

ASSEMBLY BILL NO. 637—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

(ON BEHALF OF COUNTY FISCAL OFFICERS ASSOCIATION)

MARCH 26, 2001

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes concerning elections. (BDR 24-339)

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

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

AN ACT relating to elections; providing for a person without a street address to register to vote; providing that signatures must be removed from certain petitions, upon request, only if the removal of such signatures could affect the sufficiency of the petitions; 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; revising the deadlines for submitting certain county and municipal petitions and removing the option of submitting supplements to such 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:

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

3 **Sec. 2.** *“Facsimile machine” means a device that sends or receives a*
4 *reproduction or facsimile of a document or photograph which is*
5 *transmitted electronically or telephonically by telecommunications lines.*

6 **Sec. 3.** *1. Except as otherwise provided in subsection 2, for the*
7 *purposes of registering to vote, the address at which the voter actually*



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1 *resides is the street address assigned to the location at which the voter*
2 *actually resides.*

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

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

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

12 293.010 As used in this Title, unless the context otherwise requires,
13 the words and terms defined in NRS 293.013 to 293.121, inclusive, *and*
14 *section 2 of this act* have the meanings ascribed to them in those sections.

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

16 293.040 "Clerk" means the election board officer designated or
17 assigned to make the record of the election in the pollbook, tally list ~~†~~ *and*
18 challenge list ~~†and check list~~ in the precinct or district in which such officer
19 is appointed.

20 **Sec. 6.** NRS 293.1277 is hereby amended to read as follows:

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

28 2. If more than 500 names have been signed on the documents
29 submitted to him, a county clerk shall examine the signatures by sampling
30 them at random for verification. The random sample of signatures to be
31 verified must be drawn in such a manner that every signature which has
32 been submitted to the county clerk is given an equal opportunity to be
33 included in the sample. The sample must include an examination of at least
34 500 or 5 percent of the signatures, whichever is greater.

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

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



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1 *notify the secretary of state of the number of requests to remove a name*
2 *received by the county clerk pursuant to NRS 295.055 or 306.015.*

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

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

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

16 **Sec. 7.** NRS 293.1278 is hereby amended to read as follows:

17 293.1278 1. If the certificates received by the secretary of state from
18 all the county clerks establish that the number of valid signatures is less
19 than 90 percent of the required number of registered voters, the petition
20 shall be deemed to have failed to qualify, and the secretary of state shall
21 immediately so notify the petitioners and the county clerks.

22 2. If those certificates establish that the ~~petitioners have~~ *number of*
23 *valid signatures is equal to or* more than ~~the sum of~~ 100 percent of the
24 number of registered voters needed to make the petition sufficient ~~+~~ *plus*
25 *the total number of requests to remove a name received by the county*
26 *clerks pursuant to NRS 295.055 or 306.015*, the petition shall be deemed
27 to qualify as of the date of receipt by the secretary of state of *those*
28 certificates, ~~showing the petition to have reached 100 percent,~~ and the
29 secretary of state shall immediately so notify the petitioners and the county
30 clerks.

31 3. *If the certificates establish that the petitioners have 100 percent or*
32 *more of the number of registered voters needed to make the petition*
33 *sufficient but the petition fails to qualify pursuant to subsection 2, each*
34 *county clerk who received a request to remove a name pursuant to NRS*
35 *295.055 or 306.015 shall remove each name as requested, amend the*
36 *certificate, and transmit the amended certificate to the secretary of state.*
37 *If the amended certificates establish that the petitioners have 100 percent*
38 *or more of the number of registered voters needed to make the petition*
39 *sufficient, the petition shall be deemed to qualify as of the date of receipt*
40 *by the secretary of state of the amended certificates, and the secretary of*
41 *state shall immediately so notify the petitioners and the county clerks.*

42 **Sec. 8.** NRS 293.1279 is hereby amended to read as follows:

43 293.1279 1. If the statistical sampling shows that the number of valid
44 signatures filed is 90 percent or more, but less than ~~the sum of~~ 100 percent
45 of the number of signatures of registered voters needed to declare the
46 petition sufficient ~~+~~ *plus the total number of requests to remove a name*
47 *received by the county clerks pursuant to NRS 295.055 or 306.015*, the
48 secretary of state shall order the county clerks to examine the signatures for
49 verification. The county clerks shall examine the signatures for verification



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1 until they determine that 100 percent of the number of signatures of
2 registered voters needed to declare the petition sufficient are valid. *If the*
3 *county clerks received a request to remove a name pursuant to NRS*
4 *295.055 or 306.015, the county clerks may not determine that 100 percent*
5 *of the number of signatures of registered voters needed to declare the*
6 *petition sufficient are valid until they have removed each name as*
7 *requested pursuant to NRS 295.055 or 306.015.*

8 2. If the statistical sampling shows that the number of valid signatures
9 filed in any county is 90 percent or more but less than *the sum of* 100
10 percent of the number of signatures of registered voters needed to
11 constitute 10 percent of the number of voters who voted at the last
12 preceding general election in that county ~~+~~ *plus the total number of*
13 *requests to remove a name received by the county clerk in that county*
14 *pursuant to NRS 295.055 or 306.015*, the secretary of state may order the
15 county clerk in that county to examine every signature for verification. *If*
16 *the county clerk received a request to remove a name pursuant to NRS*
17 *295.055 or 306.015, the county clerk may not determine that 100 percent*
18 *or more of the number of signatures of registered voters needed to*
19 *constitute 10 percent of the number of voters who voted at the last*
20 *preceding general election in that county are valid until he has removed*
21 *each name as requested pursuant to NRS 295.055 or 306.015.*

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

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

39 5. For any petition containing signatures which are required to be
40 verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or
41 306.110 for any county, district or municipal office within one county, the
42 county clerk shall not forward to the secretary of state the documents
43 containing the signatures of the registered voters.

