

ASSEMBLY BILL NO. 342—ASSEMBLYMEN GANSERT, MABEY,
PARKS, GOEDHART, HARDY, MANENDO, MARVEL,
MCCLAIN, PARNELL, SEGERBLOM AND STEWART

MARCH 15, 2007

JOINT SPONSOR: SENATOR CEGAVSKE

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

SUMMARY—Makes various changes to the process of casting a
mailing ballot in mailing precincts. (BDR 24-689)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

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

AN ACT relating to elections; providing that a registered voter who
lives in a mailing precinct or an absent ballot mailing
precinct of a county or city who has received a mailing
ballot may vote in person at the office of the county or
city clerk or at designated polling places on election day
or at polling places during the period for early voting;
requiring county and city clerks to designate at least one
polling place to be the polling place to which any
registered voter who lives in any of the mailing precincts
or absent ballot mailing precincts of the county or city
may apply to vote in person on election day; providing a
penalty; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 **Sections 4, 6, 11 and 13** of this bill provide authorization for a person who
2 lives in a mailing precinct or an absent ballot mailing precinct of a county or a city
3 who has received a mailing ballot to vote in person on election day or during the
4 period for early voting, instead of returning such a ballot by mail, and sets forth a
5 procedure for the processing of a ballot voted in person pursuant to this
6 authorization. **Sections 6 and 13** prohibit the return of a mailing ballot by any
7 person other than the registered voter to whom the ballot was sent unless a family



* A B 3 4 2 *

8 member returns the ballot at the request of the voter. A person who violates this
9 provision is guilty of a category E felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 293.230 is hereby amended to read as follows:
2 293.230 1. In precincts or districts where there are less than
3 200 registered voters and paper ballots are used, the election board
4 shall perform all duties required from the time of preparing for the
5 opening of the polls through delivering the supplies and result of
6 votes cast to the county clerk.

7 2. Except as otherwise provided in NRS 293.235, one election
8 board must be appointed by the county clerk for all mailing
9 precincts within the county and must be designated the central
10 election board. The county clerk shall deliver the mailed ballots to
11 that board in his office, and the board shall count the votes on those
12 ballots in the manner required by law.

13 3. *The county clerk shall appoint one election board to:*
14 (a) *Be present at each of the polling places designated by the*
15 *county clerk pursuant to NRS 293.343; and*

16 (b) *Serve any registered voter who lives in any one of the*
17 *mailing precincts or absent ballot mailing precincts within the*
18 *county and who applies to vote in person pursuant to paragraph*
19 *(b) of subsection 2 of NRS 293.353 or subsection 3 of NRS*
20 *293.353 on election day.*

21 *↪ Such board or boards may be comprised of the same persons*
22 *serving on the central election board appointed pursuant to*
23 *subsection 2 or an absent ballot central counting board appointed*
24 *pursuant to NRS 293.235.*

25 **Sec. 2.** NRS 293.245 is hereby amended to read as follows:

26 293.245 When the county clerk determines it necessary to
27 cause any precincts in the county to be designated absent ballot
28 mailing precincts, the precinct's **mailing** ballots must be placed by
29 the central election board **H** or the absent ballot central counting
30 board **H** in the proper absent ballot mailing precinct ballot box.

31 **Sec. 3.** NRS 293.275 is hereby amended to read as follows:

32 293.275 No election board may perform its duty in serving
33 registered voters at any precinct or district polling place in any
34 election provided for in this title, unless it has before it the election
35 board register for *the registered voters of* its precinct or district **H**,
36 *which, in the case of an election board assigned to serve any*
37 *registered voter who lives in any one of the mailing precincts or*
38 *absent ballot mailing precincts within a single county or city and*
39 *who applies to vote in person, must include all the registered*



* A B 3 4 2 *

1 *voters enrolled in the mailing precinct record book pursuant to*
2 *NRS 293.350 or 293C.347.*

3 **Sec. 4.** NRS 293.343 is hereby amended to read as follows:

4 293.343 1. A registered voter who resides in an election
5 precinct in which there were not more than 200 voters registered for
6 the last preceding general election, or in a precinct in which it
7 appears to the satisfaction of the county clerk that there are not more
8 than 200 registered voters, may vote at any election regulated by
9 this chapter in the manner provided in NRS 293.345 to 293.355,
10 inclusive.

11 2. Whenever the county clerk has designated a precinct as a
12 mailing precinct, registered voters residing in that precinct may vote
13 at any election regulated by this chapter in the manner provided in
14 NRS 293.345 to 293.355, inclusive.

