

Assembly Bill No. 569—Committee on Elections, Procedures,  
Ethics, and Constitutional Amendments

CHAPTER.....

AN ACT relating to elections; eliminating various provisions concerning supplies that are no longer used in elections; regulating the process for rescinding a withdrawal of candidacy; making various changes regarding early voting; providing a deadline by which a regulation of the Secretary of State must be effective to be applicable to a particular election; providing for when certain offices must be declared elected and no election held for the office; making certain changes concerning the official record for a recount; making various changes to the provisions governing absent ballots; making various changes concerning questions placed on a ballot; making various other changes; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law in chapters 293, 293B and 293C of NRS refers to the use of pollbooks and to mechanical voting systems whereby a voter may cast his vote by punching a card. **Sections 5, 6, 9, 16, 18, 20, 23, 25, 26, 28, 29, 31-35, 37, 40-44, 46, 47, 50, 55-59, 61-64, 66, 67, 69-72, 74-78, 80, 82-87, 89-95 and 97-99** of this bill eliminate references to the use of pollbooks or to a voter punching a card or casting his ballot with a punch card and to any procedures concerning the use of such supplies, as these supplies and systems are no longer in use in elections in this State. **Section 101** of this bill repeals many sections that deal exclusively with these supplies and systems.

Existing law authorizes and provides a procedure for a candidate to withdraw his candidacy, but makes no provision for the manner in which a candidate may rescind after he has withdrawn his declaration of candidacy. (NRS 293.202) **Section 11** of this bill creates a procedure for a candidate to rescind his withdrawal of candidacy.

Existing law requires the Secretary of State to adopt regulations governing the conduct of elections. (NRS 293.247) **Sections 17 and 96** of this bill provide that only permanent regulations of the Secretary of State that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

Existing law provides that when no more than the number of candidates to be elected have filed for nomination for most nonpartisan offices, the names of the candidates must still appear on the ballot for the primary election. (NRS 293.260) **Sections 19 and 100** change that requirement to provide that for the office of member of a town advisory board and for certain offices on the Board of Governors of the Elko Convention and Visitors Authority, in such a situation those candidates must be declared elected and no election may be held for that office.

Existing law requires that mechanical recording devices which directly record votes electronically must provide a permanent paper record that must be available as an official record for a recount. (NRS 293.2696, 293B.084) **Sections 24 and 57** of this bill eliminate the requirement that the permanent paper records be available as an official record for a recount.



Existing law specifies the procedure for county and city clerks to process absent ballots returned by mail or in person. (NRS 293.325, 293C.325) **Sections 30 and 73** of this bill make revisions to clarify the procedure.

Existing law specifies the procedure and timing for the appropriate counting board to remove absent ballots from ballot boxes for the purpose of counting them. (NRS 293.384, 293.385, 293C.382, 293C.385) **Sections 45, 46, 88 and 89** of this bill revise the timing to provide that the appropriate counting board may remove the absent ballots from the ballot boxes or containers 3 working days earlier than the current provisions allow.

Existing law authorizes and sets forth a procedure for the governing body of a political subdivision or other local agency to submit a question to the qualified electors or registered voters of a designated territory. (NRS 293.481) **Section 51** of this bill requires a county clerk to assign a unique identification number to such a question and creates a procedure for such a governing body to withdraw a question that was properly submitted to a county or city clerk.

Existing law requires the use of voting receipts and specifies that such voting receipts have two parts. (NRS 293.2673, 293.3585, 293.3604, 293B.300, 293B.305, 293C.261, 293C.3585, 293C.3604, 293C.620) **Sections 22, 37, 38, 60, 61, 68, 80, 81 and 91** of this bill change these provisions to make the use of voting receipts optional at the discretion of the county or city clerk. These sections of the bill also eliminate the requirement that the voting receipts have two parts.

**Section 101** of this bill repeals the section that requires the Secretary of State to publish a pamphlet describing the requirements for filing and circulating an initiative petition and several other sections dealing with obsolete election procedures. (NRS 293.12756)

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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 and 3 of this act.

**Sec. 2.** *“Ballot box” means a box that is capable of being secured and is used to receive the voted ballots.*

**Sec. 3.** *“Provisional ballot” means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.*

**Sec. 4.** NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2 and 3 of this act*, have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 293.025 is hereby amended to read as follows:

293.025 “Ballot” means the record of a voter’s preference of candidates and questions voted upon at an election. The term includes, without limitation, any paper given to a voter upon which he places his vote ~~[, a punch card which records the vote of a voter]~~ and electronic storage tapes.



**Sec. 6.** NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the ~~[pollbook,]~~ *roster*, tally list and challenge list in the precinct or district in which such officer is appointed.

**Sec. 7.** NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by absent *ballot or provisional* ballot.

**Sec. 8.** NRS 293.097 is hereby amended to read as follows:

293.097 "Sample ballot" means a document distributed by a county or city clerk upon which is printed a ~~[faesimile-of]~~ *list of the offices, candidates and ballot questions that will appear on a* ballot. The term includes any such document which is printed by a computer.

**Sec. 9.** NRS 293.113 is hereby amended to read as follows:

293.113 "Tally list" ~~[or "tally book"]~~ means the ~~[forms]~~ *form* furnished *to* election board officers to be used in ~~[tallying-or]~~ recording the number of votes cast for each candidate and question on the ballot. ~~[as such votes are called in counting.]~~

**Sec. 10.** NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State on or after the date he is deemed to be registered to vote pursuant to ~~[subsection 5 of]~~ NRS 293.517 or subsection 7 of NRS 293.5235.

