

SENATE BILL NO. 373—SENATOR ROBERSON

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires photographic identification for voting.
(BDR 24-778)

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

CONTAINS UNFUNDED MANDATE (§ 3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to elections; requiring photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a person provide satisfactory identification to vote in person or cast an absent ballot. (NRS 293.2725, 293.277, 293.303, 293.3081, 293.3082, 293.3083, 293.3085, 293.313, 293.3157, 293.316, 293.330, 293.353, 293.3585, 293.5235, 293.541, 293C.270, 293C.292, 293C.310, 293C.330, 293C.332, 293C.3585) This bill requires that a person provide one of the forms of photographic identification specified in **section 2** of this bill to vote in person or cast an absent ballot. **Section 2** provides a definition of “photographic identification” that is limited to a driver’s license or identification card issued by the Department of Motor Vehicles, an identification card issued by a branch of the Armed Forces of the United States, a United States passport, an identification card issued by an Indian tribe or a voter identification card issued by a county clerk. **Sections 3-6** of this bill: (1) require a county clerk to issue a voter identification card, free of charge, to a person who does not possess one of the forms of required photographic identification; (2) set forth requirements for the issuance of voter identification cards; and (3) require that the Secretary of State adopt regulations to carry out the provisions of those sections.

Under existing law, a registered voter who wishes to vote an absent ballot in an election must provide sufficient written notice to a city or county clerk in advance of the election. (NRS 293.313, 293C.310) **Sections 16 and 25** of this bill provide that the written notice must include the name, address and date of birth of the



21 registered voter, a statement that the requester is a registered voter, a statement
22 identifying the election for which the absent ballot is requested, the political
23 affiliation of the registered voter if the election is a primary election, the address to
24 which the absent ballot should be mailed and one other form of identifying
25 information or document of the registered voter.

26 The provisions of this bill which require that a person present one of the forms
27 of photographic identification specified in **section 2** to vote in person or cast an
28 absent ballot are similar to the provisions of an Indiana law which the United States
29 Supreme Court determined does not unconstitutionally burden a person's right to
30 vote, in part because the person can obtain one of the forms of required
31 photographic identification free of charge. (*Crawford v. Marion Cty. Election Bd.*,
32 128 S. Ct. 1610 (2008))

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

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

4 **Sec. 2.** *"Photographic identification" means one of the*
5 *following forms of identification if it bears a recognizable*
6 *photograph of the person presenting it as identification:*

7 1. *A driver's license or identification card issued by the*
8 *Department of Motor Vehicles.*

9 2. *An identification card issued by a branch of the Armed*
10 *Forces of the United States.*

11 3. *A United States passport.*

12 4. *An identification card issued by an Indian tribe.*

13 5. *A voter identification card issued pursuant to section 3 of*
14 *this act.*

15 **Sec. 3.** 1. *A county clerk shall, in accordance with*
16 *regulations adopted by the Secretary of State pursuant to section 6*
17 *of this act:*

18 (a) *Issue a voter identification card to a person who:*

19 (1) *Is registered to vote in this State;*

20 (2) *Does not possess a form of photographic identification*
21 *described in subsections 1 to 4, inclusive, of section 2 of this act;*
22 *and*

23 (3) *Complies with the provisions of section 4 of this act.*

24 (b) *Provide at least one place in the county at which the county*
25 *clerk accepts applications for and issues voter identification cards.*

26 2. *A county clerk shall not charge a fee for the issuance of a*
27 *voter identification card.*

28 **Sec. 4.** *A person who wishes to obtain a voter identification*
29 *card must submit to the county clerk:*



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1 **1. An application in the form prescribed by the Secretary of**
2 **State;**

3 **2. Proof of the applicant's date of birth;**

4 **3. A voter registration card issued to the applicant pursuant**
5 **to NRS 293.517 or other evidence that the applicant is registered**
6 **to vote in this State; and**

7 **4. A copy of a current utility bill, bank statement, paycheck or**
8 **document issued by a governmental entity, including a check,**
9 **which indicates the name and address of the applicant, but not**
10 **including a voter registration card issued pursuant to**
11 **NRS 293.517.**

