

SENATE BILL NO. 493—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

MARCH 26, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes to voter registration and voting procedures for certain members of the Armed Forces of the United States and their family members and certain other voters who reside outside the United States. (BDR 24-811)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to elections; making various changes concerning voter registration and voting procedures for certain members of the Armed Forces of the United States and their family members and certain other voters who reside outside the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains procedures for the registration and the delivery and receipt of absent ballots from certain members of the Armed Forces of the United States, their family members and certain other qualified electors of this State who reside outside the United States. (NRS 293.3155, 293.3157, 293.501, 293.502, 293.553, 293.555, 293C.315, 293C.320, 293C.322) Many of these provisions were enacted in compliance with the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., to fulfill the obligation of this State to provide certain procedures and rights to such members of the Armed Forces, their family members and such other persons.

This bill creates new procedures for the registration and the delivery and receipt of absent ballots from certain members of the Armed Forces, their family members and certain other qualified electors of this State who reside outside the United States that are in addition to the procedures created by the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.

Sections 3, 6 and 9 of this bill authorize the use of a write-in ballot by certain members of the Armed Forces and certain other qualified electors of this State who declare that during the normal period for requesting and receiving an absent ballot,



* S B 4 9 3 *

they will be outside the United States and in an area that is remote from normal lines of communication.

Section 5 of this bill clarifies the authority of the Secretary of State to adopt emergency regulations to facilitate the delivery and receipt of absent ballots to members of the Armed Forces during a natural disaster or man-made conflict.

Section 5 also authorizes the Secretary of State to adopt regulations concerning standards for the approved electronic transmission of certain applications, forms and ballots.

Sections 7 and 13 of this bill expand the acceptable use of the form provided by the Federal Government from a special absent ballot to be used only in general elections and only for federal offices to allow its use in primary and special elections, in addition to general elections, and for state and local offices in addition to federal offices. This section also provides that a qualified elector of this State who resides outside the United States and who wishes to vote only for the federal offices may use the special absent ballot as a simultaneous application for registration and ballot to vote only for federal offices in a primary, general or special election in this State.

Sections 7, 8, 10, 11, 13, 14 and 16-20 of this bill allow certain members of the Armed Forces, their family members and certain other qualified electors of this State who reside outside the United States to request forms for registration, absent ballots, special absent ballots and the form provided by the Federal Government for simultaneous registration and request of an absent ballot and to return voted ballots by electronic transmission.

Sections 12 and 15 of this bill allow certain citizens of the United States who have never resided in the United States to use the address of a parent who resides in this State for purposes of establishing residency for voter registration.

Section 14 of this bill expands the eligibility for late registration by those who have recently returned to residency in the United States to include also the family members of members of the Armed Forces stationed outside the United States who have been recently discharged and to persons recently separated from employment outside of the United States.

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. *“Approved electronic transmission” means the sending of information by facsimile machine or by use of the Internet pursuant to the acceptable standards set forth by regulations of the Secretary of State adopted pursuant to NRS 293.247.*

Sec. 3. *Notwithstanding any other provisions of this title:*

1. *A registered voter of this State who declares that, for the period from 40 days before a primary, general or special election through the day of the election, he:*

(a) Will reside outside the continental United States and will be an “absent uniformed services voter” or “overseas voter,” as those terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; and



* S B 4 9 3 *

(b) Because of a military assignment or other employment, will be physically located in an area that is remote from normal lines of communication, including, without limitation, mail, telephone, facsimile machines and electronic mail, may, not earlier than 80 days before the particular election, request by mail or approved electronic transmission an absent ballot on which candidates for federal, state and local offices may be written.

2. The county clerk or city clerk, as appropriate, who receives a request pursuant to subsection 1 and is satisfied that the voter is entitled to receive such a ballot shall, within 10 working days after making the determination, send the ballot to the address indicated on the application by mail or approved electronic transmission.

3. The ballot must list all the federal, state and local offices that are scheduled to appear on the ballot for that election, based on the known expiration of terms of offices.

