

ASSEMBLY BILL NO. 301—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 17, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the restoration of civil rights for ex-felons. (BDR 16-687)

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 civil rights; revising provisions governing the restoration of the right to vote to persons who have been convicted of a felony; revising provisions governing the registration to vote of a person convicted of a felony; revising provisions governing the cancellation of the registration to vote of a person convicted of a felony; revising provisions governing a challenge to the right to vote of a person convicted of a felony; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to cancel the registration to vote of a person who has been convicted of a felony unless the person's right to vote has been restored: (1) under the laws of this State; or (2) if the conviction occurred in another state, under the laws of that state. (NRS 293.540) Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to the right to vote upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon with the restoration of the right to vote; (4) an honorable discharge from parole; or (5) being released from prison because of the expiration of his or her sentence. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) **Sections 4, 5 and 7** of this bill remove all exceptions to the restoration of the right to vote of a person convicted of a felony so that any person convicted of a felony in this State is restored to the right to vote upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon with the restoration of the right to vote; (4) an honorable discharge from parole; or (5) the completion of his or her sentence and release from prison.

Sections 10-15 of this bill revise provisions relating to voter registration. Under existing law, the civil right to vote of a person who is resident of this State and who



* A B 3 0 1 R 2 *

has been convicted of a felony in another state is determined by the law of that other state. (NRS 293.540) **Section 10.3** of this bill provides that a resident of this State who was convicted of a felony in another state is restored to the right to vote in this State if he or she: (1) has been released from prison because of the expiration of his or her sentence; (2) has received a discharge from probation or parole which is not a dishonorable discharge; or (3) has received a pardon, or an order from a court of competent jurisdiction, which restores the person's civil right to vote. **Section 10.5** of this bill prohibits a county clerk from requiring a person seeking to register to vote to present documentation indicating that the person's right to vote has been restored following a conviction for a felony in this State or another state. **Section 10.7** of this bill provides for an appeal to the Secretary of State and the district court if the county clerk cancels the voter registration of, or refuses to register, a person on the ground that the person is ineligible to vote because the person: (1) has been convicted of a felony in this State or another state; and (2) has not had his or her civil right to vote restored. **Section 12** revises the procedures to be followed by a county clerk upon a determination based on specific evidence that a person is ineligible to vote because the person: (1) has been convicted of a felony in this State or another state; and (2) has not had his or her civil right to vote restored. **Section 13** revises the procedure for reregistering a person to vote after a cancellation of the person's right to vote because of a felony conviction. **Section 14** revises the procedures to be followed by a county clerk, district attorney or court upon a receipt of a challenge providing that a person is ineligible to vote because the person: (1) has been convicted of a felony in this State or another state; and (2) has not had his or her civil right to vote restored.

Section 16 of this bill specifies that the civil right to vote is restored to residents of this State who: (1) have not had their right to vote restored; (2) are not on probation or parole or serving a sentence of imprisonment on July 1, 2011; and (3) before July 1, 2011, were honorably discharged from probation or parole, pardoned with the restoration of the right to vote or released from prison after serving their sentences. **Section 16** further provides that notification to such persons of the restoration of the civil right to vote is not required.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 213.155 is hereby amended to read as follows:

213.155 1. ~~Except as otherwise provided in subsection 2, a~~

A person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the ~~following~~ civil ~~rights~~:

~~(1) The~~ right to vote. ~~and~~

~~(2) The~~

(b) Except as otherwise provided in subsection 2:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~(b)~~ (2) Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.



~~[(e)]~~ (3) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in *paragraph (b) of* subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➤ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in *paragraph (b) of* subsection 1.

~~3. [Except for a person subject to the limitations set forth in subsection 2, upon]~~ *Upon* his or her honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from parole;

(b) That the person has been restored to his or her civil ~~rights]~~ *right* to vote ~~and] as of the date of his or her honorable discharge from parole; and~~

(c) If the person is not subject to the limitations set forth in subsection 2:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;

~~[(e)]~~ (2) The date on which his or her civil right to hold office will be restored to the person pursuant to *subparagraph (2) of* paragraph (b) of subsection 1; and

~~[(d)]~~ (3) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to *subparagraph (3) of* paragraph ~~[(e)]~~ (b) of subsection 1.