12 **Sec. 5. A voter identification card issued pursuant to section**
13 **3 of this act:**

14 **1. Must include, without limitation:**

15 **(a) The name, address, date of birth, sex, height, weight, eye**
16 **color and photograph of the person;**

17 **(b) The date of issuance of the voter identification card;**

18 **(c) The name of the county in which the voter identification**
19 **card was issued; and**

20 **(d) Any other information required by the Secretary of State.**

21 **2. Is valid so long as the person is registered to vote and**
22 **resides at the address stated on the voter identification card.**

23 **Sec. 6. The Secretary of State shall:**

24 **1. Provide each county clerk with the equipment, forms,**
25 **supplies and training that are necessary for the issuance of voter**
26 **identification cards.**

27 **2. Adopt regulations to carry out the provisions of sections 3**
28 **to 6, inclusive, of this act.**

29 **Sec. 7. NRS 293.010 is hereby amended to read as follows:**

30 293.010 As used in this title, unless the context otherwise
31 requires, the words and terms defined in NRS 293.013 to 293.121,
32 inclusive, **and section 2 of this act** have the meanings ascribed to
33 them in those sections.

34 **Sec. 8. NRS 293.2725 is hereby amended to read as follows:**

35 293.2725 1. Except as otherwise provided in subsection 2, in
36 NRS 293.3081 and 293.3083 and in federal law, a person who
37 registers by mail to vote in this State and who has not previously
38 voted in an election for federal office in this State:

39 (a) May vote at a polling place only if the person presents
40 **photographic identification** to the election board officer at the
41 polling place ; ~~f;~~

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

43 ~~—— (2) A copy of a current utility bill, bank statement, paycheck,~~
44 ~~or document issued by a governmental entity, including a check~~
45 ~~which indicates the name and address of the person, but not~~



1 ~~including a voter registration card issued pursuant to NRS 293.517;~~
2 and

3 (b) May vote by mail only if the person provides *a copy of his*
4 *or her photographic identification* to the county or city clerk. ~~[-~~

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

7 ~~— (2) A copy of a current utility bill, bank statement, paycheck,~~
8 ~~or document issued by a governmental entity, including a check~~
9 ~~which indicates the name and address of the person, but not~~
10 ~~including a voter registration card issued pursuant to NRS 293.517.]~~

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

12 (a) Registers to vote by mail and submits with an application to
13 register to vote ~~[-~~

14 ~~— (1) A] a~~ copy of ~~[a current and valid photo]~~ *his or her*
15 *photographic* identification; ~~[or~~

16 ~~— (2) A copy of a current utility bill, bank statement, paycheck,~~
17 ~~or document issued by a governmental entity, including a check~~
18 ~~which indicates the name and address of the person, but not~~
19 ~~including a voter registration card issued pursuant to NRS 293.517;~~

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

26 ~~— (c)] (b)~~ Is entitled to vote an absent ballot pursuant to the
27 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.
28 §§ 1973ff et seq.;

29 ~~[(d)] (c)~~ Is provided the right to vote otherwise than in person
30 under the Voting Accessibility for the Elderly and Handicapped Act,
31 42 U.S.C. §§ 1973ee et seq.; or

32 ~~[(e)] (d)~~ Is entitled to vote otherwise than in person under any
33 other federal law.

34 **Sec. 9.** NRS 293.277 is hereby amended to read as follows:

35 293.277 ~~[(1)]~~ Except as otherwise provided in NRS 293.541,
36 if a person's name appears in the election board register, ~~[or if the~~
37 ~~person provides an affirmation pursuant to NRS 293.525,]~~ the
38 person is entitled to vote and must ~~[sign]~~ :

39 1. *Present photographic identification; and*

40 2. *Sign* his or her name in the election board register when he
41 or she applies to vote. The signature must be compared by an
42 election board officer with the signature or a facsimile thereof on the
43 person's original application to register to vote or ~~[one of the forms~~
44 ~~of identification listed in subsection 2.~~



~~2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:~~

~~(a) The card issued to the voter at the time he or she registered to vote;~~

~~(b) A driver's license;~~

~~(c) An identification card issued by the Department of Motor Vehicles;~~

~~(d) A military identification card; or~~

~~(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.]~~ *on his or her photographic identification.*

Sec. 10. NRS 293.283 is hereby amended to read as follows:

293.283 Any registered voter who is unable to sign his or her name must ~~[be]~~ :

1. Present photographic identification; and

2. Be further identified by answering questions covering the personal data which is reported on the original application to register to vote. The officer in charge of the roster shall stamp, write or print "Identified as" to the left of the voter's name.

