

ASSEMBLY BILL NO. 94—ASSEMBLYMAN HANSEN

PREFILED JANUARY 30, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Authorizes a registered voter to elect to receive a sample ballot by electronic mail. (BDR 24-518)

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 a registered voter to elect to receive a sample ballot by electronic mail; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) **Sections 2 and 4** of this bill require each county and city clerk to distribute a sample ballot by electronic mail to each registered voter who elects to receive sample ballots in that manner. **Sections 1, 3 and 5-10** of this bill make conforming changes.

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

Section 1. NRS 293.097 is hereby amended to read as follows:
293.097 “Sample ballot” means a document distributed by a county or city clerk upon which is ~~printed~~ *included* a list of the offices, candidates and ballot questions that will appear on a ballot. The term includes any such document which is ~~printed by~~ *prepared on* a computer ~~and distributed by mail or electronic mail~~.
Sec. 2. NRS 293.565 is hereby amended to read as follows:
293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:
(a) If applicable, the statement required by NRS 293.267;



(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. *A registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by mail.*

5. Before the period for early voting for any election begins, the county clerk shall cause to be ~~mailed~~ *distributed by mail or electronic mail, as applicable*, to each registered voter in the county ~~to~~ *the* sample ballot for his or her precinct, with a notice informing



the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~{mailing}~~ **distributing** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~{5-}~~ **6.** Except as otherwise provided in subsection ~~{6-}~~ **7**, a sample ballot required to be ~~{mailed}~~ **distributed** pursuant to this section must:

(a) Be ~~{printed}~~ **prepared** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~{printed}~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{6-}~~ **7.** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{7-}~~ **8.** The sample ballot ~~{mailed}~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~{printed}~~ **prepared** in at least 14-point type, or larger when practicable.

~~{8-}~~ **9.** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~{mailed}~~ **distributed** to that person from the county are in large type.

~~{9-}~~ **10.** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:



- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~110.1~~ 11. The cost of ~~mailing~~ distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~Printed~~ Stated on all sample ballots ~~mailed;~~ distributed by mail or electronic mail;

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 4. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. *A registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by mail.*

2. Before the period for early voting for any election begins, the city clerk shall cause to be ~~mailed~~ distributed by mail or electronic mail, as applicable, to each registered voter in the city ~~at~~ the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~mailing~~ distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION



~~[2-]~~ 3. Except as otherwise provided in subsection ~~[4-]~~ 5, a sample ballot required to be ~~[mailed]~~ *distributed* pursuant to this section must:

(a) Be ~~[printed]~~ *prepared* in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ *prepared* in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[3-]~~ 4. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[4-]~~ 5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[5-]~~ 6. The sample ballot ~~[mailed]~~ *distributed* to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ *prepared* in at least 14-point type, or larger when practicable.

~~[6-]~~ 7. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~[mailed]~~ *distributed* to that person from the city are in large type.

~~[7-]~~ 8. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and



(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~{8-}~~ 9. The cost of ~~{mailing}~~ *distributing* sample ballots for a city election must be borne by the city holding the election.

Sec. 5. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➤ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~{mailed}~~ *distributed* pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 6. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall cause to be ~~{mailed}~~ *distributed by mail or electronic mail, as applicable*, to each qualified elector a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct.

2. The sample ballot must:



- 1 (a) Be in the form required by NRS 266.032.
2 (b) Include the information required by NRS 266.032.
3 (c) Except as otherwise provided in subsection 3, be ~~{printed}~~
4 **prepared** in at least 12-point type.
5 (d) Describe the area proposed to be incorporated by assessor's
6 parcel maps, existing boundaries of subdivision or parcel maps,
7 identifying visible ground features, extensions of the visible ground
8 features, or by any boundary that coincides with the official
9 boundary of the State, a county, a city, a township, a section or any
10 combination thereof.
11 (e) Contain a copy of the map or plat that was submitted with
12 the petition pursuant to NRS 266.019 and depicts the existing
13 dedicated streets, sewer interceptors and outfalls and their proposed
14 extensions.
15 (f) Include on the front page, in a separate box created by bold
16 lines, a notice ~~{printed}~~ **prepared** in at least 20-point bold type that
17 states:
18

19 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
20 LARGE TYPE, CALL (Insert appropriate telephone number)
21

22 3. A portion of a sample ballot that contains a facsimile of the
23 display area of a voting device may include material in less than 12-
24 point type to the extent necessary to make the facsimile fit on the
25 pages of the sample ballot.

26 4. The sample ballot ~~{mailed}~~ **distributed** to a person who
27 requests a sample ballot in large type by exercising the option
28 provided pursuant to NRS 293.508, or in any other manner, must be
29 ~~{printed}~~ **prepared** in at least 14-point type, or larger when
30 practicable.

31 5. If a person requests a sample ballot in large type, the county
32 clerk shall ensure that all future sample ballots ~~{mailed}~~ **distributed**
33 to that person from the county are in large type.

34 **Sec. 7.** NRS 266.034 is hereby amended to read as follows:

35 266.034 1. The costs incurred by the board of county
36 commissioners in carrying out the provisions relating to the
37 incorporation, including the costs incurred in certifying the petition,
38 publishing the notices, requesting the report pursuant to NRS
39 266.0261, conducting the public hearing and election, including the
40 cost of ~~{mailing}~~ **distributing** the sample ballots, and any appeal
41 pursuant to NRS 266.0265 are a charge against the county if the
42 proposed incorporation is not submitted to the voters or the
43 incorporation is disapproved by the voters, and a charge against
44 the incorporated city if the incorporation is approved by the voters.



2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 8. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~mailed~~ distributed pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 9. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and



(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~mailed~~ distributed pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per \$100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 10. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~mailed~~ distributed pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070,



1 inclusive, must contain an estimate of the annual cost to operate,
2 maintain and repair any buildings, structures or other facilities or
3 improvements to be constructed or acquired with the proceeds of the
4 bonds or other securities.

5 2. For the purposes of this section, “municipality” has the
6 meaning ascribed to it in NRS 350.538.

7 **Sec. 11.** This act becomes effective upon passage and approval
8 for the purposes of adopting regulations and performing any other
9 preparatory administrative tasks that are necessary to carry out the
10 provisions of this act, and on January 1, 2016, for all other purposes.

