

Amendment No. 695

Senate Amendment to Assembly Bill No. 242 First Reprint (BDR 24-365)

Proposed by: Senate Committee on Legislative Operations and Elections

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 242 R1 (§§ 6, 9, 17).

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.

JDK/HAC



Date: 5/23/2023

A.B. No. 242—Revises provisions relating to elections. (BDR 24-365)



ASSEMBLY BILL No. 242--COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS)

MARCH 3, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-365)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.CONTAINS UNFUNDED MANDATE (§§ 6, 9, 17)
(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; ~~revising provisions relating to the authorized methods of voting in an election under certain circumstances;~~ **requiring ballots and votes be counted using a mechanical voting system;** revising provisions relating to accommodations for certain voters who are elderly or have a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that voting at any election conducted under title 24 of NRS must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law. (NRS 293.270) Existing law also provides that mechanical voting systems may be used to cast, register, record and count ballots or votes in all statewide, county, city and district elections of any kind held in this State. (NRS 293B.050) ~~{Sections 5,} Section 9 [and 15] of this bill [prohibit the marking of paper ballots by hand when voting in person at the polls at an election in this State and instead require that all] provides that ballots or votes : (1) may be cast [in person at a polling place be cast] , registered and recorded using a mechanical voting system [Sections 2, 4, 7, 11, 14, 16, 18, 21, 25, 27, 29, 31, 33, 35, 37, 39, 40, 42, 44 and 46 of this bill make conforming changes to remove references to paper ballots and printing on paper ballots.] ; and (2) must be counted using a mechanical voting system. Sections 1, [3, 10, 12,] 10-13, 20, 22-24, 26, 28, 30, 32, 34, 36, 38, 41, 43, 45 and 47 of this bill make conforming changes to require the use of a mechanical voting system [when voting in person. Section 49 of this bill makes conforming changes to repeal certain provisions relating to paper ballots and the discretionary use of mechanical voting systems. Section 8.5 of this bill revises the term "mechanical voting system" to include marking a mail ballot which is subsequently counted on an electronic tabulator.] for counting votes and clarify that the use of a mechanical voting system for casting ballots is authorized but not required.~~

Existing law requires that, with certain exceptions, each polling place must have at least one voting booth that is specifically designed, designated and equipped for voters who are

elderly or voters with a disability. (NRS 293.2955, 293C.281) **Sections 6 and 17** of this bill instead require, with certain exceptions, that each polling place must have at least two such voting booths and additional voting booths if determined necessary by the county clerk or city clerk. **Sections 6 and 17** further require each county clerk, city clerk and all election board officers to complete training in the use of the voting booths and specially equipped voting devices in order to assist such voters. **Sections 8 and 19** of this bill make conforming changes to revise existing internal references relating to **sections 6 and 17**.

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

Section 1. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of 5,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct ~~in those precincts in which a mechanical voting system is used~~ **for casting ballots**.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 2. ~~NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State;~~

~~(b) The procedures to be followed and the requirements of:~~

~~(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration;~~

~~(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters;~~

~~(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951;~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to [be printed] appear on every kind of ballot~~

~~— (a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.~~

~~— (b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~— 2. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~— 4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~— 5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~— 6. The names of candidates for township and legislative or special district offices must [be printed] appear only on the ballots furnished to voters of that township or district.~~

~~— 7. A county clerk:~~

~~— (a) May divide [paper] ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~— (b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.] (Deleted by amendment.)~~

Sec. 3. [NRS 293.267 is hereby amended to read as follows:

~~— 293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.~~

~~— 2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.~~

~~— 3. Except as otherwise provided in subsection 4:~~

~~— (a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the words "no political party" or the abbreviation "NPP," as the case may be.~~

~~— (b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."~~

~~4. [Where a] For ballots cast using a mechanical voting system, [of voting other than by paper ballot is used,] the Secretary of State may provide for any placement of the name or abbreviation of the political party, the words "no political party" or "nonpartisan" or the abbreviation "NPP" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.~~

~~5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:~~

~~The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.~~

(Deleted by amendment.)

