

Assembly Bill No. 637—Committee on Elections,
Procedures, and Ethics

CHAPTER.....

AN ACT relating to elections; providing for a person without a street address to register to vote; clarifying who may sign a petition to fill a vacancy in a nomination for a nonpartisan office; allowing certain persons who change designations of political party affiliation to be independent or minor party candidates for partisan office; revising the requirements concerning certain requests for absent ballots and voting by persons who request absent ballots; revising the requirements for handling and maintaining election materials after an election; revising the requirements concerning the form, contents and filing of certain applications to register to vote; prohibiting the public disclosure of certain information concerning voters; providing for the verification of signatures on county and municipal petitions; removing the option of submitting supplements to certain county and municipal petitions; requiring notice to be given upon an appointment to fill a vacancy in an elected office; repealing the requirement that checklists of voters be created for elections; repealing the restriction on the length of time a voter may remain in a voting booth; 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. *“Facsimile machine” means a device that sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, for the purposes of registering to vote, the address at which the voter actually resides is the street address assigned to the location at which the voter actually resides.*

2. For the purposes of registering to vote, if the voter does not reside at a location that has been assigned a street address, the address at which the voter actually resides is a description of the location at which the voter actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.

3. The provisions of this section do not authorize a person to register to vote if he is not otherwise eligible to register to vote.

Sec. 4. NRS 293.010 is hereby amended to read as follows:

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

Sec. 5. NRS 293.040 is hereby amended to read as follows:

293.040 “Clerk” means the election board officer designated or assigned to make the record of the election in the pollbook, tally list ~~+~~ *and* challenge list ~~and checklist~~ in the precinct or district in which such officer is appointed.

Secs. 6-9. (Deleted by amendment.)

Sec. 10. 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 a partisan

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 second Tuesday in August must be filled by filing a nominating petition that is signed by 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 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 fourth Tuesday in August. The petition may consist of more than one document. Each document must bear the name of one county and must ~~not~~ be signed *only* by a person who is ~~not~~ a registered voter of that county ~~and who may vote for the office in question~~. 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:

(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 the second Tuesday in August and on or before the second Tuesday in September must be filled by the person who receives the next highest vote for the nomination in the primary.

4. 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 the date the designation is filed.

Sec. 11. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate *of a major political party* for partisan office in any election if he has changed:

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

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

on an application to register to vote in the State of Nevada or in any other state during the time beginning on September 1 preceding the closing filing date for that election and ending on the date of that election whether or not his previous registration was still effective at the time of the change in party designation.

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

Sec. 12. NRS 293.251 is hereby amended to read as follows:

293.251 If ~~a registrar of voters' register or~~ an election board register is kept by computer, the register must include all the information contained in the original applications to register to vote.

Sec. 13. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this Title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the precinct or district, as shown on the ~~checklist and~~ roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this Title.

Sec. 14. NRS 293.303 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

The oath or affirmation must be set forth on a form prepared by the secretary of state and signed by the challenged person under penalty of perjury.

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

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

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

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

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.

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

(a) Furnishes official identification which contains a photograph of himself, such as his driver’s license or other official document; or

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

(1) Furnishes official identification which contains a photograph of himself, such as his driver’s license or other official document; and

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

9. The election board officers shall record *the name of the challenged person and* the result of the challenge on the challenge list . ~~the election board officer in charge of the checklist shall indicate next to the name of the challenged person the result of the challenge.~~

Sec. 15. NRS 293.3095 is hereby amended to read as follows:

293.3095 1. A person who, during the 6 months immediately preceding an election, ~~mails~~ *distributes* to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

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

(1) Identify the person who is ~~mailing~~ *distributing* 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}~~ *distributing* such a form, ~~{notify}~~ *provide written notice to* the county clerk of each county to which a form will be ~~{mailed}~~ *distributed* of the number of forms to be ~~{mailed}~~ *distributed* to voters in the county and the date of the ~~{mailing}~~ *distribution* 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. 16. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk ~~{}~~ may vote an absent ballot as provided in this chapter.

2. A registered voter who:

(a) Is at least 65 years ~~{old}~~ *of age*; or

(b) Has a physical disability or condition which substantially impairs his ability to go to the polling place,
may request an absent ballot for all elections held during the year he requests an absent ballot. The registered voter must include in his request a description of his physical disability or condition.

