

Amendment No. 398

Senate Amendment to Senate Bill No. 263	(BDR 24-896)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.



SENATE BILL NO. 263—SENATOR SETTELMAYER

MARCH 16, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-896)

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; eliminating the requirement to cancel a person's voter registration if a person changes his or her party affiliation; revising ~~[the deadlines by which]~~ **provisions related to** military and overseas voters ; ~~[may submit certain applications to register to vote and cast a ballot]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the county clerk to cancel the registration of a person if he or she requests to affiliate or change his or her affiliation with a political party and provides that the person may reregister immediately. (NRS 293.540, 293.543) **Sections 1 and 2** of this bill revise these provisions to remove the requirement for the county clerk to cancel the registration of a person who requests to affiliate or change his or her affiliation with a political party.

Existing law requires the Secretary of State to establish a system of approved electronic transmission for covered voters, who are uniformed-service voters, overseas voters and the spouses and dependents of such persons, to apply for, receive and send documents related to registering to vote and voting. (NRS 293D.030, 293D.200) Existing law also authorizes a covered voter to submit an application to register to vote or an application for a military-overseas ballot until the seventh day before an election. (NRS 293D.230, 293D.300, 293D.310) **Sections ~~[3-5]~~ 2.6-5.5** of this bill ~~[authorize, instead,]~~ **revise the deadlines for** a covered voter to apply to register to vote , **apply for a military-overseas ballot** and cast a military-overseas ballot . ~~[by the deadline for casting an absent ballot that applies to a registered voter who is not a covered voter.]~~

Section 2.6 of this act provides that a covered voter who is not a registered voter in this State may use the electronic equivalent of the federal postcard application created using the system of approved electronic transmission to simultaneously apply to register to vote and submit a military-overseas ballot. Section 2.6 also sets forth the deadlines for submitting the electronic equivalent of the federal postcard application and the military-overseas ballot which differ depending on whether those documents are submitted by mail or by electronic mail or facsimile machine.

Section 2.8 of this bill clarify that a "military-overseas ballot" includes any ballot by a covered voter in accordance with chapter 293D of NRS where the covered voter has indicated his or her voting choices.

Section 3 of this bill provides that a covered voter may simultaneously apply to register to vote and request a military-overseas ballot by submitting the standard federal postcard or the application's electronic equivalent by the seventh day before the election.

Section 4 provides that a covered voter who is registered vote in this State may apply for a military-overseas ballot by submitting a federal postcard application or the application's electronic equivalent if the federal postcard application or the application's electronic equivalent is received by the seventh day before the election.

Sections 5 and 5.5 of this bill make conforming changes related to the amendments to the deadlines as set forth in sections 2.6-4.

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

Section 1. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within 20 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 306.035, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsections 3 and 4, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer who holds a statewide office, at least 25 percent of the signatures.

➤ If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been

submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 6, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

6. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;

(b) A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

(c) A person registers to vote pursuant to chapter 293D of NRS ~~[293D.230]~~ and signs his or her application to register to vote using a digital signature or an electronic signature; or

(d) A person registers to vote pursuant to NRS 293.5742,
➤ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

7. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

8. Except as otherwise provided in subsection 10, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable.

9. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

10. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

11. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

~~Section 1.1~~ **Sec. 1.5.** 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 the county clerk has personal knowledge of the death of the person or if 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 the county clerk has personal knowledge of the death of the person or if 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)~~ (f) 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)~~ (g) As required by NRS 293.541.

~~(i)~~ (h) 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. 2. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to paragraph (b) of subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must

1 include the finding in a court order and, not later than 30 days after issuing the
2 order, provide a certified copy of the order to the county clerk of the county in
3 which the person is a resident and to the Office of the Secretary of State.

4 2. If the registration of an elector is cancelled pursuant to paragraph (c) of
5 subsection 2 of NRS 293.540, the elector may reregister upon release from prison.

6 3. ~~If the registration of an elector is cancelled pursuant to the provisions of~~
7 ~~paragraph (e) of subsection 2 of NRS 293.540, the elector may reregister~~
8 ~~immediately.~~

9 ~~4.~~ If the registration of an elector is cancelled pursuant to the provisions of
10 paragraph ~~((f)) (e)~~ of subsection 2 of NRS 293.540, after the close of registration
11 for a primary election, the elector may not reregister until after the primary election.

12 ~~(5.)~~ 4. A county clerk shall not require an elector to present evidence,
13 including without limitation, a court order or any other document, to prove that the
14 elector satisfies the requirements of subsection 2.

15 **Sec. 2.2. NRS 293.560 is hereby amended to read as follows:**

16 293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to
17 293.5887, inclusive, ~~(293D.230 and 293D.300.)~~ and chapter 293D of NRS:

18 (a) For a primary or general election, or a recall or special election that is held
19 on the same day as a primary or general election, the last day to register to vote:

20 (1) By mail is the fourth Tuesday preceding the primary or general
21 election.