4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole is lost, damaged or destroyed may file a written request with ~~[a court of competent jurisdiction to restore]~~ *the district court in and for the county in which the person resides for the issuance of an order declaring that* his or her civil rights *have been restored* pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to *any of* the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights ~~[set forth in]~~ *to which the person is entitled to be restored pursuant to [subsection 1.] this section.* A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights, as proof that the person has been restored to *any of* the civil rights set forth in ~~[subsection 1.]~~ *this section.*

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 5. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~[Except as otherwise provided in subsection 2, a]~~ A person convicted of a felony in the State of Nevada who has ~~[served]~~ *completed* his or her sentence and has been released from prison:

(a) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~
~~— (1) The]~~ right to vote . ~~[- and~~
~~— (2) The]~~

(b) Except as otherwise provided in subsection 2:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~[(b)]~~ *(2)* Four years after the date of his or her release from prison, is restored to the right to hold office.

~~[(e)]~~ *(3)* Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in *paragraph (b) of* subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.



* A B 3 0 1 R 2 *

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➤ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in *paragraph (b) of* subsection 1.

3. ~~{Except for a person subject to the limitations set forth in subsection 2, upon}~~ *Upon* his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person has been restored to his or her civil ~~{rights}~~ *right* to vote ~~{and}~~ *as of the date of his or her release from prison; and*

(c) If the person is not subject to the limitations set forth in subsection 2:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of his or her release from prison;

~~{(e)}~~ *(2)* The date on which his or her civil right to hold office will be restored to the person pursuant to *subparagraph (2) of* paragraph (b) of subsection 1; and

~~{(d)}~~ *(3)* The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to *subparagraph (3) of* paragraph ~~{(e)}~~ *(b)* of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has *completed his or her sentence and has* been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with ~~{a court of competent jurisdiction to restore}~~ *the district court in and for the county in which the person resides for the issuance of an order declaring that* his or her civil rights *have been restored* pursuant to this section. Upon verification that the person has *completed his or her sentence, has* been released from prison and is eligible to be restored to *any of* the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights ~~{set forth in}~~ *to which the person is entitled to be restored pursuant to {subsection 1.} this*



1 *section.* A person must not be required to pay a fee to receive such
2 an order.

3 5. A person who has *completed his or her sentence and has*
4 been released from prison in this State or elsewhere may present:

5 (a) Official documentation of his or her *completion of sentence*
6 *and* release from prison, if it contains the provisions set forth in
7 subsection 3; or

8 (b) A court order restoring his or her civil rights,
9 ➔ as proof that the person has been restored to *any of* the civil
10 rights set forth in ~~[subsection 1.]~~ *this section.*

11 **Sec. 6.** (Deleted by amendment.)

12 **Sec. 7.** NRS 176A.850 is hereby amended to read as follows:

13 176A.850 1. A person who:

14 (a) Has fulfilled the conditions of probation for the entire period
15 thereof;

16 (b) Is recommended for earlier discharge by the Division; or

17 (c) Has demonstrated fitness for honorable discharge but
18 because of economic hardship, verified by the Division, has been
19 unable to make restitution as ordered by the court,

20 ➔ may be granted an honorable discharge from probation by order
21 of the court.

22 2. Any amount of restitution remaining unpaid constitutes a
23 civil liability arising upon the date of discharge.

24 3. ~~[Except as otherwise provided in subsection 4, a]~~ A person
25 who has been honorably discharged from probation:

26 (a) Is free from the terms and conditions of probation.

27 (b) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~

28 ~~—— (1) The]~~ right to vote . ~~[; and~~

29 ~~—— (2) The]~~

30 (c) *Except as otherwise provided in subsection 4:*

31 (1) *Is immediately restored to the* right to serve as a juror in
32 a civil action.

33 ~~[(e)]~~ (2) Four years after the date of honorable discharge from
34 probation, is restored to the right to hold office.

35 ~~[(d)]~~ (3) Six years after the date of honorable discharge from
36 probation, is restored to the right to serve as a juror in a criminal
37 action.

38 ~~[(e)]~~ (d) If the person meets the requirements of NRS 179.245,
39 may apply to the court for the sealing of records relating to the
40 conviction.

41 ~~[(f)]~~ (e) Must be informed of the provisions of this section and
42 NRS 179.245 in the person's probation papers.

43 ~~[(g)]~~ (f) Is exempt from the requirements of chapter 179C of
44 NRS, but is not exempt from the requirements of chapter 179D of
45 NRS.



* A B 3 0 1 R 2 *

1 ~~[(h)]~~ (g) Shall disclose the conviction to a gaming establishment
2 and to the State and its agencies, departments, boards, commissions
3 and political subdivisions, if required in an application for
4 employment, license or other permit. As used in this paragraph,
5 “establishment” has the meaning ascribed to it in NRS 463.0148.