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

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail ~~{}~~ *or facsimile machine*;

(b) Form prescribed by the secretary of state which is completed and signed by the registered voter and returned to the county clerk in person or by mail ~~{}~~ *or facsimile machine*; or

(c) Form provided by the Federal Government.

4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for both the primary and general elections unless otherwise specified in the request.

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

Sec. 17. NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the ~~{Tuesday}~~ *seventh calendar day* preceding any election, make an application to that clerk for an absent voter's ballot. The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information,

unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.

Sec. 18. NRS 293.3157 is hereby amended to read as follows:

293.3157 1. Any registered voter of this state who resides outside the continental United States may use a facsimile machine to request an absent ballot.

2. The county clerk shall use a facsimile machine to send an absent ballot to the registered voter.

3. The registered voter shall mail his absent ballot to the county clerk.

4. The secretary of state shall adopt regulations to carry out the provisions of this section.

~~{5. As used in this section, "facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.}~~

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

(a) The ~~county clerk's office,~~ *office of the county clerk*, 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, *including, without limitation, a polling place for early voting*, 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. *If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:*

(a) Provides satisfactory identification;

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

(c) Signs an affirmation under penalty of perjury on a form prepared by the secretary of state declaring that the voter has not voted during the election.

4. 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 the absent ballot 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. 20. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots or ballots which are voted by punching a card are used:

1. After the tally lists have been completed, the ~~counting board officers shall:~~

~~—(a) File the voted ballots on a string, enclose and seal them in an envelope marked "Election returns, voted ballots."~~

~~—(b) File the rejected ballots on a string, enclose and seal them in an envelope marked "Election returns, rejected ballots."~~

~~—(c) Place one of the tally lists for regular ballots and one of the pollbooks in an envelope marked "Election returns" and seal the envelope.~~

~~2. The~~ voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

~~3-1~~ 2. The other pollbooks, tally lists and election board register must be returned to the county clerk.

Sec. 21. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled 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 . ~~1, and~~ *The tally lists and pollbooks collected pursuant to NRS 293B.400 must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be* preserved for at least 22 months ~~1-All~~ and 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.

2. 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.

~~1-1~~ 3. 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.

~~1-1~~ 4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 ~~1-1~~ or 2, except the voted ballots.

~~1-1~~ 5. 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. 22. 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~~ *or* receipt to be retained by the applicant upon completion of the form.

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

(a) A line for use by the county clerk to enter the number:

(1) Indicated on the voter's social security card, driver's license or identification card issued by the department of motor vehicles and public safety, or any other identification card issued by an agency of this state or the Federal Government that contains:

(I) ~~A unique~~ *An identifying* number; and

(II) A photograph or physical description of the voter; or

(2) Issued to the voter pursuant to subsection 5.

(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.] , as set forth in section 3 of this act.~~

(c) A notice that the voter may not list ~~this address as~~ a business *as the address required pursuant to paragraph (b)* unless he actually resides there.

(d) A line on which to enter an address at which the voter may receive mail, including, without limitation, a post office box or general delivery.

5. If a voter does not:

(a) Possess any of the identification set forth in subparagraph (1) of paragraph (a) of subsection 4; or

(b) Wish to provide to the county clerk the number indicated on that identification,
the county clerk shall issue ~~a unique~~ *an* identification number to the voter.

6. The secretary of state shall adopt regulations to carry out the provisions of subsections 4 and 5.

Sec. 23. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept in a separate binder which is marked with the number of the precinct or district. This binder constitutes the election board register.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote ~~{in alphabetical order}~~ for the entire county ~~{and keep them in binders or a suitable file which constitutes}~~ *in a manner in which an original application may be quickly located. These original applications constitute* the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.

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

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

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

3. The applicant must complete and sign the application.

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

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail ~~{a notice}~~ to the applicant ~~{informing him that:~~

~~—(a) He}~~ :

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) ~~{The}~~ *A notice informing him that the* registrar of voters' register has been corrected to reflect any changes indicated on the application.

The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked ~~{}~~ *or personally delivered.*

6. If the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within

10 days after he receives the information, mail ~~{a notice}~~ to the applicant ~~{informing him that:~~

~~—(a) He} :~~

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) ~~{The}~~ *A notice informing him that the* registrar of voters' register has been corrected to reflect any changes indicated on the application.

The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked ~~{+}~~ *or personally delivered*. If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The secretary of state shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this state. *The application to register to vote by mail must include a notice in at least 10-point type which states:*

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

8. The county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

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

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

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

12. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the ~~{county clerk's}~~ office *of the county clerk* within 10 days after it is completed.

