

Amendment No. 625

Senate Amendment to Senate Bill No. 436	(BDR 24-1146)
<b>Proposed by:</b> Senate Committee on Legislative Operations and Elections	
<b>Amendment Box:</b> Replaces Amendment No. 528.	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 436—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to elections. (BDR 24-1146)

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; ~~providing that an inactive voter must provide proof of residence or a written affirmation before voting; providing that certain absent ballots received after the day of an election must be counted; extending the deadline for counties and cities to canvass election returns;~~ ***making various changes relating to the registration of voters for elections;*** requiring certain persons conducting a voter registration drive to register with the Secretary of State ~~;~~ ***increasing the penalty for certain crimes related to a person who registers to vote;*** ~~and the county clerk and to provide and update a list of voter registration workers; requiring such persons and workers to comply with certain rules and regulations;~~ ***providing penalties;*** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law requires that an absent ballot, including a military overseas ballot, must be received by the county clerk or city clerk by the close of the polls on the day of the election to be valid. (NRS 202.216, 202.217, 202D.400) Sections 2, 4 and 10 of this bill provide that an absent ballot received after the day of election will be counted if the absent ballot is (1) returned by mail; (2) postmarked on or before the day of the election; and (3) received by the county clerk or city clerk not later than 7 days after the election. Sections 5, 8 and 15-17 of this bill revise the procedures for counting such ballots and make conforming changes.~~

***Under existing federal law, the states have the power to regulate the voter registration and election processes, except that Congress has the power to preempt state election laws concerning federal elections. (U.S. Const. Art. I, § 4; Foster v. Love, 522 U.S. 67, 69 (1997); Arizona v. Inter Tribal Council of Ariz., Inc., 133 S. Ct. 2247, 2251-54 (2013)) In 1993, Congress enacted the National Voter Registration Act (NVRA) to: (1) establish procedures to increase voter registration for federal elections; (2) make it possible for federal, state and local agencies to enhance voter participation in federal elections; (3) protect the integrity of the election process; and (4) ensure that accurate and current voter registration rolls are maintained. (52 U.S.C. § 20501) Although the NVRA regulates certain aspects of the voter registration process, it does not broadly preempt all state election laws but preempts only those laws that are in conflict with the federal provisions. (Arizona v. Inter Tribal Council of Ariz., Inc., 133 S. Ct. 2247, 2253-***

54 (2013); Charles H. Wesley Educ. Found., Inc. v. Cox, 408 F.3d 1349, 1354-55 (11th Cir. 2005))

The NVRA requires the states to make voter registration forms available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs. (52 U.S.C. § 20505) The NVRA also establishes certain requirements for voter registration forms and states that the forms may require only such identifying information and other information as is necessary to enable state election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process. (52 U.S.C. § 20508) Federal courts have held that the NVRA does not preempt the states from regulating private organizations seeking to conduct voter registration drives or requiring such organizations to: (1) register with state election officials before conducting the voter registration drives; or (2) place information identifying the organization on the voter registration forms collected by the organization during the voter registration drives. (Am. Ass'n of People with Disabilities v. Herrera, 690 F. Supp. 2d 1183, 1224-26 (D.N.M. 2010); League of Women Voters of Fla. v. Browning, 863 F. Supp. 2d 1155, 1165-66 (N.D. Fla. 2012))

Even though the NVRA does not preempt the states from regulating such voter registration organizations and voter registration drives, federal courts have held that the voter registration process includes some elements of free speech, association and expression protected by the First Amendment to the United States Constitution. (Voting for Am., Inc. v. Steen, 732 F.3d 382, 386-99 (5th Cir. 2013); Project Vote v. Blackwell, 455 F. Supp. 2d 694, 703-07 (N.D. Ohio 2006); League of Women Voters of Fla. v. Browning, 575 F. Supp. 2d 1298, 1319-25 (S.D. Fla. 2008); Am. Ass'n of People with Disabilities v. Herrera, 690 F. Supp. 2d 1183, 1211-20 (D.N.M. 2010); League of Women Voters of Fla. v. Browning, 863 F. Supp. 2d 1155, 1158-65 (N.D. Fla. 2012)) As a result, while the Legislature may enact reasonable, nondiscriminatory regulations governing the voter registration process, the regulations "must be justified by relevant and legitimate state interests 'sufficiently weighty to justify the limitation.'" (Crawford v. Marion County Election Bd., 553 U.S. 181, 191 (2008) (quoting Norman v. Reed, 502 U.S. 279, 288-89 (1992)); Burdick v. Takushi, 504 U.S. 428, 434 (1992); Anderson v. Celebrezze, 460 U.S. 780, 788-89 (1983))

Under existing law, the Secretary of State and local election officials administer and regulate the voter registration process, and existing law: (1) directs the Secretary of State to prescribe the forms used in this State for applications to register to vote; (2) requires certain information to be included on the voter registration forms; and (3) allows the county clerks to provide the voter registration forms to candidates, political parties or other persons who intend to conduct voter registration drives. (NRS 293.507, 293.509) Sections 8.1-8.8 of this bill enact provisions which further regulate certain voter registration organizations, voter registration workers and voter registration drives and which are intended to protect against fraud, incompetence, negligence and mistakes in the voter registration process and to help safeguard the public's faith and confidence in the integrity and reliability of the election process.

