

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT A.B. 638

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; 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 the provisions governing appeals from certain decisions of the commission on ethics; revising 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 and 3 of this act.
3 **Sec. 2.** *1. As soon as practicable, but in no case later than 21*
4 *calendar days after each election, the county clerk shall mail a notice to*
5 *each person who is listed on the challenge list as the registered voter who*
6 *initiated a challenge pursuant 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.*
13 *2. Except as otherwise provided in subsection 1, in an election in*
14 *which a paper ballot is used whereby a vote is cast by placing a mark in*
15 *the designated space on the paper ballot, a vote must be counted if the*



* A B 6 3 8 R 1 *

1 *designated space is darkened or there is another mark in the designated*
2 *space.*

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

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

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

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

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

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

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

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

21 **Sec. 4.** NRS 293.303 is hereby amended to read as follows:

22 293.303 1. A person applying to vote may be challenged:

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

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

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

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

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

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

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

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



* A B 6 3 8 R 1 *

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

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

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

12 5. If the challenged person refuses to execute the oath or affirmation
13 set forth in paragraph (c) of subsection 2, the election board officers shall
14 inform him that he is entitled to vote only in the manner prescribed in NRS
15 293.304.

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

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

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

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

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

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

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

35 9. The election board officers shall ~~record the result of the~~
36 ~~challenge~~ :

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

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

40 (2) *The name of the registered voter who initiated the challenge;*
41 *and*

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

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

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



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1 **Sec. 5.** NRS 293.317 is hereby amended to read as follows:
2 293.317 Absent ballots , *including special absent ballots described in*
3 *NRS 293.3155*, received by the county or city clerk after the polls are
4 closed on the day of election are invalid.

5 **Sec. 6.** NRS 293.367 is hereby amended to read as follows:

6 293.367 1. The basic factor to be considered by an election board
7 when making a determination of whether a particular ballot must be
8 rejected is whether any identifying mark appears on the ballot which, in the
9 opinion of the election board, constitutes an identifying mark such that
10 there is a reasonable belief entertained in good faith that the ballot has been
11 tampered with and, as a result of the tampering, the outcome of the election
12 would be affected.

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

14 (a) ~~[(a)] A vote on a paper ballot may not be counted unless indicated by a~~
15 ~~cross in the appropriate square.~~

16 ~~[(b)]~~ (b) An error in marking one or more votes on a ballot does not
17 invalidate any votes properly marked on that ballot.

18 ~~[(c)] If more choices than permitted by the instructions are marked for~~
19 ~~any office or question, the vote for that office or question may not be~~
20 ~~counted.~~

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

23 ~~[(e)]~~ (b) A soiled or defaced ballot may not be rejected if it appears that
24 the soiling or defacing was inadvertent and was not done purposely to
25 identify the ballot.

26 ~~[(f)]~~ (c) Only devices provided for in this chapter or chapter 293B of
27 NRS may be used in marking ballots.

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

30 ~~[(h)]~~ (e) When an election board officer rejects a ballot for any alleged
31 defect or illegality, the officer shall seal the ballot in an envelope and write
32 upon the envelope a statement that it was rejected and the reason for
33 rejecting it. Each election board officer shall sign the envelope.

34 ~~[(i)]~~ (f) In counties where mechanical voting systems are used whereby
35 a vote is cast by punching a card, a superfluous punch into any card does
36 not constitute grounds for rejection of the ballot unless the election board
37 determines that the condition of the ballot justifies its exclusion pursuant to
38 subsection 1.

39 **Sec. 7.** NRS 293B.330 is hereby amended to read as follows:

40 293B.330 1. Upon closing of the polls, the election board shall:

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

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

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

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

46 (3) Place all official ballots, the ballot statement and any other
47 records, reports and materials as directed by the county clerk into the
48 container provided by him to transport those items to a central counting
49 place and seal the container.