~~Sec. 4. [NRS 293.2693 is hereby amended to read as follows:~~

~~293.2693 1. [If a county or city uses paper ballots, including, without limitation, for mail ballots, the] The county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.] (Deleted by amendment.)~~

~~Sec. 5. [NRS 293.270 is hereby amended to read as follows:~~

~~293.270 1. Voting at any election regulated by this title must be [on printed] by mechanical voting system, by mail ballots or by any other system approved by the Secretary of State or specifically authorized by law.~~

~~2. Except as otherwise provided in subsection 3, all votes cast in person at a polling place at any election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:~~

~~(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and~~

~~(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.~~

~~3. The requirements of subsection 2 do not:~~

~~(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.~~

~~(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.~~

~~4. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.~~

~~5. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.] (Deleted by amendment.)~~

~~Sec. 6. NRS 293.2955 is hereby amended to read as follows:~~

~~293.2955 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:~~

~~(a) The polling place must:~~

~~(1) Be accessible to a voter who is elderly or a voter with a disability; and~~

~~(2) Have at least [one] two voting [booth] booths that [is:] are:~~

~~(l) Designed to allow a voter in a wheelchair to vote;~~

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by a voter with a disability; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. *If, in the opinion of the county clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the county clerk shall place additional voting booths at the polling place as needed.*

4. At each polling place, the county clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~4.4~~ 5. As an alternative to carrying out the functions described in subsection ~~4.4~~ 4, if, in the opinion of the county clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the county clerk may so provide. If the county clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the county clerk.

6. *Each county clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the county clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.*

Sec. 7. ~~[NRS 293.363 is hereby amended to read as follows:~~

~~293.363 [1.] When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.~~

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough~~

~~to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~—(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~—(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made. H~~ **(Deleted by amendment.)**

Sec. 8. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a

1 system and a registered voter elects to receive a sample ballot by electronic means,
2 the county clerk shall distribute the sample ballot to the registered voter by
3 electronic means pursuant to the procedures and requirements set forth by
4 regulations adopted by the Secretary of State.

5 5. If a registered voter does not elect to receive a sample ballot by electronic
6 means pursuant to subsection 4, the county clerk shall distribute the sample ballot
7 to the registered voter by mail.

8 6. Except as otherwise provided in subsection 7, before the period for early
9 voting for any election begins, the county clerk shall distribute to each registered
10 voter in the county by mail or electronic means, as applicable, the sample ballot for
11 his or her precinct, with a notice informing the voter of the location of his or her
12 polling place or places. If the location of the polling place or places has changed
13 since the last election:

14 (a) The county clerk shall mail a notice of the change to each registered voter
15 in the county not sooner than 10 days before distributing the sample ballots; or

16 (b) The sample ballot must also include a notice in bold type immediately
17 above the location which states:

18
19 **NOTICE: THE LOCATION OF YOUR POLLING PLACE OR**
20 **PLACES HAS CHANGED SINCE THE LAST ELECTION**
21

22 7. If a person registers to vote less than 20 days before the date of an election,
23 the county clerk is not required to distribute to the person the sample ballot for that
24 election by mail or electronic means.

25 8. Except as otherwise provided in subsection 9, a sample ballot required to
26 be distributed pursuant to this section must:

27 (a) Be prepared in at least 12-point type; and

28 (b) Include on the front page, in a separate box created by bold lines, a notice
29 prepared in at least 20-point bold type that states:

30
31 **NOTICE: TO RECEIVE A SAMPLE BALLOT IN**
32 **LARGE TYPE, CALL** (Insert appropriate telephone number)
33

34 9. A portion of a sample ballot that contains a facsimile of the display area of
35 a voting device may include material in less than 12-point type to the extent
36 necessary to make the facsimile fit on the pages of the sample ballot.

37 10. The sample ballot distributed to a person who requests a sample ballot in
38 large type by exercising the option provided pursuant to NRS 293.508, or in any
39 other manner, must be prepared in at least 14-point type, or larger when practicable.

40 11. If a person requests a sample ballot in large type, the county clerk shall
41 ensure that all future sample ballots distributed to that person from the county are in
42 large type.