Section 9 of this bill requires that any person who intends to conduct a voter registration drive ~~and~~ to mean any coordinated, organized or systematic activity, effort or plan to register or attempt to register, in the aggregate, more than 50 people potential voters in this State during a calendar year. Section 8.8 provides that before conducting any voter registration drive in any county, a voter registration organization must: (1) register with the Secretary of State. ~~Section 9 also requires the Secretary of State to prescribe methods for such registration that include registration online and by mail.~~

Existing law provides that a registered voter who has changed residence and failed to return or did not receive a postcard from the county clerk and been designated as inactive must provide an oral or written affirmation before voting. (NRS 292.525) Sections 10, 11 and 18 of this bill provide that such a voter must provide proof of residence or a written affirmation before the voter may vote. Sections 1, 2, 13 and 14 of this bill make conforming changes.

Existing law provides that a person is guilty of a category E felony if that person: (1) provides or encourages another person to provide false information in connection with an

79 application to register to vote, or (2) registers to vote or aids another person in registering to  
80 vote knowing that he or she will not be a qualified elector at the next election. (NRS 292.800)  
81 ~~Section 12 of this bill increases the penalty for such crimes to a category D felony, and the~~  
82 ~~county clerk; and (2) submit a list containing the name and signature of any paid or~~  
83 ~~unpaid voter registration worker who will be acting on behalf of the organization as part~~  
84 ~~of a voter registration drive. Thereafter, the organization must update the list~~  
85 ~~periodically, within the times prescribed by the Secretary of State, to add or remove~~  
86 ~~workers from the list and to specify the date on which each worker was added to or~~  
87 ~~removed from the list.~~

88 Section 8.8 further requires each worker who collects or assists in the completion of  
89 any voter registration form to include the worker's name and signature and the name of  
90 the organization on or with the form in a manner prescribed by the Secretary of State. If  
91 any worker violates this requirement, the worker is subject to a civil penalty in an  
92 amount not to exceed \$500 for each violation, but the worker is not subject to any  
93 criminal penalty.

94 Finally, after receiving a voter registration form from the organization or a worker,  
95 section 8.8 requires the Secretary of State and county clerk to verify that the name and  
96 signature of the worker and the name of the organization included on or with the form  
97 are consistent with the information provided on the organization's list of workers. If the  
98 name or signature of the worker is not included on the organization's list of workers, the  
99 organization is subject to a civil penalty in an amount not to exceed \$1,000 for each  
100 violation, and the organization is also subject to any criminal penalty provided by law.

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

1 Section 1. ~~[NRS 292.277 is hereby amended to read as follows:~~

2 ~~292.277 1. Except as otherwise provided in NRS 293.541, if a person's~~  
3 ~~name appears in the election board register or if the person provides [an] proof of~~  
4 ~~residence or a written affirmation pursuant to NRS 293.525, the person is entitled~~  
5 ~~to vote and must sign his or her name in the election board register when he or she~~  
6 ~~applies to vote. The signature must be compared by an election board officer with~~  
7 ~~the signature or a facsimile thereof on the person's original application to register to~~  
8 ~~vote or one of the forms of identification listed in subsection 2.~~

9 ~~2. Except as otherwise provided in NRS 292.2725, the forms of identification~~  
10 ~~which may be used individually to identify a voter at the polling place are:~~

- 11 ~~(a) The card issued to the voter at the time he or she registered to vote;~~  
12 ~~(b) A driver's license;~~  
13 ~~(c) An identification card issued by the Department of Motor Vehicles;~~  
14 ~~(d) A military identification card; or~~  
15 ~~(e) Any other form of identification issued by a governmental agency which~~  
16 ~~contains the voter's signature and physical description or picture.] (Deleted by~~  
17 ~~amendment.)~~

18 Sec. 2. ~~[NRS 292.304 is hereby amended to read as follows:~~

19 ~~292.304 1. If a person is successfully challenged on the ground set forth in~~  
20 ~~paragraph (c) of subsection 2 of NRS 292.303 or if a person refuses to provide [an]~~  
21 ~~proof of residence or a written affirmation pursuant to NRS 293.525, the election~~  
22 ~~board shall instruct the voter that he or she may vote only at the special polling~~  
23 ~~place in the manner set forth in this section.~~

24 ~~2. The county clerk of each county shall maintain a special polling place in~~  
25 ~~the county clerk's office and at such other locations as he or she deems necessary~~  
26 ~~during each election. The ballots voted at the special polling place must be kept~~  
27 ~~separate from the ballots of voters who have not been so challenged or who have~~

provided ~~[an] proof of residence or a written~~ affirmation pursuant to NRS 292.525 in a special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.