**Sec. 11.** NRS 293.202 is hereby amended to read as follows:

293.202 *1. A withdrawal of candidacy for office must be in writing and must be presented by the candidate in person, within 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office. If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this subsection, it shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.*

*2. A rescission of a withdrawal of candidacy must be in writing and presented by the candidate in person, within the 7 days, excluding Saturdays, Sundays and holidays, after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.*

**Sec. 12.** NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum



~~[of 600 registered voters per precinct in those precincts in which paper ballots are used, or a maximum]~~ of 1,500 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

**Sec. 13.** NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish that precinct as a mailing precinct. ~~[and shall forthwith mail notification to the field registrar for that precinct.]~~

2. Except as otherwise provided in NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot



mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

**Sec. 14.** 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.]~~ **293.243**, inclusive, and 293.384 . ~~[, and shall conclude those duties no 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 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 county clerk, the sheriff shall:

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

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

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

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

**Sec. 15.** NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board ~~[consists of at least three members, one of whom must be]~~ **must have one member** designated **as the** chairman by the county or city clerk. The **election** boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

(a) The election board of any precinct include more than one trainee; or

(b) A trainee serve as chairman of the election board.



3. The county or city clerk shall conduct or cause to be conducted ~~[, at least 5 days before the date of the election for which the boards are appointed,]~~ a school to acquaint the ~~[chairmen]~~ *members of an election board* with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards. ~~[If the person appointed chairman is unable for any reason to attend the school, he shall appoint some other member of his election board to attend the school in his stead.]~~

4. The board of county commissioners of any county or the city council of any city may reimburse the ~~[chairmen or their designees]~~ *members of an election board* who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

~~[5. —Each chairman shall instruct his board before election day.]~~

**Sec. 16.** NRS 293.230 is hereby amended to read as follows:

293.230 ~~[1. —In precincts or districts where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.~~

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

**Sec. 17.** NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. *Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.*

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

~~[2.]~~ 3. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;



(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

(f) The form and placement of instructions to voters;

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests ~~§~~, *including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;*

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) *The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;*

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

~~§~~ (p) The forms for applications to register to vote and any other forms necessary for the administration of this title; and

~~§~~ (q) Such other matters as determined necessary by the Secretary of State.

~~§~~ 4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

~~§~~ 5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.



**Sec. 18.** NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, ~~[pollbooks,]~~ registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.





7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

**Sec. 19.** NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for:



(a) Any partisan office or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election; ~~and~~

(b) Any nonpartisan office, other than the office of justice of the Supreme Court ~~or~~ *or the office of member of a town advisory board*, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his name must be placed on the ballot for the general election ~~or~~; *and*

*(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.*

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

**Sec. 20.** NRS 293.262 is hereby amended to read as follows:

293.262 An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted:

1. On a paper ballot ~~or~~
- ~~2. On a ballot which is voted by punching a card; or~~
- ~~3. or~~
2. By any other system authorized by state or federal law.

**Sec. 21.** NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation ~~“Candidates for”~~ “Nonpartisan Offices.” Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

**Sec. 22.** NRS 293.2673 is hereby amended to read as follows:

293.2673 1. A ballot prepared for use in an election in this State must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used.



2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election and indicate clearly at which election the ballot will be used.

3. If a ballot includes a voting receipt , ~~[which has two parts, each part of]~~ the voting receipt must include the date of the election and indicate clearly at which election the ~~[ballot will be used.]~~ *voter cast his ballot.*

**Sec. 23.** NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots ~~[or punch cards]~~ in an election, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

**Sec. 24.** NRS 293.2696 is hereby amended to read as follows:

293.2696 The Secretary of State and each county and city clerk shall ensure that each voting system used in this State:

1. Secures to each voter privacy and independence in the act of voting, including, without limitation, confidentiality of the ballot of the voter;

2. Allows each voter to verify privately and independently the votes selected by the voter on the ballot before the ballot is cast and counted;

3. Provides each voter with the opportunity, in a private and independent manner, to change the ballot and to correct any error before the ballot is cast and counted, including, without limitation, the opportunity to correct an error through the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct the error;

4. Provides a permanent paper record with a manual audit capacity ; ~~[which must be available as an official record for a recount;]~~ and

5. Meets or exceeds the standards for voting systems established by the Federal Election Commission, including, without limitation, the error rate standards.

**Sec. 25.** NRS 293.285 is hereby amended to read as follows:

293.285 ~~[1.]~~ A registered voter applying to vote shall state his name to the election board officer in charge of the election board register and the officer shall immediately announce the name and take the registered voter's signature. ~~[After a registered voter is properly identified at a polling place where paper ballots are used,~~



~~one partisan ballot and, if required, one nonpartisan ballot, correctly folded must be given to the voter and the number of the ballot or ballots must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot or ballots.~~

~~— 2. In pollbooks in which voters' names have been entered, election officers may indicate the application to vote without writing the name.]~~

**Sec. 26.** NRS 293.297 is hereby amended to read as follows:

293.297 ~~[1.—Except as otherwise provided in subsection 2:~~

~~—(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~—(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~—(c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~—(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county clerk with the election supplies.~~

~~— 2. If ballots which are voted on a] A mechanical recording device which directly records [the] votes electronically [are used,] must allow the voter [must be able] to change his vote before the mechanical recording device permanently records that vote.~~

**Sec. 27.** NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct ~~[or district]~~ upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election . ~~[; or]~~ *A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.*

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";



(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➡ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue him a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue him a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or



affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

**Sec. 28.** NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses to provide an affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The county clerk of each county shall maintain a special polling place in his office and at such other locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293.525 in ~~f~~:

~~—(a) A special ballot box if the ballots are paper ballots or ballots which are voted by punching a card; or~~

~~—(b) A~~ a special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the State may vote;

(d) All officers for whom all voters in the county may vote; and



(e) Questions which have been submitted to all voters of the county or State.

4. The ballots voted at the special polling place must be counted when other ballots are counted and ~~[-~~

~~—(a) If the ballots are paper ballots or ballots which are voted by punching a card, maintained in a separate ballot box; or~~

~~—(b) If~~, if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container ~~[-~~

~~→]~~ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

**Sec. 29.** NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the county 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 *or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot*, 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)]~~ (b) A return envelope;

~~[(3)]~~ Supplies for marking the ballot;

~~—(4)]~~ (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

~~[(5)]~~ Instructions;

~~—(b) In those counties 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)]~~ (d) Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an



absent ballot and instructions to the voter. The voter shall mail his absent ballot to the county clerk.

