

Amendment No. 158

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| Senate Amendment to Senate Bill No. 452  | (BDR 24-1141) |
| <b>Proposed by:</b> Senate Committee on Legislative Operations and Elections         |               |
| <b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes |               |

Adoption of this amendment will ADD an unfunded mandate not requested by the affected local government to S.B. 452 (§§ 1, 1.2, 1.9, 2.2).

| 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.

KCP



Date: 4/19/2019

S.B. No. 452—Revises provisions relating to elections. (BDR 24-1141)





SENATE BILL NO. 452—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-1141)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

AN ACT relating to elections; authorizing absent ballots to be returned to polling places for early voting; revising provisions related to certain persons who distribute forms to request absent ballots; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law provides that absent ballots issued to registered voters by the county or city clerk must be returned by mail, by another authorized method or by a person who is authorized to return the absent ballot on behalf of the absent voter. (NRS 293.3088-293.340, 293C.304-293C.340) Existing law also provides for the establishment by the county or city clerk of permanent and temporary polling places for early voting. (NRS 293.356-293.361, 293C.355-293C.361) Sections 1, 1.2-1.9 and 2.2-2.5 of this bill provide that: (1) absent ballots issued to registered voters may be returned to an election board officer at a permanent or temporary polling place for early voting and must be accepted by the election board officer, unless the person who delivers the absent ballot is not authorized to return the absent ballot on behalf of the absent voter; and (2) the accepted absent ballots must be secured, delivered and recorded under a plan for the security of the ballots that is developed by the county or city clerk and approved by the Secretary of State. Sections 1.3 and 2.3 also provide that, under certain circumstances, a registered voter who is issued an absent ballot may surrender his or her absent ballot at a polling place for early voting and vote in person at that polling place.

Under existing law, a person who, during the 6 months immediately preceding an election, intends to distribute to more than 500 registered voters a form to request an absent ballot for the election, is required to notify the county or city clerk in writing of: (1) the approximate number of forms to be distributed to registered voters in the county or city, as applicable; and (2) the first date on which the forms will be distributed to registered voters. (NRS 293.3095, 293C.306) ~~[This bill revises]~~ Sections 1.1 and 2 of this bill revise the deadline for providing such notification to the county or city clerk from not later than 14 days to not later than 28 days before distributing ~~[such a form to request an absent ballot.]~~ the forms.

Under existing law, such a person ~~[as previously described]~~ distributing the forms is prohibited from mailing ~~[a form to request an absent ballot to a]~~ the forms to registered ~~[voter]~~ voters later than 21 days before the election. (NRS 293.3095, 293C.306) ~~[This bill prohibits]~~ Sections 1.1 and 2 of this bill prohibit such a person from mailing the ~~[form to request an absent ballot]~~ forms to ~~[a]~~ registered ~~[voter]~~ voters later than 35 days before the election. Sections 1.1 and 2 also require such a person to include a notice on each form

that: (1) informs the voters that they are not receiving an official elections notice from the Secretary of State or the county or city clerk; (2) explains to the voters the purpose of the form; and (3) informs the voters that they do not need to submit the form to the county or city clerk if they have already requested an absent ballot for that election year or they are already entitled to receive an absent ballot for all elections.

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

**Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. During the days and times that early voting is conducted at a permanent or temporary polling place for early voting, an election board officer at the polling place shall accept any absent ballot issued to a registered voter of the county that is delivered in its return envelope to the election board officer, unless the person who delivers the absent ballot to the election board officer is not authorized to return the absent ballot on behalf of the registered voter pursuant to NRS 293.3088 to 293.340, inclusive.**

**2. If an election board officer accepts an absent ballot pursuant to this section, the absent ballot must be secured, delivered and recorded pursuant to subsection 3 of NRS 293.325.**

~~[Section 1.]~~ **Sec. 1.1.** NRS 293.3095 is hereby amended to read as follows:

293.3095 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger ~~[4]~~ **at the top of the first page of the form:**

(1) Identify the person who is distributing the form; and

(2) Include ~~[4]~~ **the following** notice stating, ~~[“This”]~~ **with the first sentence of the notice in bold type:**

**This is not an official elections notice from the Secretary of State or your county or city clerk. This is a form to request ~~[for]~~ an absent ballot ~~[“”]~~ that you may submit to your county or city clerk if you want to vote by absent ballot. However, even if you want to vote by absent ballot, you do not need to submit this form if you have already requested an absent ballot for this election year or are already entitled to receive an absent ballot for all elections.**

(b) Not later than ~~[44]~~ **28** days before distributing such a form, provide to the county clerk of each county to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the county and of the first date on which the forms will be distributed;

(c) Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~[24]~~ **35** days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

**Sec. 1.2. NRS 293.325 is hereby amended to read as follows:**

293.325 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 appropriate 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. When an absent ballot is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1 of this act, the absent ballot must be deposited, unopened, by the election board officer in a ballot box or container with any other absent ballots received that day. The county clerk shall deliver or cause to be delivered the absent ballots in that ballot box or container to the appropriate election board or absent ballot central counting board, if one has been appointed. The county clerk shall develop a procedure to ensure a record is made of each absent ballot that is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1 of this act.

