

ASSEMBLY BILL NO. 638—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

MARCH 26, 2001

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes regarding elections, ethics and financial disclosures.
(BDR 24-873)

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 governmental administration; requiring the county or city clerk under certain circumstances to provide the result of a challenge of a voter to the person who initiated the challenge; revising the standards for counting a vote cast using certain methods of voting; allowing an elector who is not a registered voter to vote for President, Vice President, United States Senator and Representative in Congress; clarifying the treatment of special absent ballots; revising the procedures for closing a polling place and counting ballots; revising the provisions governing voting by a new resident for President and Vice President; revising certain ethical standards applicable to public officers and employees; removing the requirement that a judicial officer and a candidate for judicial office must file certain statements of financial disclosure; 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, 3 and 4 of this act.
3 **Sec. 2. 1. *Not later than 10 working days after each election, the***
4 ***county clerk shall mail a notice to each person who is listed on the***
5 ***challenge list as the registered voter who initiated a challenge pursuant***
6 ***to NRS 293.303.***
7 **2. *The notice mailed pursuant to subsection 1 must indicate:***
8 ***(a) The name of the person who was challenged, if known; and***
9 ***(b) The result of the challenge.***
10 **Sec. 3. 1. *When counting a vote in an election, if more choices***
11 ***than permitted by the instructions for a ballot are marked for any office***
12 ***or question, the vote for that office or question may not be counted.***



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- 1 2. *Except as otherwise provided in subsection 1, in an election in*
2 *which a paper ballot is used whereby a vote is cast by placing a mark in*
3 *the designated space on the paper ballot, a vote must be counted if the*
4 *designated space is darkened or there is another mark in the designated*
5 *space.*
- 6 3. *Except as otherwise provided in subsection 1, in an election in*
7 *which a mechanical voting system is used whereby a vote is cast by*
8 *punching a card:*
- 9 (a) *A chip on the card must be counted as a vote if:*
- 10 (1) *The chip has at least one corner that is detached from the card;*
11 *or*
- 12 (2) *The fibers of paper on at least one edge of the chip are broken*
13 *in a way that permits unimpeded light to be seen through the card.*
- 14 (b) *A writing or other mark on the card, including, without limitation,*
15 *a cross, check, tear or scratch, may not be counted as a vote.*
- 16 4. *Except as otherwise provided in subsection 1, in an election in*
17 *which a mechanical voting system is used whereby a vote is cast by*
18 *darkening a designated space on the ballot:*
- 19 (a) *A vote must be counted if the designated space is darkened or*
20 *there is a cross, check or other writing in the designated space; and*
- 21 (b) *Except for a mark described in paragraph (a), a writing or other*
22 *mark on the card, including, without limitation, a cross, check, tear or*
23 *scratch, may not be counted as a vote.*
- 24 **Sec. 4.** *1. An elector who is not a registered voter may vote*
25 *pursuant to this section.*
- 26 2. *To vote pursuant to this section, the elector must:*
- 27 (a) *Apply to the county clerk for the appropriate ballot using the form*
28 *prescribed by the secretary of state; and*
- 29 (b) *Vote only in the office of the county clerk during regular office*
30 *hours.*
- 31 3. *A county clerk, upon receipt of an application pursuant to this*
32 *section, shall provide the elector a ballot and any other materials*
33 *necessary to vote:*
- 34 (a) *For President and Vice President of the United States;*
35 (b) *For United States Senator; and*
- 36 (c) *If the elector furnishes satisfactory identification containing proof*
37 *of the location at which he actually resides, for the appropriate*
38 *Representative in Congress.*
- 39 4. *A vote cast pursuant to this section must not be:*
- 40 (a) *Combined with the total of a precinct but must be segregated at the*
41 *precinct and then combined with the totals for the county.*
- 42 (b) *Included in precinct, district, county or state totals for other*
43 *electoral purposes.*
- 44 5. *The secretary of state may, in a manner consistent with the*
45 *election laws of this state, adopt regulations to effectuate the purposes of*
46 *this section.*



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1 **Sec. 5.** NRS 293.303 is hereby amended to read as follows:
2 293.303 1. A person applying to vote may be challenged:
3 (a) Orally by any registered voter of the precinct or district upon the
4 ground that he is not the person entitled to vote as claimed or has voted
5 before at the same election; or
6 (b) On any ground set forth in a challenge filed with the county clerk
7 pursuant to the provisions of NRS 293.547.
8 2. If a person is challenged, an election board officer shall tender the
9 challenged person the following oath or affirmation:
10 (a) If the challenge is on the ground that he does not belong to the
11 political party designated upon the register, "I swear or affirm under
12 penalty of perjury that I belong to the political party designated upon the
13 register";
14 (b) If the challenge is on the ground that the register does not show that
15 he designated the political party to which he claims to belong, "I swear or
16 affirm under penalty of perjury that I designated on the application to
17 register to vote the political party to which I claim to belong";
18 (c) If the challenge is on the ground that he does not reside at the
19 residence for which the address is listed in the election board register, "I
20 swear or affirm under penalty of perjury that I reside at the residence for
21 which the address is listed in the election board register";
22 (d) If the challenge is on the ground that he previously voted a ballot for
23 the election, "I swear or affirm under penalty of perjury that I have not
24 voted for any of the candidates or questions included on this ballot for this
25 election"; or
26 (e) If the challenge is on the ground that he is not the person he claims
27 to be, "I swear or affirm under penalty of perjury that I am the person
28 whose name is in this election board register."
29 The oath or affirmation must be set forth on a form prepared by the
30 secretary of state and signed by the challenged person under penalty of
31 perjury.
32 3. Except as otherwise provided in subsection 4, if the challenged
33 person refuses to execute the oath or affirmation so tendered, he must not
34 be issued a ballot, and the officer in charge of the election board register
35 shall write the words "Challenged" opposite his name in the
36 election board register.
37 4. If the challenged person refuses to execute the oath or affirmation
38 set forth in paragraph (a) or (b) of subsection 2, the election board officers
39 shall issue him a nonpartisan ballot.
40 5. If the challenged person refuses to execute the oath or affirmation
41 set forth in paragraph (c) of subsection 2, the election board officers shall
42 inform him that he is entitled to vote only in the manner prescribed in NRS
43 293.304.
44 6. If the challenged person executes the oath or affirmation and the
45 challenge is not based on the ground set forth in paragraph (e) of
46 subsection 2, the election board officers shall issue him a partisan ballot.
47 7. If the challenge is based on the ground set forth in paragraph (c) of
48 subsection 2, and the challenged person executes the oath or affirmation,
49 the election board shall not issue the person a ballot until he furnishes