Sec. 11. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury



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1 that I reside at the residence for which the address is listed in the
2 election board register”;

3 (d) If the challenge is on the ground that the challenged person
4 previously voted a ballot for the election, “I swear or affirm under
5 penalty of perjury that I have not voted for any of the candidates or
6 questions included on this ballot for this election”; or

7 (e) If the challenge is on the ground that the challenged person is
8 not the person he or she claims to be, “I swear or affirm under
9 penalty of perjury that I am the person whose name is in this
10 election board register.”

11 ➤ The oath or affirmation must be set forth on a form prepared by
12 the Secretary of State and signed by the challenged person under
13 penalty of perjury.

14 3. Except as otherwise provided in subsection 4, if the
15 challenged person refuses to execute the oath or affirmation so
16 tendered, he or she must not be issued a ballot, and the officer in
17 charge of the election board register shall write the words
18 “Challenged” opposite his or her name in the election
19 board register.

20 4. If the challenged person refuses to execute the oath or
21 affirmation set forth in paragraph (a) or (b) of subsection 2, the
22 election board officers shall issue the person a nonpartisan ballot.

23 5. If the challenged person refuses to execute the oath or
24 affirmation set forth in paragraph (c) of subsection 2, the election
25 board officers shall inform the person that he or she is entitled to
26 vote only in the manner prescribed in NRS 293.304.

27 6. If the challenged person executes the oath or affirmation and
28 the challenge is not based on the ground set forth in paragraph (e) of
29 subsection 2, the election board officers shall issue the person a
30 partisan ballot.

31 7. If the challenge is based on the ground set forth in paragraph
32 (c) of subsection 2, and the challenged person executes the oath or
33 affirmation, the election board shall not issue the person a ballot
34 until he or she furnishes satisfactory identification which contains
35 proof of the address at which the person actually resides. For the
36 purposes of this subsection, a voter registration card issued pursuant
37 to NRS 293.517 does not provide proof of the address at which a
38 person resides.

39 8. If the challenge is based on the ground set forth in paragraph
40 (e) of subsection 2 and the challenged person executes the oath or
41 affirmation, the election board shall not issue the person a ballot
42 unless the person:

43 (a) Furnishes ~~[official]~~ **photographic** identification ; ~~[which~~
44 ~~contains a photograph of the person, such as a driver's license or~~
45 ~~other official document;]~~ or



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(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes ~~{official}~~ *photographic* identification ; ~~{which contains a photograph of that person, such as a driver's license or other official document;}~~ and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 12. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but ~~{his or her}~~ :

(a) *The person's* name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction ~~{or an}~~ ;

(b) *An* election official asserts that the person is not eligible to vote in that election in that jurisdiction; *or*

(c) *The person fails to provide the photographic identification required by NRS 293.277;*

2. Applies by mail, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the *photographic* identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

Sec. 13. NRS 293.3082 is hereby amended to read as follows:

293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

(a) The name of the person casting the provisional ballot;