~~3. A person who votes at a special polling place may vote only for the following offices and questions:~~

- ~~(a) President and Vice President of the United States;~~
- ~~(b) United States Senator;~~
- ~~(c) All state officers for whom all voters in the State may vote;~~
- ~~(d) All officers for whom all voters in the county may vote; and~~
- ~~(e) Questions which have been submitted to all voters of the county or State.~~

~~4. The ballots voted at the special polling place must be counted when other ballots are counted and, if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later. (Deleted by amendment.)~~

**Sec. 3.** ~~[NRS 292.316 is hereby amended to read as follows:~~

~~292.316 1. Any registered voter who is unable to go to the polls:~~

~~(a) Because of an illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home; or~~

~~(b) Because the registered voter is suddenly hospitalized, becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 292.315;~~

~~may submit a written request to the county clerk for an absent ballot. The request may be submitted at any time before 5 p.m. on the day of the election.~~

~~2. If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 3, the county clerk shall, at the office of the county clerk, deliver an absent ballot to the person designated in the request to obtain the ballot for the registered voter.~~

~~3. A written request submitted pursuant to subsection 1 must include:~~

~~(a) The name, address and signature of the registered voter requesting the absent ballot;~~

~~(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the ballot for the registered voter;~~

~~(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home after the time had elapsed for requesting an absent ballot;~~

~~(d) If the voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he or she will be confined therein on the day of the election; and~~

~~(e) Unless the person designated pursuant to paragraph (b) will mark and sign an absent ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the ballot.~~

~~4. Except as otherwise provided in subsection 5, after marking the ballot, the voter must:~~

~~(a) Place it in the identification envelope;~~

~~(b) Affix his or her signature on the back of the envelope; and~~

~~(c) Return it to the office of the county clerk.~~

~~5. A person designated in a request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter.~~

~~6. A request for an absent ballot submitted pursuant to this section must be made, and the ballot delivered to the voter and returned to the county clerk [; not] :~~

~~(a) Not later than the time the polls close on election day [;], if the ballot is hand delivered to the county clerk; or~~

~~(b) Not later than 7 days after the election, if the ballot is:~~

~~(1) Returned by mail; and~~

~~(2) Postmarked on or before election day.~~

~~7. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.] (Deleted by amendment.)~~

**Sec. 4.** ~~[NRS 293.217 is hereby amended to read as follows:~~

~~293.217 [Absent]~~

~~1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, received by the county or city clerk after the polls are closed on the day of election are invalid.~~

~~2. An absent ballot, including a special absent ballot, that is received after the polls close on the day of election must be counted if the absent ballot is:~~

~~(a) Returned by mail;~~

~~(b) Postmarked on or before the day of the election; and~~

~~(c) Received by the county or city clerk not later than 7 days after the day of the election.] (Deleted by amendment.)~~

**Sec. 5.** ~~[NRS 293.225 is hereby amended to read as follows:~~

~~293.225 1. Except as otherwise provided in subsection 2 and NRS 293D.200, 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, and record thereof is made in the absent ballot record book, the county 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. 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 county clerk determines that the absent voter is entitled to cast a ballot, the county 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 county clerk at all times. At the end of each day before election day, the county 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 293.273 or 293.305.~~

~~3. For any absent ballot delivered in accordance with subsection 2 of NRS 293.217, if the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballots received that day in a container and deliver, or cause to be delivered, that container to the appropriate board pursuant to the procedures prescribed by the Secretary of State for counting such ballots.] (Deleted by amendment.)~~

1        **Sec. 6.** ~~NRS 293.385 is hereby amended to read as follows:~~

2        ~~293.385 1. Each day after the initial withdrawal of the ballots pursuant to~~  
3 ~~NRS 293.384 and before the day of the election, the counting board, if it is~~  
4 ~~responsible for counting absent ballots, or the absent ballot central counting board~~  
5 ~~shall withdraw from the appropriate ballot boxes or containers all the ballots~~  
6 ~~received the previous day and ascertain that each box or container has the required~~  
7 ~~number of ballots according to the county clerk's absent voters' ballot record.~~

8        ~~2. If any absent ballots are received by the county clerk on election day~~  
9 ~~pursuant to NRS 293.316, the county clerk shall deposit the absent ballots in the~~  
10 ~~appropriate ballot boxes or containers.~~

11        ~~3. Not earlier than 4 working days before the election, the appropriate board~~  
12 ~~shall, in public, count the votes cast on the absent ballots.~~

13        ~~4. If paper ballots are used, the results of the absent ballot vote in each~~  
14 ~~precinct must be certified and submitted to the county clerk who shall have the~~  
15 ~~results added to the regular votes of the precinct. The returns of absent ballots must~~  
16 ~~be reported separately from the regular votes of the precinct, unless reporting the~~  
17 ~~returns separately would violate the secrecy of a voter's ballot. The county clerks~~  
18 ~~shall develop a procedure to ensure that each ballot is kept secret.~~

19        ~~5. Any person who disseminates to the public in any way information~~  
20 ~~pertaining to the count of absent ballots before the polls close is guilty of a~~  
21 ~~misdemeanor.~~

22        ~~6. On the eighth day after the election, the appropriate board shall, in~~  
23 ~~public, count the votes cast on the absent ballots properly received in accordance~~  
24 ~~with subsection 2 of NRS 293.317.] (Deleted by amendment.)~~