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1 satisfactory identification which contains proof of the address at which he
2 actually resides.

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

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

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

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

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

14 9. The election board officers shall ~~record the result of the~~
15 ~~challenge~~ :

16 (a) *Record* on the challenge list ~~and the election board officer in~~
17 ~~charge of the checklist shall indicate~~ :

18 (1) *The name of the challenged person;*

19 (2) *The name of the registered voter who initiated the challenge;*
20 *and*

21 (3) *The result of the challenge;*

22 (b) *If possible, orally notify the registered voter who initiated the*
23 *challenge of the result of the challenge; and*

24 (c) *Indicate on the checklist* next to the name of the challenged person
25 the result of the challenge.

26 **Sec. 6.** NRS 293.317 is hereby amended to read as follows:

27 293.317 Absent ballots , *including special absent ballots described in*
28 *NRS 293.3155*, received by the county or city clerk after the polls are
29 closed on the day of election are invalid.

30 **Sec. 7.** NRS 293.367 is hereby amended to read as follows:

31 293.367 1. The basic factor to be considered by an election board
32 when making a determination of whether a particular ballot must be
33 rejected is whether any identifying mark appears on the ballot which, in the
34 opinion of the election board, constitutes an identifying mark such that
35 there is a reasonable belief entertained in good faith that the ballot has been
36 tampered with and, as a result of the tampering, the outcome of the election
37 would be affected.

38 2. The regulations for counting ballots must include provisions that:

39 (a) ~~A vote on a paper ballot may not be counted unless indicated by a~~
40 ~~cross in the appropriate square.~~

41 ~~(b) An error in marking one or more votes on a ballot does not~~
42 ~~invalidate any votes properly marked on that ballot.~~

43 ~~(c) If more choices than permitted by the instructions are marked for~~
44 ~~any office or question, the vote for that office or question may not be~~
45 ~~counted.~~

46 ~~(d) If it is impossible to determine a voter's choice for any office or~~
47 ~~question, his vote or votes for that office or question may not be counted.~~



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- 1 ~~—(e)~~ (b) A soiled or defaced ballot may not be rejected if it appears that
2 the soiling or defacing was inadvertent and was not done purposely to
3 identify the ballot.
- 4 ~~+(e)~~ (c) Only devices provided for in this chapter or chapter 293B of
5 NRS may be used in marking ballots.
- 6 ~~+(e)~~ (d) It is unlawful for any election board officer to place any mark
7 upon any ballot other than a spoiled ballot.
- 8 ~~+(h)~~ (e) When an election board officer rejects a ballot for any alleged
9 defect or illegality, the officer shall seal the ballot in an envelope and write
10 upon the envelope a statement that it was rejected and the reason for
11 rejecting it. Each election board officer shall sign the envelope.
- 12 ~~+(h)~~ (f) In counties where mechanical voting systems are used whereby
13 a vote is cast by punching a card, a superfluous punch into any card does
14 not constitute grounds for rejection of the ballot unless the election board
15 determines that the condition of the ballot justifies its exclusion pursuant to
16 subsection 1.
- 17 **Sec. 8.** NRS 293B.330 is hereby amended to read as follows:
18 293B.330 1. Upon closing of the polls, the election board shall:
19 (a) Secure all mechanical recording devices against further voting.
20 (b) If a mechanical voting system is used whereby votes are cast by
21 punching a card:
22 (1) Count the number of ballots in the ballot boxes.
23 (2) Account for all ballots on the statement of ballots.
24 (3) Place all official ballots, the ballot statement and any other
25 records, reports and materials as directed by the county clerk into the
26 container provided by him to transport those items to a central counting
27 place and seal the container.
28 (c) If a mechanical voting system is used whereby votes are directly
29 recorded electronically:
30 (1) Ensure that each mechanical recording device:
31 (I) Provides a record printed on paper of the total number of votes
32 recorded on the device for each candidate and for or against each measure;
33 and
34 (II) Transfers the ballots voted on that device to the storage device
35 required pursuant to NRS 293B.084.
36 (2) Count the number of ballots voted at the polling place.
37 (3) Account for all ballots on the statement of ballots.
38 (4) Place all records printed on paper provided by the mechanical
39 recording devices, all storage devices which store the ballots voted on the
40 mechanical recording devices, and any other records, reports and materials
41 as directed by the county clerk into the container provided by him to
42 transport those items to a central counting place and seal the container.
- 43 *(d) Record the number of voters on a form provided by the county*
44 *clerk.*
- 45 2. *If a difference exists between the number of voters and the*
46 *number of ballots voted, the election board shall report the difference*
47 *and any known reasons for the difference, in writing, to the county clerk.*
- 48 3. *After closing the polls, the election board shall:*



1 *(a) Compare the quantity of the supplies furnished by the county clerk*
2 *with the inventory of those supplies; and*

3 *(b) Note any shortages.*

4 4. The county clerk shall allow members of the general public to
5 observe the handling of the ballots pursuant to subsection 1 if those
6 members do not interfere with the handling of the ballots.