13. A person who willfully violates any of the provisions of subsection 10, 11 or 12 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

14. The secretary of state shall adopt regulations to carry out the provisions of this section.

Sec. 25. NRS 293.524 is hereby amended to read as follows:

293.524 1. The department of motor vehicles and public safety shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or for an identification card.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the director of the department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy ~~marked as the~~ ~~or~~ receipt to be retained by the applicant upon completion of the form. The department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. During the 2 weeks immediately preceding the close of registration for an election, the applications must be forwarded daily.

4. The county clerk shall accept any application to register to vote which is completed by the last day to register if he receives the application not later than 5 days after the close of registration. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If he determines that the application is complete, he shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If he determines that the application is not complete, he shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters'

register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that his records have been corrected.

7. The secretary of state shall, with the approval of the director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.

Sec. 26. NRS 293.558 is hereby amended to read as follows:

293.558 1. *The county clerk shall not disclose the identification number of a registered voter to the public, including, without limitation:*

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. A registered voter may submit a written request to the county clerk to have his address *and telephone number* withheld from *the public. Upon receipt of such a request, the county clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:*

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557 ~~and 293C.290.~~

~~—2.— After the county clerk receives a request from a registered voter pursuant to subsection 1, the person's address must be withheld from any such list., 293C.290 or 293C.542.~~

3. No information other than the address *, telephone number and identification number* of a registered voter may be withheld from ~~a list of registered voters.~~ *the public.*

Sec. 27. NRS 293.565 is hereby amended to read as follows:

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

(a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

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

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

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

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

3. At least 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

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

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. ~~{The county clerk shall include in each sample ballot for a primary election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.~~

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

Sec. 28. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the precinct or district, as shown on the ~~{checklist and}~~ roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 29. NRS 293C.292 is hereby amended to read as follows:

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

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

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

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

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

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

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

The oath or affirmation must be set forth on a form prepared by the secretary of state and signed by the challenged person under penalty of perjury.

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

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

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

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification that contains proof of the address at which he actually resides.

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

(a) Furnishes official identification which contains a photograph of himself, such as his driver’s license or other official document; or

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

(1) Furnishes official identification which contains a photograph of himself, such as his driver’s license or other official document; and

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

8. The election board officers shall record *the name of the challenged person and* the result of the challenge on the challenge list . ~~and the election board officer in charge of the checklist shall indicate next to the name of the challenged person the result of the challenge.~~

Sec. 30. NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, ~~mails~~ *distributes* to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

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

(1) Identify the person who is ~~{mailing}~~ *distributing* 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}~~ *distributing* such a form, ~~{notify}~~ *provide written notice to* the city clerk of each city to which a form will be ~~{mailed}~~ *distributed* of the number of forms to be ~~{mailed}~~ *distributed* to voters in the city and the date of the ~~{mailing}~~ *distribution* 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. 31. NRS 293C.310 is hereby amended to read as follows:

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

2. A registered voter who:

(a) Is at least 65 years ~~{old}~~ *of age*; or

(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place,
may request an absent ballot for all elections held during the year he requests an absent ballot. The registered voter must include in his request a description of his physical disability or condition.

3. As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail ~~{}~~ *or facsimile machine*;

(b) Form prescribed by the secretary of state that is completed and signed by the registered voter and returned to the city clerk in person or by mail ~~{}~~ *or facsimile machine*; or

(c) Form provided by the Federal Government.

4. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for the primary city election and the general city election unless otherwise specified in the request.

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

Sec. 32. NRS 293C.312 is hereby amended to read as follows:

293C.312 1. A registered voter referred to in NRS 293C.310 may, at any time before 5 p.m. on the ~~{Tuesday}~~ *seventh calendar day* preceding any election, make an application to the city clerk for an absent voter’s ballot. The application must be made available for public inspection.

2. When the voter has identified himself to the satisfaction of the city clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A city clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy the information.

Sec. 33. NRS 293C.315 is hereby amended to read as follows:

293C.315 1. Any registered voter of this state who resides outside the continental United States may use a facsimile machine to request an absent ballot.