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

48 7. If the amended certificates received from all county clerks by the
49 secretary of state establish that the petition is still insufficient, he shall



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

4 **Sec. 9.** NRS 293.12795 is hereby amended to read as follows:

5 293.12795 1. If an appeal is based upon the results of the verification
6 of signatures on a petition performed pursuant to NRS 293.1277 or
7 293.1279, the secretary of state shall:

8 (a) If he finds for the appellant, order the county clerk to recertify the
9 petition, including as verified signatures all contested signatures which the
10 secretary of state determines are valid. *If the county clerk has not yet*
11 *removed each name as requested pursuant to NRS 295.055 or 306.015,*
12 *the county clerk shall do so before recertifying the petition.*

13 (b) If he does not find for the appellant, notify the appellant and the
14 county clerk that the petition remains insufficient.

15 2. If the secretary of state is unable to make a decision on the appeal
16 based upon the documents submitted to him, the secretary of state may
17 order the county clerk to reverify the signatures.

18 3. The decision of the secretary of state is a final decision for the
19 purposes of judicial review. The decision of the secretary of state may only
20 be appealed in the first judicial district court.

21 **Sec. 10.** NRS 293.165 is hereby amended to read as follows:

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

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

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

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

47 3. A vacancy occurring in a nonpartisan nomination after the second
48 Tuesday in August and on or before the second Tuesday in September must



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1 be filled by the person who receives the next highest vote for the
2 nomination in the primary.

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

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

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

12 293.176 1. Except as otherwise provided in subsection 2, no person
13 may be a candidate *of a major political party* for partisan office in any
14 election if he has changed:

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

16 (b) His designation of political party from nonpartisan to a designation
17 of a political party affiliation,
18 on an application to register to vote in the State of Nevada or in any other
19 state during the time beginning on September 1 preceding the closing filing
20 date for that election and ending on the date of that election whether or not
21 his previous registration was still effective at the time of the change in
22 party designation.

23 2. The provisions of subsection 1 do not apply to any person who is a
24 candidate of a political party that was not qualified pursuant to NRS
25 293.171 on the September 1 next preceding the closing filing date for the
26 election.

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

28 293.251 If *a registrar of voters' register or* an election board register
29 is kept by computer, the register must include all the information contained
30 in the original applications to register to vote.

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

32 293.273 1. Except as otherwise provided in subsection 2 and NRS
33 293.305, at all elections held under the provisions of this Title, the polls
34 must open at 7 a.m. and close at 7 p.m.

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

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

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

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

47 293.303 1. A person applying to vote may be challenged:



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1 (a) Orally by any registered voter of the precinct or district upon the
2 ground that he is not the person entitled to vote as claimed or has voted
3 before at the same election; or
4 (b) On any ground set forth in a challenge filed with the county clerk
5 pursuant to the provisions of NRS 293.547.
6 2. If a person is challenged, an election board officer shall tender the
7 challenged person the following oath or affirmation:
8 (a) If the challenge is on the ground that he does not belong to the
9 political party designated upon the register, "I swear or affirm under
10 penalty of perjury that I belong to the political party designated upon the
11 register";
12 (b) If the challenge is on the ground that the register does not show that
13 he designated the political party to which he claims to belong, "I swear or
14 affirm under penalty of perjury that I designated on the application to
15 register to vote the political party to which I claim to belong";
16 (c) If the challenge is on the ground that he does not reside at the
17 residence for which the address is listed in the election board register, "I
18 swear or affirm under penalty of perjury that I reside at the residence for
19 which the address is listed in the election board register";
20 (d) If the challenge is on the ground that he previously voted a ballot for
21 the election, "I swear or affirm under penalty of perjury that I have not
22 voted for any of the candidates or questions included on this ballot for this
23 election"; or
24 (e) If the challenge is on the ground that he is not the person he claims
25 to be, "I swear or affirm under penalty of perjury that I am the person
26 whose name is in this election board register."
27 The oath or affirmation must be set forth on a form prepared by the
28 secretary of state and signed by the challenged person under penalty of
29 perjury.
30 3. Except as otherwise provided in subsection 4, if the challenged
31 person refuses to execute the oath or affirmation so tendered, he must not
32 be issued a ballot, and the officer in charge of the election board register
33 shall write the words "Challenged" opposite his name in the
34 election board register.
35 4. If the challenged person refuses to execute the oath or affirmation
36 set forth in paragraph (a) or (b) of subsection 2, the election board officers
37 shall issue him a nonpartisan ballot.
38 5. If the challenged person refuses to execute the oath or affirmation
39 set forth in paragraph (c) of subsection 2, the election board officers shall
40 inform him that he is entitled to vote only in the manner prescribed in NRS
41 293.304.
42 6. If the challenged person executes the oath or affirmation and the
43 challenge is not based on the ground set forth in paragraph (e) of
44 subsection 2, the election board officers shall issue him a partisan ballot.
45 7. If the challenge is based on the ground set forth in paragraph (c) of
46 subsection 2, and the challenged person executes the oath or affirmation,
47 the election board shall not issue the person a ballot until he furnishes
48 satisfactory identification which contains proof of the address at which he
49 actually resides.



