

Senate Bill No. 248—Committee on
Health and Human Services

CHAPTER.....

AN ACT relating to elections; revising provisions regarding the provision of assistance in casting a ballot to a person with a disability or a person with an inability to read or write English; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with limited exceptions, a person with a physical disability or an inability to read or write English is entitled to assistance in casting a ballot if the need for assistance is apparent or known to the election board, but the election board may require such a person to sign a statement under penalty of perjury swearing that he or she requires such assistance. (NRS 293.296, 293C.282) **Sections 7 and 9** of this bill establish that: (1) a person with a disability or an inability to read or write English remains entitled to assistance in casting a ballot if the need for such assistance is apparent or known to the election board; (2) a person with a disability or an inability to read or write English may request assistance in voting in any manner; and (3) an election board may not require a person with a disability or an inability to read or write English to sign a statement under penalty of perjury swearing that he or she requires assistance in casting a ballot. Under existing law, a person with a disability that prevents him or her from marking or signing a ballot, or using a voting device without assistance, is required, as a prerequisite to receiving an absent ballot, to furnish a statement from a licensed physician certifying that the person is a person with a disability. (NRS 293.3165, 293C.318) **Sections 8 and 10** of this bill eliminate the requirement that a person with a disability furnish a statement from a physician certifying that the person is a person with a physical disability as a prerequisite to the person receiving an absent ballot.

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

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

Sections 1-6. (Deleted by amendment.)

Sec. 7. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

- (a) The voter's employer or an agent of the voter's employer; or
- (b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.



3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof ~~but the election board may require a registered voter to sign a statement that he or she requires assistance in casting a vote by reason of a physical disability or an inability to read or write English when the need for assistance is not apparent or no member of the election board has knowledge thereof. The statement must be executed under penalty of perjury.~~ *or when the registered voter requests such assistance in any manner.*

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at his or her polling place.

Sec. 8. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that the registered voter receive an absent ballot for each election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) ~~Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, is unable to mark or sign a ballot or use a voting device without assistance;~~

~~—(b)~~ Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

~~(c)~~ *(b)* Include the name, address and signature of the person designated pursuant to paragraph ~~(b)~~ *(a)*.

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted during the year immediately succeeding the date the written statement is submitted to the county clerk.

4. ~~To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a~~



~~statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.~~

~~—5.†~~ A person designated pursuant to paragraph ~~†(b)†~~ (a) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. 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.†~~ 5. The procedure authorized pursuant to 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.

Sec. 9. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

- (a) The voter's employer or an agent of the voter's employer; or
- (b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof ~~†, but the election board may require a registered voter to sign a statement that he or she requires assistance in casting a vote because of a physical disability or an inability to read or write English when the need for assistance is not apparent or no member of the election board has knowledge thereof. The statement must be executed under penalty of perjury.†~~ *or when the registered voter requests such assistance in any manner.*

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at his or her polling place.



Sec. 10. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that the registered voter receive an absent ballot for each city election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) ~~Include a statement from a physician licensed in this State certifying that the registered voter is a person with a physical disability and, because of the physical disability, is unable to mark or sign a ballot or use a voting device without assistance;~~

~~—(b)—~~ Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

~~—(c)—~~ (b) Include the name, address and signature of the person designated pursuant to paragraph ~~—(b)—~~ (a).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each city election that is conducted during the year immediately succeeding the date the written statement is submitted to the city clerk.

4. ~~To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.~~

~~—5.—~~ A person designated pursuant to paragraph ~~—(b)—~~ (a) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. 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.—~~ 5. The procedure authorized pursuant to 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.

Secs. 11-49. (Deleted by amendment.)

Sec. 50. This act becomes effective upon passage and approval.