43 12. The county clerk shall include in each sample ballot a statement
44 indicating that the county clerk will, upon request of a voter who is elderly or
45 disabled, make reasonable accommodations to allow the voter to vote at his or her
46 polling place or places and provide reasonable assistance to the voter in casting his
47 or her vote, including, without limitation, providing appropriate materials to assist
48 the voter. In addition, if the county clerk has provided pursuant to subsection ~~44~~ 5
49 of NRS 293.2955 for the placement at centralized voting locations of specially
50 equipped voting devices for use by voters who are elderly or disabled, the county
51 clerk shall include in the sample ballot a statement indicating:

52 (a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 8.5. NRS 293B.033 is hereby amended to read as follows:

293B.033 “Mechanical voting system” means a system of voting whereby a voter may cast a vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By marking a paper ballot, *including, without limitation, a mail ballot*, which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 9. NRS 293B.050 is hereby amended to read as follows:

293B.050 ~~At all statewide, county, city and district elections of any kind held in this State, ballots or votes~~ *may*:

~~1. May~~ be cast, registered ~~and~~ recorded ~~and counted~~ by means of a mechanical voting system.

~~2. Must be counted by means of a mechanical voting system.~~

~~2. Except as otherwise provided in subsection 3, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:~~

~~(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and~~

~~(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.~~

~~3. The requirements of subsection 2 do not:~~

~~(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.~~

~~(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.~~

~~4. As used in this section, “ballot marking device” means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.~~

Sec. 10. NRS 293B.105 is hereby amended to read as follows:

293B.105 The board of county commissioners of any county or the city council or other governing body of any city ~~may~~:

1. May purchase and adopt for use at elections any mechanical voting system and mechanical recording device ~~The system or device may be used at any or all elections held in the county or city,~~ for voting ~~and~~ registering ~~and counting~~ votes cast.

2. Must purchase and adopt for use at elections a mechanical voting system for counting votes cast.

Sec. 11. NRS 293B.110 is hereby amended to read as follows:

293B.110 ~~Except as otherwise provided in NRS 293B.050, a~~ mechanical voting system or mechanical recording device may be adopted *and used* for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may *be furnished with paper ballots or any other* ~~adopt and use a different~~ mechanical voting system or mechanical recording device.

Sec. 12. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election, ~~[where a mechanical voting system is to be used,]~~ the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a primary election or presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➤ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election or presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 13. NRS 293B.175 is hereby amended to read as follows:

293B.175 In those districts or precincts in which a mechanical voting system is used ~~[for casting ballots, the [that] list of offices and candidates and the statements of measures appropriate for use with [that] a mechanical voting system in combination with the device upon which a vote is registered is an official ballot.~~

Sec. 14. ~~[NRS 293B.365 is hereby amended to read as follows:~~

~~293B.365 The central ballot inspection board shall:~~

~~1. Receive the ballots in sealed containers.~~

~~2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.~~

~~3. Register the numbers of ballots by precinct.~~

~~4. Deliver any damaged [paper] ballots to the ballot duplicating board.~~

~~5. Receive duplicates of damaged [paper] ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.~~

~~6. Place each damaged original [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.~~

~~7. Reject any [paper] ballot that has been marked in a way that identifies the voter.~~

~~8. Place each rejected [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.] (Deleted by amendment.)~~

Sec. 15. ~~[Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as otherwise provided in subsection 2, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:~~

~~(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and~~

~~1. *(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.*~~
~~2. *The requirements of subsection 1 do not:*~~
~~3. *(a) Apply to votes cast using a mail ballot, regardless of whether the mail*~~
~~4 *ballot is filled out at a polling place and deposited in a ballot drop box at the*~~
~~5 *polling place.*~~

~~6. *(b) Prohibit the use of a ballot marking device that has been approved by the*~~
~~7 *Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.*~~

~~8. *3. As used in this section, "ballot marking device" means a device which*~~
~~9 *allows a registered voter to mark a paper ballot which is subsequently counted on*~~
~~10 *an electronic tabulator, counting device or computer.*~~ (Deleted by amendment.)