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- 1 (b) The reason for casting the provisional ballot;
- 2 (c) A statement in which the person casting the provisional
- 3 ballot affirms under penalty of perjury that he or she is a registered
- 4 voter in the jurisdiction and is eligible to vote in the election;
- 5 (d) The date and type of election;
- 6 (e) The signature of the person casting the provisional ballot;
- 7 (f) The signature of the election board officer;
- 8 (g) A unique affirmation identification number assigned to the
- 9 person casting the provisional ballot;
- 10 (h) If the person is casting the provisional ballot pursuant to
- 11 subsection 1 of NRS 293.3081:
 - 12 (1) An indication by the person as to whether or not he or she
 - 13 provided the required *photographic* identification at the time the
 - 14 person applied to register to vote;
 - 15 (2) The address of the person as listed on the application to
 - 16 register to vote;
 - 17 (3) Information concerning the place, manner and
 - 18 approximate date on which the person applied to register to vote;
 - 19 (4) Any other information that the person believes may be
 - 20 useful in verifying that the person has registered to vote; and
 - 21 (5) A statement informing the voter that if the voter does not
 - 22 provide *photographic* identification at the time the voter casts the
 - 23 provisional ballot, the required *photographic* identification must be
 - 24 provided to the county or city clerk not later than 5 p.m. on the
 - 25 Friday following election day and that failure to do so will result in
 - 26 the provisional ballot not being counted;
 - 27 (i) If the person is casting the provisional ballot pursuant to
 - 28 subsection 2 of NRS 293.3081:
 - 29 (1) The address of the person as listed on the application to
 - 30 register to vote;
 - 31 (2) The voter registration number, if any, issued to the
 - 32 person; and
 - 33 (3) A statement informing the voter that the required
 - 34 *photographic* identification must be provided to the county or city
 - 35 clerk not later than 5 p.m. on the Friday following election day and
 - 36 that failure to do so will result in the provisional ballot not being
 - 37 counted; and
 - 38 (j) If the person is casting the provisional ballot pursuant to
 - 39 subsection 3 of NRS 293.3081, the voter registration number, if any,
 - 40 issued to the person.
 - 41 2. After a person completes a written affirmation pursuant to
 - 42 subsection 1:
 - 43 (a) The election board officer shall provide the person with a
 - 44 receipt that includes the unique affirmation identification number
 - 45 described in subsection 1 and that explains how the person may use



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1 the free access system established pursuant to NRS 293.3086 to
2 ascertain whether the person's vote was counted, and, if the vote
3 was not counted, the reason why the vote was not counted;

4 (b) The voter's name and applicable information must be
5 entered into the roster in a manner which indicates that the voter
6 cast a provisional ballot; and

7 (c) The election board officer shall issue a provisional ballot to
8 the person to vote only for candidates for federal offices.

9 **Sec. 14.** NRS 293.3083 is hereby amended to read as follows:

10 293.3083 A person may cast a ballot by mail to vote for a
11 candidate for federal office, which must be treated as a provisional
12 ballot by the county or city clerk if the person:

13 1. Applies by mail to register to vote and has not previously
14 voted in an election for federal office in this State;

15 2. Fails to provide the *photographic* identification required
16 pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the
17 county or city clerk at the time that the person mails the ballot; and

18 3. Completes the written affirmation set forth in subsection 1
19 of NRS 293.3082.

20 **Sec. 15.** NRS 293.3085 is hereby amended to read as follows:

21 293.3085 1. Following each election, a canvass of the
22 provisional ballots cast in the election must be conducted pursuant
23 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

24 2. The county and city clerk shall not:

25 (a) Include any provisional ballot in the unofficial results
26 reported on election night; or

27 (b) Open any envelope containing a provisional ballot before
28 8 a.m. on the Wednesday following election day.

29 3. Except as otherwise provided in subsection 4, a provisional
30 ballot must be counted if:

31 (a) The county or city clerk determines that the person who cast
32 the provisional ballot was registered to vote in the election, eligible
33 to vote in the election and issued the appropriate ballot for the
34 address at which the person resides;

35 (b) A voter who failed to provide *the* required *photographic*
36 identification at the polling place or with his or her mailed ballot
37 provides the required *photographic* identification to the county or
38 city clerk not later than 5 p.m. on the Friday following election day;
39 or

40 (c) A court order has not been issued by 5 p.m. on the Friday
41 following election day directing that provisional ballots cast
42 pursuant to subsection 3 of NRS 293.3081 not be counted, and the
43 provisional ballot was cast pursuant to subsection 3 of
44 NRS 293.3081.



4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides.

