

ASSEMBLY BILL NO. 328—ASSEMBLYMEN SMITH, PARNELL,
BOBZIEN, KOIVISTO, CONKLIN, ALLEN, ANDERSON,
ATKINSON, GANSERT, HORNE, KIHUEN, KIRKPATRICK,
LESLIE, MCCLAIN, OCEGUERA, PARKS AND WOMACK

MARCH 15, 2007

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

SUMMARY—Makes various changes relating to elections.
(BDR 24-1045)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; revising provisions relating to the powers of the chairman of an election board; providing that the Attorney General and district attorneys have concurrent jurisdiction to enforce the provisions of title 24 of NRS; revising provisions relating to requesting and casting an absent ballot for an election; revising the provisions governing a person who helps another register to vote; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a vacancy on an election board occurs on the day of an election and there are no reserve election board officers available, the election board may appoint to the election board a registered voter who is qualified and willing to serve. (NRS 293.225) **Section 1** of this bill provides that the county or city clerk is required to appoint a poll manager for each polling place. The county or city clerk or the poll manager will have the authority to appoint any person who is qualified and willing to serve to an election board in the cases of a vacancy occurring on election day or if a need for more election board officials arises. Additionally, if a polling place is the site of more than one election board, the poll manager may reassign election board officers from one election board to another.

Existing law provides that the Secretary of State is responsible for the execution and enforcement of the laws governing elections in this State. (NRS 293.124) **Section 2** of this bill provides that the Attorney General and the district attorneys have concurrent jurisdiction to enforce the election laws.



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Existing law authorizes a registered voter to request an absent ballot for an election. Additionally, certain registered voters are authorized to request an absent ballot for all elections conducted during the year that the request is made. (NRS 293.313) **Sections 5-7 and 10-13** of this bill authorize any registered voter to request an absent ballot for any election conducted after the request is made.

Existing law provides that it is a felony for certain persons to alter, deface or destroy a completed application to register to vote. (NRS 293.505) **Section 8** of this bill revises this provision to provide that it is a felony for such persons to knowingly and willfully alter, deface or destroy or to fail to return to the county clerk a completed application to register to vote.

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 a new section to read as follows:

1. The county or city clerk shall appoint a 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. 2. NRS 293.124 is hereby amended to read as follows:

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

2. The Attorney General and the district attorneys of this State have concurrent jurisdiction to investigate and prosecute a person who violates a provision of title 24 of NRS and any other provision of state and federal law relating to elections in this State.

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

Sec. 3. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in NRS 293.220 to 293.245, inclusive, and 293.384, *and section 1 of this act* and shall conclude those duties ~~not~~ *not* later than 31 days before the election. The registered voters appointed as election board officers for any precinct or district must not all be of the same political party. No candidate for nomination or election or his



1 relative within the second degree of consanguinity or affinity may
2 be appointed as an election board officer. Immediately after election
3 board officers are appointed, if requested by the county clerk, the
4 sheriff shall:

5 (a) Appoint a deputy sheriff for each polling place in the county
6 and for the central election board or the absent ballot central
7 counting board; or

8 (b) Deputize as a deputy sheriff for the election an election
9 board officer of each polling place in the county and for the central
10 election board or the absent ballot central counting board. The
11 deputized officer shall receive no additional compensation for his
12 services rendered as a deputy sheriff during the election for which
13 he is deputized.

14 ➤ Deputy sheriffs so appointed and deputized shall preserve order
15 during hours of voting and attend closing of the polls.

16 2. The county clerk may appoint a trainee for the position of
17 election board officer as set forth in NRS 293.2175.

18 **Sec. 4.** 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
21 filing 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 *county clerk, city clerk or*
32 *poll manager of the polling place where the* election board *is*
33 *located* may appoint, at the polling place, any ~~registered voter~~
34 *person* who is *qualified and* willing to serve and satisfies the
35 ~~election board~~ *county clerk, city clerk or poll manager* that he
36 possesses the qualifications required to perform the services
37 required.

38 5. *If the county clerk, city clerk or poll manager of the polling*
39 *place where an election board is located determines that additional*
40 *election board officers are needed on the day of the election and*
41 *no reserves are available, the county clerk, city clerk or poll*
42 *manager may appoint, at the polling place, any person who is*
43 *qualified and willing to serve and satisfies the county clerk, city*
44 *clerk or poll manager that he possesses the qualifications required*
45 *to perform the services required.*



Sec. 5. 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]~~ :

(a) *The election immediately following the date on which the county clerk receives the ballot; 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 which is signed by the registered voter and returned to the county clerk in person 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. 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. 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. 6. NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the 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



1 information, unless he knowingly and willingly allows a person who
2 intends to use the information to further an unlawful act to copy
3 such information.

4 **Sec. 7.** NRS 293.3165 is hereby amended to read as follows:

5 293.3165 1. A registered voter who, because of a physical
6 disability, is unable to mark or sign a ballot or use a voting device
7 without assistance may submit a written statement to the appropriate
8 county clerk requesting that he receive an absent ballot for each
9 election conducted ~~[during the period specified in subsection 3.]~~
10 *after he submits the request for an absent ballot.*

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

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

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

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

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

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

37 5. A person designated pursuant to paragraph (b) of subsection
38 2 may, on behalf of and at the direction of the registered voter, mark
39 and sign an absent ballot issued to the registered voter pursuant to
40 the provisions of this section. If the person marks and signs the
41 ballot, the person shall indicate next to his signature that the ballot
42 has been marked and signed on behalf of the registered voter.

43 6. The procedure authorized pursuant to this section is subject
44 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. 8.** NRS 293.505 is hereby amended to read as follows:

4 293.505 1. All justices of the peace, except those located in
5 county seats, are ex officio field registrars to carry out the
6 provisions of this chapter.

