

ASSEMBLY BILL NO. 478—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SECRETARY OF STATE)

MARCH 27, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Changes the deadline by which a person may register to vote by mail for certain elections. (BDR 24-463)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; changing the deadline by which a person may register to vote for a primary, primary city, general city or general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires that each state ensure that an eligible voter who submits an application to register to vote by mail be registered to vote in an election for federal office if the voter registration form is postmarked not later than 30 days before the date of the election. (52 U.S.C. § 20507) Under existing Nevada law, an application to register to vote by mail must be postmarked or received by the county clerk not later than the fifth Saturday before a primary election, primary city election, general election or general city election. (NRS 293.5235, 293.560, 293C.527) This bill changes the deadline to register to vote by mail for these elections.

Sections 5 and 6 of this bill provide the last day to register to vote by mail is the fifth Monday preceding the primary election, primary city election, general election or general city election, as applicable, unless the United States Postal Service does not provide delivery service on such day. In that case, the last day to register to vote by mail is the first day following the fifth Monday preceding the primary election, primary city election, general election or general city election on which the United States Postal Service provides delivery service. This means that an application to register to vote by mail must be postmarked or received by the county clerk not later than: (1) the fifth Monday preceding the election; or (2) if the United States Postal Service does not provide delivery service on such day, the first day following the fifth Monday preceding the election on which the United States Postal Service has delivery service. **Sections 1-4** of this bill make conforming changes.



* A B 4 7 8 *

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

Section 1. NRS 293.504 is hereby amended to read as follows:
293.504 1. The following offices shall serve as voter
registration agencies:

(a) Such offices that provide public assistance as are designated
by the Secretary of State;

(b) Each office that receives money from the State of Nevada to
provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk
or city clerk may designate pursuant to NRS 293.5035 or 293C.520,
as applicable;

(f) Recruitment offices of the United States Armed Forces; and

(g) Such other offices as the Secretary of State deems
appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type,
instructions for registering to vote;

(b) Except as otherwise provided in subsection 3, distribute
applications to register to vote which may be returned by mail with
any application for services or assistance from the agency or
submitted for any other purpose and with each application for
recertification, renewal or change of address submitted to the
agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in
completing an application to register to vote as the agency provides
to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. A voter registration agency is not required to provide an
application to register to vote pursuant to paragraph (b) of
subsection 2 to a person who applies for or receives services or
assistance from the agency or submits an application for any other
purpose if the person declines to register to vote and submits to the
agency a written form that meets the requirements of 42 U.S.C. §
1973gg-5(a)(6). No information related to the declination to register
to vote may be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS
293.524, any application to register to vote accepted by a voter
registration agency must be transmitted to the county clerk not later
than 10 days after the application is accepted. The applications must
be forwarded daily during the 2 weeks immediately preceding the
~~fifth Sunday preceding an election.~~ *last day to register to vote by*



1 *mail pursuant to NRS 293.560 or 293C.527, as applicable.* The
2 county clerk shall accept any application to register to vote which is
3 obtained from a voter registration agency pursuant to this section
4 and completed by the ~~{fifth Sunday preceding an election}~~ *last day*
5 *to register to vote by mail pursuant to NRS 293.560 or 293C.527,*
6 *as applicable,* if the county clerk receives the application not later
7 than 5 days after that date.

8 5. The Secretary of State shall cooperate with the Secretary of
9 Defense to develop and carry out procedures to enable persons in
10 this State to apply to register to vote at recruitment offices of the
11 United States Armed Forces.

12 **Sec. 2.** NRS 293.505 is hereby amended to read as follows:

13 293.505 1. All justices of the peace, except those located in
14 county seats, are ex officio field registrars to carry out the
15 provisions of this chapter.

16 2. The county clerk shall appoint at least one registered voter to
17 serve as a field registrar of voters who, except as otherwise provided
18 in NRS 293.5055, shall register voters within the county for which
19 the field registrar is appointed. Except as otherwise provided in
20 subsection 1, a candidate for any office may not be appointed or
21 serve as a field registrar. A field registrar serves at the pleasure of
22 the county clerk and shall perform such duties as the county clerk
23 may direct. The county clerk shall not knowingly appoint any
24 person as a field registrar who has been convicted of a felony
25 involving theft or fraud. The Secretary of State may bring an action
26 against a county clerk to collect a civil penalty of not more than
27 \$5,000 for each person who is appointed as a field registrar in
28 violation of this subsection. Any civil penalty collected pursuant to
29 this subsection must be deposited with the State Treasurer for credit
30 to the State General Fund.

31 3. A field registrar shall demand of any person who applies for
32 registration all information required by the application to register to
33 vote and shall administer all oaths required by this chapter.

34 4. When a field registrar has in his or her possession five or
35 more completed applications to register to vote, the field registrar
36 shall forward them to the county clerk, but in no case may the field
37 registrar hold any number of them for more than 10 days.