7 **Sec. 9.** NRS 293B.375 is hereby amended to read as follows:

8 293B.375 If ballots which are voted by punching a card are used, the
9 ballot duplicating board shall:

10 1. Receive damaged ballots, including ballots which have been torn,
11 bent or mutilated.

12 2. Receive cards with incompletely punched chips.

13 3. Prepare on a distinctly colored, serially numbered ballot marked
14 "duplicate" an exact copy of each damaged ballot.

15 4. In the case of a card with an incompletely punched chip:

16 (a) Remove the incompletely punched chip ~~if~~ *if*:

17 *(1) The chip has at least one corner that is detached from the card;*

18 *or*

19 *(2) The fibers of paper on at least one edge of the chip are broken*
20 *in a way that permits unimpeded light to be seen through the card; or*

21 (b) Duplicate the card without punching the location of the incompletely
22 punched chip ~~if, according to the county clerk's determination of the~~
23 ~~probable intent of the voter, if~~:

24 *(1) The chip does not have at least one corner that is detached from*
25 *the card; and*

26 *(2) The fibers of paper on no edge of the chip are broken in a way*
27 *that permits unimpeded light to be seen through the card.*

28 5. Record the serial number of the duplicate ballot on the damaged
29 original ballot and return the damaged and duplicate ballots to the
30 appropriate ballot inspection board.

31 6. Hold aside the duplicated ballots for counting after all other ballots
32 are counted if this procedure is directed by the county clerk.

33 **Sec. 10.** Chapter 293C of NRS is hereby amended by adding thereto
34 the provisions set forth as sections 11 and 12 of this act.

35 **Sec. 11. 1.** *Not later than 10 working days after each election, the*
36 *city clerk shall mail a notice to each person who is listed on the challenge*
37 *list as a registered voter who initiated a challenge pursuant to NRS*
38 *293C.292.*

39 2. *The notice mailed pursuant to subsection 1 must indicate:*

40 *(a) The name of the person who was challenged, if known; and*

41 *(b) The result of the challenge.*

42 **Sec. 12. 1.** *When counting a vote in an election, if more choices*
43 *than permitted by the instructions for a ballot are marked for any office*
44 *or question, the vote for that office or question may not be counted.*

45 2. *Except as otherwise provided in subsection 1, in an election in*
46 *which a paper ballot is used whereby a vote is cast by placing a mark in*
47 *the designated space on the paper ballot, a vote must be counted if the*
48 *designated space is darkened or there is another mark in the designated*
49 *space.*



1 3. *Except as otherwise provided in subsection 1, in an election in*
2 *which a mechanical voting system is used whereby a vote is cast by*
3 *punching a card:*

4 (a) *A chip on the card must be counted as a vote if:*

5 (1) *The chip has at least one corner that is detached from the card;*

6 *or*

7 (2) *The fibers of paper on at least one edge of the chip are broken*
8 *in a way that permits unimpeded light to be seen through the card.*

9 (b) *A writing or other mark on the card, including, without limitation,*
10 *a cross, check, tear or scratch, may not be counted as a vote.*

11 4. *Except as otherwise provided in subsection 1, in an election in*
12 *which a mechanical voting system is used whereby a vote is cast by*
13 *darkening a designated space on the ballot:*

14 (a) *A vote must be counted if the designated space is darkened or*
15 *there is a cross, check or other writing in the designated space; and*

16 (b) *Except for a mark described in paragraph (a), a writing or other*
17 *mark on the card, including, without limitation, a cross, check, tear or*
18 *scratch, may not be counted as a vote.*

19 **Sec. 13.** NRS 293C.292 is hereby amended to read as follows:

20 293C.292 1. A person applying to vote may be challenged:

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

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

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

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

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

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

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

42 3. If the challenged person refuses to execute the oath or affirmation so
43 tendered, he must not be issued a ballot, and the officer in charge of the
44 election board register shall write the words "Challenged"

45 opposite his name in the election board register.

46 4. If the challenged person refuses to execute the oath or affirmation
47 set forth in paragraph (a) of subsection 2, the election board officers shall
48 inform him that he is entitled to vote only in the manner prescribed in NRS
49 293C.295.



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

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

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

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

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

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

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

20 8. The election board officers shall ~~record the result of the~~
21 ~~challenge~~ :

22 (a) *Record* on the challenge list ~~and the election board officer in~~
23 ~~charge of the checklist shall indicate~~ :

24 (1) *The name of the challenged person;*

25 (2) *The name of the registered voter who initiated the challenge;*
26 *and*

27 (3) *The result of the challenge;*

28 (b) *If possible, orally notify the registered voter who initiated the*
29 *challenge of the result of the challenge; and*

30 (c) *Indicate on the checklist* next to the name of the challenged person
31 the result of the challenge.

32 **Sec. 14.** NRS 293C.367 is hereby amended to read as follows:

33 293C.367 1. The basic factor to be considered by an election board
34 when making a determination of whether a particular ballot must be
35 rejected is whether any identifying mark appears on the ballot which, in the
36 opinion of the election board, constitutes an identifying mark such that
37 there is a reasonable belief entertained in good faith that the ballot has been
38 tampered with and, as a result of the tampering, the outcome of the election
39 would be affected.