15 3. *Whenever a registered voter is entitled to vote in a mailing*
16 *precinct or an absent ballot mailing precinct, the county clerk:*

17 (a) *Shall designate at least one polling place in the county as*
18 *the polling place to which such a voter may apply to vote in*
19 *person, pursuant to paragraph (b) of subsection 2 of NRS 293.353*
20 *or subsection 3 of NRS 293.353, on election day; and*

21 (b) *May designate certain polling places for early voting as the*
22 *polling places to which such a voter may apply to vote in person,*
23 *pursuant to paragraph (b) of subsection 2 of NRS 293.353 or*
24 *subsection 3 of NRS 293.353, during the period for early voting, if*
25 *it is impractical for the county clerk to provide at each polling*
26 *place for early voting a ballot in every form required in the county.*

27 **Sec. 5.** NRS 293.345 is hereby amended to read as follows:

28 293.345 ~~{The}~~

29 1. *Before 5 p.m. on the last business day preceding the first*
30 *day of the period for early voting for any primary election or*
31 *general election, the county clerk shall ~~{mail}~~ cause to be mailed to*
32 *each registered voter in each mailing precinct and in each absent*
33 *ballot mailing precinct ~~{, before 5 p.m. on the second Thursday~~*
34 *~~before the primary election and before 5 p.m. on the fourth Tuesday~~*
35 *~~in October of any year in which a general election is to be held,}~~ an*
36 *official mailing ballot to be voted by him at the election ~~{,}~~, and*
37 *accompanying supplies, as specified in NRS 293.350.*

38 2. *The official ballot and the sample ballot must include a*
39 *notice in bold type informing the voter of the location of the*
40 *designated polling place or polling places on election day and the*
41 *polling places during the period for early voting to which the voter*
42 *may apply to vote in person pursuant to paragraph (b) of*
43 *subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353.*

44 **Sec. 6.** NRS 293.353 is hereby amended to read as follows:

45 293.353 ~~{Upon}~~



1 *1. Except as otherwise provided in subsection 2 or 3, upon*
2 *receipt of a mailing ballot from the county clerk, the registered voter*
3 *must* ~~[-~~

4 ~~1. Except as otherwise provided in subsection 2:~~

5 ~~—(a) Immediately after opening the envelope,], in accordance~~
6 ~~with the instructions,~~ mark and fold the ballot ~~[-~~

7 ~~—(b) Place the ballot], if it is a paper ballot, or punch it and~~
8 ~~leave it unfolded, if the ballot is voted by punching a card, deposit~~
9 ~~and seal the ballot~~ in the return envelope ~~[-~~

10 ~~—(c) Affix], affix~~ his signature on the back of the envelope ~~[- and~~

11 ~~—(d) Mail or deliver] and mail~~ the envelope to the county clerk.

12 ~~2. [In those counties using a mechanical voting system~~
13 ~~whereby a vote is cast by punching a card:~~

14 ~~—(a) Immediately after opening the envelope, punch the card;~~

15 ~~—(b) Place the unfolded card in the return envelope;~~

16 ~~—(c) Affix his signature on the back of the envelope; and~~

17 ~~—(d) Mail or deliver the envelope to the county clerk.] Except as~~
18 ~~otherwise provided in subsection 3, if a registered voter who has~~
19 ~~received a mailing ballot applies to vote in person at:~~

20 (a) *The office of the county clerk, he must mark or punch the*
21 *ballot, place and seal it in the return envelope and affix his*
22 *signature in the same manner as provided in subsection 1, and*
23 *deliver the envelope to the clerk.*

24 (b) *One of the designated polling places on election day or a*
25 *polling place for early voting in the county, he must surrender the*
26 *mailing ballot and provide satisfactory identification before being*
27 *issued a ballot to vote at the polling place. A person who receives a*
28 *surrendered mailing ballot shall mark it “Cancelled.”*

29 *3. If a registered voter who has received a mailing ballot*
30 *applies to vote in person at the office of the county clerk or at one*
31 *of the designated polling places on election day or a polling place*
32 *for early voting in the county, and the voter does not have the*
33 *mailing ballot to deliver or surrender, the voter must be issued a*
34 *ballot to vote if the voter:*

35 (a) *Provides satisfactory identification;*

36 (b) *Is a registered voter who is otherwise entitled to vote; and*

37 (c) *Signs an affirmation under penalty of perjury on a form*
38 *prepared by the Secretary of State declaring that the voter has not*
39 *voted during the election.*

40 *4. It is unlawful for any person to return a mailing ballot*
41 *other than the registered voter to whom the ballot was sent or, at*
42 *the request of the voter, a member of the family of that voter. A*
43 *person who returns a mailing ballot and who is a member of the*
44 *family of the voter who received the mailing ballot shall, under*
45 *penalty of perjury, indicate on a form prescribed by the county*



