

Amendment No. 226

Assembly Amendment to Assembly Bill No. 517 (BDR 24-542)

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

Amends: Summary: No Title: No 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.

SJA/KMG



Date: 4/19/2007

A.B. No. 517—Makes various changes to election laws. (BDR 24-542)



ASSEMBLY BILL NO. 517—COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE SECRETARY OF STATE)

MARCH 23, 2007

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

SUMMARY—Makes various changes to election laws. (BDR 24-542)

FISCAL NOTE: Effect on Local Government: No.
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; eliminating various obsolete provisions; providing that a voter registration card does not provide proof of the identity, address or residence of a person; revising the definition of “candidate” for the purposes of requirements relating to campaign finance; requiring that the signatures on a petition for an initiative or referendum must be submitted to each county clerk on the same day if circulated in more than one county; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law makes various references to punch card ballots and the duties of various persons in relation to punch card ballots. (Title 24 of NRS) **Sections 1, 3, 4, 7-20, 24-31, 33, 35-48, 50-53 and 57-59** of this bill eliminate these provisions.

Existing law requires a person to furnish proof of identity or residence when filing a declaration or acceptance of candidacy, when registering to vote or when voting in certain circumstances. (NRS 293.177, 293.2725, 293.303, 293.517, 293.541, 293C.185, 293C.292) **Sections 2, 5, 6, 21, 22, 32 and 34** of this bill provide that a voter registration card does not provide proof of address, identity or residence.

Existing law requires that a sample ballot be mailed to each registered voter before the period for early voting at an election begins, but not later than 10 days before the election. (NRS 293.565, 293C.530) **Sections 23 and 49** of this bill require that the sample ballots be mailed ~~not later than 10 days~~ before the period of early voting for the election begins.

Existing law defines the term “candidate” for the purposes of the campaign finance laws to include anyone who has filed a declaration or acceptance of candidacy, anyone whose name appears on an official ballot or anyone who has accepted more than \$100. (NRS 294A.005) **Section 54** of this bill clarifies that a candidate is anyone who has accepted more than \$100, regardless of whether the person has filed a declaration or acceptance of candidacy or whether the name of the person appears on an official ballot.

Existing law requires that all documents submitted to a county clerk for signature verification on a petition for an initiative or referendum must be submitted at the same time. (NRS 295.056) **Section 55** of this bill requires that all documents submitted for signature

verification on a petition for an initiative or referendum which was circulated in more than one county must be submitted to each county clerk on the same day.

Existing law authorizes the Secretary of State to issue a fictitious address to a person who has been the victim of domestic violence, sexual assault or stalking. (NRS 217.462-217.471) The Secretary of State is authorized to cancel the fictitious address of a person in certain circumstances. (NRS 217.468) **Section 56** of this bill provides that the Secretary of State may cancel a fictitious address if the person files a declaration or acceptance of candidacy.

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

Section 1. 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. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that

nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath
(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[- without limitation,]~~ a check ~~[-]~~ which indicates the candidate's name and residential address ~~[-]~~, *but not including a voter registration card issued pursuant to NRS 293.517.*

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to

subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 3. 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 ~~[-]~~;

~~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. 4. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots, ~~for 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. 5. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[-, without limitation,]~~ a check ~~[-]~~ which indicates the name and address of the person ~~[-]~~, *but not including a voter registration card issued pursuant to NRS 293.517*; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[-, without limitation,]~~ a check ~~[-]~~ which indicates the name and address of the person ~~[-]~~, *but not including a voter registration card issued pursuant to NRS 293.517*.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with his application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[-, without limitation,]~~ a check ~~[-]~~ which indicates the name and address of the person ~~[-]~~, *but not including a voter registration card issued pursuant to NRS 293.517*;

(b) Registers to vote by mail and submits with his application to register to vote a driver's license number or at least the last four digits of his social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in his application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 6. 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

(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. *For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person 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. 7. 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:

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

(b) 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 , ~~for ballots which are voted by punching a card;~~ maintained in a separate ballot box; or

(b) 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. 8. 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 if the absent voter is

1 within the boundaries of the United States, its territories or possessions or on a
2 military base, or by air mail if the absent voter is in a foreign country but not on a
3 military base:

4 (a) ~~Except as otherwise provided in paragraph (b):~~

5 ~~(1) An absent ballot;~~

6 ~~(2) A return envelope;~~

7 ~~(3) Supplies for marking the ballot;~~

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

10 ~~(5) Instructions.~~

11 ~~(b) In those counties using a mechanical voting system whereby a vote is cast~~
12 ~~by punching a card:~~

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

14 ~~(2) A return envelope;~~

15 ~~(3) A punching instrument;~~

16 ~~(4) A sample ballot;~~

17 ~~(5) An envelope or similar device into which the card is inserted to ensure~~
18 ~~its secrecy; and~~

19 ~~(6) Instructions.~~

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

24 3. The return envelope sent pursuant to subsection 1 must include postage
25 prepaid by first-class mail if the absent voter is within the boundaries of the United
26 States, its territories or possessions or on a military base.

27 4. Nothing may be enclosed or sent with an absent ballot except as required
28 by subsection 1 or 2.

29 5. Before depositing a ballot in the mails or sending a ballot by facsimile
30 machine, the county clerk shall record the date the ballot is issued, the name of the
31 registered voter to whom it is issued, his precinct or district, his political affiliation,
32 if any, the number of the ballot and any remarks he finds appropriate.

33 6. The Secretary of State shall adopt regulations to carry out the provisions of
34 subsection 2.

35 **Sec. 9.** NRS 293.330 is hereby amended to read as follows:

36 293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2
37 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent
38 voter receives his ballot, he must mark and fold it ~~[, if it is a paper ballot, or punch~~
39 ~~it, if the ballot is voted by punching a card,]~~ in accordance with the instructions,
40 deposit it in the return envelope, seal the envelope, affix his signature on the back
41 of the envelope in the space provided therefor and mail the return envelope.

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

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

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

51 3. If an absent voter who has requested a ballot by mail applies to vote in
52 person at the office of the county clerk or a polling place, including, without

1 limitation, a polling place for early voting, and the voter does not have the absent
2 ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

3 (a) Provides satisfactory identification;

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

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

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

16 **Sec. 10.** NRS 293.350 is hereby amended to read as follows:

17 293.350 1. The county clerk shall:

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

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

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

23 (d) Mail the ballot to the registered voter.

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

26 (a) Supplies for marking the ballot;

27 (b) A return envelope;

28 (c) An envelope or similar device into which the ballot is inserted to ensure its
29 secrecy;

30 (d) A sample ballot; and

31 (e) Instructions regarding the manner of marking and returning the ballot.

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

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

35 ~~—(b) A punching instrument;~~

36 ~~—(c) A return envelope;~~

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

39 ~~—(e) A sample ballot; and~~

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

41 **Sec. 11.** NRS 293.353 is hereby amended to read as follows:

42 293.353 Upon receipt of a mailing ballot from the county clerk, the registered
43 voter must:

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

45 ~~—(a)} Immediately after opening the envelope, mark and fold the ballot;~~

46 ~~{(b)} 2. Place the ballot in the return envelope;~~

47 ~~{(c)} 3. Affix his signature on the back of the envelope; and~~

48 ~~{(d)} 4. Mail or deliver the envelope to the county clerk.~~

49 ~~{2. In those counties using a mechanical voting system whereby a vote is cast
50 by punching a card:~~

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

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

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

~~1 (d) Mail or deliver the envelope to the county clerk.]~~

Sec. 12. 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. 13. 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) 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. 14. NRS 293.359 is hereby amended to read as follows:

293.359 The ballot box for early voting in which voted ballots which are paper ballots ~~[or ballots which are voted by punching a card]~~ are deposited must have two numbered seals, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

1 **Sec. 15.** NRS 293.3602 is hereby amended to read as follows:

2 293.3602 If paper ballots ~~for ballots which are voted by punching a card~~ are
3 used during the period for early voting by personal appearance:

4 1. Each voting day during that period, the ballots voted at the permanent or
5 temporary polling place may be removed from the ballot box and neatly stacked in
6 a container that is sealed with a numbered seal after the ballots are stacked inside.
7 The ballot box or sealed container must be delivered by an election board officer to
8 the county clerk's office at the close of each voting day. The seal on the ballot box
9 or container must indicate the number of voted ballots contained in that box or
10 container for that day.