40 2. Regulations for counting ballots must include provisions that:

41 (a) ~~A vote on a paper ballot may not be counted unless indicated by a~~
42 ~~cross in the appropriate square.~~

43 ~~(b) An error in marking one or more votes on a ballot does not~~
44 ~~invalidate any votes properly marked on that ballot.~~

45 ~~(c) If more choices than allowed by the instructions are marked for any~~
46 ~~office or question, the vote for that office or question may not be counted.~~

47 ~~(d) If it is impossible to determine a voter's choice for any office or~~
48 ~~question, his vote or votes for that office or question may not be counted.~~



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1 ~~—(e)~~ (b) A soiled or defaced ballot may not be rejected if it appears that
2 the soiling or defacing was inadvertent and was not done purposely to
3 identify the ballot.

4 ~~[(+)]~~ (c) Only devices provided for in this chapter, chapter 293 or 293B
5 of NRS may be used in marking ballots.

6 ~~[(+)]~~ (d) It is unlawful for any election board officer to place any mark
7 upon any ballot other than a spoiled ballot.

8 ~~[(+)]~~ (e) When an election board officer rejects a ballot for any alleged
9 defect or illegality, the officer shall seal the ballot in an envelope and write
10 upon the envelope a statement that it was rejected and the reason for
11 rejecting it. Each election board officer shall sign the envelope.

12 ~~[(+)]~~ (f) In cities where mechanical voting systems are used whereby a
13 vote is cast by punching a card, a superfluous punch into any card does not
14 constitute grounds for rejection of the ballot unless the election board
15 determines that the condition of the ballot justifies its exclusion pursuant to
16 subsection 1.

17 **Sec. 15.** NRS 293C.630 is hereby amended to read as follows:

18 293C.630 1. Upon closing of the polls, the election board shall:

19 (a) Secure all mechanical recording devices against further voting.

20 (b) If a mechanical voting system is used whereby votes are cast by
21 punching a card:

22 (1) Count the number of ballots in the ballot boxes.

23 (2) Account for all ballots on the statement of ballots.

24 (3) Place all official ballots, the ballot statement and any other
25 records, reports and materials as directed by the city clerk into the
26 container provided by him to transport those items to a central counting
27 place and seal the container.

28 (c) If a mechanical voting system is used whereby votes are directly
29 recorded electronically:

30 (1) Ensure that each mechanical recording device:

31 (I) Provides a record printed on paper of the total number of votes
32 recorded on the device for each candidate and for or against each measure;
33 and

34 (II) Transfers the ballots voted on that device to the storage device
35 required pursuant to NRS 293B.084.

36 (2) Count the number of ballots voted at the polling place.

37 (3) Account for all ballots on the statement of ballots.

38 (4) Place all records printed on paper provided by the mechanical
39 recording devices, all storage devices which store the ballots voted on the
40 mechanical recording devices, and any other records, reports and materials
41 as directed by the city clerk into the container provided by him to transport
42 those items to a central counting place and seal the container.

43 (d) *Record the number of voters on a form provided by the city clerk.*

44 2. *If a difference exists between the number of voters and the*
45 *number of ballots voted, the election board shall report the difference*
46 *and any known reasons for the difference, in writing, to the city clerk.*

47 3. *After closing the polls, the election board shall:*

48 (a) *Compare the quantity of the supplies furnished by the city clerk*
49 *with the inventory of those supplies; and*



1 *(b) Note any shortages.*

2 4. The city clerk shall allow members of the general public to observe
3 the handling of the ballots pursuant to subsection 1 if those members do
4 not interfere with the handling of the ballots.

5 **Sec. 16.** NRS 293C.655 is hereby amended to read as follows:

6 293C.655 If ballots that are voted by punching a card are used, the
7 ballot duplicating board shall:

8 1. Receive damaged ballots, including ballots that have been torn, bent
9 or mutilated.

10 2. Receive cards with incompletely punched chips.

11 3. Prepare on a distinctly colored, serially numbered ballot marked
12 "duplicate" an exact copy of each damaged ballot.

13 4. In the case of a card with an incompletely punched chip:

14 (a) Remove the incompletely punched chip ~~if~~ if:

15 *(1) The chip has at least one corner that is detached from the card;*
16 *or*

17 *(2) The fibers of paper on at least one edge of the chip are broken*
18 *in a way that permits unimpeded light to be seen through the card; or*

19 (b) Duplicate the card without punching the location of the incompletely
20 punched chip ~~if, according to the city clerk's determination of the probable~~
21 ~~intent of the voter, if:~~

22 *(1) The chip does not have at least one corner that is detached from*
23 *the card; and*

24 *(2) The fibers of paper on no edge of the chip are broken in a way*
25 *that permits unimpeded light to be seen through the card.*

26 5. Record the serial number of the duplicate ballot on the damaged
27 original ballot and return the damaged and duplicate ballots to the
28 appropriate ballot inspection board.

29 6. Hold aside the duplicated ballots for counting after all other ballots
30 are counted if this procedure is directed by the city clerk.

31 **Sec. 17.** Chapter 298 of NRS is hereby amended by adding thereto a
32 new section to read as follows:

33 *1. If a new resident of the State of Nevada otherwise qualified to vote*
34 *in another state in any election for President and Vice President of the*
35 *United States has commenced his residence in this state after the 30th*
36 *day next preceding that election and for this reason does not satisfy the*
37 *requirements for registration in this state, he may vote for President and*
38 *Vice President in this state.*

39 *2. If a new resident of the State of Nevada wishes to vote for the*
40 *President and Vice President of the United States pursuant to this*
41 *section, he must:*

42 *(a) Apply to the county clerk for the appropriate ballot using the form*
43 *prescribed by the secretary of state; and*

44 *(b) Vote only in the office of the county clerk during regular office*
45 *hours.*

46 *3. A county clerk, upon receipt of an application pursuant to this*
47 *section, shall provide the applicant a ballot and any other materials*
48 *necessary to vote only for President and Vice President of the United*
49 *States.*