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

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

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

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

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

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

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

17 293.3095 1. A person who, during the 6 months immediately
18 preceding an election, ~~mails~~ *distributes* to more than a total of 500
19 registered voters a form to request an absent ballot for the election shall:

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

22 (1) Identify the person who is ~~mailing~~ *distributing* the form;

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

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

27 (b) Not later than 14 days before ~~mailing~~ *distributing* such a form,
28 ~~notify~~ *provide written notice to* the county clerk of each county to which
29 a form will be ~~mailed~~ *distributed* of the number of forms to be ~~mailed~~
30 *distributed* to voters in the county and the date of the ~~mailing~~ *distribution*
31 of the forms; and

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

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

35 **Sec. 16.** NRS 293.313 is hereby amended to read as follows:

36 293.313 1. Except as otherwise provided in NRS 293.272 and
37 293.502, a registered voter who provides sufficient written notice to the
38 county clerk ~~+~~ may vote an absent ballot as provided in this chapter.

39 2. A registered voter who:

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

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

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

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



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

4 (c) Form provided by the Federal Government.

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

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

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

15 293.315 1. A registered voter referred to in NRS 293.313 may, at
16 any time before 5 p.m. on the ~~Tuesday~~ *seventh calendar day* preceding
17 any election, make an application to that clerk for an absent voter's ballot.
18 The application must be made available for public inspection.

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

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

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

28 293.3157 1. Any registered voter of this state who resides outside the
29 continental United States may use a facsimile machine to request an absent
30 ballot.

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

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

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

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

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

41 293.330 1. When an absent voter receives his ballot, he must mark
42 and fold it, if it is a paper ballot, or punch it, if the ballot is voted by
43 punching a card, in accordance with the instructions, deposit it in the return
44 envelope, seal the envelope, affix his signature on the back of the envelope
45 in the space provided therefor and mail the return envelope.

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



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

5 (b) A polling place, *including, without limitation, a polling place for*
6 *early voting*, he must surrender the absent ballot and provide satisfactory
7 identification before being issued a ballot to vote at the polling place. A
8 person who receives a surrendered absent ballot shall mark it "Canceled."

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

14 (a) *Provides satisfactory identification;*

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

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

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

29 **Sec. 20.** NRS 293.373 is hereby amended to read as follows:

30 293.373 If paper ballots or ballots which are voted by punching a card
31 are used:

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

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

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

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

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

44 ~~3. 2.~~ The other pollbooks, tally lists and election board register must
45 be returned to the county clerk.

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

47 293.391 1. The voted ballots, rejected ballots, spoiled ballots, ~~tally~~
48 ~~lists, pollbooks,~~ challenge lists, voting receipts, records printed on paper
49 of voted ballots collected pursuant to NRS 293B.400 , and stubs of the



1 ballots used, enclosed and sealed, must, after canvass of the votes by the
2 board of county commissioners, be deposited in the vaults of the county
3 clerk . ~~† and †~~ *The tally lists and pollbooks collected pursuant to NRS*
4 *293B.400 must, after canvass of the votes by the board of county*
5 *commissioners, be deposited in the vaults of the county clerk without*
6 *being sealed. All materials described by this subsection must be* preserved
7 for at least 22 months ~~†. All such sealed materials must be †~~ *and* destroyed
8 immediately after the preservation period. A notice of the destruction must
9 be published by the clerk in at least one newspaper of general circulation in
10 the county not less than 2 weeks before the destruction.

11 **2.** Unused ballots, enclosed and sealed, must, after canvass of the votes
12 by the board of county commissioners, be deposited in the vaults of the
13 county clerk and preserved for at least the period during which the election
14 may be contested and adjudicated, after which the unused ballots may be
15 destroyed.

16 ~~†2.†~~ **3.** The pollbooks containing the signatures of those persons who
17 voted in the election and the tally lists deposited with the board of county
18 commissioners are subject to the inspection of any elector who may wish to
19 examine them at any time after their deposit with the county clerk.

20 ~~†3.†~~ **4.** A contestant of an election may inspect all of the material
21 regarding that election which is preserved pursuant to subsection 1 ~~†† or 2,~~
22 except the voted ballots.

23 ~~†4.†~~ **5.** The voted ballots deposited with the county clerk are not subject
24 to the inspection of anyone, except in cases of contested election, and then
25 only by the judge, body or board before whom the election is being
26 contested, or by the parties to the contest, jointly, pursuant to an order of
27 such judge, body or board.

28 **Sec. 22.** NRS 293.507 is hereby amended to read as follows:

29 293.507 1. The secretary of state shall prescribe:

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

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

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

37 3. A form for an application to register to vote must include a duplicate
38 copy ~~†marked as the†~~ *or* receipt to be retained by the applicant upon
39 completion of the form.

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

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

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

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

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

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



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1 (b) A line on which to enter the address at which the voter actually
2 resides ~~[. The application must not be accepted if the address is listed as a~~
3 ~~post office box unless a street address has not been assigned to his~~
4 ~~residence.] , as set forth in section 3 of this act.~~

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

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

10 5. If a voter does not:

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

13 (b) Wish to provide to the county clerk the number indicated on that
14 identification,

15 the county clerk shall issue ~~[a unique]~~ *an* identification number to the
16 voter.