2. The city clerk shall use a facsimile machine to send an absent ballot to the registered voter.

3. The registered voter shall mail his absent ballot to the city clerk.

4. The secretary of state shall adopt regulations to carry out the provisions of this section.

~~{5. As used in this section, "facsimile machine" means a device that sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.}~~

Sec. 34. 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~~ *Except as otherwise provided in subsection 3, if an* absent voter who has ~~received~~ *requested* a ballot by mail applies to vote the ballot in person at:

(a) The ~~city clerk's office,~~ *office of the city clerk*, 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, *including, without limitation, a polling place for early voting*, 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. *If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:*

(a) Provides satisfactory identification;

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

(c) Signs an affirmation under penalty of perjury on a form prepared by the secretary of state declaring that the voter has not voted during the election.

4. 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 the

absent ballot 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. 35. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots or ballots which are voted by punching a card are used:

1. After the tally lists have been completed, the ~~counting board officers shall:~~

~~—(a) File the voted ballots on a string, enclose and seal them in an envelope marked "Election returns, voted ballots."~~

~~—(b) File the rejected ballots on a string, enclose and seal them in an envelope marked "Election returns, rejected ballots."~~

~~—(c) Place one of the tally lists for regular ballots and one of the pollbooks in an envelope marked "Election returns" and seal the envelope.~~

2. ~~The~~ voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

~~{3-}~~ 2. The other pollbooks, tally lists and election board register must be returned to the city clerk.

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

293C.390 1. The voted ballots, rejected ballots, spoiled 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~~ *The tally lists and pollbooks collected pursuant to NRS 293B.400 must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be* preserved for at least 22 months ~~+~~ ~~All~~ and 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.

2. 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-}~~ 3. 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.

~~13.1~~ 4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 ~~14~~ or 2, except the voted ballots.

~~14.1~~ 5. 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. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. At least 10 days before an election, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

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

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. ~~The city clerk shall include in each sample ballot for a primary city election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.~~

~~3.1~~ The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 38. NRS 293C.540 is hereby amended to read as follows:

293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall deliver to the city clerk ~~1~~:

~~1. The~~ *the* official register for the city.

~~2. The checklists for each ward or voting district therein.~~

Sec. 39. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 to 44, inclusive, of this act.

Sec. 40. 1. *Upon submission of a petition containing signatures that are required to be verified pursuant to NRS 295.095, 295.140 or 295.205, the county or city clerk shall determine the total number of signatures on the petition.*

2. If the county or city clerk finds that the total number of signatures on the petition is:

(a) One hundred percent or more of the required number of signatures of registered voters, the county or city clerk shall examine the signatures for verification as provided in section 41 of this act.

(b) Less than 100 percent of the required number of signatures of registered voters:

(1) The petition shall be deemed insufficient; and

(2) The county or city clerk shall not examine the signatures for verification as provided in section 41 of this act.

Sec. 41. *1. If the total number of signatures on the petition is 500 or less, the county or city clerk shall examine every signature on the petition for verification.*

2. Except as otherwise provided in this subsection, if the total number of signatures on the petition is more than 500, the county or city clerk shall examine the signatures only 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 or city 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. If the examination of the random sample shows that the number of valid signatures is less than 90 percent of the number of signatures of registered voters needed to certify the petition sufficient, the petition must be certified insufficient pursuant to subsection 5. If the examination of the random sample shows that the number of valid signatures is 90 percent or more but less than 100 percent of the number of signatures of registered voters needed to certify the petition sufficient, the county or city clerk shall continue to examine the signatures for verification until he has:

(a) Determined that 100 percent of the number of signatures of registered voters needed to certify the petition sufficient are valid; or

(b) Examined every signature for verification.

3. In determining from the records of registration the number of registered voters who have signed the petition, and in examining the signatures on the petition for verification, the county or city clerk may use any file or list of registered voters maintained by his office or facsimiles of the signatures of voters. If the county or city clerk uses the file of applications to register to vote, 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 or city clerk may rely on the appearance of the signature, and the address and date included with each signature, in making his determination. Notwithstanding the provisions of this subsection, a petition must not be certified insufficient for lack of the required number of valid signatures if, in the absence of other proof of disqualification, any signature on the face thereof does not exactly correspond with the signature appearing on the file or list of registered voters used by the county or city clerk and the identity of the signer can be ascertained from the face of the petition.

4. If necessary, the board of county commissioners or the governing body of the city shall allow the county or city clerk additional assistants for examining the signatures and provide for their compensation.

5. If, pursuant to the examination of signatures for verification as required by this section, the number of valid signatures is:

(a) One hundred percent or more of the number of signatures of registered voters needed to certify the petition sufficient, the petition must be certified sufficient.

