

ASSEMBLY BILL NO. 175—ASSEMBLYMEN ELLIOT ANDERSON, OHRENSCHALL, EISEN, BUSTAMANTE ADAMS, HEALEY; AIZLEY, PAUL ANDERSON, BENITEZ-THOMPSON, BOBZIEN, CARLTON, CARRILLO, COHEN, DALY, DIAZ, DONDERO LOOP, DUNCAN, ELLISON, FIORE, FLORES, FRIERSON, GRADY, HAMBRICK, HANSEN, HARDY, HICKEY, HOGAN, HORNE, KIRKPATRICK, KIRNER, LIVERMORE, MARTIN, MUNFORD, NEAL, OSCARSON, PIERCE, SPIEGEL, SPRINKLE, STEWART, SWANK, WHEELER AND WOODBURY

FEBRUARY 26, 2013

JOINT SPONSORS: SENATORS JONES, KIHUEN, SPEARMAN, PARKS, BROWER; ATKINSON, CEGAVSKE, DENIS, FORD, GOICOECHEA, GUSTAVSON, HAMMOND, HARDY, HUTCHISON, KIECKHEFER, MANENDO, ROBERSON, SEGERBLOM, SETTELMAYER, SMITH AND WOODHOUSE

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to uniformed-service and overseas voters. (BDR 24-635)

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

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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; authorizing uniformed-service voters, their spouses and overseas voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots with digital signatures or electronic signatures; requiring the Secretary of State to prescribe by regulation certain duties of local elections officials; making various other changes to the Uniformed Military and Overseas Absentee Voters Act; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

The Uniformed Military and Overseas Absentee Voters Act (chapter 293D of NRS) authorizes members of the Armed Forces of the United States, their spouses and dependents, and certain other electors of this State who reside outside the United States (collectively known as "covered voters") to apply for and receive through a system of approved electronic transmission established by the Secretary of State applications to register to vote and military-overseas ballots.

Sections 13 and 15-19 of this bill authorize covered voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots using digital or electronic signatures. **Section 15** requires the system of approved electronic transmission to include a method by which a covered voter may provide his or her digital or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot. **Sections 11 and 12** of this bill, respectively, define the terms "digital signature" and "electronic signature."

Section 15 also requires the Secretary of State to prescribe by regulations the duties of a local elections official upon receipt of a military-overseas ballot. **Sections 1-9** of this bill make various conforming changes.

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

Section 1. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures,



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1 whichever is greater. If documents were submitted to the county
2 clerk for more than one petition district wholly contained within that
3 county, a separate random sample must be performed for each
4 petition district.

5 3. If a petition district comprises more than one county and the
6 petition is for an initiative or referendum proposing a constitutional
7 amendment or a statewide measure, and if more than 500 names
8 have been signed on the documents submitted for that petition
9 district, the appropriate county clerks shall examine the signatures
10 by sampling them at random for verification. The random sample of
11 signatures to be verified must be drawn in such a manner that every
12 signature which has been submitted to the county clerks within the
13 petition district is given an equal opportunity to be included in the
14 sample. The sample must include an examination of at least 500 or 5
15 percent of the signatures presented in the petition district, whichever
16 is greater. The Secretary of State shall determine the number of
17 signatures that must be verified by each county clerk within the
18 petition district.

19 4. In determining from the records of registration the number
20 of registered voters who signed the documents, the county clerk may
21 use the signatures contained in the file of applications to register to
22 vote. If the county clerk uses that file, the county clerk shall ensure
23 that every application in the file is examined, including any
24 application in his or her possession which may not yet be entered
25 into the county clerk's records. Except as otherwise provided in ~~this~~
26 ~~subsection.~~ **subsection 5**, the county clerk shall rely only on the
27 appearance of the signature and the address and date included with
28 each signature in making his or her determination.

29 5. If ~~it~~ **pursuant** :

30 (a) **Pursuant** to NRS 293.506, a county clerk establishes a
31 system to allow persons to register to vote by computer ~~it~~ ; or

32 (b) **A person registers to vote pursuant to NRS 293D.230 and**
33 **signs his or her application to register to vote using a digital**
34 **signature or an electronic signature,**

35 the county clerk may rely on such other indicia as prescribed by
36 the Secretary of State in making his or her determination.