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

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

20 293.510 1. In counties where computers are not used to register
21 voters, the county clerk shall:

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

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

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

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

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

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

46 293.5235 1. Except as otherwise provided in NRS 293.502, a person
47 may register to vote by mailing an application to register to vote to the
48 county clerk of the county in which he resides. The county clerk shall,
49 upon request, mail an application to register to vote to an applicant. The



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1 county clerk shall make the applications available at various public places
2 in the county. An application to register to vote may be used to correct
3 information in the registrar of voters' register.

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

10 3. The applicant must complete and sign the application.

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

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

16 ~~—(a) He} :~~

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

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

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

24 6. If the county clerk determines that the application is not complete,
25 he shall, as soon as possible, mail a notice to the applicant informing him
26 that additional information is required to complete the application. If the
27 applicant provides the information requested by the county clerk within 15
28 days after the county clerk mails the notice, the county clerk shall, within
29 10 days after he receives the information, mail ~~{a notice}~~ to the applicant
30 ~~{informing him that:~~

31 ~~—(a) He} :~~

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

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

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

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

44
45 *NOTICE: You are urged to return your application to register to*
46 *vote to the County Clerk in person or by mail. If you choose to give*
47 *your completed application to another person to return to the*
48 *County Clerk on your behalf, and the person fails to deliver the*
49 *application to the County Clerk, you will not be registered to vote.*



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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



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1 resides. During the 2 weeks immediately preceding the close of registration
2 for an election, the applications must be forwarded daily.

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

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

28 6. Upon receipt of a form to correct information, the county clerk shall
29 compare the information to that contained in the registrar of voters'
30 register. If the person is a registered voter, the county clerk shall correct the
31 information to reflect any changes indicated on the form. After making any
32 changes, the county clerk shall notify the person by mail that his records
33 have been corrected.

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

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

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

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

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

44 293.558 1. *The county clerk shall not disclose the identification*
45 *number of a registered voter to the public, including, without limitation:*

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

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



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

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

7 (b) *By inclusion on* any list of registered voters made available for
8 public inspection pursuant to NRS 293.301, 293.440, 293.557 ~~and~~
9 ~~293C.290.~~

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

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

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

17 293.565 1. Except as otherwise provided in subsection 2, sample
18 ballots must include:

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

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

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

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

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

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

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

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

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

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

45
46 NOTICE: THE LOCATION OF YOUR POLLING PLACE
47 HAS CHANGED SINCE THE LAST ELECTION



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

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

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

8 293C.267 1. Except as otherwise provided in subsection 2 and NRS
9 293C.297, at all elections held pursuant to the provisions of this chapter,
10 the polls must open at 7 a.m. and close at 7 p.m.

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

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

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

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

23 293C.292 1. A person applying to vote may be challenged:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

29 293C.306 1. A person who, during the 6 months immediately
30 preceding an election, ~~mails~~ *distributes* to more than a total of 500
31 registered voters a form to request an absent ballot for the election shall:

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

34 (1) Identify the person who is ~~mailing~~ *distributing* the form;

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

36 and

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

39 (b) Not later than 14 days before ~~mailing~~ *distributing* such a form,
40 ~~notify~~ *provide written notice to* the city clerk of each city to which a form
41 will be ~~mailed~~ *distributed* of the number of forms to be ~~mailed~~
42 *distributed* to voters in the city and the date of the ~~mailing~~ *distribution* of
43 the forms; and

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

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



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1 **Sec. 31.** NRS 293C.310 is hereby amended to read as follows:
2 293C.310 1. Except as otherwise provided in NRS 293.502 and
3 293C.265, a registered voter who provides sufficient written notice to the
4 city clerk ~~+~~ may vote an absent ballot as provided in this chapter.

5 2. A registered voter who:

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

7 (b) Has a physical disability or condition that substantially impairs his
8 ability to go to the polling place,

9 may request an absent ballot for all elections held during the year he
10 requests an absent ballot. The registered voter must include in his request a
11 description of his physical disability or condition.

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

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

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

19 (c) Form provided by the Federal Government.

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

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

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

30 293C.312 1. A registered voter referred to in NRS 293C.310 may, at
31 any time before 5 p.m. on the ~~Tuesday~~ *seventh calendar day* preceding
32 any election, make an application to the city clerk for an absent voter's
33 ballot. The application must be made available for public inspection.

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

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

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

43 293C.315 1. Any registered voter of this state who resides outside
44 the continental United States may use a facsimile machine to request an
45 absent ballot.

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

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



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

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

7 **Sec. 34.** NRS 293C.330 is hereby amended to read as follows:

8 293C.330 1. When an absent voter receives his ballot, he must mark
9 and fold it, if it is a paper ballot, or punch it, if the ballot is voted by
10 punching a card, in accordance with the instructions, deposit it in the return
11 envelope, seal the envelope, affix his signature on the back of the envelope
12 in the space provided therefor and mail the return envelope.

13 2. ~~{If the}~~ *Except as otherwise provided in subsection 3, if an* absent
14 voter who has ~~{received}~~ *requested* a ballot by mail applies to vote the
15 ballot in person at:

16 (a) The ~~{city clerk's office,}~~ *office of the city clerk*, he must mark or
17 punch the ballot, seal it in the return envelope and affix his signature in the
18 same manner as provided in subsection 1, and deliver the envelope to the
19 city clerk.