25        **Sec. 7.** ~~NRS 293.387 is hereby amended to read as follows:~~

26        ~~293.387 1. As soon as the returns from all the precincts and districts in any~~  
27 ~~county have been received by the board of county commissioners, the board shall~~  
28 ~~meet and canvass the returns. The canvass must be completed on or before the~~  
29 ~~[sixth] 10th working day following the election.~~

30        ~~2. In making its canvass, the board shall:~~

31        ~~(a) Note separately any clerical errors discovered; and~~

32        ~~(b) Take account of the changes resulting from the discovery, so that the result~~  
33 ~~declared represents the true vote cast.~~

34        ~~3. The county clerk shall, as soon as the result is declared, enter upon the~~  
35 ~~records of the board an abstract of the result, which must contain the number of~~  
36 ~~votes cast for each candidate. The board, after making the abstract, shall cause the~~  
37 ~~county clerk to certify the abstract and, by an order made and entered in the minutes~~  
38 ~~of its proceedings, to make:~~

39        ~~(a) A copy of the certified abstract; and~~

40        ~~(b) A mechanized report of the abstract in compliance with regulations adopted~~  
41 ~~by the Secretary of State;~~

42        ~~and transmit them to the Secretary of State not more than [7] 11 working days~~  
43 ~~after the election.~~

44        ~~4. The Secretary of State shall, immediately after any primary election,~~  
45 ~~compile the returns for all candidates voted for in more than one county. The~~  
46 ~~Secretary of State shall make out and file in his or her office an abstract thereof,~~  
47 ~~and shall certify to the county clerk of each county the name of each person~~  
48 ~~nominated, and the name of the office for which the person is nominated.] (Deleted~~  
49 ~~by amendment.)~~

50        **Sec. 8.** ~~NRS 293.393 is hereby amended to read as follows:~~

51        ~~293.393 1. On or before the [sixth] 10th working day after any general~~  
52 ~~election or any other election at which votes are cast for any United States Senator,~~  
53 ~~Representative in Congress, member of the Legislature or any state officer who is~~

~~1 elected statewide, the board of county commissioners shall open the returns of~~  
~~2 votes cast and make abstracts of the votes.~~

~~3 2. Abstracts of votes must be prepared in the manner prescribed by the~~  
~~4 Secretary of State by regulation.~~

~~5 3. The county clerk shall make out a certificate of election to each of the~~  
~~6 persons having the highest number of votes for the district, county and township~~  
~~7 offices.~~

~~8 4. Each certificate must be delivered to the person elected upon application at~~  
~~9 the office of the county clerk. (Deleted by amendment.)~~

10 Sec. 8.05. Chapter 293 of NRS is hereby amended by adding thereto the  
11 provisions set forth as sections 8.1 to 8.8, inclusive, of this act.

12 Sec. 8.1. As used in sections 8.1 to 8.8, inclusive, of this act, unless the  
13 context otherwise requires, the words and terms defined in sections 8.2 to 8.6,  
14 inclusive, of this act have the meanings ascribed to them in those sections.

15 Sec. 8.2. 1. "Voter registration agency" means any agency, office or  
16 other entity that serves as a voter registration agency pursuant to NRS 293.504 or  
17 any other state or federal law.

18 2. The term includes, without limitation, any person who is an employee,  
19 contractor or volunteer of a voter registration agency if the person is acting  
20 within the course and scope of the person's duties as an employee, contractor or  
21 volunteer of the voter registration agency.

22 Sec. 8.3. 1. "Voter registration drive" means any coordinated, organized  
23 or systematic activity, effort or plan by one or more persons to register or attempt  
24 to register, in the aggregate, more than 50 potential voters in this State during a  
25 calendar year.

26 2. The term does not include any activity, effort or plan by a voter  
27 registration agency to register or attempt to register one or more potential voters  
28 in this State pursuant to NRS 293.504 or any other state or federal law.

29 Sec. 8.4. 1. "Voter registration form" or "form" means any paper,  
30 electronic or other form that may be used for an application to register to vote  
31 pursuant to NRS 293.507 or any other state or federal law.

32 2. The term includes, without limitation, any paper, electronic or other form  
33 that may be used for an application to register to vote in a system which allows  
34 voter registration by computer pursuant to NRS 293.506 or any other state or  
35 federal law.

36 Sec. 8.5. 1. "Voter registration organization" or "organization" means  
37 any person who intends to conduct, attempts to conduct or conducts a voter  
38 registration drive in this State.

39 2. The term includes, without limitation:

40 (a) Any person acting alone.

41 (b) Any group of persons acting in concert, whether or not formally  
42 organized.

43 (c) Any candidate, political party or other person, including, without  
44 limitation, any candidate, political party or other person who submits a request  
45 for voter registration forms to the county clerk pursuant to NRS 293.509 for the  
46 purpose of a voter registration drive.

47 3. The term does not include a voter registration agency.

48 Sec. 8.6. 1. "Voter registration worker" or "worker" means any paid or  
49 unpaid employee, contractor, volunteer or other person who, while acting on  
50 behalf of a voter registration organization conducting a voter registration drive:

51 (a) Intends to collect, attempts to collect or collects from one or more  
52 potential voters any voter registration form; or

(b) Intends to assist, attempts to assist or assists one or more potential voters to complete any voter registration form.