22 (2) By appearing in person at the office of the county clerk or, if open, a
23 county facility designated pursuant to NRS 293.5035, is the fourth Tuesday
24 preceding the primary or general election.

25 (3) By computer, if the county clerk has established a system pursuant to
26 NRS 293.506 for using a computer to register voters, is the Thursday preceding the
27 primary or general election, unless the system is used to register voters for the
28 election pursuant to NRS 293.5842 or 293.5847.

29 (4) By computer using the system established by the Secretary of State
30 pursuant to NRS 293.671, is the Thursday preceding the primary or general
31 election, unless the system is used to register voters for the election pursuant to
32 NRS 293.5842 or 293.5847.

33 (b) If a recall or special election is not held on the same day as a primary or
34 general election, the last day to register to vote for the recall or special election by
35 any method of registration is the third Saturday preceding the recall or special
36 election.

37 2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive,
38 after the deadlines for the close of registration for a primary or general election set
39 forth in subsection 1, no person may register to vote for the election.

40 3. Except for a recall or special election held pursuant to chapter 306 or 350
41 of NRS:

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

44 (1) The day and time that each method of registration for the election, as
45 set forth in subsection 1, will be closed; and

46 (2) If the county clerk has designated a county facility pursuant to NRS
47 293.5035, the location of that facility.

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

50 (b) The notice must be published once each week for 4 consecutive weeks next
51 preceding the day that the last method of registration for the election, as set forth in
52 subsection 1, will be closed.

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

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

Sec. 2.4. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, ~~293D.220 and 293D.200,~~ **and chapter 293D of NRS:**

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) 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, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city 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 each method of registration for the election, as set forth in subsection 1, 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 day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 2.6. Chapter 293D of NRS is hereby amended by adding thereto a new section to read as follows:

1 1. A covered voter who is not registered to vote in this State may use the
2 electronic equivalent of the federal postcard application, as prescribed under
3 section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act,
4 52 U.S.C. § 20301(b)(2), created using the system of approved electronic
5 transmission described in subsection 2 of NRS 293D.200 to apply to
6 simultaneously register to vote and submit a military-overseas ballot.

7 2. The electronic equivalent of the federal postcard application and the
8 military-overseas ballot must be sent by the covered voter:

9 (a) By mail, postmarked on or before the day of the election and received by
10 the appropriate elections official by the deadline for receiving absent ballots set
11 forth in paragraph (b) of subsection 1 of NRS 293.317; or

12 (b) By electronic mail or facsimile machine and received by the appropriate
13 local elections official before the time set for the closing of polls pursuant to NRS
14 293.273.

15 3. If the electronic equivalent of the federal postcard is received after the
16 applicable deadline set forth in subsection 2, it must be treated as an application
17 to register to vote for subsequent elections.

18 **Sec. 2.8. NRS 293D.050 is hereby amended to read as follows:**

19 293D.050 "Military-overseas ballot" means:

20 1. A federal write-in absentee ballot described in section 103 of the
21 Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303;

22 2. A ballot specifically prepared or distributed for use by a covered voter in
23 accordance with this chapter; or

24 3. Any other ballot cast by a covered voter in accordance with this chapter ~~and~~
25 where the covered voter has indicated his or her voting choices.

26 **Sec. 3. NRS 293D.230 is hereby amended to read as follows:**

27 293D.230 1. ~~[In addition to any other method of registering to vote set forth~~
28 ~~in chapter 293 of NRS, a]~~ A covered voter may use a federal postcard application,
29 as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens
30 Absentee Voting Act, 52 U.S.C. § 20301(b)(2), ~~[for the application's electronic~~
31 ~~equivalent, created using the system of approved electronic transmission~~
32 ~~described in subsection 2 of NRS 293D.200,]~~ to simultaneously apply to register to
33 vote ~~and request a military-overseas ballot~~ if the federal postcard application
34 ~~[for the application's electronic equivalent]~~ is received ~~[sent, as applicable,~~

35 ~~(a) By mail, postmarked on or before the day of the election and received]~~ by
36 the appropriate local elections official by the seventh day before the election,
37 [deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of
38 NRS 293.317; or

39 ~~(b) Through the system of approved electronic transmission described in~~
40 ~~subsection 2 of NRS 293D.200 and received by the appropriate local elections~~
41 ~~official before the time set for the closing of polls pursuant to NRS 293.273.~~

42 ~~→] If the federal postcard application [for the application's electronic equivalent]~~ is
43 received after the seventh day before the election, ~~[applicable deadline set forth in~~
44 ~~this subsection,]~~ it must be treated as an application to register to vote for
45 subsequent elections.