1 4. *A vote cast pursuant to this section must not be:*
2 (a) *Combined with the total of a precinct but must be segregated at the*
3 *precinct and then combined with the totals for the county.*

4 (b) *Included in precinct, district, county or state totals for other*
5 *electoral purposes.*

6 5. *The secretary of state may, in a manner consistent with the*
7 *election laws of this state, adopt regulations to effectuate the purposes of*
8 *this section.*

9 **Sec. 18.** NRS 298.250 is hereby amended to read as follows:

10 298.250 1. If a former resident of the State of Nevada otherwise
11 qualified to vote in another state in any election for President and Vice
12 President *of the United States* has commenced his residence in the other
13 state after the 30th day next preceding that election and for this reason does
14 not satisfy the requirements for registration in the other state, he may vote
15 for President and Vice President only in that election:

16 (a) In person in the county of the State of Nevada which was his former
17 residence, if he is otherwise qualified to vote there; or

18 (b) By absent ballot in the county of the State of Nevada which was his
19 former residence, if he is otherwise qualified to vote there and complies
20 with the applicable requirements of NRS 293.310 to 293.340, inclusive.

21 2. ~~If a new resident of the State of Nevada otherwise qualified to vote~~
22 ~~in another state in any election for President and Vice President has~~
23 ~~commenced his residence in this state after the 30th day next preceding that~~
24 ~~election and for this reason does not satisfy the requirements for~~
25 ~~registration in this state, he may vote for President and Vice President in~~
26 ~~this state.~~

27 ~~3.~~ The secretary of state may, in a manner consistent with the election
28 laws of this state, adopt ~~such regulations as may be necessary~~ *regulations*
29 to effectuate the purposes of this section.

30 **Sec. 19.** NRS 218.920 is hereby amended to read as follows:

31 218.920 The registration statement of a lobbyist must contain the
32 following information:

33 1. The registrant's full name, permanent address, place of business and
34 temporary address while lobbying.

35 2. The full name and complete address of each person, if any, by
36 whom the registrant is retained or employed or on whose behalf the
37 registrant appears.

38 3. A listing of any direct business associations or partnerships
39 involving any current member of the legislature and the registrant or any
40 person by whom the registrant is retained or employed. The listing must
41 include any such association or partnership constituting a source of income
42 or involving a debt or interest in real estate required to be disclosed in a
43 statement of financial disclosure made by a candidate *for public office* or a
44 public ~~for judicial~~ officer pursuant to NRS 281.571.

45 4. The name of any current member of the legislature for whom:

46 (a) The registrant; or

47 (b) Any person by whom the registrant is retained or
48 employed,



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1 has, in connection with a political campaign of the legislator, provided
2 consulting, advertising or other professional services since the beginning of
3 the preceding regular legislative session.

4 5. A description of the principal areas of interest on which the
5 registrant expects to lobby.

6 6. If the registrant lobbies or purports to lobby on behalf of members, a
7 statement of the number of members.

8 7. A declaration under penalty of perjury that none of the registrant's
9 compensation or reimbursement is contingent, in whole or in part, upon the
10 production of any legislative action.

11 **Sec. 20.** NRS 281.4323 is hereby amended to read as follows:

12 281.4323 "Candidate" means any person:

- 13 1. Who files a declaration of candidacy;
14 2. Who files an acceptance of candidacy; or
15 3. Whose name appears on an official ballot at any election . ~~†~~
16 ~~for election to any public office, including the office of justice of the~~
17 ~~supreme court, district judge, justice of the peace and municipal judge .†~~

18 **Sec. 21.** NRS 281.4365 is hereby amended to read as follows:

19 281.4365 1. "Public officer" means a person elected or appointed to
20 a position which is established by the constitution of the State of Nevada, a
21 statute of this state or an ordinance of any of its counties or incorporated
22 cities and which involves the exercise of a public power, trust or duty. As
23 used in this section, "the exercise of a public power, trust or duty"
24 includes:

25 (a) Actions taken in an official capacity which involve a substantial and
26 material exercise of administrative discretion in the formulation of public
27 policy;

28 (b) The expenditure of public money; and

29 (c) The enforcement of laws and rules of the state, a county or a city.

30 2. "Public officer" does not include:

31 (a) Any justice, judge or other officer of the court system;

32 (b) A commissioner of deeds;

33 (c) Any member of a board, commission or other body whose function
34 is advisory;

35 (d) Any member of a board of trustees for a general improvement
36 district or special district whose official duties do not include the
37 formulation of a budget for the district or the authorization of the
38 expenditure of the district's money; or

39 (e) A county health officer appointed pursuant to NRS 439.290.

40 *3. "Public office" does not include an office held by:*

41 *(a) Any justice, judge or other officer of the court system;*

42 *(b) A commissioner of deeds;*

43 *(c) Any member of a board, commission or other body whose function*
44 *is advisory;*

45 *(d) Any member of a board of trustees for a general improvement*
46 *district or special district whose official duties do not include the*
47 *formulation of a budget for the district or the authorization of the*
48 *expenditure of the district's money; or*

