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ASSEMBLY BILL NO. 499—COMMITTEE ON ELECTIONS,  
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

MARCH 28, 2005

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Referred to Committee on Elections, Procedures, Ethics,  
and Constitutional Amendments

SUMMARY—Makes various changes relating to elections.  
(BDR 24-898)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 17)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

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AN ACT relating to elections; requiring an election board to have a copy of a list of all registered voters in the county who are eligible to vote in an election; providing that public high schools and public libraries must serve as a site at which a person may obtain an application to register to vote; revising the provisions relating to requesting and casting an absent ballot for an election; revising the provisions relating to powers of a chairman of an election board; revising the provisions relating to permanent polling places for early voting in person; providing that a district attorney has concurrent jurisdiction with the Secretary of State to enforce the provisions of title 24 of NRS; 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 to 5, inclusive, of this act.

**Sec. 2. 1.** *Except as otherwise provided in subsection 2, an election board serving registered voters at a precinct or polling place must have access to a list of all registered voters in the county in which the precinct or polling place is located who are eligible to vote in the election through any reasonable means, including, without limitation, access to such a list that is printed on paper, access to such a list on the Internet or access to such a list saved on a computer.*

**2.** *If an election board ceases to have access to the list required pursuant to subsection 1 after the election board has begun to conduct voting at a precinct or polling place, the election board shall:*

*(a) Continue to conduct voting at the precinct or polling place; and*

*(b) Make reasonable effort to regain access to the list.*

**Sec. 3. 1.** *The following offices must serve as a site at which a person may obtain an application to register to vote:*

*(a) The administrative office located at each public high school; and*

*(b) Each public library.*

**2.** *Each of the offices required to serve as such a site pursuant to subsection 1 shall:*

*(a) Post in a conspicuous place that applications to register to vote are available at the office; and*

*(b) Make available applications to register to vote which may be returned by mail.*

**Sec. 4. 1.** *The county or city clerk shall appoint a manager and an assistant manager for each polling place at which voting will be conducted during an election.*

**2.** *The manager for a polling place may:*

*(a) Be a chairman of one of the election boards for a precinct located at the polling place; and*

*(b) If the polling place is a site at which two or more election boards will conduct voting, reassign an election board officer from one of the election boards located at the polling place to a different election board located at the polling place.*

**Sec. 5. 1.** *Not later than 45 days before the close of registration pursuant to NRS 293.560, a county clerk shall make available to the public a list of each registration of a voter*



1 *cancelled pursuant to the provisions of NRS 293.530, 293.535,*  
2 *293.540 or 293.541.*

3 *2. If a county clerk maintains a website on the Internet for*  
4 *information related to elections, the website must contain the list*  
5 *required pursuant to subsection 1.*

6 **Sec. 6.** NRS 293.124 is hereby amended to read as follows:

7 293.124 1. The Secretary of State shall serve as the Chief  
8 Officer of Elections for this State. As Chief Officer, the Secretary of  
9 State is responsible for the execution and enforcement of the  
10 provisions of title 24 of NRS and all other provisions of state and  
11 federal law relating to elections in this State.

12 *2. The district attorneys of this State have concurrent*  
13 *jurisdiction to investigate and prosecute a person who violates a*  
14 *provision of title 24 of NRS and any other provision of state and*  
15 *federal law relating to elections in this State.*

16 *3.* The Secretary of State shall adopt such regulations as are  
17 necessary to carry out the provisions of this section.

18 **Sec. 7.** NRS 293.225 is hereby amended to read as follows:

19 293.225 1. Members of election boards continue as such  
20 from the day before the day of the election, until the time for filing  
21 contests of the election has expired.

22 2. Each member of an election board is subject to call by the  
23 board of county commissioners or city council to correct any errors  
24 discovered during the canvass of votes by the board of county  
25 commissioners or city council.

26 3. Reserve election board officers must be appointed by the  
27 county or city clerk, if practicable, to fill any vacancy which occurs  
28 on the day of the election, and the reserve officers must be  
29 compensated if they serve at the polls.

