

Amendment No. 798

Senate Amendment to Assembly Bill No. 342 First Reprint	(BDR 24-689)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

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.

TL/TMC



Date: 5/18/2007

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.

~

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

Legislative Counsel's Digest:

Section 4 of this bill 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 may vote in person on election day. 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 of this bill** 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. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (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.

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

(a) *Shall designate at least one polling place in the county as the polling place ~~to which~~ where such a voter may ~~apply 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; and*

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

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

(a) *May designate one or more polling places in the county as the polling place ~~to which~~ where such a voter may ~~apply 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; and*

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

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

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

293.345 ~~That~~

1. *Before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary election or general election, the county clerk shall ~~mail~~ cause to be mailed to each registered voter in each mailing precinct and in each absent ballot mailing precinct ~~to~~ before 5 p.m. on the second Thursday before the primary election and before 5 p.m. on the fourth Tuesday in*

~~October of any year in which a general election is to be held,~~ an official mailing ballot to be voted by him at the election ~~}; and accompanying supplies, as specified in NRS 293.350.~~

2. ~~If the county clerk has designated, pursuant to subsection 3 or 4 of NRS 293.343, one or more polling places to which~~ where a voter may ~~apply to~~ vote in person, 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~~ where the voter may ~~apply to~~ vote in person pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353.

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

293.353 ~~Upon~~

1. ~~Except as otherwise provided in subsection 2 or 3, 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,~~ 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 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.~~ 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 county 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 polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, 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~~ wishes to vote in person at the office of the county clerk or at one of the polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, 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 county clerk that he is a member of the family of the voter who received the mailing ballot and that

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

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

5 293.355 1. Upon receipt of the return envelope from ~~the~~ a registered voter
6 ~~of a mailing precinct or absent ballot mailing precinct, whether through the~~
7 ~~mail or in person at the office of the county clerk pursuant to paragraph (a) of~~
8 ~~subsection 2 of NRS 293.353,~~ the county clerk shall follow the same procedure as
9 in the case of absent ballots.

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

16 **Sec. 8.** (Deleted by amendment.)

17 **Sec. 9.** (Deleted by amendment.)

18 **Sec. 10.** (Deleted by amendment.)

19 **Sec. 11.** (Deleted by amendment.)

20 **Sec. 12.** (Deleted by amendment.)

21 **Sec. 13.** (Deleted by amendment.)

22 **Sec. 14.** (Deleted by amendment.)