4. With any ballot mailed pursuant to this section, the county clerk or city clerk, as appropriate, shall include a listing of all the candidates who will appear on the ballot for the particular election and a list of any questions that have qualified to appear on the ballot to date, along with the number of the question that has been assigned by the Secretary of State. When writing in his vote for an office, the registered voter shall choose from the names included on the list for that office. When writing in his vote for a question, the registered voter shall indicate the number of the question and indicate a "Yes" or "No" vote.

5. The registered voter may vote by completing the ballot according to the instructions and returning it to the county clerk or city clerk, as appropriate, by:

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

6. A ballot returned pursuant to this section and received before the close of polls on election day must be counted in the same manner as other absent ballots. A ballot returned pursuant to this section must not be counted if the county clerk or city clerk, as appropriate, receives a regular absent ballot from that voter on or before the date of the primary, general or special election.

7. The Secretary of State shall adopt regulations governing:

(a) The declaration required by subsection 1, including, without limitation, whether the completion of a particular form provided by the Federal Government will suffice as that declaration;

(b) Any other criteria to be applied by the county clerk or city clerk, as appropriate, in determining that a registered voter is entitled to a ballot pursuant to this section; and



* S B 4 9 3 *

(c) The form for the ballot created by this section.

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 section 2 of this act*, have the meanings ascribed to them in those sections.

Sec. 5. 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. 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. 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;
- (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 disposition of absent ballots in case of an emergency;
- (o) The forms for applications to register to vote and any other forms necessary for the administration of this title; ~~and~~
- (p) *The acceptable standards for the sending and receiving of applications, forms and ballots by approved electronic transmission by the county clerks and the qualified electors or registered voters who are authorized to use electronic transmission pursuant to the provisions of this title;*



(q) *The standard for determining when a natural disaster or man-made conflict, the resolution of which requires substantial assistance from the Armed Forces of the United States, constitutes an emergency concerning the delivery and receipt of absent ballots to members of the Armed Forces that necessitates the adoption of emergency regulations pursuant to NRS 233B.0613; and*

(r) Such other matters as determined necessary by the Secretary of State.

3. 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.

4. 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. 6. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. ~~[Voting]~~ *Except as otherwise provided in NRS 293.3155 and section 3 of this act, voting* must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.

Sec. 7. NRS 293.3155 is hereby amended to read as follows:

293.3155 1. Notwithstanding any other provisions of this title , ~~f:~~

~~1. Any registered voter of this State who resides outside the continental United States may use~~ the form provided by the Federal Government as a special absent ballot *may be used* for a *primary, general or special* election *in this State by a person who meets the criteria of subsection 2 or 3.*

2. *Any registered voter of this State who resides outside the continental United States may use the form described in subsection 1* if the voter:

(a) Requests an absent ballot and the request is received by the county clerk not later than 30 days before the *primary, general or special* election; and

(b) Does not receive the absent ballot.

~~[2.—The]~~



3. Any qualified elector of this State who resides outside the continental United States who wishes to vote only for the federal offices that will appear on the regular ballot for the election may use the form described in subsection 1 as a simultaneous application for registration and special absent ballot for the federal candidates to be voted upon at the primary, general or special election. The qualified elector who is voting only for the federal candidates may use the form even if he has not requested the regular absent ballot pursuant to subsection 2. The form must be counted in the same manner as a special absent ballot if the county clerk determines that the elector is entitled to be registered pursuant to the provisions of subsection 2 of NRS 293.501.

4. Except as otherwise provided in subsection 3, the special absent ballot ~~must~~ may be used ~~only~~ for the offices of President and Vice President of the United States, United States Senator and Representative in Congress ~~and any state or local offices for which the qualified elector or registered voter is entitled to cast his ballot~~. The ballot must allow the registered voter to vote by writing in his choice of a political party for each office or the name of a candidate whose name appears on the ballot for each office.

~~3-5~~ 5. The special absent ballot may be voted by completing the ballot according to the instructions and returning it to the county clerk by:

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

6. Except as otherwise provided in subsection 3, the special absent ballot must not be counted if:

(a) It is submitted from any location within the continental United States;

(b) The county clerk receives the request for an absent ballot less than 30 days before the *primary*, general *or special* election; or

(c) The county clerk receives the *regular* absent ballot *from the voter* on or before the date of the *primary*, general *or special* election.