30 4. If a vacancy occurs in any election board on the day of the  
31 election and no reserves are available, the *chairman of the* election  
32 board may appoint, at the polling place, any ~~registered voter~~  
33 *person* who is *qualified and* willing to serve and satisfies the  
34 *chairman of the* election board that he possesses the qualifications  
35 required to perform the services required.

36 *5. If the chairman of the election board determines that*  
37 *additional election board officers are needed on the day of the*  
38 *election and no reserves are available, the chairman of the*  
39 *election board may appoint, at the polling place, any person who is*  
40 *qualified and willing to serve and satisfies the chairman of the*  
41 *election board that he possesses the qualifications required to*  
42 *perform the services required.*

43 **Sec. 8.** NRS 293.277 is hereby amended to read as follows:

44 293.277 1. Except as otherwise provided in NRS 293.541, if  
45 a person's name appears in the election board register or if he



1 provides an affirmation pursuant to NRS 293.525, he is entitled to  
2 vote and must sign his name in the election board register when he  
3 applies to vote. ~~His~~

4 *2. The signature of the person provided pursuant to*  
5 *subsection 1* must be compared by an election board officer with the  
6 signature or a facsimile thereof on his original application to register  
7 to vote. ~~or~~

8 *3. If the election board officer determines that the signature*  
9 *of the person provided pursuant to subsection 1 does not match*  
10 *the signature or facsimile thereof on his original application, the*  
11 *person may use* one of the forms of identification listed in  
12 subsection ~~2.~~

13 ~~—2.] 4 for the purpose of identification.~~

14 *4.* Except as otherwise provided in NRS 293.2725, the forms of  
15 identification which may be used individually to identify a voter at  
16 the polling place are:

17 (a) The card issued to the voter at the time he registered to vote;

18 (b) A driver's license;

19 (c) An identification card issued by the Department of Motor  
20 Vehicles;

21 (d) A military identification card; ~~or~~

22 (e) *An identification card issued by an educational institution;*  
23 *or*

24 (f) Any other form of identification issued by a governmental  
25 agency which contains the voter's signature and physical description  
26 or picture.

27 **Sec. 9.** NRS 293.277 is hereby amended to read as follows:

28 293.277 1. Except as otherwise provided in NRS 293.541, if  
29 a person's name appears in the election board register or if he  
30 provides an affirmation pursuant to NRS 293.525, he is entitled to  
31 vote and must sign his name in the election board register when he  
32 applies to vote.

33 *2. If the name of a person who appears before the election*  
34 *board does not appear on the election board register, the election*  
35 *board shall examine the list of all registered voters in the county in*  
36 *which the precinct or district polling place is located who are*  
37 *eligible to vote in the election. If the name of the person appears*  
38 *on such list, the election board shall notify the person of the*  
39 *location of the precinct at which the voter may cast a ballot.*

40 *3.* The signature of the person provided pursuant to subsection  
41 1 must be compared by an election board officer with the signature  
42 or a facsimile thereof on his original application to register to vote.

43 ~~[3.]~~ *4.* If the election board officer determines that the signature  
44 of the person provided pursuant to subsection 1 does not match the  
45 signature or facsimile thereof on his original application, the person



1 may use one of the forms of identification listed in subsection ~~[4.]~~ 5  
2 for the purpose of identification.

3 ~~[4.]~~ 5. Except as otherwise provided in NRS 293.2725, the  
4 forms of identification which may be used individually to identify a  
5 voter at the polling place are:

- 6 (a) The card issued to the voter at the time he registered to vote;
- 7 (b) A driver's license;
- 8 (c) An identification card issued by the Department of Motor  
9 Vehicles;
- 10 (d) A military identification card;
- 11 (e) An identification card issued by an educational institution; or
- 12 (f) Any other form of identification issued by a governmental  
13 agency which contains the voter's signature and physical description  
14 or picture.

15 **Sec. 10.** NRS 293.313 is hereby amended to read as follows:

16 293.313 1. Except as otherwise provided in NRS 293.272  
17 and 293.502, a registered voter who provides sufficient written  
18 notice to the county clerk may vote an absent ballot as provided in  
19 this chapter.