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 in the ~~mails~~ *mail* or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, 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.

**Sec. 30.** NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in ~~subsections 2 and 3,~~ *subsection 2*, when an absent ballot is returned by a registered voter to the county clerk through the ~~mails~~ *mail or in person*, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If ~~the county clerk has appointed~~ an absent ballot central counting board ~~[, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the county clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the county clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.~~

~~—3.— If the county uses a mechanical voting system, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and~~ *has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail or in person, the county clerk shall* check the signature on the return envelope against the original signature of the county clerk's register. If the county clerk determines that the absent voter is





entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. ~~Except as otherwise provided in this subsection, on election day the county clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the county uses a mechanical voting system and the county clerk has appointed an absent ballot central counting board, the county clerk may, not~~ **Not** earlier than 4 working days before the election, **the county clerk shall** deliver the ballots to the absent ballot central counting board to be processed and prepared for ~~tabulation~~ **counting** pursuant to the procedures established by the Secretary of State ~~to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.~~

**Sec. 31.** NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~if it is a paper ballot, or punch it, if the ballot is voted by punching a card,~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

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

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:



- (a) Provides satisfactory identification;
- (b) Is a registered voter who is otherwise entitled to vote; and
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 32.** NRS 293.333 is hereby amended to read as follows:

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

- 1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;
- 2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;
- 3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot ~~and~~ and, if the numbers are the same, the ballot deposited in the regular ballot box; and
- 4. The election board officers shall mark in the ~~pollbook~~ *roster* opposite the name of the voter the word "Voted."

**Sec. 33.** NRS 293.350 is hereby amended to read as follows:

293.350 1. The county clerk shall:

- (a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;
- (b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;
- (c) Mark the number of the ballot on the return envelope; and
- (d) Mail the ballot to the registered voter.



2. ~~[[Except as otherwise provided in subsection 3, the]~~ *The* ballot must be accompanied by:

- ~~[(a)]~~ ~~[[Supplies for marking the ballot;~~
- ~~—(b)]~~ A return envelope;
- ~~[(e)]~~ *(b)* An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- ~~[(d)]~~ *(c)* A sample ballot; and
- ~~[(e)]~~ *(d)* Instructions regarding the manner of marking and returning the ballot.

~~[[3. In those counties using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

- ~~—(a) A sheet of foam plastic or similar backing material attached to the card;~~
- ~~—(b) A punching instrument;~~
- ~~—(c) A return envelope;~~
- ~~—(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~
- ~~—(e) A sample ballot; and~~
- ~~—(f) Instructions regarding the manner of punching and returning the card.]~~

**Sec. 34.** NRS 293.353 is hereby amended to read as follows:

293.353 Upon receipt of a mailing ballot from the county clerk, the registered voter must:

- 1. ~~[[Except as otherwise provided in subsection 2:~~
- ~~—(a)]~~ Immediately after opening the envelope, mark and fold the ballot;
- ~~[(b)]~~ 2. Place the ballot in the return envelope;
- ~~[(e)]~~ 3. Affix his signature on the back of the envelope; and
- ~~[(d)]~~ 4. Mail or deliver the envelope to the county clerk.

~~[[2. In those counties 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 county clerk.]~~

**Sec. 35.** NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made to vote early by a registered voter in person, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572 . ~~[[and returned to the election board. If the ballot is a paper ballot, a ballot which is voted by punching a card or a ballot~~



~~which is voted by any other system authorized by state or federal law, the election board shall follow the same procedure as in the case of absent ballots received by mail.]~~

**Sec. 36.** NRS 293.3568 is hereby amended to read as follows:

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

2. The county clerk may:

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

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

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

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

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

(b) On any Saturday that falls within the period for early voting, ~~[from]~~ **for at least 4 hours between** 10 a.m. ~~[until]~~ **and** 6 p.m.

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

**Sec. 37.** NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.



4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~—(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~—(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~

~~—(c) Allow the voter to place his voted ballot in the ballot box.~~

~~6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on ~~each part of~~ the voting receipt ~~;~~

~~—(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and~~

~~—(d)] , if the county clerk uses voting receipts; and~~

(c) Allow the voter to cast his vote.

~~[7.]~~ 6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

**Sec. 38.** NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; *and*

(5) The number of signatures in the roster for early voting for that day. ~~;~~ *and*

~~—(6) The number of voting receipts retained pursuant to NRS 293.3585 for that day.]~~

(b) Secure:



(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) ~~[(The voting receipts retained pursuant to NRS 293.3585;~~

~~—(c)]~~ The voting rosters used for early voting;

~~[(d)]~~ (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(e)]~~ (d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

**Sec. 39.** NRS 293.3625 is hereby amended to read as follows:

293.3625 The county clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293.304, 293.325, ~~[293.3602,]~~ 293B.330 and 293B.335. The record must include the numbers indicated on the container and its seal pursuant to NRS 293.462.

**Sec. 40.** NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots, ~~[for ballots which are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. ~~[(The pollbooks must be compared and errors corrected until the books agree.)~~

~~—2.]~~ The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the



count of the ballots is completed. If ~~[, on comparison of the count with the pollbook,]~~ a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.

~~[3.]~~ 2. If the ballots in the container or box are found to exceed in number the number of names *as are indicated* on the ~~[pollbooks,]~~ *roster as having voted*, the ballots must be replaced in the container or box, and a counting board officer, with his back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.

