

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 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** of this bill authorize, instead, a covered voter to apply to register to vote 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.



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

1 **Section 1.** NRS 293.540 is hereby amended to read as follows:
2 293.540 1. The county clerk shall cancel the preregistration
3 of a person:

4 (a) If the county clerk has personal knowledge of the death of
5 the person or if an authenticated certificate of the death of the
6 person is filed in the county clerk's office.

7 (b) At the request of the person.

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

11 (d) As required by NRS 293.541.

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

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

16 (a) If the county clerk has personal knowledge of the death of
17 the person or if an authenticated certificate of the death of the
18 person is filed in the county clerk's office.

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

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

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

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

31 ~~—(f) At the request of the person.~~

32 ~~(g)~~ (f) If the county clerk has discovered an incorrect
33 registration pursuant to the provisions of NRS 293.5235, 293.530 or
34 293.535 and the elector has failed to respond or appear to vote
35 within the required time.

36 ~~(h)~~ (g) As required by NRS 293.541.

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

40 **Sec. 2.** NRS 293.543 is hereby amended to read as follows:

41 293.543 1. If the registration of an elector is cancelled
42 pursuant to paragraph (b) of subsection 2 of NRS 293.540, the



1 county clerk shall reregister the elector upon notice from the clerk of
2 the district court that the elector has been found by the district court
3 to have the mental capacity to vote. The court must include the
4 finding in a court order and, not later than 30 days after issuing the
5 order, provide a certified copy of the order to the county clerk of
6 the county in which the person is a resident and to the Office of
7 the Secretary of State.

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

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

14 ~~—4.]~~ If the registration of an elector is cancelled pursuant to the
15 provisions of paragraph ~~[(f)]~~ (e) of subsection 2 of NRS 293.540,
16 after the close of registration for a primary election, the elector may
17 not reregister until after the primary election.

18 ~~[5.]~~ 4. A county clerk shall not require an elector to present
19 evidence, including without limitation, a court order or any other
20 document, to prove that the elector satisfies the requirements of
21 subsection 2.

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

23 293D.230 1. In addition to any other method of registering to
24 vote set forth in chapter 293 of NRS, a covered voter may use a
25 federal postcard application, as prescribed under section 101(b)(2)
26 of the Uniformed and Overseas Citizens Absentee Voting Act, 52
27 U.S.C. § 20301(b)(2), or the application's electronic equivalent ~~[.]~~
28 *created using the system of approved electronic transmission*
29 *described in subsection 2 of NRS 293D.200*, to apply to register to
30 vote, if the federal postcard application *or the application's*
31 *electronic equivalent* is ~~received~~ sent, as applicable:

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

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

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



2. 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, to apply to register to vote 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 ~~seventh day before the election~~ appropriate local elections official by the 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 and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.

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

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

(a) Both a federal postcard application and any other approved electronic registration 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. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

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

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

(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 and received by the



1 *appropriate local elections official before the time set for the*
2 *closing of polls pursuant to NRS 293.273.*

3 2. A covered voter who is not registered to vote in this State
4 may use the federal postcard application or the application's
5 electronic equivalent simultaneously to apply to register to vote
6 pursuant to NRS 293D.230 and to apply for a military-overseas
7 ballot, if the federal postcard application *or the application's*
8 *electronic equivalent* is ~~received~~ *sent, as applicable:*

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

14 (b) *Through the system of approved electronic transmission*
15 *described in subsection 2 of NRS 293D.200 and received by the*
16 *appropriate local elections official before the time set for the*
17 *closing of polls pursuant to NRS 293.273.*

18 ↪ If the federal postcard application *or the application's electronic*
19 *equivalent* is received after the ~~seventh day before the election.~~
20 *applicable deadline set forth in this subsection,* it must be treated
21 as an application to register to vote for subsequent elections.

22 3. The Secretary of State shall ensure that the system of
23 approved electronic transmission described in subsection 2 of NRS
24 293D.200 is capable of accepting the submission of:

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

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

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

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

40 (a) *By mail, postmarked on or before the day of the election*
41 *and received* by the appropriate local elections official by the
42 ~~seventh day before the election.~~ *deadline for receiving absent*
43 *ballots set forth in paragraph (b) of subsection 1 of NRS 293.317;*
44 *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.*

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 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.*

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

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

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

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

