

Amendment No. 607

Senate Amendment to Assembly Bill No. 41 First Reprint	(BDR 24-324)
Proposed by: Senate Committee on Legislative Operations and Elections	
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 dashed underlining* is newly added transitory language.

HAC/BJE



Date: 5/6/2009

A.B. No. 41—Makes various changes to voter registration and voting procedures for certain members of the Armed Forces of the United States and certain members of their families, and certain other voters who reside outside the United States. (BDR 24-324)



ASSEMBLY BILL NO. 41—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE OFFICE OF VETERANS' SERVICES)

PREFILED DECEMBER 5, 2008

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

SUMMARY—Makes various changes to voter registration and voting procedures for certain members of the Armed Forces of the United States and certain members of their families, and certain other voters who reside outside the United States. (BDR 24-324)

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

~

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

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

Legislative Counsel's Digest:

Section 6 of this bill authorizes the Secretary of State to adopt regulations concerning standards for the approved electronic transmission of certain applications, forms and ballots. (NRS 293.247)

Section 8 of this bill expands the acceptable use of the form provided by the Federal Government from a special absent ballot to be used only in general elections and only for federal offices to allow its use in primary and special elections, in addition to general elections, and for state and local offices in addition to federal offices. (NRS 293.3155)

Section 15 of this bill provides that an elector of this State who resides outside the United States may use the special absent ballot as a simultaneous application for registration and ballot to vote. (NRS 293.501)

Sections 8, 9, 11, 12, 15, 16, 18 and 20-22 of this bill allow certain members of the Armed Forces and their spouses and dependents, and certain other electors of this State who reside outside the United States: (1) to request forms for registration, absent ballots, special absent ballots and the form provided by the Federal Government for simultaneous registration and request of an absent ballot; and (2) to return voted ballots by approved electronic transmission. (NRS 293.3155, 293.3157, 293.320, 293.323, 293.501, 293.502, 293.553, 293C.315, 293C.320, 293C.322)

~~**Sections 14 and 17** of this bill allow certain citizens of the United States who have never resided in the United States to use the address of a parent who resides in this State for purposes of establishing residency for voter registration. (NRS 293.486, 293.507)~~

Section 16 of this bill expands the eligibility for late registration by those who have recently returned to residency in the United States to include: (1) the spouses and dependents of members of the Armed Forces stationed outside the United States who have been recently discharged; and (2) persons recently separated from employment outside of the United States and the spouses and dependents of such persons. (NRS 293.502)

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 4 of this act.

Sec. 2. *“Approved electronic transmission” means the sending of information by facsimile machine or by use of the Internet pursuant to the acceptable standards set forth by regulations of the Secretary of State adopted pursuant to NRS 293.247.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *“Special absent ballot” means the absent ballot provided by the Federal Government pursuant to 42 U.S.C. § 1973ff et seq. to ~~any elector or registered voter of this State who is in the~~ Armed Forces personnel or ~~resides outside the continental United States,~~ overseas citizens.*

Sec. 5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 293.247 is hereby amended to read as follows:

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

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

3. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;
- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;
- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;
- (j) The disposition of election returns;
- (k) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

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

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

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

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

(p) *The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;*

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

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

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

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

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

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

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

Sec. 7. NRS 293.270 is hereby amended to read as follows:

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

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

Sec. 8. NRS 293.3155 is hereby amended to read as follows:

293.3155 Notwithstanding any other provisions of this title:

1. Any registered voter of this State who ~~resides outside the continental United States~~ *is Armed Forces personnel or an overseas citizen* may use ~~the form provided by the Federal Government as~~ a special absent ballot for a *primary, general or special* election. ~~[if the voter:~~

~~—(a) Requests an absent ballot and the request is received by the county clerk not later than 30 days before the general election; and~~

~~—(b) Does not receive the absent ballot.]~~

2. The special absent ballot ~~[must]~~ *may* be used ~~[only]~~ for the offices of President and Vice President of the United States, United States Senator and Representative in Congress ~~[-]~~ *, and for any state or local offices and ballot questions for which the registered voter is entitled to cast his ballot.* The ballot must allow the registered voter to vote by writing in his choice of a political party for each office or the name of a candidate whose name appears on the ballot for each office.