~~[4.]~~ 3. When it has been ascertained that ~~[the pollbook and]~~ the number of ballots ~~[agree]~~ *agrees* with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

**Sec. 41.** NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was



rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~

**Sec. 42.** NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. ~~Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a vote on the ballot must not be counted unless indicated by a cross in the designated square.~~

~~3. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~[5.]~~ 3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting





a vote cast by a method of voting described in subsection 2 ; ~~[, 3 or 4,]~~ and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, ~~[3 or 4,]~~ including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

**Sec. 43.** NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been ~~[tallied,]~~ **counted**, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

- (a) A primary election held in an even-numbered year; or
- (b) A general election.

**Sec. 44.** NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots ~~[or ballots which are voted by punching a card]~~ are used:

1. After the ~~[tally lists]~~ **ballots** have been ~~[completed,]~~ **counted**, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The other ~~[pollbooks,]~~ **rosters**, tally lists and election board register must be returned to the county clerk.

**Sec. 45.** NRS 293.384 is hereby amended to read as follows:

293.384 1. ~~[Beginning at 8 a.m. on the day]~~ **Not earlier than 4 working days** before the ~~[day of an]~~ election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots from each ballot box or container that holds absent ballots received before that day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.



**Sec. 46.** NRS 293.385 is hereby amended to read as follows:

293.385 1. ~~[After 8 a.m. on election day,]~~ *Each day after the initial withdrawal of the ballots pursuant to NRS 293.384 and before the day of the election,* the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and ascertain that each box or container has the required number of ballots according to the county clerk's absent voters' ballot record.

2. If any absent ballots are received by the county clerk on election day pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.

3. ~~[After 8 a.m. on election day,]~~ *Not earlier than 4 working days before the election,* the appropriate board shall , ~~[count]~~ in public , *count* the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

**Sec. 47.** NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, ~~[voting receipts,]~~ records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists ~~[and pollbooks]~~ collected pursuant to NRS 293B.400 must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed



materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The ~~[pollbooks]~~ *rosters* containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of *a* contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

**Sec. 48.** NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided *both* to the state ~~[or]~~ *central committee of any major political party and to the* county central committee of any major political party ~~[or]~~ , *and* to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.



3. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state *central committee* or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for ~~[that]~~ *both the state central committee and the county central committee* ~~[or]~~ *of the major political party, if requested, and for the executive committee of the minor political party, if requested,* on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the *state or county* central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the *state or county* central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

**Sec. 49.** NRS 293.443 is hereby amended to read as follows:

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



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

3. If a political party or other entity requests more than 50 applications to register to vote by mail ~~[.]~~ *in any 12-month period*, the clerk may assess a charge, not to exceed the cost of printing the applications. ~~[.] for each application requested in excess of 50.]~~

**Sec. 50.** NRS 293.462 is hereby amended to read as follows:

293.462 1. Each container used to transport official ballots pursuant to NRS 293.304, 293.325, ~~[293.3602,]~~ 293B.330 and 293B.335 must:

(a) Be constructed of metal or any other rigid material; and  
(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.

**Sec. 51.** NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2 or NRS 295.121 or 295.217, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in May preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration



of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. *A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.*

4. A county or city clerk ~~may~~:

(a) *Shall assign a unique identification number to a question submitted pursuant to this section; and*

(b) *May* charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and fiscal note on the ballot.

**Sec. 52.** NRS 293.507 is hereby amended to read as follows:  
293.507 1. The Secretary of State shall prescribe:

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



(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer ~~{H}~~; and

*(c) A standard form for the affidavit described in subsection 5.*

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

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

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

(b) Receipt which:

(1) Includes a space for a person assisting ~~{a-voter}~~ *an applicant* in completing the form to enter his name; and

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

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

(a) A line for use by the ~~{county-clerk}~~ *applicant* to enter:

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

(2) The last four digits of the ~~{voter's}~~ *applicant's* social security number, if the ~~{voter}~~ *applicant* 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}~~ *applicant* pursuant to subsection 5, if the ~~{voter}~~ *applicant* 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}~~ *applicant* actually resides, as set forth in NRS 293.486.

(c) A notice that the ~~{voter}~~ *applicant* 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}~~ *applicant* may receive mail, including, without limitation, a post office box or general delivery.

5. If ~~{a-voter}~~ *an applicant* does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the ~~{voter}~~ *applicant* 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]~~ **applicant** which must be the same number as the unique identifier assigned to the ~~[voter]~~ **applicant** 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. 53.** NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; or

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

➔ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.





↪ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. ~~[Am]~~ *Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.*

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote ~~[&]~~ *pursuant to NRS 293.485*, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. *If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if he believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk whether:*

*(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and*

*(b) The county clerk should proceed to process the application to register to vote.*

↪ *If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.*

**Sec. 54.** NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He is registered to vote in the same precinct ~~[or district]~~ as the person whose right to vote is challenged; ~~[or]~~ *and*



(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

(2) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel his registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

**Sec. 55.** NRS 293B.032 is hereby amended to read as follows:

293B.032 "Mechanical recording device" means a device ~~for~~

~~1. Which~~ **which** mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on. ~~for or~~

~~2. To which a list of offices and candidates and the statements of measures to be voted on may be affixed and into which a card may be inserted so that the votes cast for each candidate and for or~~



~~against each measure may be indicated by punching the card with reference to the list.]~~

**Sec. 56.** NRS 293B.033 is hereby amended to read as follows:

293B.033 “Mechanical voting system” means a system of voting whereby a voter may cast his vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By ~~[punching a card or]~~ marking a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.

**Sec. 57.** NRS 293B.084 is hereby amended to read as follows:

293B.084 1. A mechanical recording device which directly records votes electronically must:

(a) Bear a number which identifies that mechanical recording device.

(b) Be equipped with a storage device which:

(1) Stores the ballots voted on the mechanical recording device;

(2) Can be removed from the mechanical recording device for the purpose of transporting the ballots stored therein to a central counting place; and

(3) Bears the same number as the mechanical recording device.

(c) Be designed in such a manner that voted ballots may be stored within the mechanical recording device and the storage device required pursuant to paragraph (b) at the same time.