38 5. Each field registrar shall forward to the county clerk all
39 completed applications in his or her possession immediately after
40 the ~~{fifth Sunday preceding an election}~~ *last day to register to vote*
41 *by mail pursuant to NRS 293.560 or 293C.527, as applicable.*
42 Within 5 days after the ~~{fifth Sunday preceding any general election~~
43 ~~or general city election}~~ *last day to register to vote by mail*
44 *pursuant to NRS 293.560 or 293C.527, as applicable,* a field
45 registrar shall return all unused applications in his or her possession



1 to the county clerk. If all of the unused applications are not returned
2 to the county clerk, the field registrar shall account for the
3 unreturned applications.

4 6. Each field registrar shall submit to the county clerk a list of
5 the serial numbers of the completed applications to register to vote
6 and the names of the electors on those applications. The serial
7 numbers must be listed in numerical order.

8 7. Each field registrar shall post notices sent to him or her by
9 the county clerk for posting in accordance with the election laws of
10 this State.

11 8. A field registrar, employee of a voter registration agency or
12 person assisting a voter pursuant to subsection 13 of NRS 293.5235
13 shall not:

14 (a) Delegate any of his or her duties to another person; or

15 (b) Refuse to register a person on account of that person's
16 political party affiliation.

17 9. A person shall not hold himself or herself out to be or
18 attempt to exercise the duties of a field registrar unless the person
19 has been so appointed.

20 10. A county clerk, field registrar, employee of a voter
21 registration agency or person assisting a voter pursuant to subsection
22 13 of NRS 293.5235 shall not:

23 (a) Solicit a vote for or against a particular question or
24 candidate;

25 (b) Speak to a voter on the subject of marking his or her ballot
26 for or against a particular question or candidate; or

27 (c) Distribute any petition or other material concerning a
28 candidate or question which will be on the ballot for the ensuing
29 election,

30 ↪ while registering an elector.

31 11. When the county clerk receives applications to register to
32 vote from a field registrar, the county clerk shall issue a receipt to
33 the field registrar. The receipt must include:

34 (a) The number of persons registered; and

35 (b) The political party of the persons registered.

36 12. A county clerk, field registrar, employee of a voter
37 registration agency or person assisting a voter pursuant to subsection
38 13 of NRS 293.5235 shall not:

39 (a) Knowingly register a person who is not a qualified elector or
40 a person who has filed a false or misleading application to register
41 to vote; or

42 (b) Register a person who fails to provide satisfactory proof of
43 identification and the address at which the person actually resides.

44 13. A county clerk, field registrar, employee of a voter
45 registration agency, person assisting a voter pursuant to subsection



1 13 of NRS 293.5235 or any other person providing a form for the
2 application to register to vote to an elector for the purpose of
3 registering to vote:

4 (a) If the person who assists an elector with completing the form
5 for the application to register to vote retains the form, shall enter his
6 or her name on the duplicate copy or receipt retained by the voter
7 upon completion of the form; and

8 (b) Shall not alter, deface or destroy an application to register to
9 vote that has been signed by an elector except to correct information
10 contained in the application after receiving notice from the elector
11 that a change in or addition to the information is required.

12 14. If a field registrar violates any of the provisions of this
13 section, the county clerk shall immediately suspend the field
14 registrar and notify the district attorney of the county in which the
15 violation occurred.

16 15. A person who violates any of the provisions of subsection
17 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be
18 punished as provided in NRS 193.130.

19 **Sec. 3.** NRS 293.5237 is hereby amended to read as follows:

20 293.5237 Any time before the ~~fifth Sunday preceding an~~
21 ~~election,~~ *last day to register to vote by mail pursuant to NRS*
22 *293.560 or 293C.527, as applicable,* a person who because of
23 illness, disability or for other good cause shown requires assistance
24 to complete an application to register to vote may request the county
25 clerk in writing or by telephone to register the person at the person's
26 residence. Upon request, the county clerk shall direct the appropriate
27 field registrar to go to the home of such a person to register the
28 person to vote.

29 **Sec. 4.** NRS 293.524 is hereby amended to read as follows:

30 293.524 1. The Department of Motor Vehicles shall provide
31 an application to register to vote to each person who applies for the
32 issuance or renewal of any type of driver's license or identification
33 card issued by the Department.

34 2. The county clerk shall use the applications to register to vote
35 which are signed and completed pursuant to subsection 1 to register
36 applicants to vote or to correct information in the registrar of voters'
37 register. An application that is not signed must not be used to
38 register or correct the registration of the applicant.

39 3. For the purposes of this section, each employee specifically
40 authorized to do so by the Director of the Department may oversee
41 the completion of an application. The authorized employee shall
42 check the application for completeness and verify the information
43 required by the application. Each application must include a
44 duplicate copy or receipt to be retained by the applicant upon
45 completion of the form. The Department shall, except as otherwise



1 provided in this subsection, forward each application on a weekly
2 basis to the county clerk or, if applicable, to the registrar of voters of
3 the county in which the applicant resides. The applications must be
4 forwarded daily during the 2 weeks immediately preceding the ~~fifth~~
5 ~~Sunday preceding an election.~~ *last day to register to vote by mail*
6 *pursuant to NRS 293.560 or 293C.527, as applicable.*