20 2. A registered voter ~~[who:~~

21 ~~—(a) Is at least 65 years of age; or~~

22 ~~—(b) Has a physical disability or condition which substantially~~  
23 ~~impairs his ability to go to the polling place;~~

24 ~~—] may request an absent ballot for ~~[all]~~ :~~

25 (a) *The election immediately following the date on which the*  
26 *county clerk receives the request; or*

27 (b) *All elections held ~~[during the year he requests]~~ after he*  
28 *submits the request for* an absent ballot.

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

30 (a) Written request for an absent ballot which is signed by the  
31 registered voter and returned to the county clerk in person or by  
32 mail or facsimile machine;

33 (b) Form prescribed by the Secretary of State which is  
34 completed and signed by the registered voter and returned to the  
35 county clerk in person or by mail or facsimile machine; or

36 (c) Form provided by the Federal Government.

37 4. A county clerk shall consider a request from a voter who has  
38 given sufficient written notice on a form provided by the Federal  
39 Government as a request for an absent ballot for the two primary  
40 and general elections immediately following the date on which the  
41 county clerk received the request.

42 5. It is unlawful for a person fraudulently to request an absent  
43 ballot in the name of another person or to induce or coerce another  
44 person fraudulently to request an absent ballot in the name of  
45 another person. A person who violates this subsection is guilty of a



category E felony and shall be punished as provided in NRS 193.130.

**Sec. 11.** 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 seventh calendar day preceding any election, make an application to that clerk for an absent voter's ballot ~~[H]~~ *for that election*. 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. 12.** NRS 293.316 is hereby amended to read as follows:

293.316 1. Any registered voter who is unable to go to the polls:

(a) Because of an illness or disability resulting in his confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) Because he is suddenly hospitalized, becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 293.315,

↪ may submit a written request to the county clerk for an absent ballot. ~~[The]~~

2. A written request *made pursuant to subsection 1* may be submitted at any time before 5 p.m. on the day of the election.

~~[2.]~~ *The request must specify whether the absent ballot is to be:*

(a) *Delivered at the office of the county clerk to a person designated in the request to obtain a ballot for the registered voter making the request; or*

(b) *Sent by a facsimile machine to the registered voter making the request.*

3. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection ~~[3.]~~ 4, the county clerk shall, ~~[at]~~ *as set forth in the request made pursuant to subsection 1:*

(a) *At the office of the county clerk, deliver an absent ballot to the person designated in the request to obtain the ballot for the registered voter* ~~[.]~~

~~—3.] ; or~~

(b) *Use a facsimile machine to send an absent ballot to the voter.*



1     **4.** A written request submitted pursuant to subsection 1 must  
2 include:

3     (a) The name, address and signature of the registered voter  
4 requesting the absent ballot;

5     (b) ~~[(The)]~~ *If the registered voter is designating a person to*  
6 *receive an absent ballot at the office of the county clerk, the* name,  
7 address and signature of the person designated by the registered  
8 voter to obtain, deliver and return the ballot for the registered voter;

9     (c) *If the registered voter is requesting that the absent ballot be*  
10 *delivered by facsimile machine, the number of the facsimile*  
11 *machine at which the voter may receive an absent ballot;*

12     (d) A brief statement of the illness or disability of the registered  
13 voter or of facts sufficient to establish that the registered voter was  
14 called away from home after the time had elapsed for requesting an  
15 absent ballot;

16     ~~[(d)]~~ (e) If the voter is confined in a hospital, sanatorium,  
17 dwelling or nursing home, a statement that he will be confined  
18 therein on the day of the election; and

19     ~~[(e)]~~ (f) Unless the person designated pursuant to ~~[(paragraph~~  
20 ~~(b)]~~ *subsection 6* will mark and sign an absent ballot on behalf of  
21 the registered voter pursuant to subsection ~~[(5-)]~~ 6, a statement signed  
22 under penalty of perjury that only the registered voter will mark and  
23 sign the ballot.

