

CHAPTER.....

AN ACT relating to elections; establishing uniform, statewide standards for counting votes cast using certain methods of voting; requiring the secretary of state to adopt regulations establishing uniform, statewide standards for counting votes cast using all other methods of voting; making various changes relating to requests for absent ballots; establishing procedures concerning the custody of certain ballots; limiting, under certain circumstances, a recount requested by a candidate to a recount of the votes received for that candidate and the votes received for the candidate who won the election; prohibiting members of a board of county commissioners or a city council from serving on a recount board under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

**Sec. 2. 1.** *When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.*

*2. Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a vote on the ballot must not be counted unless indicated by a cross in the designated square.*

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

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

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

*or*

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

*(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.*

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

*(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and*

*(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.*

*5. The secretary of state:*

*(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2, 3 or 4; and*

*(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this state that is*

*not described in subsection 2, 3 or 4, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.*

**Sec. 3.** *An error in the information included in a form to request an absent ballot does not constitute grounds for rejecting an absent ballot cast by the voter.*

**Sec. 4.** NRS 293.127 is hereby amended to read as follows:

293.127 **1.** This Title shall be liberally construed to the end that all electors shall have an opportunity to participate in elections and that the real will of the electors may not be defeated by any informality or by failure substantially to comply with the provisions of this Title with respect to the giving of any notice or the conducting of an election or certifying the results thereof.

**2.** *For purposes of counting a vote, the real will of an elector must be determined pursuant to section 2 or 23 of this act or regulations adopted pursuant to section 2 or 23 of this act.*

**Sec. 5.** NRS 293.3095 is hereby amended to read as follows:

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

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

(1) Identify the person who is ~~{mailing}~~ *distributing* the form; *and*

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

~~{and}~~

~~—(3) State that by returning the form, the form will be submitted to the county clerk;}~~

(b) Not later than 14 days before ~~{mailing}~~ *distributing* such a form, ~~{notify}~~ *provide to* the county clerk of each county to which a form will be ~~{mailed}~~ *distributed written notification* of the *approximate* number of forms to be ~~{mailed}~~ *distributed* to voters in the county and *of the first* date ~~{of the mailing of}~~ *on which* the forms ~~{and}~~ *will be distributed*;

(c) *Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and*

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

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

**Sec. 6.** NRS 293.315 is hereby amended to read as follows:

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

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

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

**Sec. 7.** NRS 293.323 is hereby amended to read as follows:

293.323 1. ~~HH~~ *Except as otherwise provided in subsection 2, if* the request for an absent ballot is made by mail or ~~telegram,~~ *facsimile machine,* the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base : ~~postage prepaid;~~

(a) Except as otherwise provided in paragraph (b):

- (1) An absent ballot;
- (2) A return envelope;
- (3) Supplies for marking the ballot;
- (4) An envelope or similar device into which the ballot is inserted to

ensure its secrecy; and

(5) Instructions.

(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:

(1) A card attached to a sheet of foam plastic or similar backing material;

- (2) A return envelope;
- (3) A punching instrument;
- (4) A sample ballot;
- (5) An envelope or similar device into which the card is inserted to

ensure its secrecy; and

(6) Instructions.

2. *If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the county clerk.*

3. The return envelope *sent pursuant to subsection 1* must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

~~3-1~~ 4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 ~~4-~~ *or 2.*

5. Before depositing ~~the~~ a ballot in the mails ~~or sending a ballot by facsimile machine,~~ the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

6. *The secretary of state shall adopt regulations to carry out the provisions of subsection 2.*

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

**Sec. 8.** NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the county clerk through the mails and record thereof is made in the absent ballot record book, the county clerk shall *neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container* and deliver, or cause to be delivered, that ~~ballot~~ *container* to the precinct or district election board.

2. If the county clerk has appointed an absent ballot central counting board, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. ~~On~~ *At the end of each day before election day, the county clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the county clerk shall deliver the ballot box and, if applicable, each container* to the absent ballot counting board to be counted.