(d) Be capable of providing a record printed on paper of:

(1) Each ballot voted on the mechanical recording device; and

(2) The total number of votes recorded on the mechanical recording device for each candidate and for or against each measure.

2. The paper record described in paragraph (d) of subsection 1 must ~~f~~:

~~—(a) Be~~ **be** printed and made available for a manual audit, as ~~[necessary; and~~

~~—(b) Be printed and serve as an official record for a recount, as] necessary.~~

**Sec. 58.** NRS 293B.103 is hereby amended to read as follows:

293B.103 ~~[1. If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~—(a) The cards to be used must have two detachable stubs.~~



~~—(b) Each of the stubs attached to a particular card must bear the number of that card.~~

~~—(c) One of the stubs must be detached and given to the voter when he returns his voted ballot, and the other stub must be retained by the election board.~~

~~—2.]~~ If a mechanical voting system is used whereby votes are directly recorded electronically ~~[-~~

~~—(a) A] , a~~ voting receipt ~~[which has two parts must]~~ **may** be used.

~~[(b) Each part of the voting receipt must bear the same number for identification.~~

~~—(c) One part of the voting receipt must be given to the voter when he votes and the other part of the voting receipt must be retained by the election board.]~~

**Sec. 59.** NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so ~~[punched,]~~ voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the mechanical recording device or automatic tabulating equipment and computer program, the accuracy certification board and the county or city clerk shall date and sign all reports, and seal the program, if any, and the reports and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. Except as otherwise provided in this subsection, the contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board. For the period set forth in NRS 293.413 during which a candidate may file a statement of contest, the results of the test must be made available in the clerk's office for public inspection.



**Sec. 60.** NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election, a member of the election board for a precinct shall issue each partisan voter a ballot which contains a distinctive code associated with the major political party of the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, *if the clerk uses voting receipts*, in addition to the ballot described in subsection 1, issue each partisan voter a voting receipt on which is clearly printed the name of the major political party of the voter.

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

**Sec. 61.** NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, *if the clerk uses voting receipts*, in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; *or*

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted . ~~}; or~~

~~—(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.]~~



**Sec. 62.** NRS 293B.330 is hereby amended to read as follows:  
293B.330 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

(b) ~~If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~—— (1) Count the number of ballots in the ballot boxes.~~

~~—— (2) Account for all ballots on the statement of ballots.~~

~~—— (3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~—(c)~~ If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(d)]~~ (c) Record the number of voters on a form provided by the county clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the county clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the county clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.



**Sec. 63.** NRS 293B.365 is hereby amended to read as follows:  
293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.
2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ~~[ballots or]~~ storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.
3. Register the numbers of ballots by precinct.
4. Deliver any damaged *paper* ballots to the ballot duplicating board. ~~[, if the ballots were voted by punching a card.]~~
5. Receive duplicates of damaged *paper* ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct. ~~[, if the ballots were voted by punching a card.]~~
6. Place each damaged original *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct. ~~[, if the ballot was voted by punching a card.]~~
7. Reject any *paper* ballot that has been marked in a way that identifies the voter.
8. Place each rejected *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot. ~~[, if the ballot was voted by punching a card.]~~

**Sec. 64.** NRS 293B.375 is hereby amended to read as follows:  
293B.375 ~~[If ballots which are voted by punching a card are used, the]~~ *The* ballot duplicating board shall:

1. Receive damaged ballots ~~[,]~~ *pursuant to NRS 293B.365*, including ballots which have been torn, bent or mutilated.
2. ~~[Receive cards with incompletely punched chips.~~  
~~—3.]~~ Prepare on a distinctly colored, serially numbered ballot marked “duplicate” an exact copy of each damaged ballot.  
~~[4. In the case of a card with an incompletely punched chip:~~  
~~—(a) Remove the incompletely punched chip if:~~  
~~—(1) The chip has at least one corner that is detached from the card; or~~  
~~—(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~  
~~—(b) Duplicate the card without punching the location of the incompletely punched chip if:~~



~~— (1) The chip does not have at least one corner that is detached from the card; and~~

~~— (2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~— 5.]~~ 3. Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ 4. Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the county clerk.

**Sec. 65.** 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.]~~ **293C.245**, inclusive, and 293C.382 . ~~[-, 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. 66.** NRS 293C.230 is hereby amended to read as follows:

293C.230 ~~[1.—In precincts or districts in a city where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the city clerk.~~

~~—2.]~~ Except as otherwise provided in NRS 293C.240, one election board must be appointed by the city clerk for all mailing precincts within the city and must be designated the central election board. The city clerk shall deliver the mailed ballots to that board in





his office and the board shall count the votes on those ballots in the manner required by law.

**Sec. 67.** NRS 293C.256 is hereby amended to read as follows:

293C.256 An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot . ~~[for a ballot which is voted by punching a card.]~~

**Sec. 68.** NRS 293C.261 is hereby amended to read as follows:

293C.261 1. A ballot prepared for use in a city election must be dated and marked in such a manner as to indicate clearly at which city election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the city election and indicate clearly at which city election the ballot will be used.

3. If a ballot includes a voting receipt , ~~[which has two parts, each part of]~~ the voting receipt must include the date of the city election and indicate clearly at which city election the ~~[ballot will be used.]~~ **voter cast his ballot.**

**Sec. 69.** NRS 293C.275 is hereby amended to read as follows:

293C.275 ~~[1.]~~ A registered voter who applies to vote must state his name to the election board officer in charge of the election board register, and the officer shall immediately announce the name and take the registered voter's signature. ~~[After a registered voter is properly identified at a polling place where paper ballots are used, one ballot correctly folded, must be given to the voter and the number of the ballot must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot.~~

~~—2. In pollbooks in which the names of the voters have been entered, election officers may indicate the application to vote without writing the name.]~~

**Sec. 70.** NRS 293C.285 is hereby amended to read as follows:

293C.285 ~~[1.—Except as otherwise provided in subsection 2:~~

~~—(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~—(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~—(c) Each spoiled ballot returned must be cancelled by writing the word “Cancelled” across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~—(d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed~~



~~in a separate envelope and returned to the city clerk with the election supplies.~~

~~2. If ballots that are voted on a]~~ A mechanical recording device which directly records ~~[the]~~ votes electronically ~~[are used,]~~ *must allow* the voter ~~[must be able]~~ to change his vote before the mechanical recording device permanently records that vote.