11 2. When the ballot box or container is delivered pursuant to subsection 1, the
12 county clerk shall provide a new ballot box sealed in the manner prescribed in
13 NRS 293.359.

14 3. At the close of each voting day before the fourth voting day before the last
15 day to vote early, the county clerk may deliver all ballots voted to the ballot board
16 for early voting. At the close of the fourth voting day before the last day to vote
17 early and at the close of each of the 3 days thereafter, the county clerk shall deliver
18 all ballots voted to the ballot board for early voting. At the close of the last voting
19 day, the county clerk shall deliver to the ballot board for early voting:

20 (a) Each remaining ballot box and container that holds the ballots voted early
21 by personal appearance;

22 (b) A voting roster of all persons who voted early by personal appearance; and

23 (c) Any list of registered voters used in conducting early voting.

24 4. Upon the receipt of ballots, the board shall:

25 (a) Remove all ballots from the ballot boxes and containers and sort the ballots
26 by precinct or voting district;

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

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

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

32 5. The county clerk shall allow members of the general public to observe the
33 handling of the ballots pursuant to subsections 1 and 4 if those members do not
34 interfere with the handling of the ballots.

35 **Sec. 16.** NRS 293.363 is hereby amended to read as follows:

36 293.363 When the polls are closed, the counting board shall prepare to count
37 the ballots voted. The counting procedure must be public and continue without
38 adjournment until completed. If the ballots are paper ballots, ~~for ballots which are~~
39 ~~voted by punching a card,~~ the counting board shall prepare in the following
40 manner:

41 1. The pollbooks must be compared and errors corrected until the books
42 agree.

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

3. If the ballots in the container or box are found to exceed in number the number of names on the pollbooks, 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. When it has been ascertained that the pollbook and the number of ballots agree 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. 17. 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. 18. 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.~~

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

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

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

9 ~~[5.]~~ 4. The Secretary of State:

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

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

17 **Sec. 19.** NRS 293.373 is hereby amended to read as follows:

18 293.373 If paper ballots ~~[for ballots which are voted by punching a card]~~ are
19 used:

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

24 2. The other pollbooks, tally lists and election board register must be returned
25 to the county clerk.

26 **Sec. 20.** NRS 293.385 is hereby amended to read as follows:

27 293.385 1. After 8 a.m. on election day, the counting board, if it is
28 responsible for counting absent ballots, or the absent ballot central counting board
29 shall withdraw from the appropriate ballot boxes or containers all the ballots
30 received the previous day and ascertain that each box or container has the required
31 number of ballots according to the county clerk's absent voters' ballot record.

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

35 3. After 8 a.m. on election day, the appropriate board shall count in public the
36 votes cast on the absent ballots.

37 4. If paper ballots are used, the results of the absent ballot vote in each
38 precinct must be certified and submitted to the county clerk who shall have the
39 results added to the regular votes of the precinct. ~~[If a mechanical voting system is~~

40 ~~used in which a voter casts his ballot by punching a card which is counted by a~~
41 ~~computer, the absent ballots may be counted with the regular votes of the precinct.]~~

42 The returns of absent ballots must be reported separately from the regular votes of
43 the precinct, unless reporting the returns separately would violate the secrecy of a
44 voter's ballot. The county clerks shall develop a procedure to ensure that each
45 ballot is kept secret.

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

49 **Sec. 21.** NRS 293.517 is hereby amended to read as follows:

50 293.517 1. Any elector residing within the county may register:

51 (a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing
52 before the county clerk, a field registrar or a voter registration agency, completing
53 the application to register to vote, giving true and satisfactory answers to all

1 questions relevant to his identity and right to vote, and providing proof of his
2 residence and identity;

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

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

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

8 ➤ The county clerk shall require a person to submit official identification as proof
9 of residence and identity, such as a driver's license or other official document,
10 before registering him. If the applicant registers to vote pursuant to this subsection
11 and fails to provide proof of his residence and identity, the applicant must provide
12 proof of his residence and identity before casting a ballot in person or by mail or
13 after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. *For the
14 purposes of this subsection, a voter registration card issued pursuant to
15 subsection 6 does not provide proof of the residence or identity of a person.*

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

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

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

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

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

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

27 (d) At any voter registration agency.