37 ~~it~~ 6. In the case of a petition for initiative or referendum
38 proposing a constitutional amendment or statewide measure, when
39 the county clerk is determining the number of registered voters who
40 signed the documents from each petition district contained fully or
41 partially within the county clerk's county, he or she must use the
42 statewide voter registration list available pursuant to NRS 293.675.

43 ~~it~~ 7. Except as otherwise provided in subsection ~~it~~ 9, upon
44 completing the examination, the county clerk shall immediately
45 attach to the documents a certificate properly dated, showing the



1 result of the examination, including the tally of signatures by
2 petition district, if required, and transmit the documents with the
3 certificate to the Secretary of State. In the case of a petition for
4 initiative or referendum proposing a constitutional amendment or
5 statewide measure, if a petition district comprises more than one
6 county, the appropriate county clerks shall comply with the
7 regulations adopted by the Secretary of State pursuant to this section
8 to complete the certificate. A copy of this certificate must be filed in
9 the clerk's office. When the county clerk transmits the certificate to
10 the Secretary of State, the county clerk shall notify the Secretary of
11 State of the number of requests to remove a name received by the
12 county clerk pursuant to NRS 295.055 or 306.015.

13 ~~171~~ 8. A person who submits a petition to the county clerk
14 which is required to be verified pursuant to NRS 293.128, 293.165,
15 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be
16 allowed to witness the verification of the signatures. A public officer
17 who is the subject of a recall petition must also be allowed to
18 witness the verification of the signatures on the petition.

19 ~~181~~ 9. For any petition containing signatures which are
20 required to be verified pursuant to the provisions of NRS 293.165,
21 293.200, 306.035 or 306.110 for any county, district or municipal
22 office within one county, the county clerk shall not transmit to the
23 Secretary of State the documents containing the signatures of the
24 registered voters.

25 ~~191~~ 10. The Secretary of State shall by regulation establish
26 further procedures for carrying out the provisions of this section.

27 **Sec. 2.** NRS 293.325 is hereby amended to read as follows:

28 293.325 1. Except as otherwise provided in subsection 2 ~~1~~
29 *and NRS 293D.200*, when an absent ballot is returned by a
30 registered voter to the county clerk through the mail, by facsimile
31 machine or other approved electronic transmission or in person, and
32 record thereof is made in the absent ballot record book, the county
33 clerk shall neatly stack, unopened, the absent ballot with any other
34 absent ballot received that day in a container and deliver, or cause to
35 be delivered, that container to the precinct or district election board.

36 2. ~~111~~ *Except as otherwise provided in NRS 293D.200, if* an
37 absent ballot central counting board has been appointed, when an
38 absent ballot is returned by a registered voter to the county clerk
39 through the mail, by facsimile machine or other approved electronic
40 transmission or in person, the county clerk shall check the signature
41 on the return envelope, facsimile or other approved electronic
42 transmission against the original signature of the voter on the county
43 clerk's register. If the county clerk determines that the absent voter
44 is entitled to cast a ballot, the county clerk shall deposit the ballot in
45 the proper ballot box or place the ballot, unopened, in a container



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1 that must be securely locked or under the control of the county clerk
2 at all times. At the end of each day before election day, the county
3 clerk may remove the ballots from each ballot box, neatly stack the
4 ballots in a container and seal the container with a numbered seal.
5 Not earlier than 4 working days before the election, the county clerk
6 shall deliver the ballots to the absent ballot central counting board to
7 be processed and prepared for counting pursuant to the procedures
8 established by the Secretary of State to ensure the confidentiality of
9 the prepared ballots until after the polls have closed pursuant to
10 NRS 293.273 or 293.305.

11 **Sec. 3.** NRS 293.333 is hereby amended to read as follows:

12 293.333 ~~On~~ *Except as otherwise provided in NRS 293D.200,*
13 *on* the day of an election, the precinct or district election boards
14 receiving the absent voters' ballots from the county clerk shall, in
15 the presence of a majority of the election board officers, remove the
16 ballots from the ballot box and the containers in which the ballots
17 were transported pursuant to NRS 293.325 and deposit the ballots in
18 the regular ballot box in the following manner:

19 1. The name of the voter, as shown on the return envelope or
20 facsimile, must be called and checked as if the voter were voting in
21 person;

22 2. The signature on the back of the return envelope or on the
23 facsimile must be compared with that on the original application to
24 register to vote;

25 3. If the board determines that the absent voter is entitled to
26 cast a ballot, the envelope must be opened, the numbers on the
27 ballot and envelope compared, the number strip or stub detached
28 from the ballot and, if the numbers are the same, the ballot deposited
29 in the regular ballot box; and

30 4. The election board officers shall mark in the roster opposite
31 the name of the voter the word "Voted."