(b) Less than 100 percent of the number of signatures of registered voters needed to certify the petition sufficient, the petition must be certified insufficient.

Sec. 42. *1. Upon the determination of the sufficiency or insufficiency of the petition pursuant to section 40 or 41 of this act, the county or city clerk shall:*

(a) Attach a certificate to the petition indicating the date and the sufficiency or insufficiency of the petition;

(b) If the petition is certified insufficient, specify the deficiencies in the petition that render it insufficient;

(c) If the petition was submitted pursuant to NRS 295.095 or 295.205, promptly send a copy of the certificate by registered or certified mail to the petitioners' committee;

(d) If the petition was submitted pursuant to NRS 295.140, promptly send a copy of the certificate by registered or certified mail to the person who submitted the petition; and

(e) Retain the petition and the original certificate at the office of the county or city clerk.

2. The petition shall be deemed filed with the county or city clerk as of the date of the certificate showing the petition to be validly signed by the number of registered voters needed to certify the petition sufficient.

Sec. 43. *After the submission of the petition to the county or city clerk for verification pursuant to sections 40 to 44, inclusive, of this act, the petition must not be handled by any person other than an employee of the office of the county or city clerk until the county or city clerk has attached a certificate to the petition pursuant to section 42 of this act.*

Sec. 44. *The county or city clerk shall allow the person who submitted the petition or a member of the petitioners' committee, if any, to witness:*

1. The determination of the total number of signatures on the petition; and

2. The examination of the signatures on the petition for verification.

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any five registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

3. Referendum petitions must be signed by a number of registered voters of the county equal to 10 percent or more of the number of voters who voted at the last preceding general election in the county.

4. A petition must be ~~filed~~ *submitted to the county clerk for verification, pursuant to sections 40 to 44, inclusive, of this act*, not later than:

(a) One hundred and eighty days after the date that the affidavit required by subsection 1 is filed with the county clerk; or

(b) One hundred and thirty days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for ~~{filing-}~~ **submission**. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain , or have attached thereto throughout its circulation , the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when ~~{filed}~~ **submitted** an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

Sec. 47. NRS 295.105 is hereby amended to read as follows:

295.105 1. Within 20 days after the petition is ~~{filed-}~~ **submitted to the county clerk pursuant to NRS 295.095**, the county clerk shall complete a certificate as to its sufficiency . ~~1. specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered or certified mail.~~

~~— 2. — A petition must not be certified insufficient for lack of the required number of valid signatures if, in the absence of other proof of disqualification, any signature on the face thereof does not exactly correspond with the signature appearing on the official register of voters and the identity of the signer can be ascertained from the face of the petition. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the county clerk within 2 days after receiving the copy of his certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of the certificate. A supplementary petition must comply with the requirements of subsections 5 and 6 of NRS 295.095, and within 5 days after it is filed the county clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of the certificate to the petitioners' committee by registered or certified mail.~~

~~— 3. —~~ **2.** If a petition ~~{or amended petition}~~ is certified sufficient, or if a petition ~~{or amended petition}~~ is certified insufficient and the petitioners' committee does not elect to ~~{amend or}~~ request board review under subsection ~~{4}~~ **3** within the time required, the county clerk shall promptly

present his certificate to the board and the certificate is a final determination as to the sufficiency of the petition.

~~{4-}~~ 3. If a ~~{petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended}~~ petition has been certified insufficient, the committee may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

~~{5-}~~ 4. A final determination as to the sufficiency of a petition is subject to ~~{court}~~ *judicial* review. A final determination of insufficiency, even if sustained upon ~~{court}~~ *judicial* review, does not prejudice the filing of a new petition for the same purpose.

Sec. 48. NRS 295.115 is hereby amended to read as follows:

295.115 1. When an initiative or referendum petition has been finally determined sufficient, the board shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If *, within 30 days after the date the petition was finally determined sufficient,* the board fails to adopt ~~{a}~~ *the* proposed initiative ordinance without any change in substance ~~{within 60 days}~~ or fails to repeal the referred ordinance ~~{within 30 days after the date the petition was finally determined sufficient, it}~~ *, the board* shall submit the proposed or referred ordinance to the registered voters of the county.

