

Amendment No. 642

Assembly Amendment to Assembly Bill No. 455

(BDR 24-1334)

Proposed by: Committee on Elections, Procedures, Ethics, and Constitutional Amendments**Amendment Box:** Replaces Amendments Nos. 488 and 619.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 2, page 2, by deleting lines 16 and 17.

Amend sec. 2, page 2, line 18, before “*The county*” by inserting “3.”.

Amend sec. 5, page 3, line 39, by deleting “A person” and inserting:

“~~[A]~~ *Not later than 3 days after the date of the decision that aggrieved the person, a person*”.

Amend sec. 5, pages 3 and 4, by deleting line 44 on page 3 and line 1 on page 4, and inserting:

~~f~~

—4. ~~The~~ *or 2.*

4. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State is a final decision for”.

Amend sec. 6, page 4, line 18, by deleting “*October 1*” and inserting “*October 15*”.

Amend sec. 6, page 4, by deleting line 24 and inserting:

JCB/SGW

Date: 4/26/2005

A.B. No. 455—Makes various changes related to elections.



~~“**last** *second* Friday in ~~April~~ before any~~ ***February* preceding** a primary”.

Amend sec. 6, page 4, by deleting line 39 and inserting:

“working days before the ~~last~~ ***second*** Friday in ~~April~~ ***February*** preceding a”.

Amend sec. 7, page 5, line 17, by deleting “second” and inserting “~~second~~ ***fourth***”.

Amend sec. 7, page 5, by deleting lines 25 and 26 and inserting:

“than the ~~first~~ ***third*** Tuesday in ~~June~~ ***March*** and not later than the ~~fourth~~ ***second*** Tuesday in ~~July.~~ ***May***. The petition may consist of more than one”.

Amend sec. 7, page 5, line 40, by deleting “second” and inserting “~~second~~ ***fourth***”.

Amend sec. 7, page 5, lines 41 and 45, by deleting “***second***” and inserting “***fourth***”.

Amend sec. 7, page 6, line 6, by deleting “***second***” and inserting “***fourth***”.

Amend sec. 8, page 6, lines 36 and 42, by deleting “***second***” and inserting “***fourth***”.

Amend sec. 9, page 7, lines 13 and 22, by deleting “second Friday” and inserting:

~~“second Friday~~ ***Saturday***”.

Amend sec. 9, page 7, lines 32 and 33, by deleting “second Friday” and inserting:

~~“second Friday~~ ***Saturday***”.

Amend sec. 9, page 7, line 39, by deleting “first” and inserting “~~first~~ ***third***”.

Amend sec. 10, page 8, lines 9 and 11, by deleting:

“fourth Monday in ~~May.~~ ***April.***” and inserting:

~~“**fourth** *second* Monday in May.”.~~

Amend sec. 11, page 8, line 18, by deleting “first” and inserting “~~first~~ ***third***”.

Amend sec. 11, page 8, line 19, by deleting:

“after the first Monday”.

Amend the bill as a whole by renumbering sections 12 through 23 as sections 13 through 24 and adding a new section designated sec. 12, following sec. 11, to read as follows:

“**Sec. 12.** NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if he has changed:

(a) The designation of his political party affiliation; or

(b) His designation of political party from nonpartisan to a designation of a political party affiliation,

↪ on an application to register to vote in the State of Nevada or in any other state during the time beginning on ~~September 1~~ **December 31** preceding the closing filing date for that election and ending on the date of that election whether or not his previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that was not qualified pursuant to NRS 293.171 on the ~~September 1~~ **December 31** next preceding the closing filing date for the election.”.

Amend sec. 12, page 8, line 42, by deleting “second Friday” and inserting:

“~~{second Friday}~~ **Saturday**”.

Amend sec. 13, page 12, lines 34 and 35, by deleting:

“~~{first}~~ **second** Friday” and inserting:

“~~{first Friday}~~ **Saturday**”.

Amend sec. 14, page 14, line 5, by deleting “second Friday” and inserting:

“~~{second Friday}~~ **Saturday**”.

Amend sec. 14, page 14, lines 16 and 17, by deleting:

“fourth Monday in ~~May~~ **April**.” and inserting:

“~~fourth~~ **second** Monday in May.”.

Amend sec. 14, page 14, line 19, by deleting:

“fourth Monday in ~~May~~ **April**.” and inserting:

“~~fourth~~ **second** Monday in May.”.

Amend sec. 14, page 14, line 29, by deleting “second Friday” and inserting:

“~~second Friday~~ **Saturday**”.

Amend sec. 15, page 14, by deleting line 32 and inserting:

“or before the ~~third~~ **first** Wednesday in ~~May~~ **March** of every even-”.

Amend sec. 16, page 15, by deleting line 4 and inserting:

“293.206 1. On or before the ~~last day in May~~ **third Wednesday in March** of”.

Amend sec. 17, page 15, line 36, by deleting “third” and inserting “~~third~~ **first**”.

Amend sec. 17, page 15, line 37, by deleting “**February**” and inserting “**March**”.

Amend sec. 21, page 17, line 40, by deleting “**34**” and inserting “**37**”.