6 ~~[(i)]~~ (h) Except as otherwise provided in paragraph ~~[(h)]~~ (g),
7 need not disclose the conviction to an employer or prospective
8 employer.

9 4. Except as otherwise provided in this subsection, the civil
10 rights set forth in *paragraph (c) of* subsection 3 are not restored to a
11 person honorably discharged from probation if the person has
12 previously been convicted in this State:

13 (a) Of a category A felony.

14 (b) Of an offense that would constitute a category A felony if
15 committed as of the date of the honorable discharge from probation.

16 (c) Of a category B felony involving the use of force or violence
17 that resulted in substantial bodily harm to the victim.

18 (d) Of an offense involving the use of force or violence that
19 resulted in substantial bodily harm to the victim and that would
20 constitute a category B felony if committed as of the date of
21 honorable discharge from probation.

22 (e) Two or more times of a felony, unless a felony for which the
23 person has been convicted arose out of the same act, transaction or
24 occurrence as another felony, in which case the convictions for
25 those felonies shall be deemed to constitute a single conviction for
26 the purposes of this paragraph.

27 ➔ A person described in this subsection may petition a court of
28 competent jurisdiction for an order granting the restoration of civil
29 rights as set forth in *paragraph (c) of* subsection 3.

30 5. The prior conviction of a person who has been honorably
31 discharged from probation may be used for purposes of
32 impeachment. In any subsequent prosecution of the person, the prior
33 conviction may be pleaded and proved if otherwise admissible.

34 6. ~~[(Except for a person subject to the limitations set forth in~~
35 ~~subsection 4, upon]~~ *Upon* honorable discharge from probation, the
36 person so discharged must be given an official document which
37 provides:

38 (a) That the person has received an honorable discharge from
39 probation;

40 (b) That the person has been restored to his or her civil ~~[(rights]~~
41 *right* to vote ~~[(and] as of the date of honorable discharge from~~
42 *probation; and*

43 (c) *If the person is not subject to the limitations set forth in*
44 *subsection 4:*



1 *(1) That the person has been restored to his or her civil*
2 *right* to serve as a juror in a civil action as of the date of honorable
3 discharge from probation;

4 ~~[(e)]~~ (2) The date on which the person's civil right to hold
5 office will be restored pursuant to *subparagraph (2) of* paragraph
6 (c) of subsection 3; and

7 ~~[(d)]~~ (3) The date on which the person's civil right to serve as a
8 juror in a criminal action will be restored pursuant to *subparagraph*
9 *(3) of* paragraph ~~[(d)]~~ (c) of subsection 3.

10 7. Subject to the limitations set forth in subsection 4, a person
11 who has been honorably discharged from probation in this State or
12 elsewhere and whose official documentation of honorable discharge
13 from probation is lost, damaged or destroyed may file a written
14 request with ~~[a court of competent jurisdiction to restore the~~
15 ~~person's]~~ *the district court in and for the county in which the*
16 *person resides for the issuance of an order declaring that his or*
17 *her civil rights have been restored* pursuant to this section. Upon
18 verification that the person has been honorably discharged from
19 probation and is eligible to be restored to *any of* the civil rights set
20 forth in subsection 3, the court shall issue an order restoring the
21 person to the civil rights ~~[set forth in]~~ *to which the person is*
22 *entitled to be restored pursuant to [subsection 3.] this section.* A
23 person must not be required to pay a fee to receive such an order.

24 8. A person who has been honorably discharged from
25 probation in this State or elsewhere may present:

26 (a) Official documentation of honorable discharge from
27 probation, if it contains the provisions set forth in subsection 6; or

28 (b) A court order restoring the person's civil rights,
29 ➔ as proof that the person has been restored to *any of* the civil
30 rights set forth in ~~[subsection 3.]~~ *this section.*

31 Sec. 8. (Deleted by amendment.)

32 Sec. 9. (Deleted by amendment.)

33 Sec. 10. Chapter 293 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 10.3, 10.5 and 10.7 of this
35 act.

36 Sec. 10.3. *A person who is a resident of this State and who*
37 *has been convicted of a felony in another state is restored to the*
38 *civil right to vote in this State if the person:*

39 1. *Has been released from prison because of the completion*
40 *of his or her sentence;*

41 2. *Has received a discharge from probation or parole which*
42 *is not a dishonorable discharge or the equivalent thereof; or*

43 3. *Has received a pardon or an order from a court of*
44 *competent jurisdiction which restores his or her civil right to vote.*



* A B 3 0 1 R 2 *

Sec. 10.5. *A county clerk shall not ask or require a person seeking to register to vote to present:*

1. A court order indicating that the person's civil right to vote has been restored following a conviction for a felony in this State or another state; or

2. Any other documentation indicating that the person's civil right to vote has been restored following a conviction for a felony in this State or another state.