3. If the county uses a mechanical voting system, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box ~~On~~ *or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Except as otherwise provided in this subsection, on election day the county clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the county uses a mechanical voting system and the county clerk has appointed an absent ballot central counting board, the county clerk may, not earlier than 4 working days before the election, deliver the ballots to the absent ballot central counting board to be processed and prepared for tabulation pursuant to the procedures established by the secretary of state.*

**Sec. 9.** NRS 293.330 is hereby amended to read as follows:

293.330 1. ~~When~~ *Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when* an absent voter receives his ballot, he must mark and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at:

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

(b) A polling place, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it “Canceled.”

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

**Sec. 10.** NRS 293.333 is hereby amended to read as follows:

293.333 ~~1.~~ On the day of an election, the precinct or district election boards receiving the absent voters’ ballots from the county clerk shall, in the presence of a majority of the election board officers, *remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and* deposit the ballots in the *regular* ballot box in the following manner:

~~(a)~~ 1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person; ~~and~~

~~(b)~~ 2. The signature on the back of the return envelope must be compared with that on the original application to register to vote ~~;~~

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot, and, if the numbers are the same, the ballot deposited in the regular ballot box ~~;~~ *and*

4. The election board officers shall mark in the pollbook opposite the name of the voter the word “Voted.”

**Sec. 11.** NRS 293.3602 is hereby amended to read as follows:

293.3602 If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. ~~The~~ *Each voting day during that period, the* ballots voted at the permanent or temporary polling place ~~must~~ *may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are stacked inside. The ballot box or sealed container must be* delivered by an election board officer to the county clerk’s office at the close of each voting day. The seal on the ballot box *or container* must indicate the number of voted ballots contained in that box *or container* for that day.

2. When the ballot box *or container* is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293.359.

3. *At the close of each voting day before the fourth voting day before the last day to vote early, the county clerk may deliver all ballots voted to the ballot board for early voting.* At the close of the fourth voting day

before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box ~~containing~~ and container that holds the ballots voted early by personal appearance;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and containers and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

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

**Sec. 12.** NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, 293.325, 293.3602, 293B.330 and 293B.335. The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

**Sec. 13.** NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted . ~~that day~~ The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots or ballots which are voted by punching a card, the counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

3. If the ballots in the container or box are found to exceed in number the number of names on the pollbooks, the ballots must be replaced in the container or box, and a counting board officer, with his back turned to the container or box, shall draw out a number of ballots equal to the excess.

The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

4. When it has been ascertained that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

**Sec. 14.** NRS 293.367 is hereby amended to read as follows:

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

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

(a) ~~1A vote on a paper ballot may not be counted unless indicated by a cross in the appropriate square.~~

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

~~1(c If more choices than permitted by the instructions are marked for any office or question, the vote for that office or question may not be counted.~~

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

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

~~1(f) 1(c)~~ (c) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

~~1(g) 1(d)~~ (d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~1(h) 1(e)~~ (e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

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

**Sec. 15.** NRS 293.384 is hereby amended to read as follows:

293.384 1. Beginning at 8 a.m. on the day before the day of an election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots ~~deposited in the absent voters' ballot boxes~~ *from each ballot box or container that holds absent ballots received* before that day and ascertain



that each box *or container* has the required number of ballots according to the county clerk's absent voters' record.

~~2. Any absent ballots received by the county clerk after 8 a.m. on the day that the ballots are withdrawn must be held by him until the ballots received before that day have been withdrawn pursuant to subsection 1. The clerk shall deposit those absent ballots in the appropriate ballot boxes.~~

~~3.~~ The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

**Sec. 16.** NRS 293.385 is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw *from the appropriate ballot boxes or containers* all the ballots received the previous day ~~from absent voters' ballot boxes~~ and ascertain that each box *or container* has the required number of ballots according to the county clerk's absent voters' ballot record.

