

ASSEMBLY BILL NO. 310—ASSEMBLYMEN SHERWOOD, GOEDHART, HAMBRICK; ELLISON, GOICOECHEA, HAMMOND, HARDY, HICKEY, KIRNER, KITE, LIVERMORE, MCARTHUR AND STEWART

MARCH 18, 2011

JOINT SPONSORS: SENATORS GUSTAVSON; HALSETH, KIECKHEFER AND SETTELMAYER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the requirements for voting by persons who register to vote by mail. (BDR 24-770)

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 voting; requiring each person who registers to vote by mail to present certain forms of identification before voting regardless of whether he or she has previously voted in an election for a federal office in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Unless a person meets certain exceptions, existing law provides that a person
2 who registers by mail to vote and has not previously voted in a federal election in
3 this State may only vote at a polling place or may only vote by mail if he or she
4 presents certain forms of identification to the election board officer or to the city or
5 county clerk, respectively. (NRS 293.2725) **Section 1** of this bill removes the
6 qualifier regarding a person having previously voted in a federal election in this
7 State and requires any person who registers by mail to vote and does not meet the
8 exceptions to present the required forms of identification before voting each time
9 the person votes.



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

Section 1. 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 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 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 an 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 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 an application to register to vote a driver's license number or at least the last four digits of his or her 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 the 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



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

Sec. 2. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which the person resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➤ If the applicant does not provide the additional information within the prescribed period, the application is void.



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7. The applicant shall be deemed to be registered or to have corrected the information in the register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail , ~~and the applicant is registering to vote for the first time,~~ the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 . ~~upon voting for the first time.~~

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the



1 address is fictitious or the person does not live at that address, the
2 county clerk shall attempt to determine whether the person's current
3 residence is other than that indicated on the application to register to
4 vote in the manner set forth in NRS 293.530.

5 13. A person who, by mail, registers to vote pursuant to this
6 section may be assisted in completing the application to register to
7 vote by any other person. The application must include the mailing
8 address and signature of the person who assisted the applicant. The
9 failure to provide the information required by this subsection will
10 not result in the application being deemed incomplete.

11 14. An application to register to vote must be made available to
12 all persons, regardless of political party affiliation.

13 15. An application must not be altered or otherwise defaced
14 after the applicant has completed and signed it. An application must
15 be mailed or delivered in person to the office of the county clerk
16 within 10 days after it is completed.

17 16. A person who willfully violates any of the provisions of
18 subsection 13, 14 or 15 is guilty of a category E felony and shall be
19 punished as provided in NRS 193.130.

20 17. The Secretary of State shall adopt regulations to carry out
21 the provisions of this section.