24     ~~[(4-)]~~ 5. Except as otherwise provided in subsection ~~[(5-)]~~ 6, after  
25 marking his ballot, the voter ~~[(must-]~~

26 ~~—(a) Place] may:~~

27     (a) *If the voter returning the ballot signs and returns a*  
28 *statement to the county clerk acknowledging that the secrecy of his*  
29 *ballot could be violated, return the absent ballot to the county*  
30 *clerk by facsimile machine; or*

31     (b) *If the absent ballot was received at the office of the county*  
32 *clerk:*

33     (1) *Place* it in the identification envelope;

34     ~~[(b)]~~ (2) Affix his signature on the back of the envelope; and

35     ~~[(e)]~~ (3) Return it to the office of the county clerk.

36     ~~[(5-)]~~ 6. A person designated in a request submitted pursuant to  
37 subsection 1 may, on behalf of and at the direction of the registered  
38 voter, mark and sign the absent ballot. If the person marks and signs  
39 the ballot, the person shall indicate next to his signature that the  
40 ballot has been marked and signed on behalf of the registered voter.

41     ~~[(6-)]~~ 7. A request for an absent ballot submitted pursuant to this  
42 section must be made, and the ballot delivered to the voter and  
43 returned to the county clerk, not later than the time the polls close  
44 on election day.



~~[7-]~~ 8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

**Sec. 13.** NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted ~~[during the period specified in subsection 3.]~~ *after he submits the request for an absent ballot.*

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted ~~[during the year immediately succeeding]~~ *after* the date the written statement is submitted to the county clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent





1 ballot to the extent that those provisions are not inconsistent with  
2 the provisions of this section.

3 **Sec. 14.** NRS 293.323 is hereby amended to read as follows:

4 293.323 1. Except as otherwise provided in subsection 2, if  
5 the request for an absent ballot is made by mail or facsimile  
6 machine, the county clerk shall, as soon as the official absent ballot  
7 for the precinct or district in which the applicant resides has been  
8 printed, send to the voter by first-class mail if the absent voter is  
9 within the boundaries of the United States, its territories or  
10 possessions or on a military base, or by air mail if the absent voter is  
11 in a foreign country but not on a military base:

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

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

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

- 21 (1) A card attached to a sheet of foam plastic or similar  
22 backing material;  
23 (2) A return envelope;  
24 (3) A punching instrument;  
25 (4) A sample ballot;  
26 (5) An envelope or similar device into which the card is  
27 inserted to ensure its secrecy; and  
28 (6) Instructions.

29 2. If *by 5 p.m. on the Tuesday preceding an election* the  
30 ~~{county clerk} voter~~ fails to ~~{send} receive~~ an absent ballot *mailed*  
31 pursuant to subsection 1 , ~~{to a voter who resides within the~~  
32 ~~continental United States.}~~ *the voter may inform the county clerk*  
33 *that the voter failed to receive the absent ballot. If pursuant to this*  
34 *subsection a voter informs a county clerk that the voter failed to*  
35 *receive an absent ballot, the* county clerk ~~{may}~~ *shall* use a  
36 facsimile machine to send an absent ballot and instructions to the  
37 voter. The voter ~~{shall mail}~~ *may return* his absent ballot to the  
38 county clerk ~~{ }~~ :

39 (a) *By mail; or*

40 (b) *If the voter returning the ballot signs and returns a*  
41 *statement to the city clerk acknowledging that the secrecy of the*  
42 *ballot could be violated, by facsimile machine.*

43 3. The return envelope sent pursuant to subsection 1 must  
44 include postage prepaid by first-class mail if the absent voter is



1 within the boundaries of the United States, its territories or  
2 possessions or on a military base.

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

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

10 6. The Secretary of State shall adopt regulations to carry out  
11 the provisions of subsection 2.

12 **Sec. 15.** NRS 293.3568 is hereby amended to read as follows:

13 293.3568 1. The period for early voting by personal  
14 appearance begins the third Saturday preceding a primary or general  
15 election and extends through the Friday before election day,  
16 Sundays and holidays excepted.

17 2. The county clerk may:

18 (a) Include any Sunday or holiday that falls within the period for  
19 early voting by personal appearance.