32 **Sec. 4.** NRS 293.335 is hereby amended to read as follows:

33 293.335 When all absent ballots delivered to precinct or district
34 election boards have been voted or rejected, *except as otherwise*
35 *provided in NRS 293D.200,* the empty envelopes and the envelopes
36 containing rejected ballots must be returned to the county clerk. On
37 all envelopes containing rejected ballots the cause of rejection must
38 be noted and the envelope signed by a majority of the election board
39 officers.

40 **Sec. 5.** NRS 293.340 is hereby amended to read as follows:

41 293.340 1. In counties in which an absent ballot central
42 counting board is appointed the county clerk shall provide a ballot
43 box in the county clerk's office for each different ballot listing in the
44 county.



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2. On each such box there ~~shall~~ *must* appear a statement indicating the precincts and district for which such box has been designated.

3. ~~Each~~ *Except as otherwise provided in NRS 293D.200, each* absent ballot voted ~~shall~~ *must* be deposited in a ballot box according to the precinct or district of the absent voter voting such ballot.

Sec. 6. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 ~~and~~ *and NRS 293D.200*, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. ~~It~~ *Except as otherwise provided in NRS 293D.200, if* an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 7. NRS 293C.332 is hereby amended to read as follows:

293C.332 ~~On~~ *Except as otherwise provided in NRS 293D.200, on* the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:



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1 1. The name of the voter, as shown on the return envelope or
2 facsimile, must be called and checked as if the voter were voting in
3 person;

4 2. The signature on the back of the return envelope or on the
5 facsimile must be compared with that on the original application to
6 register to vote;

7 3. If the board determines that the absent voter is entitled to
8 cast a ballot, the envelope must be opened, the numbers on the
9 ballot and envelope compared, the number strip or stub detached
10 from the ballot and, if the numbers are the same, the ballot deposited
11 in the regular ballot box; and

12 4. The election board officers shall mark in the roster opposite
13 the name of the voter the word "Voted."

14 **Sec. 8.** NRS 293C.335 is hereby amended to read as follows:

15 293C.335 When all absent ballots delivered to precinct or
16 district election boards have been voted or rejected, *except as*
17 *otherwise provided in NRS 293D.200*, the empty envelopes and the
18 envelopes containing rejected ballots must be returned to the city
19 clerk. On all envelopes containing the rejected ballots the cause of
20 rejection must be noted and the envelope signed by a majority of the
21 election board officers.

22 **Sec. 9.** NRS 293C.340 is hereby amended to read as follows:

23 293C.340 1. In cities in which an absent ballot central
24 counting board is appointed, the city clerk shall provide a ballot box
25 in the city clerk's office for each different ballot listing in the city.

26 2. On each box there must appear a statement indicating the
27 precincts and district for which the box has been designated.

28 3. ~~Each~~ *Except as otherwise provided in NRS 293D.200,*
29 *each* absent ballot voted must be deposited in a ballot box according
30 to the precinct or district of the absent voter voting that ballot.

31 **Sec. 10.** Chapter 293D of NRS is hereby amended by adding
32 thereto the provisions set forth as sections 11, 12 and 13 of this act.

33 **Sec. 11.** *"Digital signature" has the meaning ascribed to it in*
34 *NRS 720.060.*

35 **Sec. 12.** *"Electronic signature" has the meaning ascribed to*
36 *it in NRS 719.100.*

37 **Sec. 13.** *A covered voter may sign any document or other*
38 *material that is necessary for the covered voter to register to vote,*
39 *apply for a military-overseas ballot or cast a military-overseas*
40 *ballot pursuant to this chapter using his or her digital signature or*
41 *electronic signature.*

42 **Sec. 14.** NRS 293D.020 is hereby amended to read as follows:

43 293D.020 As used in this chapter, unless the context otherwise
44 requires, the words and terms defined in NRS 293D.030 to



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293D.090, inclusive, *and sections 11 and 12 of this act* have the meanings ascribed to them in those sections.