* A B 3 4 2 *

1 *clerk that he is a member of the family of the voter who received*
2 *the mailing ballot and that the voter requested that he return the*
3 *mailing ballot. A person who violates the provisions of this*
4 *subsection is guilty of a category E felony and shall be punished*
5 *as provided in NRS 193.130.*

6 **Sec. 7.** NRS 293.355 is hereby amended to read as follows:

7 293.355 1. Upon receipt of the return envelope from ~~the~~ a
8 registered voter ~~of a mailing precinct or absent ballot mailing~~
9 *precinct, whether through the mail or in person at the office of the*
10 *county clerk pursuant to paragraph (a) of subsection 2 of NRS*
11 *293.353, the county clerk shall follow the same procedure as in the*
12 *case of absent ballots.*

13 2. *Ballots voted in person at a polling place pursuant to*
14 *paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of*
15 *NRS 293.353, or at the office of the county clerk pursuant to*
16 *subsection 3 of NRS 293.353, by registered voters of a mailing*
17 *precinct or absent ballot mailing precinct must be processed and*
18 *reported by the appointed election board or county clerk in the*
19 *same manner as required by law for absent ballots voted in person*
20 *pursuant to NRS 293.330.*

21 **Sec. 8.** NRS 293.563 is hereby amended to read as follows:

22 293.563 1. During the interval between the closing of
23 registration and the election, the county clerk shall:

24 (a) In counties where records of registration are not kept by
25 computer, prepare for each precinct or district a binder containing in
26 alphabetical order the original applications to register to vote of the
27 electors in the precinct or district. The binder constitutes the election
28 board register.

29 (b) In counties where records of registration are kept by
30 computer, have printed and placed in a binder for each precinct or
31 district a computer listing in alphabetical order of the applications to
32 register to vote of the electors in the precinct or district. The binder
33 constitutes the election board register.

34 2. Each election board register must be delivered or caused to
35 be delivered by the county or city clerk , *before the opening of the*
36 *polls, to [an] :*

37 (a) *An election officer of the proper precinct or district [before*
38 *the opening of the polls-] ; or*

39 (b) *The election board appointed by the county or city clerk*
40 *pursuant to subsection 3 of NRS 293.230 or subsection 3 of*
41 *NRS 293C.230.*

42 **Sec. 9.** NRS 293C.230 is hereby amended to read as follows:

43 293C.230 1. In precincts or districts in a city where there are
44 less than 200 registered voters and paper ballots are used, the
45 election board shall perform all duties required from the time of



1 preparing for the opening of the polls through delivering the
2 supplies and result of votes cast to the city clerk.

3 2. Except as otherwise provided in NRS 293C.240, one
4 election board must be appointed by the city clerk for all mailing
5 precincts within the city and must be designated the central election
6 board. The city clerk shall deliver the mailed ballots to that board in
7 his office, and the board shall count the votes on those ballots in the
8 manner required by law.

9 *3. The city clerk shall appoint one election board to:*

10 *(a) Be present at each of the polling places designated by the*
11 *city clerk pursuant to NRS 293C.342; and*

12 *(b) Serve any registered voter who lives in any one of the*
13 *mailing precincts or absent ballot mailing precincts within the city*
14 *and who applies to vote in person pursuant to paragraph (b) of*
15 *subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350*
16 *on election day.*

17 *↪ The election board may be comprised of the same persons*
18 *serving on the central election board appointed pursuant to*
19 *subsection 2 or an absent ballot central counting board appointed*
20 *pursuant to NRS 293C.240.*

21 **Sec. 10.** NRS 293C.250 is hereby amended to read as follows:

22 293C.250 When the city clerk determines it necessary to cause
23 any precincts in the city to be designated absent ballot mailing
24 precincts, the precinct's *mailing* ballots must be placed by the
25 central election board or the absent ballot central counting board in
26 the proper absent ballot mailing precinct ballot box.

27 **Sec. 11.** NRS 293C.342 is hereby amended to read as follows:

28 293C.342 1. A registered voter who resides in an election
29 precinct in which there were not more than 200 voters registered for
30 the last preceding city general election, or in a precinct in which it
31 appears to the satisfaction of the city clerk that there are not more
32 than 200 registered voters, may vote at any election regulated by
33 this chapter in the manner provided in NRS 293C.345 to 293C.352
34 *↪, inclusive.*

35 2. Whenever the city clerk has designated a precinct as a
36 mailing precinct, registered voters residing in that precinct may vote
37 at any election regulated by this chapter in the manner provided in
38 NRS 293C.345 to 293C.352 *↪, inclusive.*

39 *3. Whenever a registered voter is entitled to vote in a mailing*
40 *precinct or an absent ballot mailing precinct, the city clerk:*

41 *(a) Shall designate at least one polling place in the city as the*
42 *polling place to which such a voter may apply to vote in person,*
43 *pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or*
44 *subsection 3 of NRS 293C.350, on election day; and*



(b) May designate certain polling places for early voting as the polling places to which such a voter may apply to vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, during the period for early voting, if it is impractical for the city clerk to provide at each polling place for early voting a ballot in every form required in the city.

