances; providing exceptions to the prohibition against creating or otherwise changing election precincts under certain circumstances; changing the period that unused ballots must be held by the county clerk; changing the information required for an application to register to vote; requiring a county clerk to assign a certain voter registration number to a registered voter; requiring certain petitioners to have a petition verified; changing the procedure for filing certain reports; 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.** 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, 293.172, 293.200,
5 295.056, 298.109 ~~for 306.035,~~ ***306.035 or 306.110***, the county clerk
6 shall determine the total number of signatures affixed to the documents and
7 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

1 to the petition. If the petition is a petition to recall a county, district or
2 municipal officer, the secretary of state shall also notify the officer with
3 whom the petition is to be filed.

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

7 **Sec. 2.** NRS 293.1277 is hereby amended to read as follows:

8 293.1277 1. If the secretary of state finds that the total number of
9 signatures submitted to all the county clerks is 100 percent or more of the
10 number of registered voters needed to declare the petition sufficient, he
11 shall immediately so notify the county clerks. Within 9 days excluding
12 Saturdays, Sundays and holidays after notification, each of the county
13 clerks shall determine the number of registered voters who have signed the
14 documents submitted in his county.

15 2. If more than 500 names have been signed on the documents
16 submitted to him, a county clerk shall examine the signatures by sampling
17 them at random for verification. The random sample of signatures to be
18 verified must be drawn in such a manner that every signature which has
19 been submitted to the county clerk is given an equal opportunity to be
20 included in the sample. The sample must include an examination of at least
21 500 or 5 percent of the signatures, whichever is greater.

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

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

35 5. A person who submits a petition to the county clerk which is
36 required to be verified pursuant to NRS 293.128, 293.172, 293.200,
37 295.056, 298.109, ~~306.035~~ **or 306.110** must be allowed to witness the
38 verification of the signatures. A public officer who is the subject of a recall
39 petition must also be allowed to witness the verification of the signatures
40 on the petition.

41 6. For any petition containing signatures which are required to be
42 verified pursuant to the provisions of NRS 293.200, ~~306.035~~ **or**
43 **306.110** for any county, district or municipal office within one county, the

1 county clerk shall not transmit to the secretary of state the documents
2 containing the signatures of the registered voters.

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

5 **Sec. 3.** NRS 293.1279 is hereby amended to read as follows:

6 293.1279 1. If the statistical sampling shows that the number of valid
7 signatures filed is 90 percent or more but less than 100 percent of the
8 number of signatures of registered voters needed to declare the petition
9 sufficient, the secretary of state shall order the county clerks to examine
10 the signatures for verification. The county clerks ~~must~~ **shall** examine the
11 signatures for verification until they determine that 100 percent of the
12 number of signatures of registered voters needed to declare the petition
13 sufficient are valid.

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

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

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

37 5. For any petition containing signatures which are required to be
38 verified pursuant to the provisions of NRS 293.200 , ~~for~~ 306.035 **or**
39 **306.110** for any county, district or municipal office within one county, the
40 county clerk shall not forward to the secretary of state the documents
41 containing the signatures of the registered voters.

42 6. Except for a petition to recall a county, district or municipal officer,
43 the petition shall be deemed filed with the secretary of state as of the date

1 on which he receives certificates from the county clerks showing the
2 petition to be signed by the requisite number of voters of ~~the~~ *this* state.

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

8 **Sec. 4.** NRS 293.176 is hereby amended to read as follows:

9 293.176 1. Except as otherwise provided in subsection 2, ~~no~~ *a*
10 person may *not* be a candidate in ~~any~~ *an* election *to a partisan office* if
11 he has changed:

12 (a) The designation of his political party affiliation; or

13 (b) His designation of political party from nonpartisan to a designation
14 of a political party affiliation,

15 on an application to register to vote in the State of Nevada or in any other
16 state since the September 1 next preceding the closing filing date for the
17 election, whether or not his previous registration was still effective at the
18 time of the change in party designation.

19 2. The provisions of subsection 1 do not apply to any person who is a
20 candidate of a political party that was not qualified pursuant to NRS
21 293.171 on the September 1 next preceding the closing filing date for the
22 election.

23 **Sec. 5.** NRS 293.197 is hereby amended to read as follows:

24 293.197 1. In any judicial district that has more than one district
25 judge, each department is a separate office for the purposes of nominating
26 and electing the district judge of that department.

27 2. In any judicial district that includes a county whose population is
28 100,000 or more:

29 (a) The departments of the family division of the district court must be
30 denoted as such on all ballots and sample ballots, using the words "district
31 court judge, family division, department" ~~Each such department must~~
32 ~~be designated with a letter, beginning with "A" and continuing in sequence~~
33 ~~for each department.~~

34 (b) The remaining departments of the district court must be denoted as
35 such on all ballots and sample ballots, using the words "district court
36 judge, department" Each such department must be designated with a
37 numeral, beginning with "1" and continuing in sequence for each
38 department.

