

## Amendment No. 155

Assembly Amendment to Assembly Bill No. 342

(BDR 24-689)

**Proposed by:** Assembly Committee on Elections, Procedures, Ethics, and  
Constitutional Amendments

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

HAC/KMG



Date: 4/16/2007

A.B. No. 342—Makes various changes to the process of casting a mailing ballot in  
mailing precincts. (BDR 24-689)



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

MARCH 15, 2007

JOINT SPONSOR: SENATOR CEGAVSKE

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

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

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

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

**Legislative Counsel's Digest:**

~~[Sections 4, 6, 11 and 13]~~ Section 4 of this bill ~~provide authorization for~~ **requires county clerks in counties with a population of 100,000 or more to designate at least one polling place in the county as the polling place where** a person who lives in a mailing precinct or an absent ballot mailing precinct ~~for a county or a city who has received a mailing ballot to~~ **may** vote in person on election day. ~~for during the period for early voting, instead of returning such a ballot by mail, and sets forth a procedure for the processing of a ballot voted in person pursuant to this authorization. Sections 6 and 13 prohibit~~ **In counties with a population of less than 100,000, section 4 provides that a county clerk may, but is not required to, designate such a polling place. Section 6 prohibits** the return of a mailing ballot by any person other than the registered voter to whom the ballot was sent unless a family member returns the ballot at the request of the voter. A person who violates this provision is guilty of a category E felony.

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

**Section 1.** ~~[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.~~

~~3. The county clerk shall appoint one election board to:~~

~~(a) Be present at each of the polling places designated by the county clerk pursuant to NRS 293.343; and~~

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

~~Such board or boards may be comprised of the same persons serving on the central election board appointed pursuant to subsection 2 or an absent ballot central counting board appointed pursuant to NRS 293.235.] (Deleted by amendment.)~~

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

~~293.245 When the county clerk determines it necessary to cause any precincts in the county to be designated absent ballot mailing precincts, the precinct's mailing ballots must be placed by the central election board [,] or the absent ballot central counting board [,] in the proper absent ballot mailing precinct ballot box.] (Deleted by amendment.)~~

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

~~293.275 No election board may perform its duty in serving registered voters at any precinct or district polling place in any election provided for in this title, unless it has before it the election board register for the registered voters of its precinct or district [,], which, in the case of an election board assigned to serve any registered voter who lives in any one of the mailing precincts or absent ballot mailing precincts within a single county or city and who applies to vote in person, must include all the registered voters enrolled in the mailing precinct record book pursuant to NRS 293.350 or 293C.347.] (Deleted by amendment.)~~

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

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

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

1       3. ~~Whenever~~ In a county whose population is 100,000 or more, whenever  
2 a registered voter is entitled to vote in a mailing precinct or an absent ballot  
3 mailing precinct, the county clerk:

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

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

13       4. In a county whose population is less than 100,000, whenever a registered  
14 voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct,  
15 the county clerk:

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

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

25       5. Polling places designated pursuant to subsection 3 or 4 may include,  
26 without limitation, polling places located as closely as practicable to the mailing  
27 precincts.

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

29       293.345 ~~{The}~~

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

38       2. ~~{The}~~ If the county clerk has designated, pursuant to subsection 3 or 4 of  
39 NRS 293.343, one or more polling places to which a voter may apply to vote in  
40 person, the official ballot and the sample ballot must include a notice in bold type  
41 informing the voter of the location of the designated polling place or polling  
42 places on election day and the polling places during the period for early voting to  
43 which the voter may apply to vote in person pursuant to paragraph (b) of  
44 subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353.

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

46       293.353 ~~{Upon}~~

47       1. Except as otherwise provided in subsection 2 or 3, upon receipt of a  
48 mailing ballot from the county clerk, the registered voter must ~~{}~~

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

50       ~~(a) Immediately after opening the envelope, , in accordance with the~~  
51 instructions, mark and fold the ballot ~~{}~~

1 ~~—(b) Place the ballot~~, if it is a paper ballot, or punch it and leave it unfolded,  
2 if the ballot is voted by punching a card, deposit and seal the ballot in the return  
3 envelope ~~;~~;

4 ~~—(c) Affix~~, affix his signature on the back of the envelope ~~;~~ and

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

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

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

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

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

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

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

17 (b) One of the ~~[designated]~~ polling places on election day or a polling place  
18 for early voting in the county ~~;~~ designated pursuant to subsection 3 or 4 of NRS  
19 293.343, he must surrender the mailing ballot and provide satisfactory  
20 identification before being issued a ballot to vote at the polling place. A person  
21 who receives a surrendered mailing ballot shall mark it "Cancelled."

22 3. If a registered voter who has received a mailing ballot applies to vote in  
23 person at the office of the county clerk or at one of the ~~[designated]~~ polling places  
24 on election day or a polling place for early voting in the county ~~;~~ designated  
25 pursuant to subsection 3 or 4 of NRS 293.343, and the voter does not have the  
26 mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if  
27 the voter:

28 (a) Provides satisfactory identification;

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

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

32 4. It is unlawful for any person to return a mailing ballot other than the  
33 registered voter to whom the ballot was sent or, at the request of the voter, a  
34 member of the family of that voter. A person who returns a mailing ballot and  
35 who is a member of the family of the voter who received the mailing ballot shall,  
36 under penalty of perjury, indicate on a form prescribed by the county clerk that  
37 he is a member of the family of the voter who received the mailing ballot and that  
38 the voter requested that he return the mailing ballot. A person who violates the  
39 provisions of this subsection is guilty of a category E felony and shall be  
40 punished as provided in NRS 193.130.