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

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

(b) *Approved electronic transmission.*

4. The special absent ballot must not be counted if:

(a) It is submitted from any location within the continental United States, ~~or by an overseas citizen; or~~

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

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

5. *As used in this section, "regular absent ballot" means the absent ballot prepared by the county clerk pursuant to NRS 293.309.*

Sec. 9. NRS 293.3157 is hereby amended to read as follows:

293.3157 1. Any registered voter of this State who resides outside the continental United States may use ~~{a-faesimile-machine}~~ *approved electronic transmission* to request an absent ballot. *Such a request must be received by the county clerk not later than 5 p.m. on the seventh day before the primary, general or special election.* The registered voter shall state on the request whether ~~he~~:

(a) *He* requests the county clerk to send the absent ballot by mail or ~~{faesimile machine}~~ *approved electronic transmission*; and ~~{whether he}~~

(b) *He* will return the absent ballot to the county clerk by mail or ~~{faesimile machine}~~ *approved electronic transmission.*

2. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on his application for voter registration; and

(d) A statement that the voter has not applied and will not apply to any other county clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by ~~{faesimile-machine}~~ *approved electronic transmission*, he shall include with his completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by ~~{faesimile-transmission}~~ *approved electronic transmission*, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

(Street Address)

(City)

(ZIP Code)

My current mailing address is

My e-mail address is _____.
My facsimile transmission number is *(if applicable)* _____.

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20____.

(Signed)

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ~~[FACSIMILE—TRANSMISSION.]~~ *APPROVED ELECTRONIC TRANSMISSION.*

4. The county clerk, if so requested pursuant to subsection 1, shall use ~~[a facsimile machine]~~ *approved electronic transmission* to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each county clerk shall *, insofar as is practicable,* ensure the secrecy of absent ballots that are submitted by ~~[facsimile machine]~~ *approved electronic transmission.*

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

Sec. 10. NRS 293.317 is hereby amended to read as follows:

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

Sec. 11. NRS 293.320 is hereby amended to read as follows:

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

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

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

(b) The form provided by the Federal Government for registration and request of an absent ballot, *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; or*

(c) *A special absent ballot used only for purposes of registering the person to vote,*

before receiving an absent ballot.

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

1 **Sec. 12.** NRS 293.323 is hereby amended to read as follows:

2 293.323 1. Except as otherwise provided in subsection 2 ~~and NRS~~
3 **293.3157**, if the request for an absent ballot is made by mail or facsimile machine,
4 the county clerk shall, as soon as the official absent ballot for the precinct or district
5 in which the applicant resides has been printed, send to the voter by first-class mail
6 , or by any class of mail if the Official Election Mail logo or an equivalent logo or
7 mark created by the United States Postal Service is properly placed on the official
8 absent ballot : ~~[, unless otherwise requested pursuant to NRS 293.3157, if the~~
9 ~~absent voter is within the boundaries of the United States, its territories or~~
10 ~~possessions or on a military base, or by air mail, unless otherwise requested~~
11 ~~pursuant to NRS 293.3157, if the absent voter is in a foreign country but not on a~~
12 ~~military base.]~~

13 (a) An absent ballot;
14 (b) A return envelope;
15 (c) An envelope or similar device into which the ballot is inserted to ensure its
16 secrecy;

17 (d) An identification envelope, if applicable pursuant to NRS 293.3157; and
18 (e) Instructions.

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

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 and NRS 293.3157.

29 5. Before depositing a ballot in the mail 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. 13.** NRS 293.325 is hereby amended to read as follows:

36 293.325 1. Except as otherwise provided in subsection 2, when an absent
37 ballot is returned by a registered voter to the county clerk through the mail, by
38 facsimile machine **or other approved electronic transmission** or in person, and
39 record thereof is made in the absent ballot record book, the county clerk shall neatly
40 stack, unopened, the absent ballot with any other absent ballot received that day in a
41 container and deliver, or cause to be delivered, that container to the precinct or
42 district election board.