**Sec. 71.** NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain at least one special polling place at such locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in ~~[-~~

~~(a) A special ballot box if the ballots are paper ballots or ballots that are voted by punching a card; or~~

~~(b) A]~~ *a* special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) All officers for whom all voters in the city may vote; and

(b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and ~~[-~~

~~(a) If the ballots are paper ballots or ballots that are voted by punching a card, maintained in a separate ballot box; or~~

~~(b) If]~~ *if* the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container ~~[-~~

~~→]~~ until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

**Sec. 72.** 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 *or by any class of mail if the Official Election Mail logo or an equivalent logo or mark*



*created by the United States Postal Service is properly placed on the official absent ballot*, 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) (b) A return envelope;~~
  - ~~(3) Supplies for marking the ballot;~~
  - ~~(4) (c) 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) (d) Instructions.~~

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.

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.

**Sec. 73.** NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~subsections~~ *subsection 2* , ~~and 3,~~ when an absent ballot is returned by a



registered voter to the city clerk through the mails ~~[ ]~~ *or in person*, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If ~~[the city clerk has appointed]~~ an absent ballot central counting board ~~[, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the city clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the city clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.~~

~~—3.— If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and~~ *has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mails or in person, the county clerk shall* check the signature on the return envelope against the original signature of the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. ~~[Except as otherwise provided in this subsection, on election day the city clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the city uses a mechanical voting system and the city clerk has appointed an absent ballot central counting board, the city clerk may, not]~~ *Not* earlier than 4 working days before the election, *the county clerk shall* deliver the ballots to the absent ballot central counting board to be processed and prepared for ~~[tabulation]~~ *counting* pursuant to the procedures established by the Secretary of State ~~[ ]~~ *to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.*



**Sec. 74.** NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch it, if the ballot is voted by punching a card,]~~ in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

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

(b) A polling place, including, without limitation, a polling place for early voting, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

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

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

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.



**Sec. 75.** NRS 293C.332 is hereby amended to read as follows:

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope must be compared with that on the original application to register to vote;
3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall mark in the ~~{pollbook}~~ *roster* opposite the name of the voter the word "Voted."

**Sec. 76.** NRS 293C.347 is hereby amended to read as follows:

293C.347 1. The city clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. ~~{Except as otherwise provided in subsection 3, the}~~ *The* ballot must be accompanied by:

(a) ~~{Supplies for marking the ballot;~~

~~{(b)}~~ A return envelope;

~~{(e)}~~ *(b)* An envelope or similar device into which the ballot is inserted to ensure its secrecy;

~~{(d)}~~ *(c)* A sample ballot; and

~~{(e)}~~ *(d)* Instructions regarding the manner of marking and returning the ballot.

~~{3. In those cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:~~

~~{(a) A sheet of foam plastic or similar backing material attached to the card;~~

~~{(b) A punching instrument;~~

~~{(c) A return envelope;~~



~~—(d) An envelope or similar device into which the card is inserted to ensure its secrecy;~~

~~—(e) A sample ballot; and~~

~~—(f) Instructions concerning the manner of punching and returning the card.]~~

**Sec. 77.** NRS 293C.350 is hereby amended to read as follows:

293C.350 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, mark and fold the ballot;

~~[(b)]~~ 2. Place the ballot in the return envelope;

~~[(e)]~~ 3. Affix his signature on the back of the envelope; and

~~[(d)]~~ 4. Mail or deliver 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.]~~

**Sec. 78.** NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. ~~[[If the ballot is a paper ballot or a ballot which is voted by punching a card, the clerk shall follow the same procedure as in the case of absent ballots received by mail.]~~

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

**Sec. 79.** NRS 293C.3568 is hereby amended to read as follows:

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

2. The city clerk may:

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



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

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

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

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

(b) On any Saturday that falls within the period for early voting, ~~from~~ **for at least 4 hours between** 10 a.m. ~~until~~ **and** 6 p.m.

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

**Sec. 80.** NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. ~~If the ballot is voted by punching a card, the deputy clerk for early voting shall:~~

~~—(a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;~~

~~—(b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and~~





~~—(c) Allow the voter to place his voted ballot in the ballot box.~~

~~—6.]~~ If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on ~~each part of~~ the voting receipt ~~;~~

~~—(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and~~

~~—(d)], if the city clerk uses voting receipts; and~~

(c) Allow the voter to cast his vote.

~~[7.]~~ 6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

**Sec. 81.** NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day; *and*

(5) The number of signatures in the roster for early voting for that day. ~~;~~ *and*

~~—(6) The number of voting receipts retained pursuant to NRS 293C.3585 for that day.]~~

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) ~~[The voting receipts retained pursuant to NRS 293C.3585;~~

~~—(c)]~~ The voting rosters used for early voting;



~~[(d)]~~ (c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

~~[(e)]~~ (d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.

**Sec. 82.** NRS 293C.3615 is hereby amended to read as follows:

293C.3615 The city clerk shall make a record of the receipt at the central counting place of each sealed container used to transport official ballots pursuant to NRS 293C.295, 293C.325, ~~[293C.3602,]~~ 293C.630 and 293C.635. The record must include the numbers indicated on the container and its seal pursuant to NRS 293C.700.