Sec. 15. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for , ~~and~~ receive *and send* documents and other information pursuant to this chapter. *The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.*

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

Sec. 16. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. In addition to any other method of registering to vote set forth in chapter 293 of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42



1 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, to
2 apply to register to vote.

3 2. A covered voter may use the declaration accompanying the
4 federal write-in absentee ballot, as prescribed under section 103 of
5 the Uniformed and Overseas Citizens Absentee Voting Act, 42
6 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with
7 the submission of the federal write-in absentee ballot, if the
8 declaration is received by the seventh day before the election. If the
9 declaration is received after the seventh day before the election, it
10 must be treated as an application to register to vote for subsequent
11 elections.

12 3. The Secretary of State shall ensure that the system of
13 approved electronic transmission described in subsection 2 of NRS
14 293D.200 is capable of accepting ~~both~~ :

15 *(a) Both* a federal postcard application and any other approved
16 electronic registration application sent to the appropriate local
17 elections official ~~+~~ ; and

18 *(b) A digital signature or an electronic signature of a covered*
19 *voter on the documents described in paragraph (a).*

20 4. The covered voter may use the system of approved
21 electronic transmission or any other method set forth in chapter 293
22 of NRS to register to vote.

23 **Sec. 17.** NRS 293D.300 is hereby amended to read as follows:

24 293D.300 1. A covered voter who is registered to vote in this
25 State may apply for a military-overseas ballot by submitting a
26 federal postcard application, as prescribed under section 101(b)(2)
27 of the Uniformed and Overseas Citizens Absentee Voting Act, 42
28 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent,
29 pursuant to this section.

30 2. A covered voter who is not registered to vote in this State
31 may use the federal postcard application or the application's
32 electronic equivalent simultaneously to apply to register to vote
33 pursuant to NRS 293D.230 and to apply for a military-overseas
34 ballot.

35 3. The Secretary of State shall ensure that the system of
36 approved electronic transmission described in subsection 2 of NRS
37 293D.200 is capable of accepting the submission of ~~both~~ :

38 *(a) Both* a federal postcard application and any other approved
39 electronic military-overseas ballot application sent to the appropriate
40 local elections official ~~+~~ ~~The~~ ; and

41 *(b) A digital signature or an electronic signature of a covered*
42 *voter on the documents described in paragraph (a).*

43 4. A covered voter may use approved electronic transmission
44 or any other method approved by the Secretary of State to apply for
45 a military-overseas ballot.



~~14~~ 5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the seventh day before the election.

~~15~~ 6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

~~16~~ 7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

Sec. 18. NRS 293D.320 is hereby amended to read as follows:

293D.320 1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. § 1973ff-1(g)(2), not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by ~~facsimile~~ :

(a) *Facsimile* transmission ~~for electronic~~ ;

(b) *Electronic* mail delivery ~~or~~ ; or

(c) *The system of approved electronic transmission that is established by the Secretary of State pursuant to subsection 2 of NRS 293D.200.*

➡ The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter



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1 using the means of approved electronic transmission chosen by the
2 covered voter.

3 3. If an application for a military-overseas ballot from a
4 covered voter arrives after the jurisdiction begins transmitting
5 ballots and balloting materials to other voters, the local elections
6 official shall transmit the military-overseas ballot and balloting
7 materials to the covered voter not later than 2 business days after the
8 application arrives.

9 **Sec. 19.** NRS 293D.420 is hereby amended to read as follows:

10 293D.420 **1.** Each military-overseas ballot must include or be
11 accompanied by a declaration signed by the covered voter declaring
12 that a material misstatement of fact in completing the document may
13 be grounds for a conviction of perjury under the laws of the United
14 States or this State.

15 **2.** *The covered voter may sign the declaration required*
16 *pursuant to subsection 1 using his or her digital signature or*
17 *electronic signature.*

18 **Sec. 20.** This act becomes effective:

19 1. Upon passage and approval for the purpose of adopting
20 regulations; and

21 2. On January 1, 2014, for all other purposes.