20 (b) ~~Require~~ *If a permanent polling place for early voting is*  
21 *located in a county whose population is less than 100,000, require*  
22 *the permanent polling place for early voting to remain open until*  
23 *8 p.m. on any Saturday that falls within the period for early voting.*

24 3. ~~[A]~~ *Except as otherwise provided in subsection 5, a*  
25 *permanent polling place for early voting in a county whose*  
26 *population is less than 100,000 must remain open:*

27 (a) On Monday through Friday:

28 (1) During the first week of early voting, from 8 a.m. until  
29 6 p.m.

30 (2) During the second week of early voting, from 8 a.m. until  
31 6 p.m. or until 8 p.m. if the county clerk so requires.

32 (b) On any Saturday that falls within the period for early voting,  
33 from 10 a.m. until 6 p.m.

34 (c) If the county clerk includes a Sunday *or holiday* that falls  
35 within the period for early voting pursuant to subsection 2, during  
36 such hours as he may establish.

37 4. *Except as otherwise provided in subsection 5, a permanent*  
38 *polling place for early voting in a county whose population is*  
39 *100,000 or more must remain open:*

40 (a) *On Monday through Saturday, from 8 a.m. until 8 p.m.*

41 (b) *If the county clerk includes a Sunday or holiday that falls*  
42 *within the period for early voting pursuant to subsection 2, during*  
43 *such hours as he may establish.*



1       **5. If a permanent polling place for early voting is located in a**  
2 **building or structure that is owned by a person, the permanent**  
3 **polling place for early voting must remain open:**

4       **(a) On Monday through Saturday, during the hours in which**  
5 **the building or structure is open to members of the public.**

6       **(b) If the county clerk includes a Sunday or holiday that falls**  
7 **within the period for early voting pursuant to subsection 2, during**  
8 **such hours as he may establish.**

9       **Sec. 16.** NRS 293.3572 is hereby amended to read as follows:

10       293.3572 1. In addition to permanent polling places for early  
11 voting, the county clerk may establish temporary branch polling  
12 places for early voting which may include, without limitation, the  
13 clerk's office.

14       2. The provisions of subsection ~~[3]~~ 2 of NRS 293.3568 do not  
15 apply to a temporary polling place. Voting at a temporary branch  
16 polling place may be conducted on any one or more days and during  
17 any hours within the period for early voting by personal appearance,  
18 as determined by the county clerk.

19       3. The schedules for conducting voting are not required to be  
20 uniform among the temporary branch polling places.

21       4. The legal rights and remedies which inure to the owner or  
22 lessor of private property are not impaired or otherwise affected by  
23 the leasing of the property for use as a temporary branch polling  
24 place for early voting, except to the extent necessary to conduct  
25 early voting at that location.

26       **Sec. 17.** NRS 293.443 is hereby amended to read as follows:

27       293.443 1. ~~[Except as otherwise provided in subsection 3,~~  
28 ~~the] The~~ expense of providing all ballots, forms and other supplies  
29 to be used at any election regulated by this chapter or chapter 293C  
30 of NRS and all expenses necessarily incurred in the preparation for,  
31 or the conduct of, any such election is a charge upon the  
32 municipality, county, district or State, as the case may be.

33       2. The county or city clerk may submit the printing of ballots  
34 for competitive bidding.

35       ~~[3. If a political party or other entity requests more than 50~~  
36 ~~applications to register to vote by mail, the clerk may assess a~~  
37 ~~charge, not to exceed the cost of printing the applications, for each~~  
38 ~~application requested in excess of 50.]~~

39       **Sec. 18.** NRS 293.504 is hereby amended to read as follows:

40       293.504 1. The following offices shall serve as voter  
41 registration agencies:

42       (a) Such offices that provide public assistance as are designated  
43 by the Secretary of State;

44       (b) Each office that receives money from the State of Nevada to  
45 provide services to persons in this State who are disabled;



- 1 (c) The offices of the Department of Motor Vehicles;
- 2 (d) The offices of the city and county clerks; and
- 3 (e) Such other offices as the Secretary of State deems
- 4 appropriate.

5 2. Each voter registration agency shall:

6 (a) *Post in a conspicuous place that applications to register to*

7 *vote are available at the agency;*

8 (b) Post in a conspicuous place, in at least 12-point type,

9 instructions for registering to vote;

10 ~~[(b)]~~ (c) Make applications to register to vote which may be

11 returned by mail available to each person who applies for or

12 receives services or assistance from the agency;

13 ~~[(c)]~~ (d) Provide the same amount of assistance to an applicant

14 in completing an application to register to vote as the agency

15 provides to a person completing any other forms for the agency; and

16 ~~[(d)]~~ (e) Accept completed applications to register to vote.