Sec. 16. ~~[NRS 293C.262 is hereby amended to read as follows:]~~

~~12. *293C.262 1. The offices for which there are candidates, the names of the*~~
~~13 *candidates therefor and the questions to be voted upon must [be printed] appear on*~~
~~14 *ballots for a city election in the following order:*~~

~~15. *(a) City offices:*~~

~~16. *(1) Mayor;*~~

~~17. *(2) Council members according to ward in numerical order, if no wards, in*~~
~~18 *alphabetical order; and*~~

~~19. *(3) Municipal judges.*~~

~~20. *(b) Questions presented to the voters of a city or a portion of a city with*~~
~~21 *advisory questions listed in consecutive order after any other questions presented to*~~
~~22 *the voters of the city.*~~

~~23. *2. The city clerk:*~~

~~24. *(a) May divide [paper] ballots into two sheets in a manner that provides a clear*~~
~~25 *understanding and grouping of all measures and candidates.*~~

~~26. *(b) Shall prescribe the color or colors of the ballots and voting receipts used in*~~
~~27 *any election which the clerk is required to conduct.*~~ (Deleted by amendment.)

Sec. 17. NRS 293C.281 is hereby amended to read as follows:

293C.281 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ **two** voting ~~[booth]~~ **booths** that ~~[is:]~~ **are:**

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by persons with disabilities; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. *If, in the opinion of the city clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the city clerk shall place additional voting booths at the polling place as needed.*

4. At each polling place, the city clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~4.3~~ 5. As an alternative to carrying out the functions described in subsection ~~4.3~~ 4, if, in the opinion of the city clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the city clerk may so provide. If the city clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the city clerk.

6. *Each city clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the city clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.*

Sec. 18. ~~[NRS 203C.362 is hereby amended to read as follows:~~

~~203C.362 [1.] When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.~~

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]]~~ **(Deleted by amendment.)**

Sec. 19. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE OR
PLACES HAS CHANGED SINCE THE LAST ELECTION**

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

**NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)**

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection ~~44~~ 5 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 20. NRS 293C.600 is hereby amended to read as follows:

293C.600 1. Before any election ~~for~~ where a mechanical voting system will be used for casting ballots, the city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

- (a) All lawful votes cast by each voter must be counted.
- (b) All unlawful votes, including, but not limited to, overvotes must not be counted.
- (c) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered that lacks a code identifying the precinct in which it was voted.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The city clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 21. ~~NRS 293C.645 is hereby amended to read as follows:~~

- ~~293C.645 The central ballot inspection board shall:~~
- ~~1. Receive the ballots in sealed containers.~~
 - ~~2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.~~
 - ~~3. Register the numbers of ballots by precinct.~~
 - ~~4. Deliver any damaged [paper] ballots to the ballot duplicating board.~~
 - ~~5. Receive duplicates of damaged [paper] ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.~~
 - ~~6. Place each damaged original [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.~~
 - ~~7. Reject any [paper] ballot that has been marked in a way that identifies the voter.~~
 - ~~8. Place each rejected [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.~~ (Deleted by amendment.)

1 **Sec. 22.** NRS 295.045 is hereby amended to read as follows:

2 295.045 1. A petition for referendum must be filed with the Secretary of
3 State not less than 120 days before the date of the next succeeding general election.

4 2. The Secretary of State shall certify the questions to the county clerks.

5 3. The title of the statute or resolution must be set out on the ballot, and the
6 question printed ~~appear~~ upon the ballot for the information of the voters must be
7 as follows: "Shall the statute (setting out its title) be approved?"

8 4. Where ~~For ballots cast using~~ a mechanical voting system ~~it is used~~ for casting ballots,
9 the title of the statute must appear on the list of offices and
10 candidates and the statements of measures to be voted on and may be condensed to
11 no more than 25 words.

12 5. The votes cast upon the question must be counted and canvassed as the
13 votes for state officers are counted and canvassed.

14 **Sec. 23.** NRS 295.170 is hereby amended to read as follows:

15 295.170 1. The subject matter of such questions must be stated concisely on
16 the ballot, and the question printed ~~appear~~ upon the ballot for the information of
17 the voter must be as follows: "Shall the act (setting out the title thereof) be
18 approved?"