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

31 5. An elector who registers to vote pursuant to paragraph (a) of subsection 1
32 shall be deemed to be registered upon the completion of his application to register
33 to vote.


34 6. After the county clerk determines that the application to register to vote of
35 a person is complete and that the person is eligible to vote, he shall issue a voter
36 registration card to the voter which contains:

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

38 (b) The date of issuance; and

39 (c) The signature of the county clerk.

40 **Sec. 22.** NRS 293.541 is hereby amended to read as follows:

41 293.541 1. The county clerk shall cancel the registration of a voter  if:

42 (a) After consultation with the district attorney, the district attorney determines
43 that there is probable cause to believe that information in the registration
44 concerning the identity or residence of the voter is fraudulent;

45 (b) The county clerk provides a notice as required pursuant to subsection 2 or
46 executes an affidavit of cancellation pursuant to subsection 3; and

47 (c) The voter fails to present satisfactory proof of his identity and residence
48 pursuant to subsection 2, 4 or 5.

49 2. Except as otherwise provided in subsection 3, the county clerk shall notify
50 the voter by registered or certified mail, return receipt requested, of a determination
51 made pursuant to subsection 1. The notice must set forth the grounds for
52 cancellation. Unless the voter, within 15 days after the return receipt has been filed

1 in the office of the county clerk, presents satisfactory proof of his identity and
2 residence to the county clerk, the county clerk shall cancel his registration.

3 3. If insufficient time exists before a pending election to provide the notice
4 required by subsection 2, the county clerk shall execute an affidavit of cancellation
5 and file the affidavit of cancellation with the registrar of voters' register and:

6 (a) In counties where records of registration are not kept by computer, the
7 county clerk shall attach a copy of the affidavit of cancellation in the election board
8 register.

9 (b) In counties where records of registration are kept by computer, the county
10 clerk shall have the affidavit of cancellation printed on the computer entry for the
11 registration and add a copy of it to the election board register.

12 4. If a voter appears to vote at the election next following the date that an
13 affidavit of cancellation was executed for the voter pursuant to this section, the
14 voter must be allowed to vote only if he furnishes:

15 (a) Official identification which contains a photograph of himself, including,
16 without limitation, a driver's license or other official document; and

17 (b) Satisfactory identification that contains proof of the address at which he
18 actually resides and that address is consistent with the address listed on the election
19 board register.

20 5. If a determination is made pursuant to subsection 1 concerning information
21 in the registration to vote of a voter and an absent ballot or a ballot voted by a voter
22 who resides in a mailing precinct is received from the voter, the ballot must be kept
23 separate from other ballots and must not be counted unless the voter presents
24 satisfactory proof to the county clerk of his identity and residence before such
25 ballots are counted on election day.

26 **6. *For the purposes of this section, a voter registration card issued pursuant***
27 ***to NRS 293.517 does not provide proof of the:***

28 ***(a) Address at which a person actually resides; or***

29 ***(b) Residence or identity of a person.***

30 **Sec. 23.** NRS 293.565 is hereby amended to read as follows:

31 293.565 1. Except as otherwise provided in subsection 2, sample ballots
32 must include:

33 (a) If applicable, the statement required by NRS 293.267;

34 (b) The fiscal note, as provided pursuant to NRS 218.443, 293.250, 293.481 or
35 293.482, for each proposed constitutional amendment, statewide measure, measure
36 to be voted upon only by a special district or political subdivision and advisory
37 question;

38 (c) An explanation, as provided pursuant to NRS 218.443, 293.250, 293.481,
39 293.482 or 295.121, of each proposed constitutional amendment, statewide
40 measure, measure to be voted upon only by a special district or political subdivision
41 and advisory question;

42 (d) Arguments for and against each proposed constitutional amendment,
43 statewide measure, measure to be voted upon only by a special district or political
44 subdivision and advisory question, and rebuttals to each argument, as provided
45 pursuant to NRS 218.443, 293.250, 293.252, 293.481, 293.482 or 295.121; and

46 (e) The full text of each proposed constitutional amendment.

