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FIRST REPRINT

S.B. 452

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.

CONTAINS UNFUNDED MANDATE (§§ 1, 1.2, 1.9, 2.2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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



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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) **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 the forms.

Under existing law, such a person distributing the forms is prohibited from mailing the forms to registered voters later than 21 days before the election. (NRS 293.3095, 293C.306) **Sections 1.1 and 2** of this bill prohibit such a person from mailing the forms to registered 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.

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 **[+]** *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 ~~[14]~~ 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 ~~{}~~;

(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 ~~{}~~ *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."*

(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 ~~{a}~~ *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 county 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 293.316 and 293.3165, 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 a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

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

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

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

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

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

293.3594 1. A plan for the security of ballots for early voting must be submitted to the Secretary of State for approval no later than 90 days before the election at which early voting is to be conducted. *The plan must include, without limitation, a plan for*



the security of absent ballots accepted by an election board officer at a polling place for early voting pursuant to section 1 of this act.

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

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

Sec. 1.9. Chapter 293C 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 city 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 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 ~~[4]~~ *at the top of the first page of the form:*

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

(2) Include ~~[a]~~ *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 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



1 *that ballot box or container to the appropriate election board or*
2 *absent ballot central counting board, if one has been appointed.*
3 *The city clerk shall develop a procedure to ensure a record is made*
4 *of each absent ballot that is accepted by an election board officer*
5 *at a permanent or temporary polling place for early voting*
6 *pursuant to section 1.9 of this act.*

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

8 293C.330 1. Except as otherwise provided in *this section*,
9 subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any
10 regulations adopted pursuant thereto, when an absent voter receives
11 an absent ballot, the absent voter must mark and fold it in
12 accordance with the instructions, deposit it in the return envelope,
13 seal the envelope, affix his or her signature on the back of the
14 envelope in the space provided therefor and ~~mail~~:

15 (a) *Mail* the return envelope ~~it~~;

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

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

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

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

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

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

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



- 1 (a) Provides satisfactory identification;
- 2 (b) Is a registered voter who is otherwise entitled to vote; and
- 3 (c) Signs an affirmation under penalty of perjury on a form
- 4 prepared by the Secretary of State declaring that the voter has not
- 5 voted during the election.

6 4. Except as otherwise provided in NRS 293C.317 and
7 293C.318, it is unlawful for any person to return an absent ballot
8 other than the voter who requested the absent ballot or, at the
9 request of the voter, a member of the voter's family. A person who
10 returns an absent ballot and who is a member of the family of the
11 voter who requested the absent ballot shall, under penalty of perjury,
12 indicate on a form prescribed by the city clerk that the person is a
13 member of the family of the voter who requested the absent ballot
14 and that the voter requested that the person return the absent ballot.
15 A person who violates the provisions of this subsection is guilty of a
16 category E felony and shall be punished as provided in
17 NRS 193.130.

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

19 293C.340 1. In cities in which an absent ballot central
20 counting board is appointed, the city clerk shall provide a ballot box
21 in the city clerk's office for each different ballot listing in the city.

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

24 3. Except as otherwise provided in NRS *293C.325 and*
25 *293D.200*, each absent ballot voted must be deposited in a ballot
26 box according to the precinct or district of the absent voter voting
27 that ballot.

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

30 293C.3594 1. A plan for the security of ballots for early
31 voting must be submitted to the Secretary of State for approval no
32 later than 90 days before the election at which early voting is to be
33 conducted. *The plan must include, without limitation, a plan for*
34 *the security of absent ballots accepted by an election board officer*
35 *at a polling place for early voting pursuant to section 1.9 of this*
36 *act.*

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

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



- 1 **Sec. 2.9.** The provisions of NRS 354.599 do not apply to any
2 additional expenses of a local government that are related to the
3 provisions of this act.
4 **Sec. 3.** This act becomes effective on July 1, 2019.