2. The term does not include any person who, while acting on behalf of a voter registration organization conducting a voter registration drive, advocates, encourages or solicits one or more potential voters to register to vote or provides one or more potential voters with any voter registration form if the person does not intend to engage, attempt to engage or engage in any of the conduct described in subsection 1.

Sec. 8.7. 1. The Secretary of State shall:

(a) Adopt regulations to carry out the provisions of sections 8.1 to 8.8, inclusive, of this act.

(b) Prescribe the methods for a voter registration organization to register with the Secretary of State and county clerks and to submit and update the list of voter registration workers provided by the organization. The methods must include, without limitation:

(1) Mail; and

(2) A secure Internet website or any other electronic means.

2. The Secretary of State and county clerks shall administer, interpret and apply the provisions of sections 8.1 to 8.8, inclusive, of this act:

(a) In a manner that is consistent with the National Voter Registration Act of 1993, 52 U.S.C. §§ 20501 et seq., as amended, or any other federal law; and

(b) To effectuate their general protective and beneficial purpose, including, without limitation, to:

(1) Protect against fraud, incompetence, negligence and mistakes in the voter registration process; and

(2) Help safeguard the public's faith and confidence in the integrity and reliability of the election process.

Sec. 8.8. 1. A voter registration organization shall not conduct a voter registration drive in any county in this State unless, before conducting the voter registration drive in that county, the organization registers with the Secretary of State and the county clerk pursuant to the provisions of sections 8.1 to 8.8, inclusive, of this act.

2. To register with the Secretary of State and the county clerk, the organization shall submit a registration statement using the form and one of the methods for registration prescribed by the Secretary of State.

3. The registration statement must include, without limitation, a list that contains the name and signature, or a facsimile thereof, of any voter registration worker who will be acting on behalf of the organization as part of a voter registration drive.

4. The organization shall update the list of workers' names and signatures periodically, within the times prescribed by the Secretary of State, to add or remove workers from the list and to specify the date on which each worker was added to or removed from the list.

5. If any worker, while acting on behalf of the organization as part of a voter registration drive, collects from a potential voter any voter registration form or assists a potential voter to complete any voter registration form, the worker shall include the worker's name and signature and the name of the organization on or with the form in a manner prescribed by the Secretary of State.

6. If any worker violates the provisions of subsection 5, the worker is subject to a civil penalty pursuant to NRS 293.840 in an amount not to exceed \$500 for each violation, but the worker is not subject to any criminal penalty.

7. After receiving a voter registration form from the organization or any of the organization's workers, the Secretary of State and county clerk shall verify

that the name and signature of the worker and the name of the organization included on or with the form are consistent with the information provided by the organization on the organization's list of workers.

8. If the name or signature of the worker included on or with the voter registration form is not included on the organization's list of workers, the organization is subject to a civil penalty pursuant to NRS 293.840 in an amount not to exceed \$1,000 for each violation, and the organization is also subject to any criminal penalty provided by law.

Sec. 8.9. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

- (a) A standard form for applications to register to vote;
- (b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer; and
- (c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to register to vote must include a:

- (a) Unique control number assigned by the Secretary of State; and
- (b) Receipt which:
  - (1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and
  - (2) May be retained by the applicant upon completion of the form.

4. The form for an application to register to vote must include:

- (a) A line for use by the applicant to enter:
  - (1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

- (2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

- (3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

- (b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

- (c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

- (d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The form for an application to register to vote may include:

(a) One or more lines for a voter registration worker to provide his or her name and signature and the name of the voter registration organization on whose behalf he or she is acting as part of a voter registration drive pursuant to the provisions of sections 8.1 to 8.8, inclusive, of this act; and

(b) Any other information that the Secretary of State determines is necessary to carry out the provisions of sections 8.1 to 8.8, inclusive, of this act.

7. The Secretary of State shall adopt regulations to carry out the provisions of ~~subsections 3, 4 and 5.~~ this section.

Sec. 9. NRS 293.509 is hereby amended to read as follows:

293.509 1. A county clerk may provide the form for the application to register to vote prescribed by the Secretary of State pursuant to NRS 293.507 to ~~any~~ any candidate, major political party, minor political party or ~~any~~ other person submitting a request pursuant to subsection 2.

2. ~~Any~~ Any candidate, major political party, minor political party or other person who wants to obtain forms for the application to register to vote from the county clerk shall:

(a) Submit a request for the forms for the application to register to vote to the county clerk in person, by telephone, in writing or by facsimile machine; and

(b) State the number of forms for the application to register to vote that the candidate, major political party, minor political party or other person is requesting.

3. The county clerk may record the control numbers assigned to the forms by the Secretary of State pursuant to NRS 293.507 of the forms he or she provided in response to the request. The county clerk shall maintain a request for multiple ~~applications~~ forms with the county clerk's records.