Sec. 8. NRS 293.3157 is hereby amended to read as follows:

293.3157 1. Any registered voter of this State who resides outside the continental United States may use a facsimile machine *or other approved electronic transmission* to request an absent ballot.

2. The county clerk shall use ~~the same means as a facsimile machine~~ *the same means the registered voter uses to request an absent ballot pursuant to subsection 1* to send ~~the~~ the absent ballot to the registered voter.



3. The registered voter ~~[shall mail]~~ *referred to in subsection 1 may vote* his absent ballot *by completing the ballot according to the instructions and returning it* to the county clerk ~~[]~~ *by :*

(a) *Mail, if it can be returned in a timely manner; or*

(b) *Approved electronic transmission.*

4. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 9. NRS 293.317 is hereby amended to read as follows:

293.317 Absent ballots, including special absent ballots described in NRS 293.3155 ~~[]~~ *and the absent ballots described in section 3 of this act*, received by the county or city clerk after the polls are closed on the day of election are invalid.

Sec. 10. NRS 293.320 is hereby amended to read as follows:

293.320 1. The county clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper county.

2. Armed Forces personnel who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; or

(b) The form provided by the Federal Government for registration and request of an absent ballot, *pursuant to the provisions of subsection 1 of NRS 293.501*,
before receiving an absent ballot.

3. If the county clerk rejects an application submitted pursuant to subsection 2 or submitted by an overseas voter, the county clerk shall inform the applicant of the reason for the rejection.

Sec. 11. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2 ~~[]~~ *and NRS 293.3157*, 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 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):]~~ *In those counties not using a mechanical voting system whereby a vote is cast by punching a card:*

(1) An absent ballot;

(2) A return envelope;

(3) Supplies for marking the ballot;

(4) 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) 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 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. 12. NRS 293.486 is hereby amended to read as follows:

293.486 1. Except as otherwise provided in ~~subsection 2,~~ *subsections 2 and 3*, for the purposes of registering to vote, the address at which the voter actually resides is the street address assigned to the location at which the voter actually resides.

2. For the purposes of registering to vote, if the voter does not reside at a location that has been assigned a street address, the address at which the voter actually resides is a description of the location at which the voter actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.

3. *A person who:*

(a) Is a citizen of the United States;

(b) Has never been a resident of any state but is lawfully entitled to reside in the United States;

(c) Would otherwise be a qualified elector of this State; and



(d) *Has a parent who has an actual residence in this State pursuant to subsection 1 or 2,*

↪ may use the street address or description of the location at which his parent resides in this State as his address for the purposes of registering to vote in this State.

4. The provisions of this section do not authorize a person to register to vote if he is not otherwise eligible to register to vote.

Sec. 13. NRS 293.501 is hereby amended to read as follows:

293.501 1. Notwithstanding any other provisions of this title:

~~(1)~~ (a) Any elector of this State who resides outside this State may use the form provided by the Federal Government *for registration and request of an absent ballot* pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, ~~[of 1986,]~~ 42 U.S.C. ~~§§ 1973,]~~ *§§ 1973ff et seq.,* to register to vote in this State.

~~(2)~~ (b) The county clerk shall not register a voter who submits the form from any location within this State.

~~(3)~~ (c) If an elector registers to vote pursuant to the provisions of *this* subsection, ~~(1)~~ he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.

(d) *An elector referred to in paragraph (a) of subsection 1 who also meets the registration requirements of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., may complete the form and return it by:*

(1) *Mail, if it can be returned in a timely manner; or*

(2) *Approved electronic transmission.*

2. *Notwithstanding any other provision of this title:*

(a) *Any qualified elector of this State who resides outside the continental United States and who wishes to vote only for the federal offices that will appear on the regular ballot for an election may use the form provided by the Federal Government as a simultaneous application for registration and special absent ballot pursuant to the provisions of this section and subsection 3 of NRS 293.3155.*

(b) *If the elector completes the information requested in the voter's declaration or affirmation on the special absent ballot provided by the Federal Government or on the transmission envelope for the special absent ballot, the special absent ballot shall be deemed a complete application to register.*

(c) *The county clerk shall not register a voter who submits the form from any location within this State.*