- 1 (c) If a mechanical voting system is used whereby votes are directly
2 recorded electronically:
- 3 (1) Ensure that each mechanical recording device:
- 4 (I) Provides a record printed on paper of the total number of votes
5 recorded on the device for each candidate and for or against each measure;
6 and
- 7 (II) Transfers the ballots voted on that device to the storage device
8 required pursuant to NRS 293B.084.
- 9 (2) Count the number of ballots voted at the polling place.
- 10 (3) Account for all ballots on the statement of ballots.
- 11 (4) Place all records printed on paper provided by the mechanical
12 recording devices, all storage devices which store the ballots voted on the
13 mechanical recording devices, and any other records, reports and materials
14 as directed by the county clerk into the container provided by him to
15 transport those items to a central counting place and seal the container.
- 16 *(d) Record the number of voters on a form provided by the county*
17 *clerk.*
- 18 2. *If a difference exists between the number of voters and the*
19 *number of ballots voted, the election board shall report the difference*
20 *and any known reasons for the difference, in writing, to the county clerk.*
- 21 3. *After closing the polls, the election board shall:*
- 22 *(a) Compare the quantity of the supplies furnished by the county clerk*
23 *with the inventory of those supplies; and*
- 24 *(b) Note any shortages.*
- 25 4. The county clerk shall allow members of the general public to
26 observe the handling of the ballots pursuant to subsection 1 if those
27 members do not interfere with the handling of the ballots.
- 28 **Sec. 8.** NRS 293B.375 is hereby amended to read as follows:
29 293B.375 If ballots which are voted by punching a card are used, the
30 ballot duplicating board shall:
- 31 1. Receive damaged ballots, including ballots which have been torn,
32 bent or mutilated.
- 33 2. Receive cards with incompletely punched chips.
- 34 3. Prepare on a distinctly colored, serially numbered ballot marked
35 “duplicate” an exact copy of each damaged ballot.
- 36 4. In the case of a card with an incompletely punched chip:
- 37 (a) Remove the incompletely punched chip ~~if~~ *if*:
- 38 *(1) The chip has at least one corner that is detached from the*
39 *card; or*
- 40 *(2) The fibers of paper on at least one edge of the chip are broken*
41 *in a way that permits unimpeded light to be seen through the card; or*
- 42 (b) Duplicate the card without punching the location of the incompletely
43 punched chip ~~if, according to the county clerk's determination of the~~
44 ~~probable intent of the voter, if~~ *if*:
- 45 *(1) The chip does not have at least one corner that is detached from*
46 *the card; and*
- 47 *(2) The fibers of paper on no edge of the chip are broken in a way*
48 *that permits unimpeded light to be seen through the card.*



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1 5. Record the serial number of the duplicate ballot on the damaged
2 original ballot and return the damaged and duplicate ballots to the
3 appropriate ballot inspection board.

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

6 **Sec. 9.** Chapter 293C of NRS is hereby amended by adding thereto
7 the provisions set forth as sections 10 and 11 of this act.

8 **Sec. 10.** *1. As soon as practicable, but in no case later than 21*
9 *calendar days after each election, the city clerk shall mail a notice to*
10 *each person who is listed on the challenge list as a registered voter who*
11 *initiated a challenge pursuant to NRS 293C.292.*

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

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

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

15 **Sec. 11.** *1. When counting a vote in an election, if more choices*
16 *than permitted by the instructions for a ballot are marked for any office*
17 *or question, the vote for that office or question may not be counted.*

18 *2. Except as otherwise provided in subsection 1, in an election in*
19 *which a paper ballot is used whereby a vote is cast by placing a mark in*
20 *the designated space on the paper ballot, a vote must be counted if the*
21 *designated space is darkened or there is another mark in the designated*
22 *space.*

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

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

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

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

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

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

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

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

41 **Sec. 12.** NRS 293C.292 is hereby amended to read as follows:

42 293C.292 1. A person applying to vote may be challenged:

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

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

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



- 1 (a) If the challenge is on the ground that he does not reside at the
2 residence for which the address is listed in the election board register, "I
3 swear or affirm under penalty of perjury that I reside at the residence for
4 which the address is listed in the election board register";
- 5 (b) If the challenge is on the ground that he previously voted a ballot for
6 the election, "I swear or affirm under penalty of perjury that I have not
7 voted for any of the candidates or questions included on this ballot for this
8 election"; or
- 9 (c) If the challenge is on the ground that he is not the person he claims
10 to be, "I swear or affirm under penalty of perjury that I am the person
11 whose name is in this election board register."
12 The oath or affirmation must be set forth on a form prepared by the
13 secretary of state and signed by the challenged person under penalty of
14 perjury.
- 15 3. If the challenged person refuses to execute the oath or affirmation so
16 tendered, he must not be issued a ballot, and the officer in charge of the
17 election board register shall write the words "Challenged"
18 opposite his name in the election board register.
- 19 4. If the challenged person refuses to execute the oath or affirmation
20 set forth in paragraph (a) of subsection 2, the election board officers shall
21 inform him that he is entitled to vote only in the manner prescribed in NRS
22 293C.295.
- 23 5. If the challenged person executes the oath or affirmation and the
24 challenge is not based on the ground set forth in paragraph (c) of
25 subsection 2, the election board officers shall issue him a ballot.
- 26 6. If the challenge is based on the ground set forth in paragraph (a) of
27 subsection 2, and the challenged person executes the oath or affirmation,
28 the election board shall not issue the person a ballot until he furnishes
29 satisfactory identification that contains proof of the address at which he
30 actually resides.
- 31 7. If the challenge is based on the ground set forth in paragraph (c) of
32 subsection 2 and the challenged person executes the oath or affirmation,
33 the election board shall not issue the person a ballot unless he:
- 34 (a) Furnishes official identification which contains a photograph of
35 himself, such as his driver's license or other official document; or
- 36 (b) Brings before the election board officers a person who is at least 18
37 years ~~old~~ *of age* who:
- 38 (1) Furnishes official identification which contains a photograph of
39 himself, such as his driver's license or other official document; and
- 40 (2) Executes an oath or affirmation under penalty of perjury that the
41 challenged person is who he swears he is.
- 42 8. The election board officers shall ~~record the result of the~~
43 ~~challenge~~ :
- 44 (a) *Record* on the challenge list ~~1, and the election board officer in~~
45 ~~charge of the checklist shall indicate~~ :
- 46 (1) *The name of the challenged person;*
- 47 (2) *The name of the registered voter who initiated the challenge;*
- 48 *and*
- 49 (3) *The result of the challenge;*



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

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

5 **Sec. 13.** NRS 293C.367 is hereby amended to read as follows:

6 293C.367 1. The basic factor to be considered by an election board
7 when making a determination of whether a particular ballot must be
8 rejected is whether any identifying mark appears on the ballot which, in the
9 opinion of the election board, constitutes an identifying mark such that
10 there is a reasonable belief entertained in good faith that the ballot has been
11 tampered with and, as a result of the tampering, the outcome of the election
12 would be affected.

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

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

16 ~~[(b)]~~ (b) An error in marking one or more votes on a ballot does not
17 invalidate any votes properly marked on that ballot.

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

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

22 ~~[(e)]~~ (b) A soiled or defaced ballot may not be rejected if it appears that
23 the soiling or defacing was inadvertent and was not done purposely to
24 identify the ballot.

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

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

29 ~~[(h)]~~ (e) When an election board officer rejects a ballot for any alleged
30 defect or illegality, the officer shall seal the ballot in an envelope and write
31 upon the envelope a statement that it was rejected and the reason for
32 rejecting it. Each election board officer shall sign the envelope.

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

38 **Sec. 14.** NRS 293C.630 is hereby amended to read as follows:

39 293C.630 1. Upon closing of the polls, the election board shall:

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

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

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

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

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



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- 1 (c) If a mechanical voting system is used whereby votes are directly
2 recorded electronically:
3 (1) Ensure that each mechanical recording device:
4 (I) Provides a record printed on paper of the total number of votes
5 recorded on the device for each candidate and for or against each measure;
6 and
7 (II) Transfers the ballots voted on that device to the storage device
8 required pursuant to NRS 293B.084.
9 (2) Count the number of ballots voted at the polling place.
10 (3) Account for all ballots on the statement of ballots.
11 (4) Place all records printed on paper provided by the mechanical
12 recording devices, all storage devices which store the ballots voted on the
13 mechanical recording devices, and any other records, reports and materials
14 as directed by the city clerk into the container provided by him to transport
15 those items to a central counting place and seal the container.
16 *(d) Record the number of voters on a form provided by the city clerk.*
17 2. *If a difference exists between the number of voters and the*
18 *number of ballots voted, the election board shall report the difference*
19 *and any known reasons for the difference, in writing, to the city clerk.*
20 3. *After closing the polls, the election board shall:*
21 *(a) Compare the quantity of the supplies furnished by the city clerk*
22 *with the inventory of those supplies; and*
23 *(b) Note any shortages.*
24 4. The city clerk shall allow members of the general public to observe
25 the handling of the ballots pursuant to subsection 1 if those members do
26 not interfere with the handling of the ballots.
27 **Sec. 15.** NRS 293C.655 is hereby amended to read as follows:
28 293C.655 If ballots that are voted by punching a card are used, the
29 ballot duplicating board shall:
30 1. Receive damaged ballots, including ballots that have been torn, bent
31 or mutilated.
32 2. Receive cards with incompletely punched chips.
33 3. Prepare on a distinctly colored, serially numbered ballot marked
34 “duplicate” an exact copy of each damaged ballot.
35 4. In the case of a card with an incompletely punched chip:
36 (a) Remove the incompletely punched chip ~~if~~ *if:*
37 *(1) The chip has at least one corner that is detached from the*
38 *card; or*
39 *(2) The fibers of paper on at least one edge of the chip are broken*
40 *in a way that permits unimpeded light to be seen through the card; or*
41 (b) Duplicate the card without punching the location of the incompletely
42 punched chip ~~if, according to the city clerk's determination of the probable~~
43 ~~intent of the voter, if:~~
44 *(1) The chip does not have at least one corner that is detached from*
45 *the card; and*
46 *(2) The fibers of paper on no edge of the chip are broken in a way*
47 *that permits unimpeded light to be seen through the card.*



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1 5. Record the serial number of the duplicate ballot on the damaged
2 original ballot and return the damaged and duplicate ballots to the
3 appropriate ballot inspection board.

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

6 **Sec. 16.** Chapter 298 of NRS is hereby amended by adding thereto a
7 new section to read as follows:

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

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

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

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

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

25 *4. A vote cast pursuant to this section must not be:*

26 *(a) Combined with the total of a precinct but must be segregated at the*
27 *precinct and then combined with the totals for the county.*

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

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

33 **Sec. 17.** NRS 298.250 is hereby amended to read as follows:

34 298.250 1. If a former resident of the State of Nevada otherwise
35 qualified to vote in another state in any election for President and Vice
36 President *of the United States* has commenced his residence in the other
37 state after the 30th day next preceding that election and for this reason does
38 not satisfy the requirements for registration in the other state, he may vote
39 for President and Vice President only in that election:

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

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

45 ~~2. If a new resident of the State of Nevada otherwise qualified to vote~~
46 ~~in another state in any election for President and Vice President has~~
47 ~~commenced his residence in this state after the 30th day next preceding that~~
48 ~~election and for this reason does not satisfy the requirements for~~



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1 ~~registration in this state, he may vote for President and Vice President in~~
2 ~~this state.~~

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

6 **Sec. 18.** NRS 218.920 is hereby amended to read as follows:

7 218.920 The registration statement of a lobbyist must contain the
8 following information:

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

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

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

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

22 (a) The registrant; or

23 (b) Any person by whom the registrant is retained or
24 employed,

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

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

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

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

35 **Sec. 19.** NRS 281.4323 is hereby amended to read as follows:

36 281.4323 "Candidate" means any person:

37 1. Who files a declaration of candidacy;

38 2. Who files an acceptance of candidacy; or

39 3. Whose name appears on an official ballot at any election. ~~†~~

40 ~~for election to any public office, including the office of justice of the~~
41 ~~supreme court, district judge, justice of the peace and municipal judge .†~~

42 **Sec. 20.** NRS 281.4365 is hereby amended to read as follows:

43 281.4365 1. "Public officer" means a person elected or appointed to
44 a position which is established by the constitution of the State of Nevada, a
45 statute of this state or an ordinance of any of its counties or incorporated
46 cities and which involves the exercise of a public power, trust or duty. As
47 used in this section, "the exercise of a public power, trust or duty"
48 includes:



* A B 6 3 8 R 1 *

- 1 (a) Actions taken in an official capacity which involve a substantial and
2 material exercise of administrative discretion in the formulation of public
3 policy;
4 (b) The expenditure of public money; and
5 (c) The enforcement of laws and rules of the state, a county or a city.
6 2. "Public officer" does not include:
7 (a) Any justice, judge or other officer of the court system;
8 (b) A commissioner of deeds;
9 (c) Any member of a board, commission or other body whose function
10 is advisory;
11 (d) Any member of a board of trustees for a general improvement
12 district or special district whose official duties do not include the
13 formulation of a budget for the district or the authorization of the
14 expenditure of the district's money; or
15 (e) A county health officer appointed pursuant to NRS 439.290.
16 3. *"Public office" does not include an office held by:*
17 *(a) Any justice, judge or other officer of the court system;*
18 *(b) A commissioner of deeds;*
19 *(c) Any member of a board, commission or other body whose function*
20 *is advisory;*
21 *(d) Any member of a board of trustees for a general improvement*
22 *district or special district whose official duties do not include the*
23 *formulation of a budget for the district or the authorization of the*
24 *expenditure of the district's money; or*
25 *(e) A county health officer appointed pursuant to NRS 439.290.*
26 **Sec. 21.** NRS 281.477 is hereby amended to read as follows:
27 281.477 1. If a request for an opinion is filed with the commission
28 pursuant to NRS 294A.345 or 294A.346, the commission shall conduct a
29 public hearing on the request. Except as otherwise provided in subsection
30 6, the hearing must be held as expeditiously as possible, but not later than
31 15 days after the receipt of the request for the opinion.
32 2. Such a request must be accompanied by all evidence and arguments
33 to be offered by the requester concerning the issues related to the request.
34 Except as otherwise provided in this subsection, if such evidence and
35 arguments are not submitted with the request, the commission may:
36 (a) Draw any conclusions it deems appropriate from the failure of the
37 person or group of persons requesting the opinion to submit the evidence
38 and arguments, other than a conclusion that a person alleged to have
39 violated NRS 294A.345 acted with actual malice; and
40 (b) Decline to render an opinion.
41 The provisions of this subsection do not prohibit the commission from
42 considering evidence or arguments presented by the requester after
43 submission of the request for an opinion if the commission determines that
44 consideration of such evidence or arguments is in the interest of justice.
45 3. The commission shall immediately notify any person alleged to
46 have violated NRS 294A.345 or 294A.346 that such an opinion has been
47 requested by the most expedient means possible. If notice is given orally
48 by telephone or in any other manner, a second notice must be given in
49 writing not later than the next calendar day by facsimile machine or



* A B 6 3 8 R 1 *

1 overnight mail. The notice must include the time and place of the
2 commission's hearing on the matter.

3 4. A person notified pursuant to subsection 3 shall submit a response
4 to the commission not later than the close of business on the second
5 business day following the receipt of the notice. The response must be
6 accompanied by any evidence concerning the issues related to the request
7 that the person has in his possession or may obtain without undue financial
8 hardship. Except as otherwise provided in this subsection, if such evidence
9 is not submitted within that time, the commission may:

10 (a) Draw any conclusions it deems appropriate from the failure of that
11 person to submit the evidence and argument; and

12 (b) Prohibit that person from responding and presenting evidence at the
13 hearing.

14 The provisions of this subsection do not prohibit the commission from
15 allowing that person to respond and present evidence or arguments, or
16 both, after the close of business on the second business day if the
17 commission determines that consideration of such evidence or arguments is
18 in the interest of justice.

19 5. Except as otherwise provided in subsection 4, the commission shall
20 allow any person alleged to have violated NRS 294A.345 or 294A.346 to:

21 (a) Be represented by counsel; and

22 (b) Hear the evidence presented to the commission and respond and
23 present evidence on his own behalf.

24 6. At the request of:

25 (a) The person or group of persons that filed the request for the opinion
26 pursuant to NRS 294A.345 or 294A.346; or

27 (b) The person alleged to have violated the provisions of NRS
28 294A.345 or 294A.346,

29 the commission may grant a continuance of a hearing held pursuant to the
30 provisions of this section upon a showing of the existence of extraordinary
31 circumstances that would prohibit the commission from rendering a fair
32 and impartial opinion. A continuance may be granted for not more than 15
33 days. Not more than one continuance may be granted by the commission
34 pursuant to this subsection.