4. ~~Any person who intends to conduct one or more voter registration drives and register more than 50 people during a calendar year must register with the Secretary of State, in a method prescribed by regulation of the Secretary of State. The regulations must, without limitation, prescribe a method to register online and by mail. If any candidate, major political party, minor political party or other person who submits a request for multiple forms to the county clerk qualifies as a voter registration organization that will be conducting a voter registration drive in the county pursuant to the provisions of sections 8.1 to 8.8, inclusive, of this act, the candidate, major political party, minor political party or other person shall register with the Secretary of State and the county clerk as required by those provisions.~~

Sec. 10. ~~NRS 293.525 is hereby amended to read as follows:~~

~~293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.525, 293.530 or 293.535 who moved:~~

~~(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing [an oral] proof of residence or a written affirmation before an election board officer attesting to his or her new address.~~

~~(b) Within the same precinct must be allowed to vote after providing proof of residence [an oral] or a written affirmation before an election board officer attesting to his or her new address.~~

~~2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing [an oral] proof of residence or a written affirmation before an election board officer attesting that he or she continues to reside at the same address.~~

~~3. If an elector refuses to provide [an oral] proof of residence or a written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.~~

~~4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the election board register.~~ (Deleted by amendment.)

1       **Sec. 11.** ~~[NRS 292.530 is hereby amended to read as follows:~~

2       ~~292.530 Except as otherwise provided in NRS 292.541:~~

3       ~~1. County clerks may use any reliable and reasonable means available to~~  
4 ~~correct the portions of the statewide voter registration list which are relevant to the~~  
5 ~~county clerks and to determine whether a registered voter's current residence is~~  
6 ~~other than that indicated on the voter's application to register to vote.~~

7       ~~2. A county clerk may, with the consent of the board of county~~  
8 ~~commissioners, make investigations of registration in the county by census, by~~  
9 ~~house to house canvass or by any other method.~~

10       ~~3. A county clerk shall cancel the registration of a voter pursuant to this~~  
11 ~~section if:~~

12       ~~(a) The county clerk mails a written notice to the voter which the United States~~  
13 ~~Postal Service is required to forward;~~

14       ~~(b) The county clerk mails a return postcard with the notice which has a place~~  
15 ~~for the voter to write his or her new address, is addressed to the county clerk and~~  
16 ~~has postage guaranteed;~~

17       ~~(c) The voter does not respond; and~~

18       ~~(d) The voter does not appear to vote in an election before the polls have~~  
19 ~~closed in the second general election following the date of the notice.~~

20       ~~4. For the purposes of this section, the date of the notice is deemed to be 3~~  
21 ~~days after it is mailed.~~

22       ~~5. The county clerk shall maintain records of:~~

23       ~~(a) Any notice mailed pursuant to subsection 2;~~

24       ~~(b) Any response to such notice; and~~

25       ~~(c) Whether a person to whom a notice is mailed appears to vote in an election,~~  
26 ~~for not less than 2 years after creation.~~

27       ~~6. The county clerk shall use any postcards which are returned to correct the~~  
28 ~~portions of the statewide voter registration list which are relevant to the county~~  
29 ~~clerk.~~

30       ~~7. If a voter fails to return the postcard mailed pursuant to subsection 2 within~~  
31 ~~30 days, the county clerk shall designate the voter as inactive on the voter's~~  
32 ~~application to register to vote. *A voter designated as inactive who appears to vote*~~  
33 ~~*on election day must provide proof of residence or a written affirmation before*~~  
34 ~~*casting a ballot.*~~

35       ~~8. The Secretary of State shall adopt regulations to prescribe the method for~~  
36 ~~maintaining a list of voters who have been designated as inactive pursuant to~~  
37 ~~subsection 7.]~~ (Deleted by amendment.)

38       **Sec. 12.** ~~[NRS 292.800 is hereby amended to read as follows:~~

39       ~~292.800 1. A person who, for himself, herself or another person, willfully~~  
40 ~~gives a false answer or answers to questions propounded to the person by the~~  
41 ~~registrar or field registrar of voters relating to the information called for by the~~  
42 ~~application to register to vote, or who willfully falsifies the application in any~~  
43 ~~particular, or who violates any of the provisions of the election laws of this State or~~  
44 ~~knowingly encourages another person to violate those laws is guilty of a category~~  
45 ~~[E] D felony and shall be punished as provided in NRS 192.120.~~

46       ~~2. A public officer or other person, upon whom any duty is imposed by this~~  
47 ~~title, who willfully neglects his or her duty or willfully performs it in such a way as~~  
48 ~~to hinder the objects and purposes of the election laws of this State, except where~~  
49 ~~another penalty is provided, is guilty of a category E felony and shall be punished~~  
50 ~~as provided in NRS 192.120.~~

51       ~~3. If the person is a public officer, his or her office is forfeited upon~~  
52 ~~conviction of any offense provided for in subsection 2.~~

~~4. A person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category [E] ~~D~~ felony and shall be punished as provided in NRS 493.130.~~

~~5. A field registrar or other person who provides to an elector an application to register to vote and who:~~

~~(a) Knowingly falsifies the application or knowingly causes an application to be falsified;~~

~~(b) Knowingly provides money or other compensation to another for a falsified application; or~~