46 2. A covered voter may use the declaration accompanying the federal write-in
47 absentee ballot, as prescribed under section 103 of the Uniformed and Overseas
48 Citizens Absentee Voting Act, 52 U.S.C. § 20303, to apply to register to vote
49 simultaneously with the submission of the federal write-in absentee ballot, if the
50 declaration ~~[is received]~~ and federal write-in absentee ballot are sent:

51 (a) By mail, postmarked on or before the day of the election and received by
52 the [seventh day before the election.] appropriate local elections official by the

1 *deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of*
2 *NRS 293.317; or*

3 ~~(b) [Through the system of approved electronic transmission described in~~
4 ~~subsection 2 of NRS 293D.200] *By electronic mail or facsimile machine and*~~
5 ~~received by the appropriate local elections official before the time set for the~~
6 ~~closing of polls pursuant to NRS 293.273.~~

7 ~~↪ If the declaration is received after the seventh day before the election,~~
8 ~~*applicable deadline set forth in this subsection,*~~ it must be treated as an application
9 to register to vote for subsequent elections.

10 3. The Secretary of State shall ensure that the system of approved electronic
11 transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

12 (a) Both a federal postcard application and any other approved electronic
13 registration application sent to the appropriate local elections official; and

14 (b) A digital signature or an electronic signature of a covered voter on the
15 documents described in paragraph (a).

16 4. The covered voter may use the system of approved electronic transmission
17 or any other method set forth in chapter 293 of NRS to register to vote.

18 **Sec. 4.** NRS 293D.300 is hereby amended to read as follows:

19 293D.300 1. A covered voter who is registered to vote in this State may
20 apply for a military-overseas ballot by submitting a federal postcard application, as
21 prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens
22 Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic
23 equivalent ~~[↪ created using the system of approved electronic transmission~~
24 ~~described in subsection 2 of NRS 293D.200,~~ if the federal postcard application *or*
25 ~~the application's electronic equivalent~~ is received ~~sent,~~ as applicable.

26 ~~— (a) By mail, postmarked on or before the day of the election and received by~~
27 ~~the appropriate local elections official by the seventh day before the election.~~
28 ~~*[deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of*~~
29 ~~*NRS 293.317; or*~~

30 ~~— (b) Through the system of approved electronic transmission described in~~
31 ~~subsection 2 of NRS 293D.200 and received by the appropriate local elections~~
32 ~~official before the time set for the closing of polls pursuant to NRS 293.273.]~~

33 ~~[2. A covered voter who is not registered to vote in this State may use the~~
34 ~~federal postcard application or the application's electronic equivalent~~
35 ~~simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply~~
36 ~~for a military overseas ballot, if the federal postcard application *or* the~~
37 ~~application's electronic equivalent is received sent, as applicable;~~

38 ~~— (a) By mail, postmarked on or before the day of the election and received by~~
39 ~~the appropriate local elections official by the seventh day before the election.~~
40 ~~*[deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of*~~
41 ~~*NRS 293.317; or*~~

42 ~~— (b) Through the system of approved electronic transmission described in~~
43 ~~subsection 2 of NRS 293D.200 and received by the appropriate local elections~~
44 ~~official before the time set for the closing of polls pursuant to NRS 293.273.~~

45 ~~↪] If the federal postcard application *[or the application's electronic equivalent]* is~~
46 ~~received after the seventh day before the election, *[applicable deadline set forth in*~~
47 ~~*this subsection,*~~ it must be treated as an application ~~[to register to vote]~~ for a
48 military-overseas ballot for subsequent elections.

49 3. The Secretary of State shall ensure that the system of approved electronic
50 transmission described in subsection 2 of NRS 293D.200 is capable of accepting
51 the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration ~~is received~~ **and federal write-in absentee ballot are sent:**

(a) ~~By mail, postmarked on or before the day of the election and received by the appropriate local elections official by the seventh day before the election, deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; or~~

(b) ~~Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200~~ **By electronic mail or facsimile machine and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.**

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

Sec. 5. NRS 293D.310 is hereby amended to read as follows:

293D.310 **1.** An application for a military-overseas ballot is timely if ~~sent~~

~~(a) By mail, postmarked on or before the day of the election and received by the seventh day before the election, appropriate local elections official by the deadline for receiving absent ballots~~ **deadlines set forth in** ~~paragraph (b) of subsection 1 of NRS 293.317; or~~

~~(b) Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200 and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.~~ **NRS 293D.230, 293D.300 or section 2.6 of this act, as applicable.**

2. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.

Sec. 5.5. **NRS 293D.400 is hereby amended to read as follows:**

293D.400 ~~[A]~~ **Except as otherwise provided in NRS 293D.230 and 293D.300, a military-overseas ballot that is sent:**

1. By mail, must be postmarked on or before the day of the election and received by the appropriate local elections official by the deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; and

1 2. By electronic mail or facsimile, must be received by the appropriate
2 elections official by not later than the ~~close~~ time set for the closing of the polls.
3 pursuant to NRS 293.373.

4 **Sec. 6.** 1. This section becomes effective upon passage and approval.

5 2. Sections 1 to ~~5.4~~ 5.5, inclusive, of this act become effective:

6 (a) Upon passage and approval for the purpose of adopting any regulations and
7 performing any other preparatory administrative tasks that are necessary to carry
8 out the provisions of this act; and

9 (b) On January 1, 2022, for all other purposes.