2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall ~~hold the ballots until ballots received before election day have been withdrawn pursuant to subsection 1. Thereafter, the county clerk shall~~ deposit the absent ballots in the appropriate ballot boxes *or containers*.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct ~~shall~~ *must* be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct. The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

**Sec. 17.** NRS 293.403 is hereby amended to read as follows:

293.403 1. A candidate defeated at any election may demand and receive a recount of the vote for the office for which he is a candidate *to determine the number of votes received for the candidate and the number of votes received for the person who won the election* if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes ~~+~~

~~—(a) He files~~ *the candidate who demands the recount:*

(a) *Files* in writing his demand with the officer with whom he filed his declaration of candidacy or acceptance of candidacy; and

(b) ~~He deposits~~ *Deposits* in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the



vote and the certification by the county clerk or city clerk of the abstract of votes:

(a) He files in writing his demand with:

(1) The secretary of state, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) He deposits in advance the estimated costs of the recount with the person to whom he made his demand.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the secretary of state defining the term “costs.”

4. As used in this section, “canvass” means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the supreme court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

**Sec. 18.** NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case *the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chairman of the recount board. If a registrar of voters has not been appointed for the county, the chairman of the board of county commissioners, if he is not a candidate on the ballot, shall act as chairman of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chairman of the board of county commissioners is a candidate on the ballot, the chairman of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chairman of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.* At least one member of the board of county commissioners *who is not a candidate on the ballot* must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, *if he is not a candidate on the ballot*, shall act as chairman of the recount board. *If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chairman of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.* At least one member of the city council *who is not a candidate on the ballot* must be present at the recount.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

~~12-1~~ 3. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

~~13-1~~ 4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after ~~consultation with~~ *notification to* each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. In addition, a recount by computer must be made of all the selected ballots. If the count by hand or the recount by computer of the selected ballots shows a discrepancy equal to or greater than 1 percent or 5 votes, whichever is greater, for ~~any candidate for the office,~~ *the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns*, or in favor of or against a ballot question, ~~from~~ *according to* the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office ~~or ballot question~~. Otherwise, the county or city clerk shall order a recount by computer of all the ballots *for all candidates* for the office ~~or all the ballots for the ballot question~~.

5. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~15-1~~ 6. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

**Sec. 19.** NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots ~~to a central counting place~~ pursuant to NRS **293.304, 293.325, 293.3602, 293B.330 and 293B.335** must:

~~11-1~~ (a) Be constructed of metal or any other rigid material; and

~~12-1~~ (b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

**Sec. 20.** NRS 293B.360 is hereby amended to read as follows:

293B.360 1. To facilitate the processing and computation of votes cast at any election conducted under a mechanical voting system, the county clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) An absent ballot mailing precinct inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as he deems necessary for the expeditious processing of ballots.

2. ~~He~~ *Except as otherwise provided in subsection 3, the* county clerk may determine the number of members to constitute any board. He shall make any appointments from among competent persons who are registered voters in this state. The members of each board must represent all political parties as equally as possible. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he is appointed.

3. *If the county clerk creates a ballot duplicating board, the county clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.*

4. All persons appointed *pursuant to this section* serve at the pleasure of the county clerk.

**Sec. 21.** NRS 293B.375 is hereby amended to read as follows:

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

- 1. Receive damaged ballots, including ballots which have been torn, bent or mutilated.
- 2. Receive cards with incompletely punched chips.
- 3. Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.
- 4. In the case of a card with an incompletely punched chip:
  - (a) Remove the incompletely punched chip ~~if~~ *if*:

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

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

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

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

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

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

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

**Sec. 22.** Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

**Sec. 23. 1.** *When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.*

*2. Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a cross in the designated square must be counted as a vote.*

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

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

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

*or*

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

*(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.*

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

*(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and*

*(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.*

*5. The secretary of state:*

*(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2, 3 or 4; and*

*(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this state that is not described in subsection 2, 3 or 4, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.*

**Sec. 24.** *An error in the information included by a political party in a form to request an absent ballot does not constitute grounds for rejecting an absent ballot cast by the voter.*

**Sec. 25.** NRS 293C.306 is hereby amended to read as follows:

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

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

- (1) Identify the person who is ~~mailing~~ *distributing* the form; *and*
- (2) Include a notice stating, “This is a request for an absent ballot.”;
- ~~and~~
- ~~— (3) State that by returning the form, the form will be submitted to the city clerk; }~~