19 2. Where ~~For ballots cast using~~ a mechanical voting system ~~it is used~~ for casting ballots,
20 the title of the act must appear on the list of offices and
21 candidates and the statements of measures to be voted on and may be condensed by
22 the district attorney to 20 words.

23 3. The district attorney shall prepare an explanation of each such question,
24 which must be placed on the ballot or the list of offices and candidates and the
25 statements of measures to be voted on, or posted in the polling place.

26 4. The votes cast upon such question must be counted and canvassed as the
27 votes for county officers are counted and canvassed.

28 **Sec. 24.** NRS 306.060 is hereby amended to read as follows:

29 306.060 1. If the officer against whom the petition is filed furnishes no
30 justification of the officer's course in office, none need appear on the ballot at the
31 election upon the officer's recall.

32 2. Where ~~For ballots cast using~~ a mechanical voting system ~~it is used~~ for casting ballots,
33 the reason for demanding the recall of the officer and the
34 officer's justification need not ~~be printed~~ appear on the ballot, but must be printed
35 on sample ballots, which must be presented to registered voters upon their
36 application to vote.

37 **Sec. 25.** ~~[Section 5.050 of the Charter of the City of Caliente, being chapter~~
38 ~~31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003,~~
39 ~~at page 1728, is hereby amended to read as follows:~~

40 — ~~Sec. 5.050 Names on ballots.~~

41 — ~~1. The full names of all candidates, except those who have~~
42 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
43 ~~official ballots without party designation or symbol.~~

44 — ~~2. If two or more candidates have the same surname or surnames so~~
45 ~~similar as to be likely to cause confusion and:~~

46 — ~~(a) None of them is an incumbent, their middle names or middle~~
47 ~~initials, if any, must be included in their names as [printed] placed on the~~
48 ~~ballot; or~~

49 — ~~(b) One of them is an incumbent, the name of the incumbent must be~~
50 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
51 amendment.)

1 **Sec. 26.** Section 5.090 of the Charter of the City of Caliente, being chapter
2 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

3 Sec. 5.090 ~~[Voting machines.]~~ **Mechanical voting systems.**

4 **1.** The City Council ~~[may]~~ **shall** provide for the use of mechanical or
5 other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ **in**
6 **accordance** with ~~[law or]~~ **the election laws of this State and any**
7 regulations of the Secretary of State.

8 **2.** ***If the City Council provides for the use of mechanical or other***
9 ***devices for voting, such provision must be in accordance with the election***
10 ***laws of this State and any regulations of the Secretary of State.***

11 **Sec. 27.** ~~[Section 5.040 of the Charter of the City of Carlin, being chapter~~
12 ~~493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:~~

13 ~~Sec. 5.040. Names on ballots.~~

14 ~~1. The full names of all candidates, except those who have~~
15 ~~withdrawn, died or become ineligible before the close of filing and any~~
16 ~~applicable period for withdrawal of candidacy, must be [printed] placed on~~
17 ~~the official ballots without party designation or symbol.~~

18 ~~2. If two or more candidates have the same surname or surnames so~~
19 ~~similar as to be likely to cause confusion and:~~

20 ~~(a) None of them is an incumbent, their middle names or middle~~
21 ~~initials, if any, must be included in their names as [printed] placed on the~~
22 ~~ballot; or~~

23 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
24 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
25 ~~amendment.)~~

26 **Sec. 28.** Section 5.080 of the Charter of the City of Carlin, being chapter 344,
27 Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

28 Sec. 5.080 ~~[Voting machines.]~~ **Mechanical voting systems.**

29 **1.** The Board of Council Members ~~[may]~~ **shall** provide for the use of
30 mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not~~
31 ~~inconsistent]~~ **in accordance** with ~~[law or]~~ **the election laws of this State**
32 **and any** regulations of the Secretary of State.