47 2. Sample ballots that are mailed to registered voters may be printed without
48 the full text of each proposed constitutional amendment if:

49 (a) The cost of printing the sample ballots would be significantly reduced if the
50 full text of each proposed constitutional amendment were not included;

51 (b) The county clerk ensures that a sample ballot that includes the full text of
52 each proposed constitutional amendment is provided at no charge to each registered
53 voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. ~~Before~~ ~~[Not later than 10 days before]~~ the period for early voting ~~[-, but not later than 10 days before]~~ ~~for~~ any election ~~[-]~~ **begins**, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

9. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 24. NRS 293B.032 is hereby amended to read as follows:

293B.032 “Mechanical recording device” means a device ~~[-]~~

~~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. ~~}; 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. 25. 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. 26. 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)}~~ **1.** A voting receipt which has two parts must be used.

~~{(b)}~~ **2.** Each part of the voting receipt must bear the same number for identification.

~~{(c)}~~ **3.** 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. 27. 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.

1 **Sec. 28.** NRS 293B.305 is hereby amended to read as follows:

2 293B.305 Unless a major political party allows a nonpartisan voter to vote for
3 its candidates:

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

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

11 3. The member of the election board shall:

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

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

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

22 **Sec. 29.** NRS 293B.330 is hereby amended to read as follows:

23 293B.330 1. Upon closing of the polls, the election board shall:

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

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

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

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

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

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

34 (1) Ensure that each mechanical recording device:

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

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

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

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

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

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

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

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

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

53 (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. 30. 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 ballots to the ballot duplicating board . ~~[, if the ballots were voted by punching a card.]~~

5. Receive duplicates of damaged 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 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 ballot that has been marked in a way that identifies the voter.

8. Place each rejected 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. 31. 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, 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. 32. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190,

a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not

earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I,, the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[-without limitation,]~~ a check ~~[-]~~ which indicates the candidate's name and residential address ~~[-]~~, *but not including a voter registration card issued pursuant to NRS 293.517.*

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 33. 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. 34. NRS 293C.292 is hereby amended to read as follows:

293C.292 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

(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 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";

(b) 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

(c) 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. 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) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293C.295.

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

6. If the challenge is based on the ground set forth in paragraph (a) 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 that contains proof of the address at which he actually resides. *For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.*

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 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.

8. 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. 35. 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 ; ~~for ballots that are voted by punching a card;~~ or

(b) 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 , ~~for ballots that are voted by punching a card;~~ maintained in a separate ballot box; or

(b) 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. 36. 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 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)}~~ (b) An absent ballot;

~~{(2)}~~ (b) A return envelope;

~~{(3)}~~ (c) Supplies for marking the ballot;

~~{(4)}~~ (d) 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) (e) 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. 37. 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 ~~for 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. 38. 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;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

(d) A sample ballot; and

(e) 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. 39. 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;

~~[(c)]~~ 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. 40. 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, ~~[for 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. 41. 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 a 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) 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. 42. NRS 293C.359 is hereby amended to read as follows:

293C.359 The ballot box for early voting in which voted ballots which are paper ballots ~~for ballots which are voted by punching a card~~ are deposited must have two numbered seals, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

Sec. 43. NRS 293C.3602 is hereby amended to read as follows:

293C.3602 If paper ballots ~~for ballots which are voted by punching a card~~ are used during the period for early voting by personal appearance:

1. Each voting day during that period, the ballots voted at the permanent or temporary polling place may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are stacked inside. The ballot box or sealed container must be delivered by an election board officer to the city clerk's office at the close of each voting day. The seal on the ballot box or container must indicate the number of voted ballots contained in that box or container for that day.

2. When the ballot box or container is delivered pursuant to subsection 1, the city clerk shall provide a new ballot box sealed in the manner prescribed in NRS 293C.359.

3. At the close of each voting day before the fourth voting day before the last day to vote early, the city clerk may deliver all ballots voted to the ballot board for early voting. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the city clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box and container that holds the ballots voted early by personal appearance;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the receipt of *the* ballots, the board shall:

(a) Remove all ballots from the ballot boxes and containers and sort the ballots by precinct or voting district;

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

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

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

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

Sec. 44. 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. If the ballots in the container or box are found to exceed the number of names on the pollbooks, 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. When it has been determined that the pollbook and the number of ballots agree 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. 45. 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. 46. 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.]~~ **4.** 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.]~~ **or 3;** 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.]~~ **or 3,** including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 47. NRS 293C.375 is hereby amended to read as follows:

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

1. After the tally lists have been completed, 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, tally lists and **the** election board register must be returned to the city clerk.