Sec. 16. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter who:

(a) Is at least 65 years of age; or

(b) Has a physical disability or condition which substantially impairs his or her ability to go to the polling place,

may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. *A request from a voter for an absent ballot that is submitted on a form other than a form provided by the Federal Government must include:*

(a) *The name and address of the registered voter;*

(b) *The date of birth of the registered voter;*

(c) *A statement that the person requesting the absent ballot is a registered voter;*

(d) *A statement identifying the election for which the absent ballot is requested;*

(e) *If the election identified in paragraph (d) is a primary election, the political affiliation of the registered voter;*

(f) *The address to which the registered voter desires the absent ballot to be mailed, if that address is different from the address provided pursuant to paragraph (a); and*

(g) *One of the following:*

(1) *The driver's license number of the registered voter;*

(2) *The last four digits of the social security number of the registered voter;*

(3) *A copy of the photographic identification of the registered voter, which must include the name and address of the registered voter; or*

(4) *A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check but not including a voter registration card issued pursuant to NRS 293.517, which must include the name and address of the registered voter.*

4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections immediately following the date on which the county clerk received the request.



~~[4]~~ 5. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[5]~~ 6. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot which *complies with the requirements of subsection 3 and* is signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

Sec. 17. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.

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

(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide ~~[satisfactory]~~ *photographic* identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides ~~[satisfactory]~~ *photographic* identification;

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



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

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

Sec. 18. NRS 293.353 is hereby amended to read as follows:

293.353 1. Except as otherwise provided in subsection 2 or 3, upon receipt of a mailing ballot from the county clerk, the registered voter must, in accordance with the instructions, mark and fold the ballot, deposit and seal the ballot in the return envelope, affix his or her signature on the back of the envelope and mail the envelope to the county clerk.

2. Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:

(a) The office of the county clerk, the registered voter must mark the ballot, place and seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) One of the polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, the registered voter must surrender the mailing ballot and provide ~~[satisfactory]~~ **photographic** identification before being issued a ballot to vote at the polling place. A person who receives a surrendered mailing ballot shall mark it "Cancelled."

3. If a registered voter who has received a mailing ballot wishes to vote in person at the office of the county clerk or at one of the polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, and the voter does not have the mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides ~~[satisfactory]~~ **photographic** identification;

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

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



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4. It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who received the mailing ballot and that the voter requested that he or she return the mailing ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 19. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall ~~§~~ ~~—(a) Determine that~~ *determine whether* the person is a registered voter in the county ~~§~~

~~—(b)§~~ *and, if so:*

(a) Instruct the voter to sign the roster for early voting;

(b) *Require the voter to present photographic identification;*
and

(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or ~~[some other piece of official]~~ *the voter's photographic* identification.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the deputy clerk for early voting, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and



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(c) Allow the voter to cast a vote.

6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 20. 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}~~ *comply with the provisions* 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



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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.

22 **Sec. 21.** NRS 293.541 is hereby amended to read as follows:

23 293.541 1. The county clerk shall cancel the registration of a
24 voter if:

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

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

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

34 2. Except as otherwise provided in subsection 3, the county
35 clerk shall notify the voter by registered or certified mail, return
36 receipt requested, of a determination made pursuant to subsection 1.
37 The notice must set forth the grounds for cancellation. Unless the
38 voter, within 15 days after the return receipt has been filed in the
39 office of the county clerk, presents satisfactory proof of identity and
40 residence to the county clerk, the county clerk shall cancel the
41 voter's registration.

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



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

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

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

~~—(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and~~

~~—(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the election board register.]~~ *photographic identification.*

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

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

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

(b) Residence or identity of a person.

Sec. 22. NRS 293C.270 is hereby amended to read as follows:

293C.270 ~~[-]~~ If a person's name appears in the election board register, ~~for if the person provides an affirmation pursuant to NRS 293C.525,]~~ the person is entitled to vote and must ~~[-sign]~~ :

1. Present photographic identification; and

2. Sign his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or ~~[-one of the forms of identification listed in subsection 2-~~

~~—2. The forms of identification that may be used to identify a voter at the polling place are:~~

~~—(a) The card issued to the voter at the time he or she registered to vote;~~

~~—(b) A driver's license;~~



~~—(c) An identification card issued by the Department of Motor Vehicles;~~

~~—(d) A military identification card; or~~

~~—(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.] on his or her photographic identification.~~

Sec. 23. NRS 293C.272 is hereby amended to read as follows:

293C.272 Any registered voter who is unable to sign his or her name must ~~[be]~~ :

1. Present photographic identification; and

2. Be further identified by answering questions covering the personal data that is reported on the original application to register to vote. The officer in charge of the roster shall stamp, write or print "Identified as" to the left of the voter's name.