Sec. 1.3. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in this section, subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and ~~mail~~:

(a) Mail the return envelope ~~to the~~;

(b) Deliver the return envelope to the office of the county clerk; or

(c) Deliver the return envelope to an election board officer at a permanent or temporary polling place for early voting pursuant to section 1 of this act.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk ~~to~~ and the provisions of paragraph (b) or (c) do not otherwise apply, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A permanent or temporary polling place for early voting during the period for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification to an election board officer in order to be issued a ballot to vote at the polling place. The election board officer who receives the surrendered absent ballot shall mark it "Cancelled."

1 ~~\_\_\_\_\_~~ (c) A polling place ~~including, without limitation, a polling place for early~~  
2 ~~voting.~~ on election day, the absent voter must surrender the absent ballot and  
3 provide satisfactory identification ~~(before being)~~ to an election board officer in  
4 ~~order to be~~ issued a ballot to vote at the polling place. ~~(A person)~~ The election  
5 ~~board officer~~ who receives ~~the~~ surrendered absent ballot shall mark it  
6 “Cancelled.”

7 3. If an absent voter who has requested a ballot by mail applies to vote in  
8 person at the office of the county clerk or a polling place, including, without  
9 limitation, a polling place for early voting, and the voter does not have the absent  
10 ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

11 (a) Provides satisfactory identification;

12 (b) Is a registered voter who is otherwise entitled to vote; and

13 (c) Signs an affirmation under penalty of perjury on a form prepared by the  
14 Secretary of State declaring that the voter has not voted during the election.

15 4. Except as otherwise provided in NRS 293.316 and 293.3165, it is unlawful  
16 for any person to return an absent ballot other than the voter who requested the  
17 absent ballot or, at the request of the voter, a member of the voter's family. A  
18 person who returns an absent ballot and who is a member of the family of the voter  
19 who requested the absent ballot shall, under penalty of perjury, indicate on a form  
20 prescribed by the county clerk that the person is a member of the family of the voter  
21 who requested the absent ballot and that the voter requested that the person return  
22 the absent ballot. A person who violates the provisions of this subsection is guilty  
23 of a category E felony and shall be punished as provided in NRS 193.130.

24 Sec. 1.4. NRS 293.340 is hereby amended to read as follows:

25 293.340 1. In counties in which an absent ballot central counting board is  
26 appointed, the county clerk shall provide a ballot box in the county clerk's office  
27 for each different ballot listing in the county.

28 2. On each ~~such~~ box, there must appear a statement indicating the precincts  
29 and district for which ~~such~~ the box has been designated.

30 3. Except as otherwise provided in NRS 293.325 and 293D.200, each absent  
31 ballot voted must be deposited in a ballot box according to the precinct or district of  
32 the absent voter voting ~~such~~ that ballot.

33 Sec. 1.5. NRS 293.3594 is hereby amended to read as follows:

34 293.3594 1. A plan for the security of ballots for early voting must be  
35 submitted to the Secretary of State for approval no later than 90 days before the  
36 election at which early voting is to be conducted. The plan must include, without  
37 limitation, a plan for the security of absent ballots accepted by an election board  
38 officer at a polling place for early voting pursuant to section 1 of this act.

39 2. At the close of early voting each day, the deputy clerk for early voting shall  
40 secure each voting machine used for early voting in a manner prescribed by the  
41 Secretary of State so that its unauthorized operation is prevented.

42 3. All materials for early voting must be delivered to the county clerk's office  
43 at the close of voting on the last day for voting at the polling place for early voting.

44 Sec. 1.9. Chapter 293C of NRS is hereby amended by adding thereto a  
45 new section to read as follows:

46 1. During the days and times that early voting is conducted at a permanent  
47 or temporary polling place for early voting, an election board officer at the  
48 polling place shall accept any absent ballot issued to a registered voter of the city  
49 that is delivered in its return envelope to the election board officer, unless the  
50 person who delivers the absent ballot to the election board officer is not  
51 authorized to return the absent ballot on behalf of the registered voter pursuant  
52 to NRS 293C.304 to 293C.340, inclusive.