49 *(e) A county health officer appointed pursuant to NRS 439.290.*



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1 **Sec. 22.** NRS 281.477 is hereby amended to read as follows:
2 281.477 1. If a request for an opinion is filed with the commission
3 pursuant to NRS 294A.345 or 294A.346, the commission shall conduct a
4 public hearing on the request. Except as otherwise provided in subsection
5 6, the hearing must be held as expeditiously as possible, but not later than
6 15 days after the receipt of the request for the opinion.
7 2. Such a request must be accompanied by all evidence and arguments
8 to be offered by the requester concerning the issues related to the request.
9 Except as otherwise provided in this subsection, if such evidence and
10 arguments are not submitted with the request, the commission may:
11 (a) Draw any conclusions it deems appropriate from the failure of the
12 person or group of persons requesting the opinion to submit the evidence
13 and arguments, other than a conclusion that a person alleged to have
14 violated NRS 294A.345 acted with actual malice; and
15 (b) Decline to render an opinion.
16 The provisions of this subsection do not prohibit the commission from
17 considering evidence or arguments presented by the requester after
18 submission of the request for an opinion if the commission determines that
19 consideration of such evidence or arguments is in the interest of justice.
20 3. The commission shall immediately notify any person alleged to
21 have violated NRS 294A.345 or 294A.346 that such an opinion has been
22 requested by the most expedient means possible. If notice is given orally
23 by telephone or in any other manner, a second notice must be given in
24 writing not later than the next calendar day by facsimile machine or
25 overnight mail. The notice must include the time and place of the
26 commission's hearing on the matter.
27 4. A person notified pursuant to subsection 3 shall submit a response
28 to the commission not later than the close of business on the second
29 business day following the receipt of the notice. The response must be
30 accompanied by any evidence concerning the issues related to the request
31 that the person has in his possession or may obtain without undue financial
32 hardship. Except as otherwise provided in this subsection, if such evidence
33 is not submitted within that time, the commission may:
34 (a) Draw any conclusions it deems appropriate from the failure of that
35 person to submit the evidence and argument; and
36 (b) Prohibit that person from responding and presenting evidence at the
37 hearing.
38 The provisions of this subsection do not prohibit the commission from
39 allowing that person to respond and present evidence or arguments, or
40 both, after the close of business on the second business day if the
41 commission determines that consideration of such evidence or arguments is
42 in the interest of justice.
43 5. Except as otherwise provided in subsection 4, the commission shall
44 allow any person alleged to have violated NRS 294A.345 or 294A.346 to:
45 (a) Be represented by counsel; and
46 (b) Hear the evidence presented to the commission and respond and
47 present evidence on his own behalf.
48 6. At the request of:



1 (a) The person or group of persons that filed the request for the opinion
2 pursuant to NRS 294A.345 or 294A.346; or
3 (b) The person alleged to have violated the provisions of NRS
4 294A.345 or 294A.346,
5 the commission may grant a continuance of a hearing held pursuant to the
6 provisions of this section upon a showing of the existence of extraordinary
7 circumstances that would prohibit the commission from rendering a fair
8 and impartial opinion. A continuance may be granted for not more than 15
9 days. Not more than one continuance may be granted by the commission
10 pursuant to this subsection.
11 7. The person or group of persons that filed the request for the opinion
12 pursuant to NRS 294A.345 or 294A.346 has the burden of proving the
13 elements of the offense, including that a person alleged to have violated
14 NRS 294A.345 acted with actual malice. The existence of actual malice
15 may not be presumed. A final opinion of the commission rendered pursuant
16 to this section must be supported by clear and convincing evidence. In
17 addition to the other requirements for issuing an opinion pursuant to this
18 subsection, the commission shall not render a final opinion determining
19 that a person has violated NRS 294A.345 unless the commission makes
20 specific findings that:
21 (a) The person caused to be published a false statement of fact
22 concerning a candidate ~~H~~ *for public or judicial office*;
23 (b) The person acted with actual malice in causing the false statement to
24 be published ; ~~H~~
25 (c) The person acted with the intent to impede the success of the
26 campaign of the candidate *for public or judicial office* in causing the false
27 statement to be published; and
28 (d) The publication of the false statement did in fact impede the success
29 of the campaign of the candidate ~~H~~ *for public or judicial office*.
30 In addition to the other requirements for issuing an opinion pursuant to this
31 subsection, the commission shall not render a final opinion determining
32 that a person has violated NRS 294A.346 unless a finding that each of the
33 elements of the offense has been proven receives the affirmative vote of
34 two-thirds of the commission.
35 8. The commission shall render its opinion, or decline to render an
36 opinion, as expeditiously as possible, but not later than 3 days after the date
37 of the hearing. If additional time is required to determine the state of mind
38 or the intent of the person alleged to have violated the provisions of NRS
39 294A.345 or 294A.346 or to determine the amount of any civil penalty that
40 may be imposed pursuant to NRS 281.551, the commission may continue
41 its jurisdiction to investigate those issues but shall render its opinion as to
42 the truth or falsity of the statement made concerning the candidate *for*
43 *public or judicial office* or the ballot question or its opinion as to whether
44 the person impeded the success of the campaign or induced another person
45 to impede the success of the campaign. If the commission continues its
46 jurisdiction pursuant to this subsection, it may render a final opinion after
47 the time set forth in this subsection.
48 9. A final opinion of the commission rendered pursuant to this section
49 is subject to judicial review pursuant to NRS 233B.130. The district court



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1 shall give a petition for judicial review of a final opinion of the
2 commission priority over other civil matters that are not expressly given
3 priority by law. Notwithstanding the provisions of NRS 233B.130, the
4 court may provide for such expedited review of the final opinion, including
5 shortened periods for filing documents, as it deems appropriate for the
6 circumstances.

7 10. Each request for an opinion filed pursuant to NRS 294A.345 or
8 294A.346, each opinion rendered by the commission pursuant thereto and
9 any motion, evidence or record of a hearing relating to the request are
10 public and must be open to inspection pursuant to NRS 239.010.

11 11. For the purposes of NRS 41.032, the members of the commission
12 and its employees shall be deemed to be exercising or performing a
13 discretionary function or duty when taking any action related to the
14 rendering of an opinion pursuant to this section.