17 3. Except as otherwise provided in this subsection and NRS

18 293.524, any application to register to vote accepted by a voter

19 registration agency must be transmitted to the county clerk not later

20 than 10 days after the application is accepted. The applications must

21 be forwarded daily during the 2 weeks immediately preceding the

22 fifth Sunday preceding an election. The county clerk shall accept

23 any application to register to vote which is obtained from a voter

24 registration agency pursuant to this section and completed by the

25 fifth Sunday preceding an election if he receives the application not

26 later than 5 days after that date.

27 4. The Secretary of State shall cooperate with the Secretary of

28 Defense to develop and carry out procedures to enable persons in

29 this State to apply to register to vote at recruitment offices of the

30 United States Armed Forces.

31 **Sec. 19.** NRS 293.507 is hereby amended to read as follows:

32 293.507 1. The Secretary of State shall prescribe:

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

34 (b) A special form for registration to be used in a county where

35 registrations are performed and records of registration are kept by

36 computer.

37 2. The county clerks shall provide forms for applications to

38 register to vote to field registrars in the form and number prescribed

39 by the Secretary of State.

40 3. A form for an application to register to vote must include a

41 duplicate copy or receipt to be retained by the applicant upon

42 completion of the form.

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

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



(1) The number indicated on the voter's current and valid driver's license issued by the Department of Motor Vehicles, if the voter has such a driver's license;

(2) The last four digits of the voter's social security number, if the voter does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the voter pursuant to subsection 5, if the voter does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the voter actually resides, as set forth in NRS 293.486.

(c) A notice that the voter may not list a business as the address required pursuant to paragraph (b) unless he actually resides there.

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

*(e) A line on which the voter may indicate that the voter submits a request for a permanent absent ballot.*

5. If a voter does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the voter shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the voter which must be the same number as the unique identifier assigned to the voter for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 4 and 5.

**Sec. 20.** NRS 293C.270 is hereby amended to read as follows:

293C.270 1. If a person's name appears in the election board register or if he provides an affirmation pursuant to NRS 293C.525, he is entitled to vote and must sign his name in the election board register when he applies to vote. ~~{His}~~

2. *The signature of the person provided pursuant to subsection 1* must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote. ~~{or}~~

3. *If the election board officer determines that the signature of the person provided pursuant to subsection 1 does not match the signature or facsimile thereof on his original application, the person may use* one of the forms of identification listed in subsection ~~{2.}~~

~~—2.} 4 for the purpose of identification.~~



1       **4.** The forms of identification that may be used to identify a  
2 voter at the polling place are:

- 3       (a) The card issued to the voter at the time he registered to vote;  
4       (b) A driver's license;  
5       (c) An identification card issued by the Department of Motor  
6 Vehicles;  
7       (d) A military identification card; or  
8       (e) *An identification card issued by an educational institution;*  
9 *or*

10       (f) Any other form of identification issued by a governmental  
11 agency that contains the voter's signature and physical description  
12 or picture.

13       **Sec. 21.** NRS 293C.270 is hereby amended to read as follows:  
14       293C.270   1. If a person's name appears in the election board  
15 register or if he provides an affirmation pursuant to NRS 293C.525,  
16 he is entitled to vote and must sign his name in the election board  
17 register when he applies to vote.

18       2. *If the name of a person who appears before the election*  
19 *board does not appear on the election board register, the election*  
20 *board shall examine the list of all registered voters in the county in*  
21 *which the precinct or district polling place is located who are*  
22 *eligible to vote in the election. If the name of the person appears*  
23 *on such list, the election board shall notify the person of the*  
24 *location of the precinct at which the voter may cast a ballot.*

25       3. The signature of the person provided pursuant to subsection  
26 1 must be compared by an election board officer with the signature  
27 or a facsimile thereof on his original application to register to vote.