Sec. 10.7. *1. If a county clerk cancels the registration of a registrant pursuant to subsection 3 of NRS 293.540 or refuses to reregister an elector for a reason stated in subsection 2 of NRS 293.543, the registrant or elector may appeal to the Secretary of State by providing to the Secretary of State written notice of the appeal and any relevant evidence, which may include, without limitation, an affirmation under penalty of perjury that the registrant or elector is a lawful resident of this State and:*

(a) Has never been convicted of a felony in this State or another state; or

(b) Has been convicted of a felony in this State but has been restored to the civil right to vote pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or has been convicted of a felony in another state but has been restored to the civil right to vote in this State pursuant to the provisions of section 10.3 of this act.

2. If the Secretary of State receives relevant evidence pursuant to subsection 1 and no other evidence exists to support the cancellation of the registration of the appellant or the refusal to reregister the appellant, the Secretary of State must issue an order that the appellant be registered to vote in the county of which the appellant is a resident.

3. If:

(a) The cancellation of the registration or refusal to reregister occurred more than 60 days before the date of any election and the Secretary of State does not issue an order pursuant to subsection 2 within 60 days after receipt of a notice of appeal and relevant evidence pursuant to subsection 1; or

(b) The cancellation of the registration or refusal to reregister occurred 60 days or less before the date of any election and the Secretary of State does not issue an order pursuant to subsection 2 within 40 days after receipt of a notice of appeal and relevant evidence pursuant to subsection 1,

↳ the registrant or elector who filed the appeal with the Secretary of State may bring a civil action for declaratory or injunctive relief in the district court in and for the county where the registrant or elector resides. The court shall give the civil action priority over



other civil matters to which priority is not given by other provisions of NRS.

4. If, within 30 days before any election, a county clerk cancels the registration of a registrant pursuant to subsection 3 of NRS 293.540 or refuses to reregister an elector for a reason stated in subsection 2 of NRS 293.543, the registrant or elector may, without submitting an appeal to the Secretary of State pursuant to subsection 1, bring a civil action for declaratory or injunctive relief in the district court in and for the county where the registrant or elector resides. The court shall give the civil action priority over other civil matters to which priority is not given by other provisions of NRS.

Sec. 11. 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:

(a) For a candidate for judicial office, the first Monday in January 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 January; and

(b) For all other candidates, the first Monday in March 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 March.

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



1 of candidacy for this office; that my telephone number is
2 and the address at which I receive mail, if different than my
3 residence, is; that I am registered as a member of the
4 Party; that I am a qualified elector pursuant to Section 1
5 of Article 2 of the Constitution of the State of Nevada; that if I have
6 ever been convicted of treason or a felony, my civil rights have been
7 restored ; ~~By a court of competent jurisdiction;~~ that I have not, in
8 violation of the provisions of NRS 293.176, changed the designation
9 of my political party or political party affiliation on an official
10 application to register to vote in any state since December 31 before
11 the closing filing date for this election; that I generally believe in
12 and intend to support the concepts found in the principles and
13 policies of that political party in the coming election; that if
14 nominated as a candidate of the Party at the ensuing
15 election, I will accept that nomination and not withdraw; that I will
16 not knowingly violate any election law or any law defining and
17 prohibiting corrupt and fraudulent practices in campaigns and
18 elections in this State; that I will qualify for the office if elected
19 thereto, including, but not limited to, complying with any limitation
20 prescribed by the Constitution and laws of this State concerning the
21 number of years or terms for which a person may hold the office;
22 and that I understand that my name will appear on all ballots as
23 designated in this declaration.

