

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

MARCH 28, 2005

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 (§ 10)
(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.

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 powers of a chairman of an election board; 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:

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.
4 **Sec. 2. 1.** *Except as otherwise provided in subsection 2, an*
5 *election board serving registered voters at a precinct or polling*
6 *place must have access to a list of all registered voters in the*



1 *county in which the precinct or polling place is located who are*
2 *eligible to vote in the election through any reasonable means,*
3 *including, without limitation, access to such a list that is printed*
4 *on paper, access to such a list on the Internet or access to such a*
5 *list saved on a computer.*

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

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

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

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

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

17 *(b) Each public library.*

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

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

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

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

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

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

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

34 **Sec. 5. 1. Not later than 45 days before the close of**
35 **registration pursuant to NRS 293.560, a county clerk shall make**
36 **available to the public a list of each registration of a voter**
37 **cancelled pursuant to the provisions of NRS 293.530, 293.535,**
38 **293.540 or 293.541.**

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

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

43 *293.124 1. The Secretary of State shall serve as the Chief*
44 *Officer of Elections for this State. As Chief Officer, the Secretary of*
45 *State is responsible for the execution and enforcement of the*



1 provisions of title 24 of NRS and all other provisions of state and
2 federal law relating to elections in this State.

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

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

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

10 293.225 1. Members of election boards continue as such
11 from the day before the day of the election, until the time for filing
12 contests of the election has expired.

13 2. Each member of an election board is subject to call by the
14 board of county commissioners or city council to correct any errors
15 discovered during the canvass of votes by the board of county
16 commissioners or city council.

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

21 4. If a vacancy occurs in any election board on the day of the
22 election and no reserves are available, the *chairman of the* election
23 board may appoint, at the polling place, any ~~[registered voter]~~
24 *person who is qualified and* willing to serve and satisfies the
25 *chairman of the* election board that he possesses the qualifications
26 required to perform the services required.

27 5. *If the chairman of the election board determines that*
28 *additional election board officers are needed on the day of the*
29 *election and no reserves are available, the chairman of the*
30 *election board may appoint, at the polling place, any person who is*
31 *qualified and willing to serve and satisfies the chairman of the*
32 *election board that he possesses the qualifications required to*
33 *perform the services required.*

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

35 293.277 1. Except as otherwise provided in NRS 293.541, if
36 a person's name appears in the election board register or if he
37 provides an affirmation pursuant to NRS 293.525, he is entitled to
38 vote and must sign his name in the election board register when he
39 applies to vote. ~~[His]~~

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

44 3. *If the election board officer determines that the signature*
45 *of the person provided pursuant to subsection 1 does not match*



1 *the signature or facsimile thereof on his original application, the*
2 *person may use* one of the forms of identification listed in
3 subsection ~~2.~~
4 ~~—2.} 4 for the purpose of identification.~~

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

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

9 (b) A driver's license;

10 (c) An identification card issued by the Department of Motor
11 Vehicles;

12 (d) A military identification card; ~~{or}~~

13 (e) *An identification card issued by an educational institution;*
14 *or*

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

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

19 293.277 1. Except as otherwise provided in NRS 293.541, if
20 a person's name appears in the election board register or if he
21 provides an affirmation pursuant to NRS 293.525, he is entitled to
22 vote and must sign his name in the election board register when he
23 applies to vote.

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

31 3. The signature of the person provided pursuant to subsection
32 1 must be compared by an election board officer with the signature
33 or a facsimile thereof on his original application to register to vote.

34 ~~{3.} 4.~~ If the election board officer determines that the signature
35 of the person provided pursuant to subsection 1 does not match the
36 signature or facsimile thereof on his original application, the person
37 may use one of the forms of identification listed in subsection ~~{4} 5~~
38 for the purpose of identification.

39 ~~{4.} 5.~~ Except as otherwise provided in NRS 293.2725, the
40 forms of identification which may be used individually to identify a
41 voter at the polling place are:

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

43 (b) A driver's license;

44 (c) An identification card issued by the Department of Motor
45 Vehicles;



- 1 (d) A military identification card;
- 2 (e) An identification card issued by an educational institution; or
- 3 (f) Any other form of identification issued by a governmental
- 4 agency which contains the voter's signature and physical description
- 5 or picture.