~~(c) Intentionally fails to submit to the county clerk a completed application;~~

~~is guilty of a category [E] ~~D~~ felony and shall be punished as provided in NRS 493.130.] (Deleted by amendment.)~~

**Sec. 13.** ~~[NRS 293C.270 is hereby amended to read as follows:~~

~~293C.270 1. If a person's name appears in the election board register or if the person provides [an] *proof of residence or a written* affirmation pursuant to NRS 293C.525, the person is entitled to vote and must 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.] (Deleted by amendment.)~~

**Sec. 14.** ~~[NRS 293C.295 is hereby amended to read as follows:~~

~~293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide [an] *proof of residence or a written* affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he or she may vote only at the special polling place in the manner set forth in this section.~~

~~2. The city clerk shall maintain at least one special polling place at such locations as the city clerk deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided [an] *proof of residence or a written* affirmation pursuant to NRS 293C.525 in a special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.~~

~~3. A person who votes at a special polling place may vote only for the following offices and questions:~~

~~(a) All officers for whom all voters in the city may vote; and~~

~~(b) Questions that have been submitted to all voters of the city.~~

~~4. The ballots voted at the special polling place must be counted when other ballots are counted and, if the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a~~

1 ~~separate sealed container until any contest of election is resolved or the date for~~  
2 ~~filing a contest of election has passed, whichever is later.] (Deleted by~~  
3 ~~amendment.)~~

4 **Sec. 15.** ~~[NRS 293C.325 is hereby amended to read as follows:~~

5 ~~293C.325 1. Except as otherwise provided in subsection 2 and NRS~~  
6 ~~293D.200, when an absent ballot is returned by a registered voter to the city clerk~~  
7 ~~through the mail, by facsimile machine or other approved electronic transmission or~~  
8 ~~in person, and record thereof is made in the absent ballot record book, the city clerk~~  
9 ~~shall neatly stack, unopened, the absent ballot with any other absent ballot received~~  
10 ~~that day in a container and deliver, or cause to be delivered, that container to the~~  
11 ~~precinct or district election board.~~

12 ~~2. Except as otherwise provided in NRS 293D.200, if an absent ballot central~~  
13 ~~counting board has been appointed, when an absent ballot is returned by a~~  
14 ~~registered voter to the [county] city clerk through the mail, by facsimile machine or~~  
15 ~~other approved electronic transmission or in person, the [county] city clerk shall~~  
16 ~~check the signature on the return envelope, facsimile or other approved electronic~~  
17 ~~transmission against the original signature of the voter on the [county] city clerk's~~  
18 ~~register. If the city clerk determines that the absent voter is entitled to cast a ballot,~~  
19 ~~the city clerk shall deposit the ballot in the proper ballot box or place the ballot,~~  
20 ~~unopened, in a container that must be securely locked or under the control of the~~  
21 ~~city clerk at all times. At the end of each day before election day, the city clerk may~~  
22 ~~remove the ballots from each ballot box, neatly stack the ballots in a container and~~  
23 ~~seal the container with a numbered seal. Not earlier than 4 working days before the~~  
24 ~~election, the [county] city clerk shall deliver the ballots to the absent ballot central~~  
25 ~~counting board to be processed and prepared for counting pursuant to the~~  
26 ~~procedures established by the Secretary of State to ensure the confidentiality of the~~  
27 ~~prepared ballots until after the polls have closed pursuant to NRS 293C.267 or~~  
28 ~~293C.297.~~

29 ~~3. For any absent ballot delivered in accordance with subsection 2 of NRS~~  
30 ~~293.317, if the city clerk determines that the absent voter is entitled to cast a~~  
31 ~~ballot, the city clerk shall neatly stack, unopened, the absent ballot with any other~~  
32 ~~absent ballots received that day in a container and deliver, or cause to be~~  
33 ~~delivered, that container to the appropriate board pursuant to the procedures~~  
34 ~~prescribed by the Secretary of State for counting such ballots.] (Deleted by~~  
35 ~~amendment.)~~

36 **Sec. 16.** ~~[NRS 293C.385 is hereby amended to read as follows:~~

37 ~~293C.385 1. Each day after the initial withdrawal of the ballots pursuant to~~  
38 ~~NRS 293C.382 and before the day of the election, the counting board, if it is~~  
39 ~~responsible for counting absent ballots, or the absent ballot central counting board~~  
40 ~~shall withdraw from the appropriate ballot boxes or containers all the ballots~~  
41 ~~received the previous day and determine whether each box or container has the~~  
42 ~~required number of ballots according to the city clerk's absent voters' ballot record.~~

43 ~~2. If any absent ballots are received by the city clerk on election day pursuant~~  
44 ~~to NRS 293C.317, the city clerk shall deposit the absent ballots in the appropriate~~  
45 ~~ballot boxes or containers.~~

46 ~~3. Not earlier than 4 working days before the election, the appropriate board~~  
47 ~~shall, in public, count the votes cast on the absent ballots.~~