28       ~~3.~~ 4. If the election board officer determines that the  
29 signature of the person provided pursuant to subsection 1 does not  
30 match the signature or facsimile thereof on his original application,  
31 the person may use one of the forms of identification listed in  
32 subsection ~~4.~~ 5 for the purpose of identification.

33       ~~4.~~ 5. The forms of identification that may be used to identify  
34 a voter at the polling place are:

- 35       (a) The card issued to the voter at the time he registered to vote;  
36       (b) A driver's license;  
37       (c) An identification card issued by the Department of Motor  
38 Vehicles;  
39       (d) A military identification card;  
40       (e) An identification card issued by an educational institution; or  
41       (f) Any other form of identification issued by a governmental  
42 agency that contains the voter's signature and physical description  
43 or picture.



**Sec. 22.** NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A registered voter ~~[who:~~

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

~~(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place;~~

~~→]~~ may request an absent ballot for ~~[all]~~ :

(a) *The election immediately following the date on which the city clerk receives the request; or*

(b) *All elections held ~~[during the year he requests]~~ after he submits the request for* an absent ballot.

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

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

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

4. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

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

**Sec. 23.** 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 seventh calendar day preceding any election, make an application to the city clerk for an absent voter's ballot ~~[ ]~~ *for that election*. 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. 24.** NRS 293C.317 is hereby amended to read as follows:

293C.317 1. Any registered voter who is unable to go to the polls:

(a) Because of an illness or disability resulting in his confinement in a hospital, sanatorium, dwelling or nursing home; or

(b) Because he is suddenly hospitalized, becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 293C.312,

➔ may submit a written request to the city clerk for an absent ballot.

~~[The]~~

2. A written request *made pursuant to subsection 1* may be submitted at any time before 5 p.m. on the day of the election.

~~[2.]~~ *The request must specify whether the absent ballot is to be:*

(a) *Delivered at the office of the city clerk to a person designated in the request to obtain a ballot for the registered voter making the request; or*

(b) *Sent by a facsimile machine to the registered voter making the request.*

3. If the city clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection ~~[3.]~~ 4, the city clerk shall, ~~[at]~~ *as set forth in the request made pursuant to subsection 1:*

(a) *At the office of the city clerk, deliver an absent ballot to the person designated in the request to obtain the ballot for the registered voter* ~~;~~

~~—3.] ; or~~

(b) *Use a facsimile machine to send an absent ballot to the voter.*

4. A written request submitted pursuant to subsection 1 must include:

(a) The name, address and signature of the registered voter requesting the absent ballot;

(b) ~~[The]~~ *If the registered voter is designating a person to receive an absent ballot at the office of the city clerk, the name, address and signature of the person designated by the registered voter to obtain, deliver and return the ballot for the registered voter;*

(c) *If the registered voter is requesting that the absent ballot be delivered by facsimile machine, the number of the facsimile machine at which the voter may receive an absent ballot;*





(d) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home after the time had elapsed for requesting an absent ballot;

~~[(d)]~~ (e) If the voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he will be confined therein on the day of the election; and

~~[(e)]~~ (f) Unless the person designated pursuant to ~~[(paragraph (b))]~~ subsection 6 will mark and sign an absent ballot on behalf of the registered voter pursuant to subsection ~~[(5)]~~ 6, a statement signed under penalty of perjury that only the registered voter will mark and sign the ballot.

~~[(4)]~~ 5. Except as otherwise provided in subsection ~~[(5)]~~ 6, after marking his ballot the voter ~~[(must)]~~:

~~[(a) Place] may:~~

(a) *If the voter returning the ballot signs and returns a statement to the city clerk acknowledging that the secrecy of the ballot could be violated, return the absent ballot to the city clerk by facsimile machine; or*

(b) *If the absent ballot was received at the office of the city clerk:*

(1) *Place* it in the identification envelope;

~~[(b)]~~ (2) Affix his signature on the back of the envelope; and

~~[(e)]~~ (3) Return it to the office of the city clerk.

~~[(5)]~~ 6. A person designated in a request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

~~[(6)]~~ 7. A request for an absent ballot submitted pursuant to this section must be made, and the ballot delivered to the voter and returned to the city clerk, not later than the time the polls close on election day.