20 (b) A polling place, *including, without limitation, a polling place for*
21 *early voting*, he must surrender the absent ballot and provide satisfactory
22 identification before being issued a ballot to vote at the polling place. A
23 person who receives a surrendered absent ballot shall mark it "Canceled."

24 3. *If an absent voter who has requested a ballot by mail applies to*
25 *vote in person at the office of the city clerk or a polling place, including,*
26 *without limitation, a polling place for early voting, and the voter does not*
27 *have the absent ballot to deliver or surrender, the voter must be issued a*
28 *ballot to vote if the voter:*

29 (a) *Provides satisfactory identification;*

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

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

34 4. Except as otherwise provided in NRS 293C.317, it is unlawful for
35 any person to return an absent ballot other than the voter who requested the
36 absent ballot or, at the request of the voter, a member of his family. A
37 person who returns an absent ballot and who is a member of the family of
38 the voter who requested the absent ballot shall, under penalty of perjury,
39 indicate on a form prescribed by the city clerk that he is a member of the
40 family of the voter who requested the absent ballot and that the voter
41 requested that he return the absent ballot. A person who violates the
42 provisions of this subsection is guilty of a category E felony and shall be
43 punished as provided in NRS 193.130.

44 **Sec. 35.** NRS 293C.375 is hereby amended to read as follows:

45 293C.375 If paper ballots or ballots which are voted by punching a
46 card are used:

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



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1 ~~—(a) File the voted ballots on a string, enclose and seal them in an~~
2 ~~envelope marked "Election returns, voted ballots."~~
3 ~~—(b) File the rejected ballots on a string, enclose and seal them in an~~
4 ~~envelope marked "Election returns, rejected ballots."~~
5 ~~—(c) Place one of the tally lists for regular ballots and one of the~~
6 ~~pollbooks in an envelope marked "Election returns" and seal the envelope.~~
7 ~~2. The~~ voted ballots, rejected ballots, tally lists for regular ballots,
8 tally list for rejected ballots, challenge list, stubs of used ballots, spoiled
9 ballots and unused ballots must be sealed under cover by the counting
10 board officers and addressed to the city clerk.
11 ~~{3-}~~ 2. The other pollbooks, tally lists and election board register must
12 be returned to the city clerk.
13 **Sec. 36.** NRS 293C.390 is hereby amended to read as follows:
14 293C.390 1. The voted ballots, rejected ballots, spoiled ballots, ~~{tally~~
15 ~~lists, pollbooks,}~~ challenge lists, voting receipts, records printed on paper
16 of voted ballots collected pursuant to NRS 293B.400 , and stubs of the
17 ballots used, enclosed and sealed , must, after canvass of the votes by the
18 governing body of the city, be deposited in the vaults of the city clerk .
19 ~~{and}~~ *The tally lists and pollbooks collected pursuant to NRS 293B.400*
20 *must, after canvass of the votes by the governing body of the city, be*
21 *deposited in the vaults of the city clerk without being sealed. All materials*
22 *described by this subsection must be* preserved for at least 22 months ~~{. All~~
23 ~~such sealed materials must be}~~ *and* destroyed immediately after that
24 period. A notice of the destruction must be published by the city clerk in at
25 least one newspaper of general circulation in the city, or if no newspaper is
26 of general circulation in that city, in a newspaper of general circulation in
27 the nearest city, not less than 2 weeks before the destruction of the
28 materials.
29 2. Unused ballots, enclosed and sealed, must, after canvass of the votes
30 by the governing body of the city, be deposited in the vaults of the city
31 clerk and preserved for at least the period during which the election may be
32 contested and adjudicated, after which the unused ballots may be
33 destroyed.
34 ~~{2-}~~ 3. The pollbooks containing the signatures of those persons who
35 voted in the election and the tally lists deposited with the governing body
36 of the city are subject to the inspection of any elector who may wish to
37 examine them at any time after their deposit with the city clerk.
38 ~~{3-}~~ 4. A contestant of an election may inspect all of the material
39 relating to that election which is preserved pursuant to subsection 1 ~~{}~~ *or 2,*
40 except the voted ballots.
41 ~~{4-}~~ 5. The voted ballots deposited with the city clerk are not subject to
42 the inspection of any person, except in a contested election, and only by the
43 judge, body or board before whom the election is being contested, or by the
44 parties to the contest, jointly, pursuant to an order of the judge, body or
45 board.
46 **Sec. 37.** NRS 293C.530 is hereby amended to read as follows:
47 293C.530 1. At least 10 days before an election, the city clerk shall
48 cause to be mailed to each registered voter in the city a sample ballot for
49 his precinct with a notice informing the voter of the location of his polling



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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.~~ 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. 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*