7 4. The county clerk shall accept any application to register to
8 vote which is obtained from the Department of Motor Vehicles
9 pursuant to this section and completed by the ~~fifth~~ ~~Sunday~~
10 ~~preceding an election.~~ *last day to register to vote by mail pursuant*
11 *to NRS 293.560 or 293C.527, as applicable,* if the county clerk
12 receives the application not later than 5 days after that date. Upon
13 receipt of an application, the county clerk or field registrar of voters
14 shall determine whether the application is complete. If the county
15 clerk or field registrar of voters determines that the application is
16 complete, he or she shall notify the applicant and the applicant shall
17 be deemed to be registered as of the date of the submission of the
18 application. If the county clerk or field registrar of voters determines
19 that the application is not complete, he or she shall notify the
20 applicant of the additional information required. The applicant shall
21 be deemed to be registered as of the date of the initial submission of
22 the application if the additional information is provided within 15
23 days after the notice for the additional information is mailed. If the
24 applicant has not provided the additional information within 15 days
25 after the notice for the additional information is mailed, the
26 incomplete application is void. Any notification required by this
27 subsection must be given by mail at the mailing address on the
28 application not more than 7 working days after the determination is
29 made concerning whether the application is complete.

30 5. The county clerk shall use any form submitted to the
31 Department to correct information on a driver's license or
32 identification card to correct information in the registrar of voters'
33 register, unless the person indicates on the form that the correction
34 is not to be used for the purposes of voter registration. The
35 Department shall forward each such form to the county clerk or, if
36 applicable, to the registrar of voters of the county in which the
37 person resides in the same manner provided by subsection 3 for
38 applications to register to vote.

39 6. Upon receipt of a form to correct information, the county
40 clerk shall compare the information to that contained in the registrar
41 of voters' register. If the person is a registered voter, the county
42 clerk shall correct the information to reflect any changes indicated
43 on the form. After making any changes, the county clerk shall notify
44 the person by mail that the records have been corrected.



7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the rosters and registrar of voters' register.

Sec. 5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close on the third Tuesday preceding any primary or general election and on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.



1 ➤ If no such newspaper is published in the county, the publication
2 may be made in a newspaper of general circulation published in the
3 nearest county in this State.

4 (b) The notice must be published once each week for 4
5 consecutive weeks next preceding the close of registration for any
6 election.

7 5. The offices of the county clerk, a county facility designated
8 pursuant to NRS 293.5035 and other ex officio registrars may
9 remain open on the last Friday in October in each even-numbered
10 year.

11 6. *Except as otherwise provided in this subsection, the last*
12 *day to register to vote by mail is the fifth Monday preceding any*
13 *primary or general election. If the United States Postal Service*
14 *does not provide delivery service on the fifth Monday preceding*
15 *the primary or general election, the last day to register to vote by*
16 *mail is the first day following the fifth Monday preceding the*
17 *primary or general election on which the United States Postal*
18 *Service has delivery service.*

19 7. For the period beginning on the ~~fifth Sunday preceding any~~
20 ~~primary or general election~~ *day after the last day to register to vote*
21 *by mail pursuant to subsection 6* and ending on the third Tuesday
22 preceding any primary or general election, an elector may register to
23 vote only:

24 (a) By appearing in person at the office of the county clerk or, if
25 open, a county facility designated pursuant to NRS 293.5035; or

26 (b) By computer, if the county clerk has established a system
27 pursuant to NRS 293.506 for using a computer to register voters.

28 ~~7.7~~ 8. A county facility designated pursuant to NRS 293.5035
29 may be open during the periods described in this section for such
30 hours of operation as the county clerk may determine, as set forth in
31 subsection 3 of NRS 293.5035.

32 **Sec. 6.** NRS 293C.527 is hereby amended to read as follows:

33 293C.527 1. Except as otherwise provided in NRS 293.502,
34 293D.230 and 293D.300, registration must close on the third
35 Tuesday preceding any primary city election or general city election
36 and on the third Saturday preceding any recall or special election,
37 except that if a recall or special election is held on the same day as a
38 primary city election or general city election, registration must close
39 on the third Tuesday preceding the day of the elections.

40 2. For a primary city election or special city election, the office
41 of the city clerk must be open until 7 p.m. during the last 2 days on
42 which registration is open. In a city whose population is less than
43 25,000, the office of the city clerk may close at 5 p.m. if approved
44 by the governing body of the city.

45 3. For a general election:



(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➔ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. *Except as otherwise provided in this subsection, the last day to register to vote by mail is the fifth Monday preceding any primary city election or general city election. If the United States Postal Service does not provide delivery service on the fifth Monday preceding the primary city election or general city election, the last day to register to vote by mail is the first day following the fifth Monday preceding the primary city election or general city election on which the United States Postal Service has delivery service.*

6. For the period beginning on the ~~fifth Sunday preceding any primary city election or general city election~~ *day after the last day to register to vote by mail pursuant to subsection 5*, and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only:

(a) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520; or

(b) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters.

~~6-1~~ 7. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section



- 1 for such hours of operation as the city clerk may determine, as set
- 2 forth in subsection 3 of NRS 293C.520.