**Sec. 83.** NRS 293C.362 is hereby amended to read as follows:

293C.362 When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots, ~~[for ballots that are voted by punching a card,]~~ the counting board shall prepare in the following manner:

1. ~~[The pollbooks must be compared and errors corrected until the books agree.]~~

~~—2.]~~ The container that holds the ballots, or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If ~~[, on comparison of the count with the pollbook,]~~ a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.



~~[3-]~~ 2. If the ballots in the container or box are found to exceed the number of names *as are indicated* on the ~~[pollbooks,]~~ *roster as having voted*, the ballots must be replaced in the container or box and a counting board officer shall, with his back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.

~~[4-]~~ 3. When it has been determined that the ~~[pollbook and the]~~ number of ballots ~~[agree]~~ *agrees* with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

**Sec. 84.** NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(b) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(c) Only devices provided for in this chapter, chapter 293 or 293B of NRS may be used in marking ballots.

(d) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(e) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

~~[(f) In cities where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.]~~



**Sec. 85.** NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. ~~Except as otherwise provided in subsection 1, in an election in which a paper ballot is used whereby a vote is cast by placing a cross in the designated square on the paper ballot, a cross in the designated square must be counted as a vote.~~

~~3. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by punching a card:~~

~~(a) A chip on the card must be counted as a vote if:~~

~~(1) The chip has at least one corner that is detached from the card; or~~

~~(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~(b) A writing or other mark on the card, including, without limitation, a cross, check, tear or scratch, may not be counted as a vote. The remaining votes on such a card must be counted unless the ballot is otherwise disqualified.~~

~~4.]~~ Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

~~5.]~~ 3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2 ; ~~3 or 4.]~~ and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, ~~3 or 4.]~~ including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.



**Sec. 86.** NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been ~~tallied,~~ *counted*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

**Sec. 87.** NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots ~~for ballots which are voted by punching a card~~ are used:

1. After the ~~tally lists~~ *ballots* have been ~~completed,~~ *counted*, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The other ~~pollbooks,~~ *rosters*, tally lists and election board register must be returned to the city clerk.

**Sec. 88.** NRS 293C.382 is hereby amended to read as follows:

293C.382 1. ~~Beginning at 8 a.m. on the day before the day of an~~ *Not earlier than 4 working days before the* election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw the ballots from each ballot box or container that holds absent ballots received before that day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' record.

2. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

**Sec. 89.** NRS 293C.385 is hereby amended to read as follows:

293C.385 1. ~~After 8 a.m. on election day,~~ *Each day after the initial withdrawal of the ballots pursuant to NRS 293C.382 and before the day of the election*, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw from the appropriate ballot boxes or containers all the ballots received the previous day and determine whether each box or container has the required number of ballots according to the city clerk's absent voters' ballot record.

2. If any absent ballots are received by the city clerk on election day pursuant to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate ballot boxes or containers.



3. ~~[After 8 a.m. on election day,]~~ *Not earlier than 4 working days before the election,* the appropriate board shall , ~~[count]~~ in public , *count* the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the city clerk, who shall have the results added to the regular votes of the precinct. ~~[If a mechanical voting system is used in which a voter casts his ballot by punching a card that is counted by a computer, the absent ballots may be counted with the regular votes of the precinct.]~~ The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The city clerks shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of absent ballots before the polls close is guilty of a misdemeanor.

**Sec. 90.** NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, ~~[voting receipts,]~~ records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists ~~[and pollbooks]~~ collected pursuant to NRS 293B.400 must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The ~~[pollbooks]~~ *rosters* containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any



elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in *cases of* a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

**Sec. 91.** NRS 293C.620 is hereby amended to read as follows:

293C.620 1. At each election a member of the election board for a precinct shall issue each voter a ballot.

2. If a mechanical voting system is used in a primary city election whereby votes are directly recorded electronically, a member of the election board shall, *if the clerk uses voting receipts*, in addition to the ballot described in subsection 1, issue the voter a voting receipt.

3. The member of the election board shall ~~f:~~

~~—(a) Direct~~ *direct* the voter to a mechanical recording device containing a list of offices and candidates. ~~f: or~~

~~—(b) Issue a ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample ballot and an instruction sheet to the voter and instruct him to punch his ballot by reference to the sample ballot.]~~

**Sec. 92.** NRS 293C.630 is hereby amended to read as follows:

293C.630 1. Upon closing of the polls, the election board shall:

(a) Secure all mechanical recording devices against further voting.

~~(b) If a mechanical voting system is used whereby votes are cast by punching a card:~~

~~—(1) Count the number of ballots in the ballot boxes.~~

~~—(2) Account for all ballots on the statement of ballots.~~

~~—(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.~~

~~—(c) If a mechanical voting system is used whereby votes are directly recorded electronically:~~

(1) Ensure that each mechanical recording device:



(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to NRS 293B.084.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the city clerk into the container provided by him to transport those items to a central counting place and seal the container.

~~[(4)]~~ (c) Record the number of voters on a form provided by the city clerk.

2. If a difference exists between the number of voters and the number of ballots voted, the election board shall report the difference and any known reasons for the difference, in writing, to the city clerk.

3. After closing the polls, the election board shall:

(a) Compare the quantity of the supplies furnished by the city clerk with the inventory of those supplies; and

(b) Note any shortages.

4. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.

**Sec. 93.** NRS 293C.645 is hereby amended to read as follows:

293C.645 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the ~~{ballots—or}~~ storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.