~~[(7)]~~ 8. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

**Sec. 25.** NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each city election conducted ~~[(during the period specified in subsection 3.)]~~ *after he submits the request for an absent ballot.*



2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each city election that is conducted ~~[during the year immediately succeeding]~~ after the date the written statement is submitted to the city clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

**Sec. 26.** NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or 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:



(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 *by 5 p.m. on the Tuesday preceding an election* the ~~city clerk~~ voter fails to ~~send~~ *receive* an absent ballot *mailed* pursuant to subsection 1 , ~~[to a voter who resides within the continental United States,]~~ the *voter may inform the city clerk that the voter failed to receive an absent ballot. If pursuant to this subsection a voter informs a city clerk that the voter failed to receive an absent ballot, the* city clerk ~~may~~ *shall* use a facsimile machine to send an absent ballot and instructions to the voter. The voter ~~shall mail~~ *may return* his absent ballot to the city clerk ~~[ ]~~ :

(a) *By mail; or*

(b) *If the voter returning the ballot signs and returns a statement to the city clerk acknowledging that the secrecy of the ballot could be violated, by facsimile machine.*

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.

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

5. Before depositing 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.



1     **Sec. 27.** NRS 293C.3568 is hereby amended to read as  
2 follows:

3     293C.3568 1. The period for early voting by personal  
4 appearance begins the third Saturday preceding a primary city  
5 election or general city election, and extends through the Friday  
6 before election day . ~~[, Sundays and holidays excepted.~~

7     ~~—2.— The city clerk may:~~

8     ~~—(a) Include any Sunday or holiday that falls within the period for~~  
9 ~~early voting by personal appearance.~~

10   ~~—(b) Require a permanent polling place for early voting to remain~~  
11 ~~open until 8 p.m. on any Saturday that falls within the period for~~  
12 ~~early voting.~~

13   ~~—3.]~~ 2. A permanent polling place for early voting must remain  
14 open ~~for~~:

15   ~~—(a) On Monday through Friday:~~

16   ~~—(1) During the first week of early voting, from 8 a.m. until~~  
17 ~~6 p.m.~~

18   ~~—(2) During the second week of~~ *every day during the period*  
19 *for* early voting ~~[,]~~ *by personal appearance,* from 8 a.m. ~~[until~~  
20 ~~6 p.m. or]~~ until 8 p.m. ~~[if the city clerk so requires.~~

21   ~~—(b) On any Saturday that falls within the period for early voting,~~  
22 ~~from 10 a.m. until 6 p.m.~~

23   ~~—(c) If the city clerk includes a Sunday that falls within the period~~  
24 ~~for early voting pursuant to subsection 2, during such hours as he~~  
25 ~~may establish.]~~

26   **Sec. 28.** NRS 293C.3572 is hereby amended to read as  
27 follows:

28     293C.3572 1. In addition to permanent polling places for  
29 early voting, the city clerk may establish temporary branch polling  
30 places for early voting.

31     2. The provisions of subsection ~~[3]~~ 2 of NRS 293C.3568 do not  
32 apply to a temporary polling place. Voting at a temporary branch  
33 polling place may be conducted on any one or more days and during  
34 any hours within the period for early voting by personal appearance,  
35 as determined by the city clerk.

36     3. The schedules for conducting voting are not required to be  
37 uniform among the temporary branch polling places.

38     4. The legal rights and remedies which inure to the owner or  
39 lessor of private property are not impaired or otherwise affected by  
40 the leasing of the property for use as a temporary branch polling  
41 place for early voting, except to the extent necessary to conduct  
42 early voting at that location.

43   **Sec. 29.** The provisions of NRS 354.599 do not apply to any  
44 additional expenses of a local government that are related to the  
45 provisions of this act.



1       **Sec. 30.** 1. This section and sections 1, 3 to 8, inclusive, 10  
2 to 20, inclusive, and 22 to 29, inclusive, of this act become effective  
3 on October 1, 2005.

4       2. Sections 8 and 20 of this act expire by limitation on  
5 December 31, 2007.

6       3. Sections 2, 9 and 21 of this act become effective on  
7 January 1, 2008.