24
25
26 (Designation of name)
27

28
29 (Signature of candidate for office)
30

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

33
34
35 Notary Public or other person
36 authorized to administer an oath
37

38 (b) For nonpartisan office:

39
40 DECLARATION OF CANDIDACY OF FOR THE
41 OFFICE OF

42
43 State of Nevada

44
45 County of



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

25
26
27 (Designation of name)
28

29
30 (Signature of candidate for office)
31

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

34
35
36 Notary Public or other person
37 authorized to administer an oath
38

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



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



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

9 **Sec. 12.** NRS 293.540 is hereby amended to read as follows:

10 293.540 The county clerk shall cancel the registration:

11 1. If the county clerk has personal knowledge of the death of
12 the person registered, or if an authenticated certificate of the death
13 of any elector is filed in the county clerk's office.

14 2. If the insanity or mental incompetence of the person
15 registered is legally established.

16 3. Upon ~~[the]~~ a determination *based on specific evidence* that
17 the person registered has been convicted of a felony unless:

18 (a) If the person registered was convicted of a felony in this
19 State, the right to vote of the person has been restored pursuant to
20 the provisions of NRS *176A.850, 179.285, 213.090, 213.155 or*
21 *213.157.*

22 (b) If the person registered was convicted of a felony in another
23 state, the right to vote of the person has been restored pursuant to
24 the ~~[laws of the state in which the person was convicted.]~~ *provisions*
25 *of section 10.3 of this act.*

26 *↳ Before cancelling a registration pursuant to this subsection, the*
27 *county clerk shall notify the registrant and provide to the*
28 *registrant an affidavit which allows the registrant to affirm under*
29 *penalty of perjury that he or she is a lawful resident of this State*
30 *and that he or she has never been convicted of a felony in this*
31 *State or another state or, if so, has had his or her civil right to vote*
32 *in this State restored pursuant to the provisions of NRS 176A.850,*
33 *179.285, 213.090, 213.155 or 213.157 or pursuant to the*
34 *provisions of section 10.3 of this act. If the registrant so affirms or*
35 *presents a court order or official documentation indicating that he*
36 *or she has had his or her civil right to vote in this State restored*
37 *pursuant to the provisions of NRS 176A.850, 179.285, 213.090,*
38 *213.155 or 213.157 or pursuant to the provisions of section 10.3 of*
39 *this act, the county clerk may not cancel the registration unless the*
40 *county clerk has specific, documentary evidence that the registrant*
41 *is ineligible to vote in this State. If the registrant fails to respond*
42 *within 30 days after receiving the notice pursuant to this*
43 *subsection, the county clerk may cancel the registration.*

44 4. Upon the production of a certified copy of the judgment of
45 any court directing the cancellation to be made.



* A B 3 0 1 R 2 *

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 13. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been declared sane or mentally competent by the district court.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister ~~after presenting satisfactory evidence which demonstrates that the elector's:~~ if:

(a) ~~[Conviction]~~ *The elector's conviction* has been overturned; or

(b) ~~[Civil rights have been restored:~~

~~(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.~~

~~(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.]~~ *The elector has been restored to his or her civil right to vote in this State pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act.*

↪ A county clerk shall not require an elector seeking to reregister pursuant to this subsection to present any information or documentation other than the information and documentation required for a person to register to vote pursuant to this chapter, unless the county clerk has specific evidence that the elector has been convicted of a felony in this State or another state and has not had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the county clerk has or receives such specific evidence, the county clerk must notify the elector of that evidence and provide to the elector an affidavit which allows the elector to affirm under



* A B 3 0 1 R 2 *

penalty of perjury that he or she is a lawful resident of this State and that he or she has never been convicted of a felony in this State or another state or, if so, has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the registrant so affirms or presents a court order or official documentation indicating that he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the county clerk must reregister the elector.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 14. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the election board register.

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote



* A B 3 0 1 R 2 *

1 has been challenged pursuant to this section informing the person of
2 the challenge. *If the person's right to vote is challenged on the*
3 *grounds that the person has been convicted of a felony in this*
4 *State or another state and has not had his or her civil right to vote*
5 *in this State restored pursuant to the provisions of NRS 176A.850,*
6 *179.285, 213.090, 213.155 or 213.157 or pursuant to the*
7 *provisions of section 10.3 of this act, the notice must be*
8 *accompanied by an affidavit which allows the person whose right*
9 *to vote has been challenged to affirm under penalty of perjury that*
10 *he or she is a lawful resident of this State and that he or she has*
11 *never been convicted of a felony in this State or another state or, if*
12 *so, has had his or her civil right to vote in this State restored*
13 *pursuant to the provisions of NRS 176A.850, 179.285, 213.090,*
14 *213.155 or 213.157 or pursuant to the provisions of section 10.3 of*
15 *this act. If the person so affirms or presents a court order or*
16 *official documentation indicating that he or she has had his or her*
17 *civil right to vote in this State restored pursuant to the provisions*
18 *of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or*
19 *pursuant to the provisions of section 10.3 of this act, the county*
20 *clerk may not cancel the registration of the person whose right to*
21 *vote has been challenged unless the county clerk has specific,*
22 *documentary evidence that the person is ineligible to vote in this*
23 *State.* If the person fails to respond or appear to vote within the
24 required time, the county clerk shall cancel the person's registration.
25 A copy of the challenge and information describing how to
26 reregister properly must accompany the notice.