35 7. The person or group of persons that filed the request for the opinion
36 pursuant to NRS 294A.345 or 294A.346 has the burden of proving the
37 elements of the offense, including that a person alleged to have violated
38 NRS 294A.345 acted with actual malice. The existence of actual malice
39 may not be presumed. A final opinion of the commission rendered pursuant
40 to this section must be supported by clear and convincing evidence. In
41 addition to the other requirements for issuing an opinion pursuant to this
42 subsection, the commission shall not render a final opinion determining
43 that a person has violated NRS 294A.345 unless the commission makes
44 specific findings that:

45 (a) The person caused to be published a false statement of fact
46 concerning a candidate;

47 (b) The person acted with actual malice in causing the false statement to
48 be published ; H



1 (c) The person acted with the intent to impede the success of the
2 campaign of the candidate in causing the false statement to be published;
3 and

4 (d) The publication of the false statement did in fact impede the success
5 of the campaign of the candidate.

6 In addition to the other requirements for issuing an opinion pursuant to this
7 subsection, the commission shall not render a final opinion determining
8 that a person has violated NRS 294A.346 unless a finding that each of the
9 elements of the offense has been proven receives the affirmative vote of
10 two-thirds of the commission.

11 8. The commission shall render its opinion, or decline to render an
12 opinion, as expeditiously as possible, but not later than 3 days after the date
13 of the hearing. If additional time is required to determine the state of mind
14 or the intent of the person alleged to have violated the provisions of NRS
15 294A.345 or 294A.346 or to determine the amount of any civil penalty that
16 may be imposed pursuant to NRS 281.551, the commission may continue
17 its jurisdiction to investigate those issues but shall render its opinion as to
18 the truth or falsity of the statement made concerning the candidate or the
19 ballot question or its opinion as to whether the person impeded the success
20 of the campaign or induced another person to impede the success of the
21 campaign. If the commission continues its jurisdiction pursuant to this
22 subsection, it may render a final opinion after the time set forth in this
23 subsection.

24 9. A final opinion of the commission rendered pursuant to this section
25 is subject to judicial review pursuant to NRS 233B.130. The district court
26 shall give a petition for judicial review of a final opinion of the
27 commission priority over other civil matters that are not expressly given
28 priority by law. Notwithstanding the provisions of :

29 (a) NRS 233B.130, the court may provide for such expedited review of
30 the final opinion, including shortened periods for filing documents, as it
31 deems appropriate for the circumstances.

32 (b) *NRS 233B.135, the court shall conduct its review:*

33 (1) *By trial de novo; and*

34 (2) *With a jury, unless the person alleged to have violated the*
35 *provisions of NRS 294A.345 or 294A.346 requests a review without a*
36 *jury.*

37 10. Each request for an opinion filed pursuant to NRS 294A.345 or
38 294A.346, each opinion rendered by the commission pursuant thereto and
39 any motion, evidence or record of a hearing relating to the request are
40 public and must be open to inspection pursuant to NRS 239.010.

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

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

49 13. As used in this section:



* A B 6 3 8 R 1 *

- 1 (a) "Actual malice" has the meaning ascribed to it in NRS 294A.345.
2 (b) "Publish" has the meaning ascribed to it in NRS 294A.345.

3 **Sec. 22.** NRS 281.561 is hereby amended to read as follows:

4 281.561 1. Except as otherwise provided in subsection 2 or 3, if a
5 candidate for public ~~for judicial~~ office or a public ~~for judicial~~ officer is
6 entitled to receive compensation for serving in the office in question, he
7 shall file with the commission, and with the officer with whom declarations
8 of candidacy for the office in question are filed, a statement of financial
9 disclosure, as follows:

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

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

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

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

23 2. A statement filed pursuant to one of the paragraphs of subsection 1
24 may be used to satisfy the requirements of another paragraph of subsection
25 1 if the initial statement was filed not more than 3 months before the other
26 statement is required to be filed. The public ~~for judicial~~ officer shall notify
27 the commission in writing of his intention to use the previously filed
28 statement to fulfill the present requirement.

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

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

40 *5. A candidate for judicial office or a judicial officer shall file a*
41 *statement of financial disclosure pursuant to the requirements of Canon*
42 *41 of the Nevada Code of Judicial Conduct. Such a statement of financial*
43 *disclosure must include, without limitation, all information required to*
44 *be included in a statement of financial disclosure pursuant to NRS*
45 *281.571.*



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- 1 **Sec. 23.** 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. 24.** 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. 25.** 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.



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1 **Sec. 26.** The amendatory provisions of section 21 of this act do not
2 apply to proceedings for judicial review initiated before October 1, 2001.

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* A B 6 3 8 R 1 *