3. Register the numbers of ballots by precinct.

4. Deliver any damaged *paper* ballots to the ballot duplicating board . ~~{, if the ballots were voted by punching a card.}~~

5. Receive duplicates of damaged *paper* ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct . ~~{, if the ballots were voted by punching a card.}~~

6. Place each damaged original *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate





number of the precinct . ~~[, if the ballot was voted by punching a card.]~~

7. Reject any *paper* ballot that has been marked in a way that identifies the voter.

8. Place each rejected *paper* ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot . ~~[, if the ballot was voted by punching a card.]~~

**Sec. 94.** NRS 293C.655 is hereby amended to read as follows:

293C.655 ~~[If ballots that are voted by punching a card are used, the]~~ *The* ballot duplicating board shall:

1. Receive damaged ballots ~~[,]~~ *pursuant to NRS 293C.645*, including ballots that have been torn, bent or mutilated.

2. ~~[Receive cards with incompletely punched chips.]~~  
~~—3.]~~ Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

~~[4. In the case of a card with an incompletely punched chip:~~

~~—(a) Remove the incompletely punched chip if:~~

~~—(1) The chip has at least one corner that is detached from the card; or~~

~~—(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or~~

~~—(b) Duplicate the card without punching the location of the incompletely punched chip if:~~

~~—(1) The chip does not have at least one corner that is detached from the card; and~~

~~—(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.~~

~~—5.]~~ 3. Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

~~[6.]~~ 4. Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the city clerk.

**Sec. 95.** NRS 293C.700 is hereby amended to read as follows:

293C.700 1. Each container used to transport official ballots pursuant to NRS 293C.295, 293C.325, ~~[293C.3602,]~~ 293C.630 and 293C.635 must:

(a) Be constructed of metal or any other rigid material; and

(b) Contain a seal which is placed on the container to ensure detection of any opening of the container.



2. The container and seal must be separately numbered for identification.

**Sec. 96.** NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 233B.0665 *or 293.247* or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for licensing or registration or for the renewal of a license or a certificate of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation,



bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the headlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

**Sec. 97.** NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.050, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~179.225, 213.153 and 293B.210,~~ and 213.153,

→ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the



State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

**Sec. 98.** NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 ~~[-213.153 and 293B.210.]~~ and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any



authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

**Sec. 99.** NRS 539.143 is hereby amended to read as follows:

539.143 In all ~~[pollbooks]~~ *rosters* and lists of registered electors prepared for any election under this chapter, the names of electors who have registered or reregistered for such election shall be distinguished from the names of those who voted at the last preceding district election but who have not so registered or reregistered, by the letter “R” enclosed in parentheses placed before each of the names of the former and the omission thereof in connection with the names of the latter.

**Sec. 100.** Section 8 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 70, Statutes of Nevada 2001, at page 516, is hereby amended to read as follows:

Sec. 8. 1. The Authority must be governed by a Board of Governors consisting of five members appointed or elected as follows:

(a) One member appointed by the Board of Supervisors of the City of Elko, who must be a current member of the Board of Supervisors;

(b) One member appointed by the Board of County Commissioners of Elko County, who must be a current member of the Board of County Commissioners;

(c) Two members elected at large, who must reside within the City of Elko and within the boundaries of the Authority; and

(d) One member elected at large, who must reside outside the City of Elko but within the boundaries of the Authority.

2. Subject to the provisions of subsection 3, the terms of those members appointed pursuant to paragraphs (a) and (b) of subsection 1 are coterminous with their respective terms in their specified elective offices.

3. Those members appointed pursuant to paragraph (a) or (b) of subsection 1 may be removed by the appointing board with or without cause.

4. Any vacancy occurring among the members of the Board appointed pursuant to paragraph (a) or (b) of subsection 1 must be filled promptly by the Board which appointed the member whose position has become vacant. Any vacancy occurring among the members of the Board



elected pursuant to paragraph (c) or (d) of subsection 1 must be filled promptly by appointment by the Board of County Commissioners of Elko County. The member appointed by the Board of County Commissioners to fill a vacancy in a position created pursuant to paragraph (c) or (d) must not be a member of the Board of County Commissioners but must meet the residency requirements for the vacant position.

5. If a member elected pursuant to paragraph (c) or (d) of subsection 1 or appointed to fill a vacancy in a position created pursuant to one of those paragraphs ceases to reside in the area specified in the paragraph under which he was elected or appointed, he is automatically disqualified from serving on the Board. A disqualified member's position must be filled by the prompt appointment of a successor in the manner specified in subsection 4.

6. The term of a person appointed to fill a vacancy is the unexpired term of the member he replaces.

7. A general authority election must be held in conjunction with the general election in 1992 and with such elections every 2 years thereafter. The three members of the Board described in paragraphs (c) and (d) of subsection 1 must be elected at the general authority election in 1992. The offices created pursuant to those paragraphs are nonpartisan. Each candidate for one of these offices must file a declaration of candidacy with the County Clerk not earlier than January 1 preceding the election and not later than 5 p.m. on the third Friday in August of the year of the election. *In any general authority election, if, at 5 p.m. on the third Friday in August, only one candidate has filed a declaration of candidacy for one of the offices created pursuant to paragraph (c) or (d) of subsection 1, that candidate must be declared elected to that office and no election may be held for that office.* The terms of office of the members described in paragraphs (c) and (d) of subsection 1 are 4 years, except that, the initial term of office of one of the members described in paragraph (c) of subsection 1 is 2 years. The County Clerk shall designate the seat which will have an initial term of 2 years before any candidate files a declaration of candidacy for the election. The period for registering to vote in the general authority election must be closed on the 30th calendar day preceding the date of the election. All persons who are qualified to vote at general elections in this State and reside within the boundaries of the authority upon the date of the



close of registration are entitled to vote at the general authority election. Except as otherwise provided in this subsection, a general authority election must be carried out in the same manner as provided for other general elections in title 24 of NRS.

**Sec. 101.** NRS 293.075, 293.12756, 293.233, 293.245, 293.293, 293.300, 293.359, 293.3598, 293.3602, 293.447, 293B.160, 293B.210, 293B.325, 293C.235, 293C.250, 293C.280, 293C.287, 293C.359, 293C.3598 and 293C.3602 are hereby repealed.

**Sec. 102.** 1. This section and sections 1 to 97, inclusive, 99, 100 and 101 of this act become effective on October 1, 2007.

2. Section 97 of this act expires by limitation upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

3. Section 98 of this act becomes effective upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