39 **Sec. 6.** NRS 293.208 is hereby amended to read as follows:

40 293.208 1. Except as otherwise provided in subsections 2, 3 and 5
41 and in NRS 293.206, no election precinct may be created, divided,
42 abolished or consolidated, or the boundaries thereof changed, during the
43 period between the third Wednesday in May of any year whose last digit is

6 and the time when the legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:

- (a) Ordered by a court of competent jurisdiction;
- (b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, ~~(H)~~ 42 U.S.C. §§ 1971 and 1973 et seq., ~~(H)~~ and any amendments thereto;
- (c) Required to comply with subsection 2 of NRS 293.205;
- (d) Required by the incorporation of a new city; ~~(e)~~
- (e) *Required by the modification of city wards;*
- (f) *Required by the establishment or modification of county commissioner districts as provided in NRS 244.018; or*
- (g) Required by the creation of or change in the boundaries of a special district.

As used in this subsection, "special district" means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in Title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the director of the legislative counsel bureau and the secretary of state a copy of a map showing the new boundaries of the precinct together with a word description of the new boundaries; and

(b) Maintain in his office, an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of the second and third class are exempt from the provisions of subsection 1.

Sec. 7. 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

1 canvass of the votes by the board of county commissioners, be deposited in
2 the vaults of the county clerk, and preserved for at least 22 months.

3 *Unused ballots, enclosed and sealed, must, after canvass of the votes by*
4 *the board of county commissioners, be deposited in the vaults of the*
5 *county clerk and preserved for at least the period during which the*
6 *election may be contested and adjudicated.* All sealed materials must be
7 destroyed immediately after the preservation period. A notice of the
8 destruction must be published by the clerk in at least one newspaper of
9 general circulation in the county not less than 2 weeks before the
10 destruction.

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

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

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

23 **Sec. 8.** NRS 293.505 is hereby amended to read as follows:

24 293.505 1. All justices of the peace, except those located in county
25 seats, are ex officio field registrars to carry out the provisions of this
26 chapter.

27 2. The county clerk shall appoint at least one registered voter to serve
28 as a field registrar of voters who, except as otherwise provided in NRS
29 293.5055, shall register voters within the county for which he is appointed.
30 Except as otherwise provided in subsection 1, a candidate for any office
31 may not be appointed or serve as a field registrar. A field registrar serves at
32 the pleasure of the county clerk and shall perform his duties as the county
33 clerk may direct.

34 3. A field registrar shall demand of any person who applies for
35 registration all information required by the application to register to vote
36 and shall administer all oaths required by this chapter.

37 4. When a field registrar has in his possession five or more completed
38 applications to register to vote he shall forward them to the county clerk,
39 but in no case may he hold any number of them for more than 10 days.

40 5. Immediately after the close of registration, each field registrar shall
41 forward to the county clerk all completed applications in his possession.
42 Within 5 days after the close of registration for a general election or
43 general city election, a field registrar shall return all unused applications in

1 his possession to the county clerk. If all of the unused applications are not
2 returned to the county clerk, the field registrar shall account for the
3 unreturned applications.

4 6. Each field registrar shall submit to the county clerk a list of the
5 serial numbers of the completed applications to register to vote and the
6 names of the electors on those applications. The serial numbers must be
7 listed in numerical order.

8 7. Each field registrar shall post notices sent to him by the county clerk
9 for posting in accordance with the election laws of this state.

10 8. A field registrar, employee of a voter registration agency or person
11 assisting a voter pursuant to subsection 10 of NRS 293.5235 shall not:

12 (a) Delegate any of his duties to another person; or

13 (b) Refuse to register a person on account of that person's political
14 party affiliation.

15 9. A person shall not hold himself out to be or attempt to exercise the
16 duties of a field registrar unless he has been so appointed.

17 10. A county clerk, field registrar, employee of a voter registration
18 agency or person assisting a voter pursuant to subsection 10 of NRS
19 293.5235 shall not:

20 (a) Solicit a vote for or against a particular question or candidate;

21 (b) Speak to a voter on the subject of marking his ballot for or against a
22 particular question or candidate; or

23 (c) Distribute any petition or other material concerning a candidate or
24 question which will be on the ballot for the ensuing election,
25 while he is registering an elector.

26 11. When the county clerk receives applications to register to vote
27 from a field registrar he shall issue a receipt to the field registrar. The
28 receipt must include:

29 (a) The number of persons registered; and

30 (b) The political party of the persons registered.