15 12. Except as otherwise provided in this section, a meeting or hearing
16 held by the commission to carry out the provisions of this section and the
17 commission's deliberations on the information or evidence are not subject
18 to any provision of chapter 241 of NRS.

19 13. As used in this section:

20 (a) "Actual malice" has the meaning ascribed to it in NRS 294A.345.

21 (b) "Publish" has the meaning ascribed to it in NRS 294A.345.

22 **Sec. 23.** NRS 281.501 is hereby amended to read as follows:

23 281.501 1. Except as otherwise provided in subsection 2 or 3, a
24 public officer may vote upon a matter if the benefit or detriment accruing
25 to him as a result of the decision either individually or in a representative
26 capacity as a member of a general business, profession, occupation or
27 group is not greater than that accruing to any other member of the general
28 business, profession, occupation or group.

29 2. In addition to the requirements of the code of ethical standards, a
30 public officer shall not vote upon or advocate the passage or failure of, but
31 may otherwise participate in the consideration of a matter with respect to
32 which the independence of judgment of a reasonable person in his situation
33 would be materially affected by:

34 (a) His acceptance of a gift or loan;

35 (b) His pecuniary interest; or

36 (c) His commitment in a private capacity to the *private* interests of
37 others.

38 It must be presumed that the independence of judgment of a reasonable
39 person would not be materially affected by his pecuniary interest or his
40 commitment in a private capacity to the *private* interests of others where
41 the resulting benefit or detriment accruing to him or to the other persons
42 whose *private* interests to which the member is committed in a private
43 capacity is not greater than that accruing to any other member of the
44 general business, profession, occupation or group. The presumption set
45 forth in this subsection does not affect the applicability of the requirements
46 set forth in subsection 3 relating to the disclosure of the pecuniary interest
47 or commitment in a private capacity to the *private* interests of others.

48 3. A public officer or employee shall not approve, disapprove, vote,
49 abstain from voting or otherwise act upon any matter:



1 (a) Regarding which he has accepted a gift or loan;
2 (b) Which would reasonably be affected by his commitment in a private
3 capacity to the *private* interest of others; or

4 (c) In which he has a pecuniary interest,
5 without disclosing sufficient information concerning the gift, loan,
6 commitment or interest to inform the public of the potential effect of the
7 action or abstention upon the person who provided the gift or loan, upon
8 the person to whom he has a commitment, or upon his interest. Except as
9 otherwise provided in subsection 6, such a disclosure must be made at the
10 time the matter is considered. If the officer or employee is a member of a
11 body which makes decisions, he shall make the disclosure in public to the
12 chairman and other members of the body. If the officer or employee is not
13 a member of such a body and holds an appointive office, he shall make the
14 disclosure to the supervisory head of his organization or, if he holds an
15 elective office, to the general public in the area from which he is elected.
16 This subsection does not require a public officer to disclose any campaign
17 contributions that the public officer reported pursuant to NRS 294A.120 or
18 294A.125 in a timely manner.

19 4. If a public officer declares to the body or committee in which the
20 vote is to be taken that he will abstain from voting because of the
21 requirements of this section, the necessary quorum to act upon and the
22 number of votes necessary to act upon the matter, as fixed by any statute,
23 ordinance or rule, is reduced as though the member abstaining were not a
24 member of the body or committee.

25 5. If a public officer is voting on a matter which affects public
26 employees, he shall make a full public disclosure of any personal pecuniary
27 interest which he may have in the matter.

28 6. After a member of the legislature makes a disclosure pursuant to
29 subsection 3, he may file with the director of the legislative counsel bureau
30 a written statement of his disclosure. The written statement must designate
31 the matter to which the disclosure applies. After a legislator files a written
32 statement pursuant to this subsection, he is not required to disclose orally
33 his interest when the matter is further considered by the legislature or any
34 committee thereof. A written statement of disclosure is a public record and
35 must be made available for inspection by the public during the regular
36 office hours of the legislative counsel bureau.

37 7. The provisions of this section do not, under any circumstances:

38 (a) Prohibit a member of the legislative branch from requesting or
39 introducing a legislative measure; or

40 (b) Require a member of the legislative branch to take any particular
41 action before or while requesting or introducing a legislative measure.

42 8. As used in this section, "commitment in a private capacity to the
43 *private* interests of others" means ~~(a)~~ :

44 ~~(a)~~ A commitment to a person:

45 ~~(a)~~ (1) Who is a member of his household;

46 ~~(b)~~ (2) Who is related to him by blood, adoption or marriage within
47 the third degree of consanguinity or affinity;

48 ~~(c)~~ (3) Who employs him or a member of his household;

49 ~~(d)~~ or



(4) With whom he has a substantial and continuing business relationship; or

~~((e) Any other)~~

(b) Any commitment or relationship that ~~is substantially similar to~~ a reasonable person would believe would cause impartiality and independence of judgment to be replaced by partiality or unwarranted preference toward the interests of that commitment or relationship . ~~{described in this subsection.}~~ As used in this paragraph, "unwarranted" means without justification or adequate reason.

Sec. 24. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsection 2 or 3, if a candidate for public ~~for judicial~~ office or a public ~~for judicial~~ officer is entitled to receive compensation for serving in the office in question, he shall file with the commission, and with the officer with whom declarations of candidacy for the office in question are filed, a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

(b) A public ~~for judicial~~ officer appointed to fill the unexpired term of an elected public ~~for judicial~~ officer shall file a statement of financial disclosure within 30 days after his appointment.

(c) Every public ~~for judicial~~ officer, whether appointed or elected, shall file a statement of financial disclosure on or before March 31 of each year of the term, including the year the term expires.