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1 random sample shows that the number of valid signatures is less than 90
2 percent of the number of signatures of registered voters needed to certify
3 the petition sufficient, the petition must be certified insufficient pursuant
4 to subsection 5. If the examination of the random sample shows that the
5 number of valid signatures is 90 percent or more but less than 100
6 percent of the number of signatures of registered voters needed to certify
7 the petition sufficient, the county or city clerk shall continue to examine
8 the signatures for verification until he has:
9 (a) Determined that 100 percent of the number of signatures of
10 registered voters needed to certify the petition sufficient are valid; or
11 (b) Examined every signature for verification.
12 3. In determining from the records of registration the number of
13 registered voters who have signed the petition, and in examining the
14 signatures on the petition for verification, the county or city clerk may
15 use any file or list of registered voters maintained by his office or
16 facsimiles of the signatures of voters. If the county or city clerk uses the
17 file of applications to register to vote, he shall ensure that every
18 application in the file is examined, including any application in his
19 possession which may not yet be entered into his records. The county or
20 city clerk may rely on the appearance of the signature, and the address
21 and date included with each signature, in making his determination.
22 Notwithstanding the provisions of this subsection, a petition must not be
23 certified insufficient for lack of the required number of valid signatures
24 if, in the absence of other proof of disqualification, any signature on the
25 face thereof does not exactly correspond with the signature appearing on
26 the file or list of registered voters used by the county or city clerk and the
27 identity of the signer can be ascertained from the face of the petition.
28 4. If necessary, the board of county commissioners or the governing
29 body of the city shall allow the county or city clerk additional assistants
30 for examining the signatures and provide for their compensation.
31 5. If, pursuant to the examination of signatures for verification as
32 required by this section, the number of valid signatures is:
33 (a) One hundred percent or more of the number of signatures of
34 registered voters needed to certify the petition sufficient, the petition must
35 be certified sufficient.
36 (b) Less than 100 percent of the number of signatures of registered
37 voters needed to certify the petition sufficient, the petition must be
38 certified insufficient.
39 **Sec. 42.** 1. Upon the determination of the sufficiency or
40 insufficiency of the petition pursuant to section 40 or 41 of this act, the
41 county or city clerk shall:
42 (a) Attach a certificate to the petition indicating the date and the
43 sufficiency or insufficiency of the petition;
44 (b) If the petition is certified insufficient, specify the deficiencies in
45 the petition that render it insufficient;
46 (c) If the petition was submitted pursuant to NRS 295.095 or 295.205,
47 promptly send a copy of the certificate by registered or certified mail to
48 the petitioners' committee;



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

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

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

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

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

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

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

20 Sec. 45. NRS 295.055 is hereby amended to read as follows:

21 295.055 1. The secretary of state shall by regulation specify:

22 (a) The format for the signatures on a petition for an initiative or
23 referendum and make free specimens of the format available upon request.
24 Each signature must be dated.

25 (b) The manner of fastening together several sheets circulated by one
26 person to constitute a single document.

27 2. Each document of the petition must bear the name of a county, and
28 only registered voters of that county may sign the document.

29 3. A person who signs a petition may *request that the county clerk*
30 remove his name from it by transmitting his request in writing to the
31 county clerk at any time before the petition is filed with the county clerk.

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

33 295.095 1. Any five registered voters of the county may commence
34 initiative or referendum proceedings by filing with the county clerk an
35 affidavit stating they will constitute the petitioners' committee and be
36 responsible for circulating the petition and filing it in proper form, stating
37 their names and addresses and specifying the address to which all notices
38 to the committee are to be sent, and setting out in full the proposed
39 initiative ordinance or citing the ordinance sought to be reconsidered.

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

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

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



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

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

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

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

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

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

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

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

29 295.105 1. Within 20 days after the petition is ~~filed~~ *submitted to*
30 *the county clerk pursuant to NRS 295.095*, the county clerk shall
31 complete a certificate as to its sufficiency. ~~1. specifying, if it is insufficient,~~
32 ~~the particulars wherein it is defective and shall promptly send a copy of the~~
33 ~~certificate to the petitioners' committee by registered or certified mail.~~
34 ~~2. A petition must not be certified insufficient for lack of the required~~
35 ~~number of valid signatures if, in the absence of other proof of~~
36 ~~disqualification, any signature on the face thereof does not exactly~~
37 ~~correspond with the signature appearing on the official register of voters~~
38 ~~and the identity of the signer can be ascertained from the face of the~~
39 ~~petition. A petition certified insufficient for lack of the required number of~~
40 ~~valid signatures may be amended once if the petitioners' committee files a~~
41 ~~notice of intention to amend it with the county clerk within 2 days after~~
42 ~~receiving the copy of his certificate and files a supplementary petition upon~~
43 ~~additional papers within 10 days after receiving the copy of the certificate.~~
44 ~~A supplementary petition must comply with the requirements of~~
45 ~~subsections 5 and 6 of NRS 295.095, and within 5 days after it is filed the~~
46 ~~county clerk shall complete a certificate as to the sufficiency of the petition~~
47 ~~as amended and promptly send a copy of the certificate to the petitioners'~~
48 ~~committee by registered or certified mail.~~



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1 ~~—3.1~~ 2. If a petition ~~for amended petition~~ is certified sufficient, or if a
2 petition ~~for amended petition~~ is certified insufficient and the petitioners'
3 committee does not elect to ~~amend or~~ request board review under
4 subsection ~~44~~ 3 within the time required, the county clerk shall promptly
5 present his certificate to the board and the certificate is a final
6 determination as to the sufficiency of the petition.