(b) Not later than 14 days before ~~mailing~~ *distributing* such a form, ~~notify~~ *provide to* the city clerk of each city to which a form will be ~~mailed~~ *distributed written notification* of the *approximate* number of forms to be ~~mailed~~ *distributed* to voters in the city and *of the first* date ~~of the mailing of~~ *on which* the forms ~~;~~ *and* *will be distributed;*

(c) *Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and*

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

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

**Sec. 26.** NRS 293C.312 is hereby amended to read as follows:

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

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

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

**Sec. 27.** NRS 293C.322 is hereby amended to read as follows:

293C.322 1. ~~It~~ *Except as otherwise provided in subsection 2, if* the request for an absent ballot is made by mail or ~~telegram,~~ *facsimile machine*, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base : ~~postage prepaid;~~

(a) Except as otherwise provided in paragraph (b):

- (1) An absent ballot;
- (2) A return envelope;
- (3) Supplies for marking the ballot;
- (4) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and
- (5) Instructions.

(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card:

- (1) A card attached to a sheet of foam plastic or similar backing material;
- (2) A return envelope;
- (3) A punching instrument;

- (4) A sample ballot;
- (5) An envelope or similar device into which the card is inserted to ensure its secrecy; and
- (6) Instructions.

2. *If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.*

3. The return envelope *sent pursuant to subsection 1* must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

~~3-1~~ 4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 ~~+~~

~~4-1~~ *or 2.*

5. Before depositing ~~the~~ *a* ballot with the United States Postal Service ~~+~~ *or sending a ballot by facsimile machine*, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. *The secretary of state shall adopt regulations to carry out the provisions of subsection 2.*

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

**Sec. 28.** NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the city clerk through the mails, and record thereof is made in the absent ballot record book, the city clerk shall *neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and* deliver, or cause to be delivered, that ~~ballot~~ *container* to the precinct or district election board.

2. If the city clerk has appointed an absent ballot central counting board, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. ~~On~~ *At the end of each day before election day, the city clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on* election day the city clerk shall deliver the ballot box *and, if applicable, each container* to the absent ballot counting board to be counted.

3. If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the county clerk's register. If the city clerk determines that the absent voter

is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box ~~[-On]~~ *or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Except as otherwise provided in this subsection, on* election day the city clerk shall deliver the ballot box *and each container, if applicable,* to the central counting place. *If the city uses a mechanical voting system and the city clerk has appointed an absent ballot central counting board, the city clerk may, not earlier than 4 working days before the election, deliver the ballots to the absent ballot central counting board to be processed and prepared for tabulation pursuant to the procedures established by the secretary of state.*

**Sec. 29.** NRS 293C.330 is hereby amended to read as follows:

293C.330 1. ~~When~~ *Except as otherwise provided in 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when* an absent voter receives his ballot, he must mark and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at:

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

(b) A polling place, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Canceled."

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

**Sec. 30.** NRS 293C.332 is hereby amended to read as follows:

293C.332 ~~++~~ On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, *remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and* deposit the ballots in the *regular* ballot box in the following manner:

~~++~~ 1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person; ~~and~~



~~—(b)—~~ 2. The signature on the back of the return envelope must be compared with that on the original application to register to vote ~~+~~

~~—2.4—~~;

3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box ~~+~~

~~—3.4—~~; and

4. The election board officers shall mark in the pollbook opposite the name of the voter the word “Voted.”

**Sec. 31.** NRS 293C.3602 is hereby amended to read as follows:

293C.3602 If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. ~~{The}~~ *Each voting day during that period, the* ballots voted at the permanent or temporary polling place ~~{must}~~ *may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are stacked inside. The ballot box or sealed container must be* delivered by an election board officer to the city clerk’s office at the close of each voting day. The seal on the ballot box *or container* must indicate the number of voted ballots contained in that box *or container* for that day.

2. When the ballot box *or container* is delivered pursuant to subsection 1, the city clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293C.359.

3. *At the close of each voting day before the fourth voting day before the last day to vote early, the city clerk may deliver all ballots voted to the ballot board for early voting.* At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the city clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box ~~{containing}~~ *and container that holds* the ballots voted early by personal appearance;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes *and containers* and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

5. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to ~~{subsection}~~ *subsections 1 and 4* if those members do not interfere with the handling of the ballots.