2. The vote of the county on ~~{a}~~ *the* proposed or referred ordinance must be held at the next primary or general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the county or the deadline for placing questions on the ballot, whichever is earlier, by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 49. NRS 295.140 is hereby amended to read as follows:

295.140 1. Whenever 10 percent or more of the registered voters of any county of this state, as shown by the number of registered voters who voted at the last preceding general election, express their wish that any act or resolution enacted by the legislature, and pertaining to that county only, be submitted to the vote of the people, they shall ~~{file with}~~ *submit to* the county clerk ~~{, not less than 4 months before the time set for the next succeeding general election,}~~ a petition, which must contain the names and residence addresses of at least 10 percent of the registered voters of that county, demanding that a referendum vote be had by the people of the county at the next primary or general election upon the act or resolution on which the referendum is demanded.

2. *A petition must be submitted to the county clerk for verification, pursuant to sections 40 to 44, inclusive, of this act, not later than 130 days before the time set for the next succeeding general election.*

3. *A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. Each document must contain, or have attached thereto throughout its circulation, the full text of the act or resolution on which the referendum is demanded.*

4. *Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:*

- (a) That he personally circulated the document;*
- (b) The number of signatures thereon;*
- (c) That all the signatures were affixed in his presence;*
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and*
- (e) That each signer had an opportunity before signing to read the full text of the act or resolution on which the referendum is demanded.*

5. *The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:*

- (a) Documents included in the petition;*
- (b) Pages in each document; and*
- (c) Signatures that the person declares are included in the petition.*

6. *Within 20 days after a petition is submitted, the county clerk shall complete a certificate as to its sufficiency. Unless a request for review is filed pursuant to subsection 7, the certificate is a final determination as to the sufficiency of the petition.*

7. *If a petition is certified insufficient, the person who submitted the petition may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board of county commissioners. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.*

8. *A final determination as to the sufficiency of a petition is subject to judicial review. A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.*

Sec. 50. NRS 295.160 is hereby amended to read as follows:

295.160 1. ~~If the petition is determined to be sufficient, the~~ county clerk shall ~~file the petition upon its receipt by him. At~~, at the next primary or general election, ~~he shall~~ submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. 51. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any five registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

- (a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;
- (b) Stating their names and addresses;
- (c) Specifying the address to which all notices to the committee are to be sent; and
- (d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. A petition must be ~~filed~~ *submitted to the city clerk for verification, pursuant to sections 40 to 44, inclusive, of this act*, not later than:

- (a) One hundred and eighty days after the date that the affidavit required by subsection 1 is filed with the city clerk; or
- (b) One hundred and thirty days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for ~~filing~~ *submission*. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain , or have attached thereto throughout its circulation , the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when ~~filed~~ *submitted* an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

Sec. 52. NRS 295.210 is hereby amended to read as follows:

295.210 1. Within 20 days after the petition is ~~filed~~ *submitted to the city clerk pursuant to NRS 295.205*, the city clerk shall ~~examine the~~

~~signatures thereon,} complete a certificate as to its sufficiency . {;~~
~~specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered or certified mail.~~

~~— 2. — If more than 500 names are signed on the documents filed with him, the city clerk must examine the signatures by sampling them randomly 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 city clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 signatures or 5 percent of the signatures, whichever is greater.~~

~~— 3. — A petition must not be certified insufficient for lack of the required number of valid signatures if, in the absence of other proof of disqualification, any signature on the face thereof does not exactly correspond with the signature appearing on the official register of voters and the identity of the signer can be ascertained from the face of the petition. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city clerk within 2 days after receiving the copy of his certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of the certificate. A supplementary petition must comply with the requirements of subsections 5 and 6 of NRS 295.205, and within 5 days after it is filed the city clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of the certificate to the petitioners' committee by registered or certified mail.~~

~~— 4.} 2. If a petition {or amended petition} is certified sufficient, or if a petition {or amended petition} is certified insufficient and the petitioners' committee does not elect to {amend or} request council review under subsection {5} 3 within the time required, the city clerk must promptly present his certificate to the council and the certificate is a final determination as to the sufficiency of the petition.~~

~~{5-} 3. If a {petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended} petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the council's determination is a final determination as to the sufficiency of the petition.~~

~~{6-} 4. A final determination as to the sufficiency of a petition is subject to {court} judicial review. A final determination of insufficiency, even if sustained upon {court} judicial review, does not prejudice the filing of a new petition for the same purpose.~~

Sec. 53. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If , *within 30 days after the date the petition was finally*

determined sufficient, the council fails to adopt ~~it~~ *the* proposed initiative ordinance without any change in substance ~~within 60 days~~ or fails to repeal the referred ordinance ~~within 30 days after the date the petition was finally determined sufficient, it~~, *the council* shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on ~~it~~ *the* proposed or referred ordinance must be held at the next primary or general city election or primary or general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the city or the deadline for placing questions on the ballot, whichever is earlier, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request the petition has no further effect and all proceedings thereon must be terminated.

