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SUMMARY OF S.B. 453 (FIRST REPRINT)

OFFERED BY
SECRETARY OF STATE DEAN HELLER

May 8, 2003

SB 453 incorporates the provisions of the Help America Vote Act ("HAVA") into state law and extends the period allowing a person to register to vote by an additional ten (10) days as long as that person registers in person at the office of the clerk or registrar.

Following is a discussion of the provisions of the bill:

Sections 2 and 3

Provides for the establishment and maintenance by the Secretary of State of a statewide voter registration list, as required in Section 303 of HAVA.

Section 4

Provides procedures for the use of paper ballots or punch cards in an election in order to ensure that such use is in compliance with the voting system standards set forth in Section 301 of HAVA. The language used in this section is extrapolated from HAVA.

Sections 5, 6, 20, 34, 35, 36, and 38

HAVA requires that by 2006, every voter is able to vote unassisted in any polling place in the country. It also raises the threshold for voting systems used throughout the nation. **These sections make changes to the statutes addressing voting systems and voting system standards to bring the same in compliance with Section 301 of HAVA.** In summary, section 301 of HAVA requires: (1) the voter to be able to verify whom they have voted for and make changes to their vote in a private and independent manner; (2) the voter be notified when there is an over-vote; (3) the privacy, secrecy and independence of the ballot be preserved when notification is required; (4) the voting system to be able to produce a permanent paper record with manual

audit capacity that is the official record for a recount; (5) the voting system to be accessible to the disabled; (6) the voting system to provide alternative language accessibility pursuant to section 203 of the Voting Rights Act; and (7) the voting system to comply with error rates established by the Federal Election Commission.

Sections 7, 8, 9, 11, 12, and 13

Add provisions to Nevada law to allow for provisional voting under the circumstances required in Section 302 of HAVA. The purpose of provisional voting is to ensure that no voter is turned away from the polls, who was actually eligible and entitled to vote, but due to an error on the part of an election official was unable to cast a ballot. Under HAVA, a voter is required to be allowed to cast a provisional ballot if the voter: (1) declares he is eligible to vote but his name does not appear on the rolls; (2) is required to show identification when he votes because he has registered to vote by mail and is a first-time voter and did not bring the appropriate identification to the polls; or (3) declares he is entitled to vote after the close of the polls due to a court order. **Section 7** addresses these requirements and **Sections 8, 9, 11 and 12** describe how a provisional ballot may be obtained and cast, the timeframe in which the voter has to provide the appropriate information to the county clerk or registrar, and under what circumstances the provisional ballot may be counted. **Section 13** requires the establishment of a free access system for voters who cast provisional ballots to utilize to determine if their provisional ballot was counted, and if not, why it was rejected. Establishment of this system is a requirement of Section 302 of HAVA.

Section 10 adds to State law, the requirement in Section 303 of HAVA that first time voters who register by mail show identification when they cast their ballots.

Section 14

HAVA requires that sample ballots, information regarding the date and polling place hours of operations, instructions on how to vote, instructions on how to cast a ballot and a provisional ballot, information on the accessibility of polling places to the disabled, general information on voting rights under federal and state law and general information on prohibitions under federal and state law, be posted at each polling place. This Section adds these requirements to State law.

Section 15

This section adds the provisions in Title 7 of HAVA to State law. These provisions relate to military and overseas voting. It requires the state to designate a single office to provide information regarding voter registration and absentee voting by military personnel and overseas voters. We already provide this information, so are amending the statute to officially place the burden on our office. The Act also requires the State to report information to the Election Assistance Commission (EAC) about the number of absentee ballots sent and returned. We are amending the statute to require the clerks and registrars to timely report this information to our office, so we can timely report it to the EAC.

Section 16 is a technical change to the statutes to conform them to the sections added in the amendment.

Sections 17, 30, 31, 32, and 42

Provide technical changes to the statutes to recognize that the statewide voter registration list is the official voter registration list.

Sections 18, 19 and 37

Make technical changes to the statutes to conform them to the requirements of Sections 9 and 10.

Sections 21, 22 and 39

Amends State law to add the requirement of HAVA that election officials must accept the federal postcard application as an absent ballot request for the next two federal elections, and, if the application is rejected the election official must inform citizens why.

Sections 23, 24, 28, 29 make technical changes to the statute to accommodate other changes herein relating to the extension of the close of voter registration.

Sections 25 and 27

Amends the voter registration form to add the provisions of HAVA requiring additional identification and responses to questions concerning citizenship and age.

Section 26 adds other identification requirements to State law for proof of residency and identity.

Sections 33 and 40

Extends the time period for voters to be able to register from 30 days prior to Election Day to 20 days prior to Election Day, on the condition that the voter registers in person at the clerk or registrars office during the extra 10 day period.

Section 43 is a technical change to the statute to accommodate the changes herein.

Section 44 grants the Secretary of State a waiver of the competitive bid process for selecting a statewide voter registration system. This waiver is necessary to ensure that the Secretary of State can meet the optimistic timelines of HAVA in order to receive all federal funding available to him.

Section 45 provides effective dates for various sections of the bill.