7 ~~4.1~~ 3. If a ~~petition has been certified insufficient and the petitioners'~~
8 ~~committee does not file notice of intention to amend it or if an amended~~
9 petition has been certified insufficient, the committee may, within 2 days
10 after receiving a copy of the certificate, file a request that it be reviewed by
11 the board. The board shall review the certificate at its next meeting
12 following the filing of the request and approve or disapprove it, and the
13 determination of the board is a final determination as to the sufficiency of
14 the petition.

15 ~~5.1~~ 4. A final determination as to the sufficiency of a petition is
16 subject to ~~court~~ judicial review. A final determination of insufficiency,
17 even if sustained upon ~~court~~ judicial review, does not prejudice the filing
18 of a new petition for the same purpose.

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

20 295.115 1. When an initiative or referendum petition has been finally
21 determined sufficient, the board shall promptly consider the proposed
22 initiative ordinance in the manner provided by law for the consideration of
23 ordinances generally or reconsider the referred ordinance by voting its
24 repeal. If , *within 30 days after the date the petition was finally*
25 *determined sufficient*, the board fails to adopt ~~it~~ the proposed initiative
26 ordinance without any change in substance ~~within 60 days~~ or fails to
27 repeal the referred ordinance ~~within 30 days after the date the petition was~~
28 ~~finally determined sufficient, it~~ , *the board* shall submit the proposed or
29 referred ordinance to the registered voters of the county.

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

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

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

41 295.140 1. Whenever 10 percent or more of the registered voters of
42 any county of this state, as shown by the number of registered voters who
43 voted at the last preceding general election, express their wish that any act
44 or resolution enacted by the legislature, and pertaining to that county only,
45 be submitted to the vote of the people, they shall ~~file with~~ *submit to* the
46 county clerk ~~not less than 4 months before the time set for the next~~
47 ~~succeeding general election,~~ a petition, which must contain the names and
48 residence addresses of at least 10 percent of the registered voters of that
49 county, demanding that a referendum vote be had by the people of the



1 county at the next primary or general election upon the act or resolution on
2 which the referendum is demanded.

3 *2. A petition must be submitted to the county clerk for verification,*
4 *pursuant to sections 40 to 44, inclusive, of this act, not later than 4*
5 *months before the time set for the next succeeding general election.*

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

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

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

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

- 26 *(a) Documents included in the petition;*
27 *(b) Pages in each document; and*
28 *(c) Signatures that the person declares are included in the petition.*
29 *6. Within 20 days after a petition is submitted, the county clerk shall*
30 *complete a certificate as to its sufficiency. Unless a request for review is*
31 *filed pursuant to subsection 7, the certificate is a final determination as*
32 *to the sufficiency of the petition.*

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

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

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

44 295.160 1. ~~If the~~ *If the petition is determined to be sufficient, the*
45 county clerk shall ~~file the petition upon its receipt by him. At~~ *, at the next*
46 primary or general election ~~, he shall~~ submit the act or resolution, by
47 appropriate questions on the ballot, for the approval or disapproval of the
48 people of that county.



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

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

6 295.205 1. Any five registered voters of the city may commence
7 initiative or referendum proceedings by filing with the city clerk an
8 affidavit:

9 (a) Stating they will constitute the petitioners' committee and be
10 responsible for circulating the petition and filing it in proper form;

11 (b) Stating their names and addresses;

12 (c) Specifying the address to which all notices to the committee are to
13 be sent; and

14 (d) Setting out in full the proposed initiative ordinance or citing the
15 ordinance sought to be reconsidered.

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

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

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

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

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

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

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

40 (a) That he personally circulated the document;

41 (b) The number of signatures thereon;

42 (c) That all the signatures were affixed in his presence;

43 (d) That he believes them to be genuine signatures of the persons whose
44 names they purport to be; and

45 (e) That each signer had an opportunity before signing to read the full
46 text of the ordinance proposed or sought to be reconsidered.

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

49 (a) Documents included in the petition;



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1 (b) Pages in each document; and

2 (c) Signatures that the person declares are included in the petition.

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

4 295.210 1. Within 20 days after the petition is ~~filed,~~ *submitted to*
5 *the city clerk pursuant to NRS 295.205*, the city clerk shall ~~examine the~~
6 ~~signatures thereon,~~ complete a certificate as to its sufficiency . ~~It~~
7 ~~specifying, if it is insufficient, the particulars wherein it is defective and~~
8 ~~shall promptly send a copy of the certificate to the petitioners' committee~~
9 ~~by registered or certified mail.~~

10 ~~—2. If more than 500 names are signed on the documents filed with him,~~
11 ~~the city clerk must examine the signatures by sampling them randomly for~~
12 ~~verification. The random sample of signatures to be verified must be drawn~~
13 ~~in such a manner that every signature which has been submitted to the city~~
14 ~~clerk is given an equal opportunity to be included in the sample. The~~
15 ~~sample must include an examination of at least 500 signatures or 5 percent~~
16 ~~of the signatures, whichever is greater.~~

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

32 ~~—4.~~ 2. If a petition ~~for amended petition~~ is certified sufficient, or if a
33 petition ~~for amended petition~~ is certified insufficient and the petitioners'
34 committee does not elect to ~~amend or~~ request council review under
35 subsection ~~5~~ 3 within the time required, the city clerk must promptly
36 present his certificate to the council and the certificate is a final
37 determination as to the sufficiency of the petition.