(d) A public ~~for judicial~~ officer who leaves office on a date other than the expiration of his term or anniversary of his appointment or election, shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed. The public ~~for judicial~~ officer shall notify the commission in writing of his intention to use the previously filed statement to fulfill the present requirement.

3. If a person is serving in a public ~~for judicial~~ office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public ~~for judicial~~ office in which he is also serving. The person shall notify the commission in writing of his intention to use the statement for the initial office to fulfill the requirements of subsection 1 for every other office.

4. A person may satisfy the requirements of subsection 1 by filing with the commission a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the commission.



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- 1 **Sec. 25.** NRS 281.571 is hereby amended to read as follows:
2 281.571 1. Statements of financial disclosure, as approved pursuant
3 to NRS 281.541 or in such form as the commission otherwise prescribes,
4 must contain the following information concerning the candidate *for public*
5 *office* or public ~~for judicial~~ officer:
6 (a) His length of residence in the State of Nevada and the district in
7 which he is registered to vote.
8 (b) Each source of his income, or that of any member of his household
9 who is 18 years of age or older. No listing of individual clients, customers
10 or patients is required, but if that is the case, a general source such as
11 “professional services” must be disclosed.
12 (c) A list of the specific location and particular use of real estate, other
13 than a personal residence:
14 (1) In which he or a member of his household has a legal or
15 beneficial interest;
16 (2) Whose fair market value is \$2,500 or more; and
17 (3) That is located in this state or an adjacent state.
18 (d) The name of each creditor to whom he or a member of his
19 household owes \$5,000 or more, except for:
20 (1) A debt secured by a mortgage or deed of trust of real property
21 which is not required to be listed pursuant to paragraph (c); and
22 (2) A debt for which a security interest in a motor vehicle for
23 personal use was retained by the seller.
24 (e) If the candidate *for public office* or public ~~for judicial~~ officer has
25 received gifts in excess of an aggregate value of \$200 from a donor during
26 the preceding taxable year, a list of all such gifts, including the identity of
27 the donor and value of each gift, except:
28 (1) A gift received from a person who is related to the candidate *for*
29 *public office* or public ~~for judicial~~ officer within the third degree of
30 consanguinity or affinity.
31 (2) Ceremonial gifts received for a birthday, wedding, anniversary,
32 holiday or other ceremonial occasion if the donor does not have a
33 substantial interest in the legislative, administrative ~~judicial~~ or political
34 action of the candidate *for public office* or public ~~for judicial~~ officer.
35 (f) A list of each business entity with which he or a member of his
36 household is involved as a trustee, beneficiary of a trust, director, officer,
37 owner in whole or in part, limited or general partner, or holder of a class of
38 stock or security representing 1 percent or more of the total outstanding
39 stock or securities issued by the business entity.
40 (g) A list of all public offices presently held by him for which this
41 statement of financial disclosure is required.
42 2. The commission shall distribute or cause to be distributed the forms
43 required for such a statement to each candidate *for public office* and public
44 ~~for judicial~~ officer who is required to file one. The commission is not
45 responsible for the costs of producing or distributing a form for filing
46 statements of financial disclosure which is prescribed pursuant to
47 subsection 1 of NRS 281.541.
48 3. As used in this section:



1 (a) “Business entity” means an organization or enterprise operated for
2 economic gain, including a proprietorship, partnership, firm, business,
3 trust, joint venture, syndicate, corporation or association.

4 (b) “Household” includes:

5 (1) The spouse of a candidate *for public office* or public ~~for judicial~~
6 officer;

7 (2) A person who does not live in the same home or dwelling, but
8 who is dependent on and receiving substantial support from the candidate
9 *for public office* or public ~~for judicial~~ officer; and

10 (3) A person who lived in the home or dwelling of the candidate *for*
11 *public office* or public ~~for judicial~~ officer for 6 months or more in the year
12 immediately preceding the year in which the candidate *for public office* or
13 public ~~for judicial~~ officer files the statement of financial disclosure.

14 **Sec. 26.** NRS 281.575 is hereby amended to read as follows:

15 281.575 The secretary of state and each county or city clerk who
16 receives *from a candidate for public office* a declaration of candidacy,
17 acceptance of candidacy or certificate of candidacy shall give to the
18 candidate the form prescribed by the commission for the making of a
19 statement of financial disclosure, accompanied by instructions on how to
20 complete the form, where it must be filed and the time by which it must be
21 filed.

22 **Sec. 27.** NRS 281.581 is hereby amended to read as follows:

23 281.581 1. A candidate *for public office* or public ~~for judicial~~
24 officer who fails to file his statement of financial disclosure in a timely
25 manner pursuant to NRS 281.561 is subject to a civil penalty and payment
26 of court costs and attorney’s fees. The amount of the civil penalty is:

27 (a) If the statement is filed not more than 7 days late, \$25 for each day
28 the statement is late.

29 (b) If the statement is filed more than 7 days late but not more than 15
30 days late, \$175 for the first 7 days, plus \$50 for each additional day the
31 statement is late.

32 (c) If the statement is filed more than 15 days late, \$575 for the first 15
33 days, plus \$100 for each additional day the statement is late.

34 2. The commission may, for good cause shown, waive or reduce the
35 civil penalty.

36 3. The civil penalty must be recovered in a civil action brought in the
37 name of the State of Nevada by the commission in a court of competent
38 jurisdiction and deposited with the state treasurer for credit to the state
39 general fund.

40 4. If the commission waives a civil penalty pursuant to subsection 2,
41 the commission shall:

42 (a) Create a record which sets forth that the civil penalty has been
43 waived and describes the circumstances that constitute the good cause
44 shown; and

45 (b) Ensure that the record created pursuant to paragraph (a) is available
46 for review by the general public.

