
ASSEMBLY BILL NO. 328—ASSEMBLYMEN HARDY, TITUS, O’NEILL,
LEAVITT, KRASNER; DICKMAN, HAFEN, HANSEN, KASAMA,
MATTHEWS, MCARTHUR, ROBERTS AND TOLLES

MARCH 17, 2021

JOINT SPONSORS: SENATORS HANSEN, PICKARD, HARDY; BUCK
AND SEEVERS GANSERT

Referred to Committee on Legislative Operations and Elections

SUMMARY—Expands the circumstances in which a county clerk
is required to cancel a preregistration or registration
to vote. (BDR 24-609)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing a funeral director to
notify the county clerk of the death of a person; requiring
a county clerk to cancel the preregistration or registration
to vote of a person when notified by a funeral director that
the person has died; and providing other matters properly
relating thereto.

Legislative Counsel’s Digest:

Existing law requires a county clerk to cancel the preregistration or registration
to vote, as applicable, of a person if: (1) the county clerk has personal knowledge of
the death of the person; or (2) an authenticated certificate of death of the person is
filed with the county clerk. (NRS 293.540) In addition to these existing avenues for
cancellation, **section 1** of this bill: (1) authorizes a funeral director to notify a
county clerk of the death of a resident of the county; and (2) requires a county clerk
who receives such a notice to cancel the preregistration or registration to vote, as
applicable, of the deceased person. **Section 1** also requires the notice to be
completed on a form prescribed by the Secretary of State which contains a
notarized or witnessed signature of the funeral director. **Section 2** of this bill makes
a conforming change related to the cancellation of a preregistration or registration
to vote.



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. A funeral director may provide the county clerk with notice of the death of a resident of the county and, upon receipt of such notice, the county clerk shall cancel the preregistration or registration, as applicable, of the deceased person.

2. The notice described in subsection 1 must be on a form prescribed by the Secretary of State and the form must contain a signature of the funeral director that is:

(a) Notarized; or

(b) Witnessed by two persons whose signatures and addresses appear on the form.

3. As used in this section, "funeral director" has the meaning ascribed to it in NRS 642.015.

Sec. 2. NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:

(a) If *any of the following circumstances related to the death of the person apply:*

(1) The county clerk has personal knowledge of the death of the person ;

(2) The county clerk is required by section 1 of this act to cancel the preregistration of the person; or ~~if an~~

(3) An authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration of a person:

(a) If *any of the following circumstances related to the death of the person apply:*

(1) The county clerk has personal knowledge of the death of the person ;

(2) The county clerk is required by section 1 of this act to cancel the registration of the person; or ~~if an~~

(3) An authenticated certificate of the death of the person is filed in the county clerk's office.



(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

(c) Upon the determination that the person has been convicted of a felony and is currently incarcerated.

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

(f) At the request of the person.

(g) If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

(h) As required by NRS 293.541.

(i) Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 3. This act becomes effective on July 1, 2021.