38 ~~{5.}~~ 3. If a ~~petition has been certified insufficient and the petitioners'~~
39 ~~committee does not file notice of intention to amend it or if an amended~~
40 petition has been certified insufficient, the committee may, within 2 days
41 after receiving the copy of the certificate, file a request that it be reviewed
42 by the council. The council shall review the certificate at its next meeting
43 following the filing of the request and approve or disapprove it, and the
44 council's determination is a final determination as to the sufficiency of the
45 petition.

46 ~~{6.}~~ 4. A final determination as to the sufficiency of a petition is
47 subject to ~~court~~ *judicial* review. A final determination of insufficiency,
48 even if sustained upon ~~court~~ *judicial* review, does not prejudice the filing
49 of a new petition for the same purpose.



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

2 295.215 1. When an initiative or referendum petition has been finally
3 determined sufficient, the council shall promptly consider the proposed
4 initiative ordinance in the manner provided by law for the consideration of
5 ordinances generally or reconsider the referred ordinance by voting its
6 repeal. If , *within 30 days after the date the petition was finally*
7 *determined sufficient*, the council fails to adopt ~~to~~ *the* proposed initiative
8 ordinance without any change in substance ~~{within 60 days}~~ or fails to
9 repeal the referred ordinance ~~{within 30 days after the date the petition was~~
10 ~~finally determined sufficient, it}~~ , *the council* shall submit the proposed or
11 referred ordinance to the registered voters of the city.

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

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

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

24 306.015 1. Before a petition to recall a public officer is circulated,
25 the persons proposing to circulate the petition must file a notice of intent
26 with the filing officer.

27 2. The notice of intent:

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

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

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

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

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

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



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

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

8 **Sec. 55.** NRS 306.040 is hereby amended to read as follows:

9 306.040 1. Upon determining that the number of signatures on a
10 petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279,
11 inclusive, the secretary of state shall notify the county clerk, the officer
12 with whom the petition is to be filed pursuant to subsection 4 of NRS
13 306.015 and the public officer who is the subject of the petition.

14 2. After the verification of signatures is complete, but not later than the
15 date a complaint is filed pursuant to subsection 5 or the date the call for a
16 special election is issued, whichever is earlier, a person who signs a
17 petition to recall may request the secretary of state to strike his name from
18 the petition. If the person demonstrates good cause therefor ~~†~~ *and the*
19 *number of such requests received by the secretary of state could affect*
20 *the sufficiency of the petition,* the secretary of state shall strike ~~this~~ *the*
21 *name of the person* from the petition.

22 3. Not sooner than 10 days nor more than 20 days after the secretary of
23 state completes the notification required by subsection 1, if a complaint is
24 not filed pursuant to subsection 5, the officer with whom the petition is
25 filed shall issue a call for a special election in the jurisdiction in which the
26 public officer who is the subject of the petition was elected to determine
27 whether the people will recall him.

28 4. The call for a special election pursuant to subsection 3 or 6 must
29 include, without limitation:

30 (a) The last day on which a person may register to vote to qualify to
31 vote in the special election; and

32 (b) The last day on which a petition to nominate other candidates for the
33 office may be filed.

34 5. The legal sufficiency of the petition may be challenged by filing a
35 complaint in district court not later than 5 days, Saturdays, Sundays and
36 holidays excluded, after the secretary of state completes the notification
37 required by subsection 1. All affidavits and documents in support of the
38 challenge must be filed with the complaint. The court shall set the matter
39 for hearing not later than 30 days after the complaint is filed and shall give
40 priority to such a complaint over all other matters pending with the court,
41 except for criminal proceedings.

42 6. Upon the conclusion of the hearing, if the court determines that the
43 petition is sufficient, it shall order the officer with whom the petition is
44 filed to issue a call for a special election in the jurisdiction in which the
45 public officer who is the subject of the petition was elected to determine
46 whether the people will recall him. If the court determines that the petition
47 is not sufficient, it shall order the officer with whom the petition is filed to
48 cease any further proceedings regarding the petition.



* A B 6 3 7 R 1 *

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

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

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

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

9 **(c) The term of the appointment.**

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

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

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

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

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

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

37 **Sec. 59.** Section 5.070 of the charter of Carson City, being chapter
38 213, Statutes of Nevada 1969, as amended by chapter 118, Statutes of
39 Nevada 1985, at page 478, is hereby amended to read as follows:

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

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

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



* A B 6 3 7 R 1 *

1 **Sec. 60.** Section 5.060 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 489, is hereby amended to read as
3 follows:

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

12 **Sec. 61.** Section 5.060 of the charter of the City of Gabbs, being
13 chapter 265, Statutes of Nevada 1971, at page 397, is hereby amended to
14 read as follows:

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

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

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

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

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



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

4 Sec. 5.070 Availability of lists of registered voters. If, for any
5 purpose relating to a municipal election or to candidates or issues
6 involved in such an election, any organization, group or person
7 requests a list of registered voters of the city, the department, office or
8 agency which has custody of the official register of voters shall ,
9 *except as otherwise provided in NRS 293.558*, provide the same upon
10 payment therefor in an amount determined pursuant to the provisions
11 of ~~subsection 2 of~~ NRS 293.440.

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

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

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

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

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

LEADLINES OF REPEALED SECTIONS

293.037 "Checklist" defined.

293B.320 Time allowed in booth; removal from booth.

293C.537 County clerk to prepare checklists for wards or voting
districts in cities; contents of checklists; use of checklists by election
board members.