43 2. If an absent ballot central counting board has been appointed, when an
44 absent ballot is returned by a registered voter to the county clerk through the mail,
45 by facsimile machine **or other approved electronic transmission** or in person, the
46 county clerk shall check the signature on the return envelope ~~for~~, facsimile **or**
47 **other approved electronic transmission** against the original signature of the voter
48 on the county clerk's register. If the county clerk determines that the absent voter is
49 entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place
50 the ballot, unopened, in a container that must be securely locked or under the
51 control of the county clerk at all times. At the end of each day before election day,
52 the county clerk may remove the ballots from each ballot box, neatly stack the
53 ballots in a container and seal the container with a numbered seal. Not earlier than 4

working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 14. ~~NRS 293.486 is hereby amended to read as follows:~~
~~293.486 1. Except as otherwise provided in [subsection 2,] subsections 2 and 3, for the purposes of registering to vote, the address at which the voter actually resides is the street address assigned to the location at which the voter actually resides.~~

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

~~3. A person who:~~

~~(a) Is a citizen of the United States;~~

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

~~(c) Would otherwise be an elector of this State; and~~

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

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

~~4. The provisions of this section do not authorize a person to register to vote if he is not otherwise eligible to register to vote. (Deleted by amendment.)~~

Sec. 15. NRS 293.501 is hereby amended to read as follows:

293.501 Notwithstanding any other provisions of this title:

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

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

~~3. If an elector registers to vote pursuant to the provisions of subsection 1, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.] An elector referred to in subsection 1 may complete the form and return it by:~~

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

~~(b) Approved electronic transmission.~~

3. If an elector registers to vote pursuant to the provisions of this section and returns the form provided by the Federal Government for registration and request of an absent ballot by:

(a) Mail, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.

(b) Approved electronic transmission, he shall be deemed to be registered as of the date on which he initiates the approved electronic transmission.

Sec. 16. NRS 293.502 is hereby amended to read as follows:

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

~~(a) Complies]:~~

1 (a) *Who complies* with the requirements for registration set forth in the
2 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. ~~§ 4973;~~
3 ~~(b) Is~~ §§ 1973ff et seq.;

4 (b) *Who, not more than 60 days before an election:*

5 (1) *Is discharged from the Armed Forces of the United States or is the*
6 *spouse or dependent of an elector who is discharged from the Armed Forces; or*

7 (2) *Is separated from employment outside the territorial limits of the*
8 *United States* ~~[not more than 60 days before an election;]~~ *or is the spouse or*
9 *dependent of an elector who is separated from employment outside the territorial*
10 *limits of the United States;*

11 (c) ~~[Presents]~~ *Who presents* evidence of ~~[his]~~ *the* discharge *or separation from*
12 *employment described in paragraph (b)* to the county clerk; and

13 (d) Is not registered to vote at the close of registration for that election,
14 ➤ must be allowed to register to vote in the election.

15 2. Such an elector must:

16 (a) Register in person; and

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

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

21 **Sec. 17.** ~~[NRS 293.507 is hereby amended to read as follows:~~

22 ~~293.507 1. The Secretary of State shall prescribe:~~

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

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

26 ~~(c) A standard form for the affidavit described in subsection 5;~~

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

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

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

31 ~~(b) Receipt which:~~

32 ~~(1) Includes a space for a person assisting an applicant in completing the~~
33 ~~form to enter his name; and~~

34 ~~(2) May be retained by the applicant upon completion of the form;~~

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

36 ~~(a) A line for use by the applicant to enter:~~

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

40 ~~(2) The last four digits of the applicant's social security number, if the~~
41 ~~applicant does not have a driver's license issued by the Department of Motor~~
42 ~~Vehicles and does have a social security number; or~~

43 ~~(3) The number issued to the applicant pursuant to subsection 5, if the~~
44 ~~applicant does not have a current and valid driver's license issued by the~~
45 ~~Department of Motor Vehicles or a social security number;~~

46 ~~(b) A line on which to enter the address at which the applicant or his parent~~
47 ~~actually resides, as set forth in NRS 293.486.~~

48 ~~(c) A notice that the applicant may not list a business as the address required~~
49 ~~pursuant to paragraph (b) unless he actually resides there;~~

50 ~~(d) A line on which to enter an address at which the applicant may receive~~
51 ~~mail, including, without limitation, a post office box or general delivery;~~

52 ~~5. If an applicant does not have the identification set forth in subparagraph (1)~~
53 ~~or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating~~

1 ~~that he does not have a current and valid driver's license issued by the Department~~
2 ~~of Motor Vehicles or a social security number. Upon receipt of the affidavit, the~~
3 ~~county clerk shall issue an identification number to the applicant which must be the~~
4 ~~same number as the unique identifier assigned to the applicant for purposes of the~~
5 ~~statewide voter registration list.~~

6 ~~6. The Secretary of State shall adopt regulations to carry out the provisions of~~
7 ~~subsections 2, 4 and 5.] (Deleted by amendment.)~~

8 **Sec. 18.** NRS 293.553 is hereby amended to read as follows:

9 293.553 Any elector of this State who is in the service of the United States or
10 attending an institution of learning, and by reason thereof is beyond the boundaries
11 of this State, and who has not registered before or whose registration has been
12 cancelled may, at any time, request from the county clerk of the county of the
13 elector's residence ~~[by mail, telephone or telegram]~~ an application to register to
14 vote. The county clerk, if satisfied that the elector is eligible for registration, shall
15 forward the application immediately. The county clerk shall, upon receipt of the
16 completed application, file it in the manner provided by law.