Sec. 12. NRS 293C.345 is hereby amended to read as follows:
293C.345 ~~[Except as otherwise provided in NRS 293C.115,]~~

1. Before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary city election or general city election, the city clerk shall ~~[mail]~~ cause to be mailed to each registered voter in each mailing precinct and in each absent ballot mailing precinct ~~[, before 5 p.m. on the third Thursday in March and before 5 p.m. on the fourth Tuesday in May of any year in which a general city election is held,]~~ an official mailing ballot to be voted by him at the election ~~[,]~~, and accompanying supplies, as specified in NRS 293C.347.

2. The official ballot and the sample ballot must include a notice in bold type informing the voter of the location of the designated polling place or polling places on election day and the polling places during the period for early voting to which the voter may apply to vote in person pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350.

Sec. 13. NRS 293C.350 is hereby amended to read as follows:
293C.350 ~~[Upon]~~

1. Except as otherwise provided in subsection 2 or 3, upon receipt of a mailing ballot from the city clerk, the registered voter must ~~[,]~~

~~—1. Except as otherwise provided in subsection 2:~~
~~—(a) Immediately after opening the envelope,]~~, in accordance with the instructions, mark and fold the ballot ~~[,]~~
~~—(b) Place the ballot]~~, if it is a paper ballot, or punch it and leave it unfolded, if the ballot is voted by punching a card, deposit and seal the ballot in the return envelope ~~[,]~~
~~—(c) Affix]~~, affix his signature on the back of the envelope ~~[, and~~
~~—(d) Mail or deliver]~~ and mail the envelope to the city clerk.

2. ~~[In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~—(a) Immediately after opening the envelope, punch the card;~~
~~—(b) Place the unfolded card in the return envelope;~~
~~—(c) Affix his signature on the back of the envelope; and~~
~~—(d) Mail or deliver the envelope to the city clerk.]~~ Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:



1 (a) The office of the city clerk, he must mark or punch the
2 ballot, place and seal it in the return envelope and affix his
3 signature in the same manner as provided in subsection 1, and
4 deliver the envelope to the clerk.

5 (b) One of the designated polling places on election day or a
6 polling place for early voting in the city, he must surrender the
7 mailing ballot and provide satisfactory identification before being
8 issued a ballot to vote at the polling place. A person who receives a
9 surrendered mailing ballot shall mark it "Cancelled."

10 3. If a registered voter who has received a mailing ballot
11 applies to vote in person at the office of the city clerk or at one of
12 the designated polling places on election day or a polling place for
13 early voting in the city, and the voter does not have the mailing
14 ballot to deliver or surrender, the voter must be issued a ballot to
15 vote if the voter:

16 (a) Provides satisfactory identification;

17 (b) Is a registered voter who is otherwise entitled to vote; and

18 (c) Signs an affirmation under penalty of perjury on a form
19 prepared by the Secretary of State declaring that the voter has not
20 voted during the election.

21 4. It is unlawful for any person to return a mailing ballot
22 other than the registered voter to whom the ballot was sent or, at
23 the request of the voter, a member of the family of that voter. A
24 person who returns a mailing ballot and who is a member of the
25 family of the voter who received the mailing ballot shall, under
26 penalty of perjury, indicate on a form prescribed by the city clerk
27 that he is a member of the family of the voter who received the
28 mailing ballot and that the voter requested that he return the
29 mailing ballot. A person who violates the provisions of this
30 subsection is guilty of a category E felony and shall be punished
31 as provided in NRS 193.130.

32 **Sec. 14.** NRS 293C.352 is hereby amended to read as follows:

33 293C.352 1. Upon receipt of the return envelope from ~~the~~ a
34 registered voter ~~H~~ of a mailing precinct or absent ballot mailing
35 precinct, whether through the mail or in person at the office of the
36 city clerk pursuant to paragraph (a) of subsection 2 of NRS
37 293C.350, the city clerk shall follow the same procedure as in the
38 case of absent ballots.

39 2. Ballots voted in person at a polling place pursuant to
40 paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of
41 NRS 293C.350, or at the office of the city clerk pursuant to
42 subsection 3 of NRS 293C.350, by registered voters of a mailing
43 precinct or absent ballot mailing precinct must be processed and
44 reported by the appointed election board or city clerk in the same



- 1 *manner as required by law for absent ballots voted in person*
- 2 *pursuant to NRS 293C.330.*

③⑩



* A B 3 4 2 *