Sec. 24. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➤ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged" opposite his or her name in the election board register.



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4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

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

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

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

(a) Furnishes ~~official~~ *photographic* identification ; ~~[which contains a photograph of the person, such as a driver's license or other official document;]~~ or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes ~~official~~ *photographic* identification ; ~~[which contains a photograph of the person, such as a driver's license or other official document;]~~ and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 25. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.



2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

3. *A request from a voter for an absent ballot that is submitted on a form other than a form provided by the Federal Government must include:*

(a) The name and address of the registered voter;

(b) The date of birth of the registered voter;

(c) A statement that the person requesting the absent ballot is a registered voter;

(d) A statement identifying the election for which the absent ballot is requested;

(e) If the election identified in paragraph (d) is a primary city election, the political affiliation of the registered voter;

(f) The address to which the registered voter desires the absent ballot to be mailed, if that address is different from the address provided pursuant to paragraph (a); and

(g) One of the following:

(1) The driver's license number of the registered voter;

(2) The last four digits of the social security number of the registered voter;

(3) A copy of the photographic identification of the registered voter, which must include the name and address of the registered voter; or

(4) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check but not including a voter registration card issued pursuant to NRS 293.517, which must include the name and address of the registered voter.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~[4.]~~ 5. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;



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(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

Sec. 26. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.

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

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide ~~[satisfactory]~~ **photographic** identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides ~~[satisfactory]~~ **photographic** identification;

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

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

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.



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1 **Sec. 27.** NRS 293C.3585 is hereby amended to read as
2 follows:

3 293C.3585 1. Upon the appearance of a person to cast a
4 ballot for early voting, the deputy clerk for early voting shall ~~§~~:

5 ~~—(a) Determine that~~ *determine whether* the person is a registered
6 voter in the county ~~§~~;

7 ~~—(b) and, if so:~~

8 (a) Instruct the voter to sign the roster for early voting;

9 (b) *Require the voter to present photographic identification;*
10 and

11 (c) Verify the signature of the voter against that contained on the
12 original application to register to vote or a facsimile thereof, the
13 card issued to the voter at the time of registration or ~~[some other~~
14 ~~piece of official]~~ *the voter's photographic* identification.

15 2. The city clerk shall prescribe a procedure, approved by the
16 Secretary of State, to determine that the voter has not already voted
17 pursuant to this section.

18 3. The roster for early voting must contain:

19 (a) The voter's name, the address where he or she is registered
20 to vote, his or her voter identification number and a place for the
21 voter's signature;

22 (b) The voter's precinct or voting district number; and

23 (c) The date of voting early in person.

24 4. When a voter is entitled to cast a ballot and has identified
25 himself or herself to the satisfaction of the deputy clerk for early
26 voting, the voter is entitled to receive the appropriate ballot or
27 ballots, but only for his or her own use at the polling place for early
28 voting.

29 5. If the ballot is voted on a mechanical recording device which
30 directly records the votes electronically, the deputy clerk for early
31 voting shall:

32 (a) Prepare the mechanical recording device for the voter;

33 (b) Ensure that the voter's precinct or voting district and the
34 form of ballot are indicated on the voting receipt, if the city clerk
35 uses voting receipts; and

36 (c) Allow the voter to cast a vote.

37 6. A voter applying to vote early by personal appearance may
38 be challenged pursuant to NRS 293C.292.

39 **Sec. 28.** The provisions of NRS 354.599 do not apply to any
40 additional expenses of a local government that are related to the
41 provisions of this act.

42 **Sec. 29.** The provisions of this act become effective on:

43 1. October 1, 2011, for the purpose of adopting regulations and
44 performing other preparatory administrative tasks that are necessary
45 to carry out the provisions of this act; and



- 1
2. October 1, 2012, for all other purposes.

③