27 (c) Immediately notify the district attorney. A copy of the
28 challenge must accompany the notice.

29 6. Upon receipt of a notice pursuant to this section, the district
30 attorney shall investigate the challenge within 14 days and, if
31 appropriate, cause proceedings to be instituted and prosecuted in a
32 court of competent jurisdiction without delay. *If the right to vote of*
33 *a person has been challenged on the grounds that the person has*
34 *been convicted of a felony in this State or another state and has*
35 *not had his or her civil right to vote in this State restored pursuant*
36 *to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or*
37 *213.157 or pursuant to the provisions of section 10.3 of this act,*
38 *and if the person presents to the district attorney or the court the*
39 *affidavit signed by the person pursuant to paragraph (b) of*
40 *subsection 5 or a court order or other documentation indicating*
41 *that he or she has had his or her civil right to vote in this State*
42 *restored pursuant to the provisions of NRS 176A.850, 179.285,*
43 *213.090, 213.155 or 213.157 or pursuant to the provisions of*
44 *section 10.3 of this act, the district attorney or the court must find*
45 *that the person is entitled to the civil right to vote in this State*



unless the district attorney or the court has specific, documentary evidence that the person is ineligible to vote in this State. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 15. 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



1 State concerning the number of years or terms for which a person
2 may hold the office; and my name will appear on all ballots as
3 designated in this declaration.

4
5
6 (Designation of name)

7
8
9 (Signature of candidate for office)

10
11 Subscribed and sworn to before me
12 this day of the month of of the year

13
14
15 Notary Public or other person
16 authorized to administer an oath
17

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

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

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

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

30 (2) A current utility bill, bank statement, paycheck, or
31 document issued by a governmental entity, including a check which
32 indicates the candidate's name and residential address, but not
33 including a voter registration card issued pursuant to NRS 293.517.

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

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

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

40 5. By filing the declaration or acceptance of candidacy, the
41 candidate shall be deemed to have appointed the city clerk as his or
42 her agent for service of process for the purposes of a proceeding
43 pursuant to NRS 293C.186. Service of such process must first be
44 attempted at the appropriate address as specified by the candidate in
45 the declaration or acceptance of candidacy. If the candidate cannot



1 be served at that address, service must be made by personally
2 delivering to and leaving with the city clerk duplicate copies of the
3 process. The city clerk shall immediately send, by registered or
4 certified mail, one of the copies to the candidate at the specified
5 address, unless the candidate has designated in writing to the city
6 clerk a different address for that purpose, in which case the city
7 clerk shall mail the copy to the last address so designated.

8 6. If the city clerk receives credible evidence indicating that a
9 candidate has been convicted of a felony and has not had his or her
10 civil rights restored, ~~[by a court of competent jurisdiction,]~~ the city
11 clerk:

12 (a) May conduct an investigation to determine whether the
13 candidate has been convicted of a felony and, if so, whether the
14 candidate has had his or her civil rights restored ; ~~[by a court of~~
15 ~~competent jurisdiction;]~~ and

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

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

29 **Sec. 16.** 1. Any person residing in this State who, before
30 July 1, 2011:

31 (a) Was honorably discharged from probation pursuant to
32 NRS 176A.850;

33 (b) Was granted a pardon with the restoration of the right to vote
34 pursuant to NRS 213.090;

35 (c) Was honorably discharged from parole pursuant to NRS
36 213.155; or

37 (d) Completed his or her sentence and was released from prison
38 pursuant to NRS 213.157,

39 ➔ who is not on probation or parole or serving a sentence of
40 imprisonment on July 1, 2011, and who has not had his or her civil
41 right to vote restored is hereby restored to the civil right to vote.

42 2. The provisions of this act do not require any notification to a
43 person described in subsection 1 of the restoration of his or her civil
44 right to vote.



1 **Sec. 17.** This act becomes effective on July 1, 2011.

③⑩