48 ~~4. If paper ballots are used, the results of the absent ballot vote in each~~  
49 ~~precinct must be certified and submitted to the city clerk, who shall have the results~~  
50 ~~added to the regular votes of the precinct. The returns of absent ballots must be~~  
51 ~~reported separately from the regular votes of the precinct, unless reporting the~~  
52 ~~returns separately would violate the secrecy of a voter's ballot. The city clerks shall~~  
53 ~~develop a procedure to ensure that each ballot is kept secret.~~

1 ~~5. Any person who disseminates to the public information relating to the~~  
2 ~~count of absent ballots before the polls close is guilty of a misdemeanor.~~

3 ~~6. On the eighth day after the election, the appropriate board shall, in~~  
4 ~~public, count the votes cast on the absent ballots properly received in accordance~~  
5 ~~with subsection 2 of NRS 293.317. (Deleted by amendment.)~~

6 **Sec. 17.** ~~NRS 293C.387 is hereby amended to read as follows:~~

7 ~~293C.387 1. The election returns from a special election, primary city~~  
8 ~~election or general city election must be filed with the city clerk, who shall~~  
9 ~~immediately place the returns in a safe or vault designated by the city clerk. No~~  
10 ~~person may handle, inspect or in any manner interfere with the returns until they are~~  
11 ~~canvassed by the mayor and the governing body of the city.~~

12 ~~2. After the governing body of a city receives the returns from all the~~  
13 ~~precincts and districts in the city, it shall meet with the mayor to canvass the~~  
14 ~~returns. The canvass must be completed on or before the [sixth] 10th working day~~  
15 ~~following the election.~~

16 ~~3. In completing the canvass of the returns, the governing body of the city and~~  
17 ~~the mayor shall:~~

18 ~~(a) Note separately any clerical errors discovered; and~~

19 ~~(b) Take account of the changes resulting from the discovery, so that the result~~  
20 ~~declared represents the true vote cast.~~

21 ~~4. After the canvass is completed, the governing body of the city and mayor~~  
22 ~~shall declare the result of the canvass.~~

23 ~~5. The city clerk shall enter upon the records of the governing body of the city~~  
24 ~~an abstract of the result. The abstract must be prepared in the manner prescribed by~~  
25 ~~regulations adopted by the Secretary of State and must contain the number of votes~~  
26 ~~cast for each candidate.~~

27 ~~6. After the abstract is entered, the:~~

28 ~~(a) City clerk shall seal the election returns, maintain them in a vault for at~~  
29 ~~least 22 months and give no person access to them during that period, unless access~~  
30 ~~is ordered by a court of competent jurisdiction or by the governing body of the city.~~

31 ~~(b) Governing body of the city shall, by an order made and entered in the~~  
32 ~~minutes of its proceedings, cause the city clerk to:~~

33 ~~(1) Certify the abstract;~~

34 ~~(2) Make a copy of the certified abstract;~~

35 ~~(3) Make a mechanized report of the abstract in compliance with~~  
36 ~~regulations adopted by the Secretary of State;~~

37 ~~(4) Transmit a copy of the certified abstract and the mechanized report of~~  
38 ~~the abstract to the Secretary of State within [7] 11 working days after the election;~~  
39 ~~and~~

40 ~~(5) Transmit on paper or by electronic means to each public library in the~~  
41 ~~city, or post on a website maintained by the city or the city clerk on the Internet or~~  
42 ~~its successor, if any, a copy of the certified abstract within 20 days after the~~  
43 ~~election.~~

44 ~~7. After the abstract of the results from a:~~

45 ~~(a) Primary city election has been certified, the city clerk shall certify the name~~  
46 ~~of each person nominated and the name of the office for which the person is~~  
47 ~~nominated.~~

48 ~~(b) General city election has been certified, the city clerk shall:~~

49 ~~(1) Issue under his or her hand and official seal to each person elected a~~  
50 ~~certificate of election; and~~

51 ~~(2) Deliver the certificate to the persons elected upon their application at~~  
52 ~~the office of the city clerk.~~

~~8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.] (Deleted by amendment.)~~

**Sec. 18.** ~~[NRS 293C.525 is hereby amended to read as follows:~~

~~293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved.~~

~~(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing [an oral] proof of residence or a written affirmation before an election board officer attesting to his or her new address.~~

~~(b) Within the same precinct must be allowed to vote after providing [an oral] proof of residence or a written affirmation before an election board officer attesting to his or her new address.~~

~~2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing [an oral] proof of residence or a written affirmation before an election board officer attesting that he or she continues to reside at the same address.~~

~~3. If an elector refuses to provide [an oral] proof of residence or a written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.] (Deleted by amendment.)~~

**Sec. 19.** ~~[NRS 293D.400 is hereby amended to read as follows:~~

~~293D.400 [A]~~

~~1. Except as otherwise provided in subsection 2, a military overseas ballot must be received by the appropriate local elections official not later than the close of the polls.~~

~~2. A military overseas ballot that is received after the polls close on the day of the election must be counted if the military overseas ballot is~~

~~(a) Returned by mail;~~

~~(b) Postmarked on or before the day of the election; and~~

~~(c) Received by the appropriate local elections official not later than 7 days after the day of the election.] (Deleted by amendment.)~~

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

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.