31 12. A county clerk, field registrar, employee of a voter registration
32 agency or person assisting a voter pursuant to subsection 10 of NRS
33 293.5235 shall not:

34 (a) Knowingly register a person who is not a qualified elector or a
35 person who has filed a false or misleading application to register to vote;

36 **or**

37 (b) Alter or deface an application to register to vote that has been signed
38 by an elector except to correct information contained in the application
39 after receiving notice from the elector that a change in or addition to the
40 information is required . ~~or~~

41 ~~—(c) Register a person who fails to provide satisfactory proof of~~
42 ~~identification and the address at which he actually resides.]~~

13. *A county clerk, field registrar or employee of a voter registration agency shall not register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.*

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

~~14.~~ 15. A person who violates any of the provisions of subsection 8, 9, 10 or 12 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 9. NRS 293.507 is hereby amended to read as follows:

293.507 1. The secretary of state shall prescribe:

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

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

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

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

4. The form for an application to register to vote must include ~~14.~~, *without limitation:*

(a) A line on which to enter the *last four digits of the* number on the voter's social security card ~~[, driver's license or identification card issued by the department of motor vehicles and public safety.]~~ *or the four-digit number assigned by the clerk pursuant to subsection 1 of NRS 293.517.*

(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.

Sec. 10. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) By appearing before the county clerk, field registrar or a voter registration agency, completing the application to register to vote and giving true and satisfactory answers to all questions relevant to his identity and right to vote;

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

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. *The county clerk shall assign a four-digit number to an applicant who does not have a social security card or who refuses to provide the number on his social security card.*

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

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

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

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

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

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

(d) At any voter registration agency.

If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. An elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote, he shall ~~issue~~:

(a) *Assign a voter registration number to the person which must be composed of:*

(1) *The first four letters of the voter's last name;*

(2) *The first letter of the voter's first name;*

(3) *The last two numbers of the year, the two-digit month and the two-digit day of the voter's birth date; and*

(4) *The last four digits of the number on the voter's social security card or four-digit number assigned by the clerk pursuant to subsection 1; and*

(b) *Issue* a voter registration card to the voter which contains:

~~(a)~~ (1) The name, address, political affiliation and precinct *or the* number *of the voting district* of the voter;

~~(b)~~ (2) *The voter registration number assigned to the voter;*

(3) The date of issuance;

and

- 1 ~~1(e)~~ (4) The signature of the county clerk.

Sec. 11. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,

the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct ~~H~~ **or voting district**.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct **or voting district** in which it was voted and, in a primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he deems necessary to protect the program from being altered or damaged.

Sec. 12. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election, a member of the election board for a precinct **or voting district** shall issue each partisan voter a ballot which contains a distinctive code associated with the major political party of the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, in addition to the ballot described in subsection 1, issue each partisan voter a voting receipt on which is clearly printed the name of the major political party of the voter.

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

Sec. 13. NRS 294A.180 is hereby amended to read as follows:

294A.180 1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, not later than the 15th day of the second month after his defeat, file a report with the

1 ~~{secretary of state}~~ *officer with whom he filed his declaration of*
2 *candidacy or acceptance of candidacy* stating the amount of contributions
3 which he received for that campaign but did not spend and the disposition
4 of those unspent contributions.

5 2. Each public officer who is elected to a state, district, county, city or
6 township office shall file a report with the ~~{secretary of state:}~~ *officer with*
7 *whom he filed his declaration of candidacy or acceptance of candidacy:*

8 (a) Not later than the 15th day of the second month after his election,
9 stating the amount of campaign contributions which he received but did
10 not spend and the amount, if any, of those unspent contributions disposed
11 of pursuant to subsection 2 of NRS 294A.160;

12 (b) Not later than January 15th of each year of his term beginning the
13 year after he filed the report required by paragraph (a), stating the amount,
14 if any, of those unspent contributions disposed of pursuant to NRS
15 294A.160 during the period since his last report and the manner in which
16 they were disposed of; and

17 (c) Not later than the 15th day of the second month after he no longer
18 holds that office, stating the amount and disposition of any remaining
19 unspent contributions.

20 3. The reports required by subsections 1 and 2 must be submitted on a
21 form designed and provided by the secretary of state and signed by the
22 candidate or public officer under penalty of perjury. *A candidate or public*
23 *officer may file a report required pursuant to subsection 1 or 2 by*
24 *certified mail. If certified mail is used, the date on which the candidate or*
25 *public officer mailed the report shall be deemed the date of filing.*

26 **Sec. 14.** NRS 306.110 is hereby amended to read as follows:

27 306.110 1. A petition to nominate other candidates for the office
28 must be signed by registered voters of the state, or of the county, district or
29 municipality holding the election, equal in number to 25 percent of the
30 number of registered voters who voted in the state, or in the county, district
31 or municipality holding the election at the general election at which the
32 public officer was elected. *Each petition must consist of one or more*
33 *documents. Each document must bear the name of one county and must*
34 *not be signed by a person who is not a registered voter of that county.*

35 2. The nominating petition must be filed, at least 15 days before the
36 date of the special election, with the officer with whom the recall petition
37 is filed. *Not less than 25 days before the nominating petition is filed, each*
38 *document of the petition must be submitted for verification pursuant to*
39 *NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county*
40 *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 days before the
- 4 date of the special election.

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