

SENATE BILL NO. 239—SENATORS SETTELMAYER, CEGAVSKE,
GUSTAVSON, HUTCHISON; BROWER, GOICOECHEA, HARDY,
KIECKHEFER AND ROBERSON

MARCH 12, 2013

JOINT SPONSORS: ASSEMBLYMEN FIORE; AND HANSEN

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-996)

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; requiring the Secretary of State to obtain certain information from the Social Security Administration relating to deceased residents; requiring county clerks to cancel the voter registrations of such persons under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list, in consultation with each county and city clerk, which must be regularly maintained to ensure the integrity of the voter registration and election processes. (NRS 293.675) Existing law also requires a county clerk to cancel the registration of a person if: (1) the county clerk has personal knowledge of the death of the person; or (2) an authenticated certificate of death of the person is filed in the county clerk's office. (NRS 293.540)

Section 3 of this bill requires the Secretary of State to obtain available information from the Social Security Administration relating to deceased residents of this State and to compare that information to the statewide voter registration list.

Section 3 also provides that if it appears after such comparison that a person on the statewide voter registration list is deceased, the Secretary of State shall provide written notification to the appropriate county clerk. **Section 1** of this bill requires the county clerk to cancel the voter registration of such a person if the county clerk has independently verified the person's death.



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

Section 1. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office. *For purposes of this subsection, a county clerk does not have personal knowledge of the death of a person registered if that knowledge is based solely on notification received from the Secretary of State pursuant to paragraph (b) of subsection 4 of NRS 293.675.*

2. *If the county clerk receives notification of the death of a person registered from the Secretary of State pursuant to paragraph (b) of subsection 4 of NRS 293.675 and the county clerk has independently verified the person's death. For purposes of this subsection, the county clerk may use any reasonable and reliable means of independent verification.*

3. If the insanity or mental incompetence of the person registered is legally established.

~~13-1~~ 4. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

~~14-1~~ 5. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

~~15-1~~ 6. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

~~16-1~~ 7. At the request of the person registered.

~~17-1~~ 8. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

~~18-1~~ 9. As required by NRS 293.541.

~~19-1~~ 10. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.



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Sec. 2. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection ~~12~~ 3 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been declared sane or mentally competent by the district court.

2. If the registration of an elector is cancelled pursuant to subsection ~~13~~ 4 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

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

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection ~~15~~ 6 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection ~~16~~ 7 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 3. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and



(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall ~~enter~~ :

(a) *Enter* into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

(b) *Obtain from the Social Security Administration available information relating to deceased residents of this State and compare the information received to the statewide voter registration list. If it appears based on information received pursuant to this paragraph that a registered voter is deceased, the Secretary of State shall provide written notification to the appropriate county clerk.*

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § 15483, to verify the accuracy of information in an application to register to vote.

6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied



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- 1 that the information provided pursuant to this paragraph will be used
- 2 only for the maintenance of that voter registration list.

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