1 **Sec. 48.** NRS 293C.385 is hereby amended to read as follows:

2 293C.385 1. After 8 a.m. on election day, the counting board, if it is
3 responsible for counting absent ballots, or the absent ballot central counting board
4 shall withdraw from the appropriate ballot boxes or containers all the ballots
5 received the previous day and determine whether each box or container has the
6 required number of ballots according to the city clerk's absent voters' ballot record.

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

10 3. After 8 a.m. on election day, the appropriate board shall count in public the
11 votes cast on the absent ballots.

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

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

22 **Sec. 49.** NRS 293C.530 is hereby amended to read as follows:

23 293C.530 1. ~~Before~~ ~~[Not later than 10 days before]~~ the period for early
24 voting ~~[, but not later than 10 days before]~~ ~~for [an] any~~ election ~~[,]~~ ~~begins,~~ the city
25 clerk shall cause to be mailed to each registered voter in the city a sample ballot for
26 his precinct, with a notice informing the voter of the location of his polling place.
27 If the location of the polling place has changed since the last election:

28 (a) The city clerk shall mail a notice of the change to each registered voter in
29 the city not sooner than 10 days before mailing the sample ballots; or

30 (b) The sample ballot must also include a notice in bold type immediately
31 above the location which states:

32
33 NOTICE: THE LOCATION OF YOUR POLLING PLACE
34 HAS CHANGED SINCE THE LAST ELECTION
35

36 2. Except as otherwise provided in subsection 3, a sample ballot required to
37 be mailed pursuant to this section must:

38 (a) Be printed in at least 12-point type;

39 (b) Include the fiscal note and explanation, as required pursuant to NRS
40 293.481 or 293.482, of each citywide measure and advisory question, including
41 arguments for and against it; and

42 (c) Include on the front page, in a separate box created by bold lines, a notice
43 printed in at least 20-point bold type that states:

44
45 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
46 LARGE TYPE, CALL (Insert appropriate telephone number)
47

48 3. A portion of a sample ballot that contains a facsimile of the display area of
49 a voting device may include material in less than 12-point type to the extent
50 necessary to make the facsimile fit on the pages of the sample ballot.

51 4. The sample ballot mailed to a person who requests a sample ballot in large
52 type by exercising the option provided pursuant to NRS 293.508, or in any other
53 manner, must be printed in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

6. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his ballot at such a centralized voting location rather than at his regularly designated polling place.

7. The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 50. 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, 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~~ ~~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. 51. 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.~~

~~—(e)] 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

1 directed by the city clerk into the container provided by him to transport those items
2 to a central counting place and seal the container.

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

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

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

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

10 (b) Note any shortages.

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

14 **Sec. 52.** NRS 293C.645 is hereby amended to read as follows:

15 293C.645 The central ballot inspection board shall:

16 1. Receive the ballots in sealed containers.

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

21 3. Register the numbers of ballots by precinct.

22 4. Deliver any damaged ballots to the ballot duplicating board . ~~[-if the~~
23 ~~ballots were voted by punching a card.]~~

24 5. Receive duplicates of damaged ballots from the ballot duplicating board
25 and place the duplicates with the voted ballots of the appropriate precinct . ~~[-if the~~
26 ~~ballots were voted by punching a card.]~~

27 6. Place each damaged original ballot in a separate envelope and note on the
28 outside of the envelope the appropriate number of the precinct . ~~[-if the ballot was~~
29 ~~voted by punching a card.]~~

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

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

34 **Sec. 53.** NRS 293C.655 is hereby amended to read as follows:

35 293C.655 ~~[If ballots that are voted by punching a card are used, the]~~ *The*
36 ballot duplicating board shall:

37 1. Receive damaged ballots, including ballots that have been torn, bent or
38 mutilated.

39 2. ~~[Receive cards with incompletely punched chips:~~

40 ~~—3.]~~ Prepare on a distinctly colored, serially numbered ballot marked
41 “duplicate” an exact copy of each damaged ballot.