**Sec. 32.** NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS **293C.295, 293C.325, 293C.3602,** 293C.630 and 293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS ~~293.462~~ **293C.700.**

**Sec. 33.** NRS 293C.362 is hereby amended to read as follows:

293C.362 When the polls are closed, the counting board shall prepare to count the ballots voted . ~~{that day}~~ The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots or ballots that are voted by punching a card, the counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The **container that holds the ballots, or the** ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the **container or** ballot box after the count is completed.

3. If the ballots in the **container or** box are found to exceed the number of names on the pollbooks, the ballots must be replaced in the **container or** box and a counting board officer shall, with his back turned to the **container or** box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

4. When it has been determined that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

**Sec. 34.** NRS 293C.367 is hereby amended to read as follows:

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

2. Regulations for counting ballots must include provisions that:

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

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

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

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

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

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

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

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

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

**Sec. 35.** NRS 293C.382 is hereby amended to read as follows:

293C.382 1. Beginning at 8 a.m. on the day before the day of an election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw the ballots ~~{deposited in the absent voters' ballot boxes}~~ *from each ballot box or container that holds absent ballots received* before that day and determine whether each box *or container* has the required number of ballots according to the city clerk's absent voters' record.

2. ~~{Any absent ballots received by the city clerk after 8 a.m. on the day that the ballots are withdrawn must be held by him until the ballots received before that day have been withdrawn pursuant to subsection 1. The clerk shall deposit those absent ballots in the appropriate ballot boxes.~~

~~—3.—~~ The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

**Sec. 36.** NRS 293C.385 is hereby amended to read as follows:

293C.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw *from the appropriate ballot boxes or containers* all the ballots received the previous day from ~~{absent voters' ballot boxes}~~ and determine whether each box *or container* has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall ~~{hold the ballots until the ballots received before election day have been withdrawn pursuant to subsection 1. Thereafter, the city clerk shall}~~ deposit the absent ballots in the appropriate ballot boxes ~~{}~~ *or containers.*

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. If a mechanical voting system is used in which a voter casts his ballot by punching a card that is counted by a computer, the absent ballots may be counted with the regular votes of the precinct. The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

**Sec. 37.** NRS 293C.640 is hereby amended to read as follows:

293C.640 1. To facilitate the processing and computation of votes cast at an election conducted under a mechanical voting system, the city clerk shall create a computer program and processing accuracy board, and may create:

- (a) A central ballot inspection board;
- (b) An absent ballot mailing precinct inspection board;
- (c) A ballot duplicating board;
- (d) A ballot processing and packaging board; and
- (e) Such additional boards or appoint such officers as he deems necessary for the expeditious processing of ballots.

2. ~~He~~ *Except as otherwise provided in subsection 3, the* city clerk may determine the number of members to constitute any board. He shall make any appointments from among competent persons who are registered voters in this state. The same person may be appointed to more than one board but must meet the qualifications for each board to which he is appointed.

3. *If the city clerk creates a ballot duplicating board, the city clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.*

4. All persons appointed *pursuant to this section* serve at the pleasure of the city clerk.

**Sec. 38.** NRS 293C.655 is hereby amended to read as follows:

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

- 1. Receive damaged ballots, including ballots that have been torn, bent or mutilated.
- 2. Receive cards with incompletely punched chips.
- 3. Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.
- 4. In the case of a card with an incompletely punched chip:

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

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

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

(b) Duplicate the card without punching the location of the incompletely punched chip ~~1, according to the city clerk's determination of the probable intent of the voter, 1 if:~~

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

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

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

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

**Sec. 39.** NRS 293C.700 is hereby amended to read as follows:

293C.700 **1.** Each container used to transport official ballots ~~to a central counting place1~~ pursuant to NRS **293C.295, 293C.325,** 293C.3602, 293C.630 and 293C.635 must:

~~11-1~~ **(a)** Be constructed of metal or any other rigid material; and

~~12-1~~ **(b)** Contain a seal which is placed on the container to ensure detection of any opening of the container.

**2.** The container and seal must be separately numbered for identification.