6 **Sec. 10.** NRS 293.443 is hereby amended to read as follows:

7 293.443 1. ~~Except as otherwise provided in subsection 3,~~
8 ~~the~~ *The* expense of providing all ballots, forms and other supplies
9 to be used at any election regulated by this chapter or chapter 293C
10 of NRS and all expenses necessarily incurred in the preparation for,
11 or the conduct of, any such election is a charge upon the
12 municipality, county, district or State, as the case may be.

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

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

19 **Sec. 11.** NRS 293.504 is hereby amended to read as follows:

20 293.504 1. The following offices shall serve as voter
21 registration agencies:

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

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

26 (c) The offices of the Department of Motor Vehicles;

27 (d) The offices of the city and county clerks; and

28 (e) Such other offices as the Secretary of State deems
29 appropriate.

30 2. Each voter registration agency shall:

31 (a) *Post in a conspicuous place that applications to register to*
32 *vote are available at the agency;*

33 (b) Post in a conspicuous place, in at least 12-point type,
34 instructions for registering to vote;

35 ~~[(b)]~~ (c) Make applications to register to vote which may be
36 returned by mail available to each person who applies for or
37 receives services or assistance from the agency;

38 ~~[(c)]~~ (d) Provide the same amount of assistance to an applicant
39 in completing an application to register to vote as the agency
40 provides to a person completing any other forms for the agency; and

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

42 3. Except as otherwise provided in this subsection and NRS
43 293.524, any application to register to vote accepted by a voter
44 registration agency must be transmitted to the county clerk not later
45 than 10 days after the application is accepted. The applications must



1 be forwarded daily during the 2 weeks immediately preceding the
2 fifth Sunday preceding an election. The county clerk shall accept
3 any application to register to vote which is obtained from a voter
4 registration agency pursuant to this section and completed by the
5 fifth Sunday preceding an election if he receives the application not
6 later than 5 days after that date.

7 4. The Secretary of State shall cooperate with the Secretary of
8 Defense to develop and carry out procedures to enable persons in
9 this State to apply to register to vote at recruitment offices of the
10 United States Armed Forces.

11 **Sec. 12.** NRS 293C.270 is hereby amended to read as follows:

12 293C.270 1. If a person's name appears in the election board
13 register or if he provides an affirmation pursuant to NRS 293C.525,
14 he is entitled to vote and must sign his name in the election board
15 register when he applies to vote. ~~His~~

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

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

25 ~~2.1~~ *4 for the purpose of identification.*

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

- 28 (a) The card issued to the voter at the time he registered to vote;
29 (b) A driver's license;
30 (c) An identification card issued by the Department of Motor
31 Vehicles;
32 (d) A military identification card; or
33 (e) *An identification card issued by an educational institution;*
34 *or*

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

38 **Sec. 13.** NRS 293C.270 is hereby amended to read as follows:

39 293C.270 1. If a person's name appears in the election board
40 register or if he provides an affirmation pursuant to NRS 293C.525,
41 he is entitled to vote and must sign his name in the election board
42 register when he applies to vote.

43 2. *If the name of a person who appears before the election*
44 *board does not appear on the election board register, the election*
45 *board shall examine the list of all registered voters in the county in*



which the precinct or district polling place is located who are eligible to vote in the election. If the name of the person appears on such list, the election board shall notify the person of the location of the precinct at which the voter may cast a ballot.

3. 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.

~~3.1~~ 4. 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 ~~4.1~~ 5 for the purpose of identification.

~~4.1~~ 5. The forms of identification that may be used to identify a voter at the polling place are:

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

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. 1. This section and sections 1, 3 to 8, inclusive, 10, 11, 12 and 14 of this act become effective on October 1, 2005.

2. Sections 8 and 12 of this act expire by limitation on December 31, 2007.

3. Sections 2, 9 and 13 of this act become effective on January 1, 2008.