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

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

44 ~~—(1) The chip has at least one corner that is detached from the card; or~~
45 ~~—(2) The fibers of paper on at least one edge of the chip are broken in a way~~
46 ~~that permits unimpeded light to be seen through the card; or~~

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

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

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

1 ~~—5.7~~ 3. Record the serial number of the duplicate ballot on the damaged
2 original ballot and return the damaged and duplicate ballots to the appropriate ballot
3 inspection board.

4 ~~6.7~~ 4. Hold aside the duplicated ballots for counting after all other ballots are
5 counted if this procedure is directed by the city clerk.

6 **Sec. 54.** NRS 294A.005 is hereby amended to read as follows:

7 294A.005 “Candidate” means any person:

- 8 1. Who files a declaration of candidacy;
- 9 2. Who files an acceptance of candidacy;
- 10 3. Whose name appears on an official ballot at any election; or
- 11 4. Who has received contributions in excess of \$100 ~~H~~ , *regardless of*
12 *whether:*

13 *(a) The person has filed a declaration of candidacy or an acceptance of*
14 *candidacy; or*

15 *(b) The name of the person appears on an official ballot at any election.*

16 **Sec. 55.** NRS 295.056 is hereby amended to read as follows:

17 295.056 1. Before a petition for initiative or referendum is filed with the
18 Secretary of State, the petitioners must submit to each county clerk for verification
19 pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents
20 which were circulated for signature within his county. The clerks shall give the
21 person submitting a document or documents a receipt stating the number of
22 documents and pages and the person’s statement of the number of signatures
23 contained therein.

24 2. If a petition for initiative proposes a statute or an amendment to a statute,
25 the document or documents must be submitted not later than the second Tuesday in
26 November of an even-numbered year.

27 3. If a petition for initiative proposes an amendment to the Constitution, the
28 document or documents must be submitted not later than the third Tuesday in June
29 of an even-numbered year.

30 4. If the petition is for referendum, the document or documents must be
31 submitted not later than the third Tuesday in May of an even-numbered year.

32 5. All documents which are submitted to a county clerk for verification must
33 be submitted at the same time. *If documents concerning the same petition are*
34 *submitted for verification to more than one county clerk, the documents must be*
35 *submitted to each county clerk on the same day.*

36 **Sec. 56.** NRS 217.468 is hereby amended to read as follows:

37 217.468 1. Except as otherwise provided in subsections 2 and 3, the
38 Secretary of State shall cancel the fictitious address of a participant 4 years after the
39 date on which the Secretary of State approved the application.

40 2. The Secretary of State shall not cancel the fictitious address of a participant
41 if, before the fictitious address of the participant is cancelled, the participant shows
42 to the satisfaction of the Secretary of State that the participant remains in imminent
43 danger of becoming a victim of domestic violence, sexual assault or stalking.

44 3. The Secretary of State may cancel the fictitious address of a participant at
45 any time if:

46 (a) The participant changes his confidential address from the one listed in the
47 application and fails to notify the Secretary of State within 48 hours after the
48 change of address; ~~for~~

49 (b) The Secretary of State determines that false or incorrect information was
50 knowingly provided in the application ~~H~~ ; or

51 *(c) The participant files a declaration or acceptance of candidacy pursuant to*
52 *NRS 293.177 or 293C.185.*

Sec. 57. 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 ~~[-, 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. 58. 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. 59. NRS 293B.160 and 293B.210 are hereby repealed.

Sec. 60. 1. This section, sections 1 to 57, inclusive, and 59 of this act become effective upon passage and approval.

2. Section 57 of this act expires by limitation upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

3. Section 58 of this act becomes effective upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction.

TEXT OF REPEALED SECTIONS

293B.160 Test program and card deck to be used for certain mechanical voting systems at election. If a mechanical voting system is used whereby votes are cast by punching a card, the computer program and the program card deck used for the test prescribed by NRS 293B.150 must be used to count those ballots which were voted by punching a card for the election.

293B.210 Clerk to furnish lists of candidates and measures to be voted on at election; Secretary of State to provide to or reimburse county for cards used in elections.

1. If a mechanical voting system is used whereby a vote is cast by punching a card, the county or city clerk shall furnish sufficient lists of offices and candidates and the statements of measures to be voted on for the mechanical recording devices used at any election.

2. The Secretary of State shall provide to or reimburse each county for all cards used in each primary or general election. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.