7 2. The county clerk shall appoint at least one registered voter to
8 serve as a field registrar of voters who, except as otherwise provided
9 in NRS 293.5055, shall register voters within the county for which
10 he is appointed. Except as otherwise provided in subsection 1, a
11 candidate for any office may not be appointed or serve as a field
12 registrar. A field registrar serves at the pleasure of the county clerk
13 and shall perform his duties as the county clerk may direct.

14 3. A field registrar shall demand of any person who applies for
15 registration all information required by the application to register to
16 vote and shall administer all oaths required by this chapter.

17 4. When a field registrar has in his possession five or more
18 completed applications to register to vote, he shall forward them to
19 the county clerk, but in no case may he hold any number of them for
20 more than 10 days.

21 5. Each field registrar shall forward to the county clerk all
22 completed applications in his possession immediately after the fifth
23 Sunday preceding an election. Within 5 days after the fifth Sunday
24 preceding any general election or general city election, a field
25 registrar shall return all unused applications in his possession to the
26 county clerk. If all of the unused applications are not returned to the
27 county clerk, the field registrar shall account for the unreturned
28 applications.

29 6. Each field registrar shall submit to the county clerk a list of
30 the serial numbers of the completed applications to register to vote
31 and the names of the electors on those applications. The serial
32 numbers must be listed in numerical order.

33 7. Each field registrar shall post notices sent to him by the
34 county clerk for posting in accordance with the election laws of this
35 State.

36 8. A field registrar, employee of a voter registration agency or
37 person assisting a voter pursuant to subsection 13 of NRS 293.5235
38 shall not:

39 (a) Delegate any of his duties to another person; or

40 (b) Refuse to register a person on account of that person's
41 political party affiliation.

42 9. A person shall not hold himself out to be or attempt to
43 exercise the duties of a field registrar unless he has been so
44 appointed.



1 10. A county clerk, field registrar, employee of a voter
2 registration agency or person assisting a voter pursuant to subsection
3 13 of NRS 293.5235 shall not:

4 (a) Solicit a vote for or against a particular question or
5 candidate;

6 (b) Speak to a voter on the subject of marking his ballot for or
7 against a particular question or candidate; or

8 (c) Distribute any petition or other material concerning a
9 candidate or question which will be on the ballot for the ensuing
10 election,

11 ➡ while he is registering an elector.

12 11. When the county clerk receives applications to register to
13 vote from a field registrar, he shall issue a receipt to the field
14 registrar. The receipt must include:

15 (a) The number of persons registered; and

16 (b) The political party of the persons registered.

17 12. A county clerk, field registrar, employee of a voter
18 registration agency or person assisting a voter pursuant to subsection
19 13 of NRS 293.5235 shall not:

20 (a) Knowingly register a person who is not a qualified elector or
21 a person who has filed a false or misleading application to register
22 to vote; or

23 (b) Register a person who fails to provide satisfactory proof of
24 identification and the address at which he actually resides.

25 13. A county clerk, field registrar, employee of a voter
26 registration agency, person assisting a voter pursuant to subsection
27 13 of NRS 293.5235 or any other person providing a form for the
28 application to register to vote to an elector for the purpose of
29 registering to vote:

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

34 (b) Shall not *knowingly and willfully* alter, deface or destroy an
35 application to register to vote that has been signed by an elector
36 except to correct information contained in the application after
37 receiving notice from the elector that a change in or addition to the
38 information is required ~~and~~; and

39 (c) *Shall not knowingly and willfully fail to comply with the*
40 *requirements of subsection 4 or 5 or subsection 3 of NRS 293.504*
41 *or NRS 293.5235 with regard to the forwarding of a completed*
42 *application to register to vote to a county clerk.*

43 14. If a field registrar violates any of the provisions of this
44 section, the county clerk shall immediately suspend the field



1 registrar and notify the district attorney of the county in which the
2 violation occurred.

3 15. A person who violates any of the provisions of subsection
4 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be
5 punished as provided in NRS 193.130.

6 **Sec. 9.** NRS 293.507 is hereby amended to read as follows:

7 293.507 1. The Secretary of State shall prescribe:

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

9 (b) A special form for registration to be used in a county where
10 registrations are performed and records of registration are kept by
11 computer.

12 2. The county clerks shall provide forms for applications to
13 register to vote to field registrars in the form and number prescribed
14 by the Secretary of State.

15 3. Each form for an application to register to vote must include
16 a:

17 (a) Unique control number assigned by the Secretary of State;
18 and

19 (b) Receipt which:

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

22 (2) May be retained by the applicant upon completion of the
23 form.

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

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

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

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

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

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

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

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

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



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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 3, 4 and 5.

Sec. 10. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.250, inclusive, and 293C.382, *and section 1 of this act* and shall conclude those duties not later than 31 days before the election. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he provides as an officer during the election for which he is deputized.

➡ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 11. 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 ~~fall~~ :

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



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

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

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

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

10 (c) Form provided by the Federal Government.

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

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

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

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

25 **Sec. 12.** NRS 293C.312 is hereby amended to read as follows:

26 293C.312 1. A registered voter referred to in NRS 293C.310
27 may, at any time before 5 p.m. on the seventh calendar day
28 preceding any election, make an application to the city clerk for an
29 absent voter's ballot ~~[]~~ *for that election*. The application must be
30 made available for public inspection.

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

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

40 **Sec. 13.** NRS 293C.318 is hereby amended to read as follows:

41 293C.318 1. A registered voter who, because of a physical
42 disability, is unable to mark or sign a ballot or use a voting device
43 without assistance may submit a written statement to the appropriate
44 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.