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

42 293.355 1. Upon receipt of the return envelope from ~~the~~ a registered voter  
43 ~~;~~ of a mailing precinct or absent ballot mailing precinct, whether through the  
44 mail or in person at the office of the county clerk pursuant to paragraph (a) of  
45 subsection 2 of NRS 293.353, the county clerk shall follow the same procedure as  
46 in the case of absent ballots.

47 2. Ballots voted in person at a polling place pursuant to paragraph (b) of  
48 subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, or at the office of  
49 the county clerk pursuant to subsection 3 of NRS 293.353, by registered voters  
50 of a mailing precinct or absent ballot mailing precinct must be processed and  
51 reported by the appointed election board or county clerk in the same manner as  
52 required by law for absent ballots voted in person pursuant to NRS 293.330.

1       **Sec. 8.** ~~[NRS 293.563 is hereby amended to read as follows:~~  
2       ~~293.563 1. During the interval between the closing of registration and the~~  
3       ~~election, the county clerk shall:~~

4       ~~(a) In counties where records of registration are not kept by computer, prepare~~  
5       ~~for each precinct or district a binder containing in alphabetical order the original~~  
6       ~~applications to register to vote of the electors in the precinct or district. The binder~~  
7       ~~constitutes the election board register.~~

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

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

14       ~~(a) An election officer of the proper precinct or district [before the opening of~~  
15       ~~the polls]; or~~

16       ~~(b) The election board appointed by the county or city clerk pursuant to~~  
17       ~~subsection 3 of NRS 293.230 or subsection 3 of NRS 293C.230.] (Deleted by~~  
18       ~~amendment.)~~

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

20       ~~293C.230 1. In precincts or districts in a city where there are less than 200~~  
21       ~~registered voters and paper ballots are used, the election board shall perform all~~  
22       ~~duties required from the time of preparing for the opening of the polls through~~  
23       ~~delivering the supplies and result of votes cast to the city clerk.~~

24       ~~2. Except as otherwise provided in NRS 293C.240, one election board must~~  
25       ~~be appointed by the city clerk for all mailing precincts within the city and must be~~  
26       ~~designated the central election board. The city clerk shall deliver the mailed ballots~~  
27       ~~to that board in his office, and the board shall count the votes on those ballots in~~  
28       ~~the manner required by law.~~

29       ~~3. The city clerk shall appoint one election board to:~~

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

32       ~~(b) Serve any registered voter who lives in any one of the mailing precincts~~  
33       ~~or absent ballot mailing precincts within the city and who applies to vote in~~  
34       ~~person pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection~~  
35       ~~3 of NRS 293C.350 on election day.~~

36       ~~4. The election board may be comprised of the same persons serving on the~~  
37       ~~central election board appointed pursuant to subsection 2 or an absent ballot~~  
38       ~~central counting board appointed pursuant to NRS 293C.240.] (Deleted by~~  
39       ~~amendment.)~~

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

41       ~~293C.250 When the city clerk determines it necessary to cause any precincts~~  
42       ~~in the city to be designated absent ballot mailing precincts, the precinct's mailing~~  
43       ~~ballots must be placed by the central election board or the absent ballot central~~  
44       ~~counting board in the proper absent ballot mailing precinct ballot box.] (Deleted by~~  
45       ~~amendment.)~~

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

47       ~~293C.342 1. A registered voter who resides in an election precinct in which~~  
48       ~~there were not more than 200 voters registered for the last preceding city general~~  
49       ~~election, or in a precinct in which it appears to the satisfaction of the city clerk that~~  
50       ~~there are not more than 200 registered voters, may vote at any election regulated by~~  
51       ~~this chapter in the manner provided in NRS 293C.345 to 293C.352 [ ], inclusive.~~

~~2. Whenever the city clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293C.245 to 293C.252 [ ], inclusive.~~

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

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

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

**Sec. 12.** [NRS 293C.345 is hereby amended to read as follows:]

~~293C.345 [Except as otherwise provided in NRS 293C.115.]~~

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

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

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

~~293C.350 [Upon]~~

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

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

~~(a) Immediately after opening the envelope, [ , in accordance with the instructions, mark and fold the ballot [;~~

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

~~(c) Affix [ , affix his signature on the back of the envelope [; and~~

~~(d) Mail or deliver [and mail the envelope to the city clerk.~~

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

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

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

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

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

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

~~3. If a registered voter who has received a mailing ballot applies to vote in person at the office of the city clerk or at one of the designated polling places on election day or a polling place for early voting in the city, and the voter does not have the mailing 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. It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing 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 received the mailing ballot and that the voter requested that he return the mailing 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.] (Deleted by amendment.)~~

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

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

~~2. Ballots voted in person at a polling place pursuant to paragraph (b) of subsection 2 of NRS 293C.350 or subsection 3 of NRS 293C.350, or at the office of the city clerk pursuant to subsection 3 of NRS 293C.350, by registered voters of a mailing precinct or absent ballot mailing precinct must be processed and reported by the appointed election board or city clerk in the same manner as required by law for absent ballots voted in person pursuant to NRS 293C.330.] (Deleted by amendment.)~~