(d) *If an elector registers to vote pursuant to the provisions of this subsection, he may complete the form and return it by:*

(1) *Mail, if it can be returned in a timely manner; or*



(2) *Approved electronic transmission.*

(e) *If an elector registers to vote pursuant to the provisions of this subsection and returns the special absent ballot by mail, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.*

Sec. 14. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector ~~[who:~~

~~—(a) Complies]~~ :

(a) *Who complies* with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. ~~[§ 1973;~~

~~—(b) Is]~~ §§ 1973ff et seq.;

(b) *Who is* discharged from the Armed Forces of the United States *or whose family member is discharged from the Armed Forces of the United States or who is separated from employment outside the territorial limits of the United States* not more than 60 days before an election;

(c) ~~[Presents]~~ *Who presents* evidence of his discharge , *the discharge of his family member, or his separation from employment* to the county clerk; and

(d) Is not registered to vote at the close of registration for that election,

➔ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless he is otherwise entitled to vote an absent ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 15. 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.

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 in completing the form to enter his name; and



* S B 4 9 3 *

(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 to enter:

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

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

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

5. If a voter does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the voter shall sign an affidavit stating that he does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the voter which must be the same number as the unique identifier assigned to the voter for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 16. NRS 293.553 is hereby amended to read as follows:

293.553 *1.* Any elector of this State who is in the service of the United States or attending an institution of learning, and by reason thereof is beyond the boundaries of this State, and who has not registered before or whose registration has been cancelled may, at any time, request from the county clerk of the county of the elector's residence by mail ~~[, telephone or telegram]~~ *or telephone* an application to register to vote. The county clerk, if satisfied that the elector is eligible for registration, shall forward the application immediately. The county clerk shall, upon receipt of the completed application, file it in the manner provided by law.

2. An elector described in subsection 1 who also meets the registration requirements of the Uniformed and Overseas Citizens



* S B 4 9 3 *

Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., may request an application to register to vote by:

(a) Mail; or

(b) Approved electronic transmission.

Sec. 17. NRS 293.555 is hereby amended to read as follows:

293.555 **1.** If the spouse or a dependent of an elector referred to in NRS 293.553 is an elector of this State but has not been registered, or his registration has been cancelled, and such spouse or dependent of the elector is required, by reason of the elector's being in the service of the United States, to reside beyond the boundaries of this State, such spouse or dependent may register in the manner provided by NRS 293.553.

2. *A spouse or dependent described in subsection 1 who also meets the registration requirements of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., may request an application to register to vote by:*

(a) Mail; or

(b) Approved electronic transmission.

Sec. 18. NRS 293C.315 is hereby amended to read as follows:

293C.315 **1.** Any registered voter of this State who resides outside the continental United States may use a facsimile machine *or other approved electronic transmission* to request an absent ballot.

2. The city clerk shall use ~~[a facsimile machine]~~ *the same means the registered voter uses to request an absent ballot pursuant to subsection 1* to send ~~[an]~~ *the* absent ballot to the registered voter.

3. The registered voter ~~[shall mail]~~ *referred to in subsection 1 may vote* his absent ballot *by completing the ballot according to the instructions and returning it* to the city clerk ~~[.]~~ *by:*

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

4. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 19. NRS 293C.320 is hereby amended to read as follows:

293C.320 **1.** The city clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper city.

2. Armed Forces personnel who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; or



(b) The form provided by the Federal Government for registration and request of an absent ballot ~~is~~ *pursuant to the provisions of subsection 1 of NRS 293.501,* before receiving an absent ballot.

Sec. 20. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 ~~is~~ *and NRS 293C.315,* 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 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):~~ *In those cities not using a mechanical voting system whereby a vote is cast by punching a card:*

- (1) An absent ballot;
- (2) A return envelope;
- (3) Supplies for marking the ballot;
- (4) 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) 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



* S B 4 9 3 *

- 1 record the date the ballot is issued, the name of the registered voter
- 2 to whom it is issued, his precinct or district, the number of the ballot
- 3 and any remarks he finds appropriate.
- 4 6. The Secretary of State shall adopt regulations to carry out
- 5 the provisions of subsection 2.