Sec. 54. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer.

2. The notice of intent:

(a) Must be signed by three registered voters who actually voted in this state or in the county, district or municipality electing the officer at the last preceding general election.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the date on which the call for a special election is issued, as set forth in NRS 306.040.

3. The petition may consist of more than one document. The persons filing the notice of intent shall submit the petition that was circulated for signatures to the filing officer within 60 days after the date on which the notice of intent was filed. The filing officer shall immediately submit the petition to the county clerk for verification pursuant to NRS 306.035. Any person who fails to ~~file~~ *submit* the petition *to the filing officer* as required by this subsection is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

4. The county clerk shall, upon completing the verification of the signatures on the petition, file the petition with the filing officer.

5. Any person who signs a petition to recall any public officer may request that the county clerk remove his name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035.

6. A person who signs a notice of intent pursuant to subsection 1 or a petition to recall a public officer is immune from civil liability for conduct related to the exercise of his right to participate in the recall of a public officer.

7. As used in this section, "filing officer" means the officer with whom the public officer to be recalled filed his declaration of candidacy or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.

Sec. 55. (Deleted by amendment.)

Sec. 56. Chapter 283 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon making an appointment to fill a vacancy in an elected office, the appointing authority shall notify the filing officer for that elected office. The notice must include:

(a) The name, residence address and telephone number of the appointed person;

(b) The political party of the appointed person; and

(c) The term of the appointment.

2. This section applies to each appointment to fill a vacancy in an elected office, including, without limitation, the initial appointment to fill a vacancy in a newly created elected office.

3. As used in this section, "filing officer" has the meaning ascribed to it in NRS 293.057.

Sec. 57. Section 5.070 of the charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters shall , *except as otherwise provided in NRS 293.558*, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.

Sec. 58. Section 5.060 of the charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters shall , *except as otherwise provided in NRS 293.558*, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.

Sec. 59. Section 5.070 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 118, Statutes of Nevada 1985, at page 478, is hereby amended to read as follows:

Sec. 5.070 Availability of list of registered voters. If, for any purpose relating to a municipal election or to the candidates or issues involved in that election, any organization, group or person requests a list of the registered voters of Carson City, the department, office or agency which has custody of the official register of voters shall ~~H~~ , *except as otherwise provided in NRS 293.558*:

1. Permit the organization, group or person to copy the voters' names and addresses from the official register of voters; or

2. Furnish the list upon payment of the fee which is prescribed in chapter 293 of NRS.

Sec. 60. Section 5.060 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 489, is hereby amended to read as follows:

Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters shall , *except as otherwise provided in NRS 293.558*, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.

Sec. 61. (Deleted by amendment.)

Sec. 62. Section 5.070 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose which relates to a municipal election or to the candidates or issues which are involved in that election, any organization, group or person requests a list of the registered voters of the city, the department, office or agency which has custody of the official register of voters shall , *except as otherwise provided in NRS 293.558*, either permit that organization, group or person to copy the voters' names and addresses from the official register of voters or furnish the list upon payment of the fee which is prescribed in chapter 293 of NRS.

Sec. 63. Section 5.070 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 23, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters shall , *except as otherwise provided in NRS 293.558*, permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list upon payment of the cost established by state election law.

Sec. 64. Section 5.070 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official records of voters ~~shall~~ *shall, except as otherwise provided in NRS 293.558*:

1. Permit the organization, group or person to copy the names and addresses of voters from the official register of voters; or
2. Furnish such a list upon payment of the cost established by state election law.

Sec. 65. Section 5.060 of the charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters shall , *except as otherwise provided in NRS 293.558*, either permit the organization, group or person to copy the voters' names and addresses from the official register of voters or furnish such a list.

Sec. 66. Section 5.060 of the charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.060 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters shall , *except as otherwise provided in NRS 293.558*, furnish such a list at a fee to be established by the city council.

Sec. 67. NRS 293.037, 293B.320 and 293C.537 are hereby repealed.