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

18 **Sec. 20.** NRS 293C.315 is hereby amended to read as follows:

19 293C.315 1. Any registered voter of this State who resides outside the
20 continental United States may use ~~[a facsimile machine]~~ *approved electronic*
21 *transmission* to request an absent ballot. *Such a request must be received by the*
22 *city clerk not later than 5 p.m. on the seventh day before the primary, general or*
23 *special election.* The registered voter shall state on the request whether ~~[he]~~ :

24 (a) *He* requests the city clerk to send the absent ballot by mail or ~~[facsimile~~
25 ~~machine]~~ *approved electronic transmission*; and ~~[whether he]~~

26 (b) *He* will return the absent ballot to the city clerk by mail or ~~[facsimile~~
27 ~~machine]~~ *approved electronic transmission.*

28 2. If the registered voter indicates pursuant to subsection 1 that he will submit
29 the absent ballot by mail, he shall include with his completed absent ballot the
30 identification envelope provided by the city clerk. The identification envelope must
31 be in the form prescribed by the Secretary of State and include, without limitation:

32 (a) A declaration, under penalty of perjury, stating that the registered voter
33 resides within the precinct or district in which he is voting and is the person whose
34 name appears on the envelope;

35 (b) The signature of the registered voter;

36 (c) The address that the registered voter provided on his application for voter
37 registration; and

38 (d) A statement that the voter has not applied and will not apply to any other
39 city clerk for an absent ballot.

40 3. If the registered voter indicates pursuant to subsection 1 that he will submit
41 the absent ballot by ~~[facsimile machine]~~ *approved electronic transmission*, he
42 shall include with his completed absent ballot the following:

OATH OF VOTER

43
44
45 I, _____, acknowledge that by returning my voted ballot
46 by ~~[facsimile transmission]~~ *approved electronic transmission*, I have
47 waived my right to have my ballot kept secret. Nevertheless, I understand
48 that, as with any absent voter, my signature, whether on this oath of voter
49 form or my identification envelope, will be permanently separated from my
50 voted ballot to maintain its secrecy at the outset of the tabulation process
51 and thereafter.
52

My residential address is _____.

(Street Address) (City) (ZIP Code)

My current mailing address is _____.

My e-mail address is _____.

My facsimile transmission number is *(if applicable)* _____.

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20____.
(Signed)

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ~~{FACSIMILE—TRANSMISSION—}~~ *APPROVED ELECTRONIC TRANSMISSION.*

4. The city clerk, if so requested pursuant to subsection 1, shall use ~~{a facsimile machine}~~ *approved electronic transmission* to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each city clerk shall, *insofar as is practicable*, ensure the secrecy of absent ballots that are submitted by ~~{facsimile machine—}~~ *approved electronic transmission.*

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

Sec. 21. NRS 293C.320 is hereby amended to read as follows:

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

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

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

(b) The form provided by the Federal Government for registration and request of an absent ballot, *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; or*

(c) *A special absent ballot used only for purposes of registering the person to vote,*

before receiving an absent ballot.

Sec. 22. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 ~~{H}~~ *and NRS 293C.315*, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail,

or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot : ~~{, unless otherwise requested pursuant to NRS 293C.315, 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, unless otherwise requested pursuant to NRS 293C.315, if the absent voter is in a foreign country but not on a military base;}~~

- (a) An absent ballot;
- (b) A return envelope;
- (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- (d) An identification envelope, if applicable pursuant to NRS 293C.315; and
- (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 may mail his absent ballot to the city clerk or submit his absent ballot by facsimile machine.

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 and NRS 293C.315.

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. 23. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, the county clerk shall check the signature on the return envelope, ~~{or}~~ *or other approved electronic transmission* against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

1 **Sec. 24.** This act becomes effective on July 1, 2009.