Amend the bill as a whole by renumbering sec. 24 as sec. 28 and adding new sections designated sections 25 through 27, following sec. 23, to read as follows:

“**Sec. 25.** NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county 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 which substantially impairs his ability to go to the polling place;~~

~~↪~~ may request an absent ballot for all elections held during the year he requests an absent ballot ~~{ }~~ *and the 2 succeeding years.*

3. If a county clerk receives a request for an absent ballot from a registered voter and the registered voter resides in a city, the county clerk shall forward a copy of the request for an absent ballot to the city clerk of that city.

4. As used in this section, “sufficient written notice” means a:

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

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

(c) Form provided by the Federal Government.

~~{4-}~~ 5. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections immediately following the date on which the county clerk received the request.

~~{5-}~~ 6. 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 this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 26. 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 ~~[]~~ *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. 27. 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.

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 the date]~~ the written statement is submitted to the county clerk ~~[.]~~ **and the 2 succeeding years.**

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

Amend sec. 24, page 19, by deleting line 6 and inserting:

“before 5 p.m. on the ~~[third]~~ **first** Thursday in ~~[August]~~ **June** and before”.

Amend the bill as a whole by deleting sec. 25 and renumbering sections 26 through 39 as sections 29 through 42.

Amend sec. 26, page 19, line 35, by deleting “second” and inserting “[~~second~~] *fourth*”.

Amend sec. 26, page 20, line 4, by deleting “*third*” and inserting “*first*”.

Amend sec. 26, page 20, line 5, by deleting “*June*” and inserting “*July*”.

Amend sec. 28, page 21, line 9, by deleting “first” and inserting “[~~first~~] *third*”.

Amend sec. 29, page 23, by deleting line 36 and inserting:

“purpose of registering to vote:

(a) If such a person assists an elector with completing a form for the application to register to vote, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an”.

Amend sec. 30, page 24, by deleting line 14 and inserting:

“include a [~~duplicate copy or receipt to~~] :”.

Amend sec. 30, page 24, by deleting line 17 and inserting:

“(b) Receipt which:

(1) Includes a space for a person assisting a voter in completing the form to enter his name; and

(2) May be retained by the applicant upon”.

Amend sec. 32, page 25, lines 39 and 40, by deleting:

“[~~July~~] April 1” and inserting:

“[~~July 1~~] April 15”.

Amend sec. 33, page 26, line 22, by deleting:

“34 and 35” and inserting:

“37 and 38”.

Amend sec. 37, page 30, line 15, by deleting “35” and inserting “37”.

Amend sec. 38, page 30, line 18, by deleting “34” and inserting “37”.

Amend sec. 39, page 30, line 24, by deleting “34” and inserting “37”.

Amend the bill as a whole by deleting sec. 40, renumbering sec. 41 as sec. 46 and adding new sections designated sections 43 through 45, following sec. 39, to read as follows:

“**Sec. 43.** 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 elections held during the year he requests an absent ballot [↪] and the 2 succeeding years.~~

3. *If a city clerk receives a request for an absent ballot from a registered voter, the city clerk shall forward a copy of the request for an absent ballot to the county clerk for the county in which the city is located.*

4. 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 through his designee* 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.}~~ 5. 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.}~~ 6. 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. 44. 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. 45. 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.

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 the date]~~ the written statement is submitted to the city clerk ~~[.]~~ **and the 2 succeeding years.**

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.”.

Amend the bill as a whole by renumbering sections 42 through 46 as sections 48 through 52 and adding a new section designated sec. 47, following sec. 41, to read as follows:

“**Sec. 47.** NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS ~~[294A.120, 294A.125,]~~ 294A.140, 294A.150, ~~[294A.200,]~~ 294A.210, 294A.220, 294A.270 ~~[294A.280, 294A.360 and 294A.362.]~~ **and 294A.280.**

2. *The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed by a candidate pursuant to NRS 294A.120, 294A.125, 294A.200, 294A.360 and 294A.362. In addition to the information required to be reported by a candidate pursuant to NRS 294A.120, 294A.125, 294A.200, 294A.360 and 294A.362, the form required to be filed by a candidate must include a space for the candidate to list the amount of cash on hand at the beginning of the:*

(a) *Period for which the report is filed; and*

(b) *Year in which the report is filed.*

3. The ~~form~~ *forms* designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

~~{3.}~~ 4. Upon request, the Secretary of State shall provide a copy of ~~the~~ *each* form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in ~~{subsection 1.}~~ *subsections 1 and 2.*”.

Amend sec. 46, page 35, line 45, by deleting “first” and inserting “~~first~~ *third*”.

Amend sec. 46, page 36, line 1, by deleting:

“after the first Monday”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; providing that a primary election must be conducted on the third Tuesday of June in even-numbered years; extending the period that a registered voter may absent himself from his place of employment for the purpose of casting a ballot; revising the provisions governing areas at public buildings for the use in gathering of signatures on a petition; revising the provision governing the form for application to

register to vote; providing that an out-of-state student enrolled in the University and Community College System of Nevada may serve as a member of an election board; revising the provisions governing registering to vote before an election; providing that an absent ballot request may be returned by the designee of a person; requiring the form for a candidate to file certain reports relating to campaign contributions and expenditures to include a space for reporting cash on hand at the beginning of certain periods; providing that a person who has failed to file campaign finance reports or financial disclosure reports or failed to pay certain civil penalties may not file a declaration of candidacy or petition for an initiative or referendum; providing a penalty; and providing other matters properly relating thereto.”.