2. If an election board officer accepts an absent ballot pursuant to this section, the absent ballot must be secured, delivered and recorded pursuant to subsection 3 of NRS 293C.325.

**Sec. 2.** NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger ~~[[~~ at the top of the first page of the form:

(1) Identify the person who is distributing the form; and

(2) Include ~~[[~~ the following notice stating, ~~[[This]]~~ with the first sentence of the notice in bold type:

**This is not an official elections notice from the Secretary of State or your county or city clerk. This is a form to request ~~[[for]]~~ an absent ballot ~~[[that you may submit to your county or city clerk if you want to vote by absent ballot. However, even if you want to vote by absent ballot, you do not need to submit this form if you have already requested an absent ballot for this election year or are already entitled to receive an absent ballot for all elections.~~**

(b) Not later than ~~[[4]]~~ 28 days before distributing such a form, provide to the city clerk of each city to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the city and of the first date on which the forms will be distributed;

(c) Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~[[24]]~~ 35 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

**Sec. 2.2. NRS 293C.325 is hereby amended to read as follows:**

293C.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the city 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 city 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 appropriate 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 city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city 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 city clerk at all times. At the end of each day before election day, the city 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 city 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 293C.267 or 293C.297.

3. When an absent ballot is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1.9 of this act, the absent ballot must be deposited, unopened, by the election board officer in a ballot box or container with any other absent ballots received that day. The city clerk shall deliver or cause to be delivered the absent ballots in that ballot box or container to the appropriate election board or absent ballot central counting board, if one has been appointed. The city clerk shall develop a procedure to ensure a record is made of each absent ballot that is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1.9 of this act.

Sec. 2.3. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in this section, subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and ~~mail~~ :

(a) Mail the return envelope ~~to~~;

(b) Deliver the return envelope to the office of the city clerk; or

(c) Deliver the return envelope to an election board officer at a permanent or temporary polling place for early voting pursuant to section 1.9 of this act.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk ~~to~~ and the provisions of paragraph (b) or (c) do not otherwise apply, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A permanent or temporary polling place for early voting during the period for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification to an election board officer in order to be issued a ballot to vote at the polling place. The election board officer who receives the surrendered absent ballot shall mark it "Cancelled."

(c) A polling place ~~including, without limitation, a polling place for early voting,~~ on election day, the absent voter must surrender the absent ballot and provide satisfactory identification ~~before being~~ to an election board officer in order to be issued a ballot to vote at the polling place. ~~A person~~ The election board officer who receives ~~the~~ the surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317 and 293C.318, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on



1 a form prescribed by the city clerk that the person is a member of the family of the  
2 voter who requested the absent ballot and that the voter requested that the person  
3 return the absent ballot. A person who violates the provisions of this subsection is  
4 guilty of a category E felony and shall be punished as provided in NRS 193.130.

5 **Sec. 2.4. NRS 293C.340 is hereby amended to read as follows:**

6 293C.340 1. In cities in which an absent ballot central counting board is  
7 appointed, the city clerk shall provide a ballot box in the city clerk's office for each  
8 different ballot listing in the city.

9 2. On each box, there must appear a statement indicating the precincts and  
10 district for which the box has been designated.

11 3. Except as otherwise provided in NRS 293C.325 and 293D.200, each  
12 absent ballot voted must be deposited in a ballot box according to the precinct or  
13 district of the absent voter voting that ballot.

14 **Sec. 2.5. NRS 293C.3594 is hereby amended to read as follows:**

15 293C.3594 1. A plan for the security of ballots for early voting must be  
16 submitted to the Secretary of State for approval no later than 90 days before the  
17 election at which early voting is to be conducted. The plan must include, without  
18 limitation, a plan for the security of absent ballots accepted by an election board  
19 officer at a polling place for early voting pursuant to section 1.9 of this act.

20 2. At the close of early voting each day, the deputy clerk for early voting shall  
21 secure each voting machine used for early voting in a manner prescribed by the  
22 Secretary of State so that its unauthorized operation is prevented.

23 3. All materials for early voting must be delivered to the city clerk's office at  
24 the close of voting on the last day for voting at the polling place for early voting.

25 **Sec. 2.9. The provisions of NRS 354.599 do not apply to any additional**  
26 **expenses of a local government that are related to the provisions of this act.**

27 **Sec. 3.** This act becomes effective on July 1, 2019.