33 **2.** ***If the Board of Council Members provides for the use of***
34 ***mechanical or other devices for voting, such provision must be in***
35 ***accordance with the election laws of this State and any regulations of the***
36 ***Secretary of State.***

37 **Sec. 29.** ~~[Section 5.050 of the Charter of Carson City, being chapter 213,~~
38 ~~Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at~~
39 ~~page 1729, is hereby amended to read as follows:~~

40 ~~Sec. 5.050. Names on ballots.~~

41 ~~1. The full names of all candidates, except those who have~~
42 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
43 ~~official ballots without party designation or symbol.~~

44 ~~2. If two or more candidates have the same surname or surnames so~~
45 ~~similar as to be likely to cause confusion and:~~

46 ~~(a) None of them is an incumbent, their middle names or middle~~
47 ~~initials, if any, must be included in their names as [printed] placed on the~~
48 ~~ballot; or~~

49 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
50 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
51 ~~amendment.)~~

1 **Sec. 30.** Section 5.090 of the Charter of Carson City, being chapter 213,
2 Statutes of Nevada 1969, at page 306, is hereby amended to read as follows:

3 Sec. 5.090 ~~[Voting machines.]~~ **Mechanical voting systems.**

4 **1.** The Board ~~[may]~~ **shall** provide for the use of mechanical or other
5 devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ **in accordance**
6 with ~~[law or]~~ **the election laws of this State and any** regulations of the
7 Secretary of State.

8 **2. If the Board provides for the use of mechanical or other devices**
9 **for voting, such provision must be in accordance with the election laws of**
10 **this State and any regulations of the Secretary of State.**

11 **Sec. 31.** ~~[Section 5.040 of the Charter of the City of Elko, being chapter 276,~~
12 ~~Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at~~
13 ~~page 1729, is hereby amended to read as follows:~~

14 ~~Sec. 5.040 Names on ballots.~~

15 ~~1. The full names of all candidates, except those who have~~
16 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
17 ~~official ballots without party designation or symbol.~~

18 ~~2. If two or more candidates have the same surname or surnames so~~
19 ~~similar as to be likely to cause confusion and:~~

20 ~~(a) None of them is an incumbent, their middle names or middle~~
21 ~~initials, if any, must be included in their names as [printed] placed on the~~
22 ~~ballot; or~~

23 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
24 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
25 ~~amendment.)~~

26 **Sec. 32.** Section 5.080 of the Charter of the City of Elko, being chapter 276,
27 Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at
28 page 464, is hereby amended to read as follows:

29 Sec. 5.080 ~~[Voting machines.]~~ **Mechanical voting systems.**

30 **1.** The City Council ~~[may]~~ **shall** provide for the use of mechanical or
31 other devices for ~~[voting or]~~ counting votes ~~[that is not inconsistent]~~ **in**
32 **accordance** with ~~[law or the]~~ **the election laws of this State and any**
33 regulations of the Secretary of State.

34 **2. If the City Council provides for the use of mechanical or other**
35 **devices for voting, such provision must be in accordance with the election**
36 **laws of this State and any regulations of the Secretary of State.**

37 **Sec. 33.** ~~[Section 5.050 of the Charter of the City of Henderson, being~~
38 ~~chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of~~
39 ~~Nevada 2003, at page 1729, is hereby amended to read as follows:~~

40 ~~Sec. 5.050 Names on ballots.~~

41 ~~1. The full names of all candidates, except those who have~~
42 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
43 ~~official ballots without party designation or symbol.~~

44 ~~2. If two or more candidates have the same surname or surnames so~~
45 ~~similar as to be likely to cause confusion and:~~

46 ~~(a) None of them is an incumbent, their middle names or middle~~
47 ~~initials, if any, must be included in their names as [printed] placed on the~~
48 ~~ballot; or~~

49 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
50 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
51 ~~amendment.)~~

1 **Sec. 34.** Section 5.090 of the Charter of the City of Henderson, being chapter
2 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

3 Sec. 5.090 ~~[Voting machines.]~~ **Mechanical voting systems.**

4 1. The City Council ~~[may]~~ **shall** provide for the use of mechanical or
5 other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ **in**
6 **accordance** with ~~[law or]~~ **the election laws of this State and any**
7 regulations of the Secretary of State.

8 2. **If the City Council provides for the use of mechanical or other**
9 **devices for voting, such provision must be in accordance with the election**
10 **laws of this State and any regulations of the Secretary of State.**

11 **Sec. 35.** ~~[Section 5.050 of the Charter of the City of Las Vegas, being chapter~~
12 ~~517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada~~
13 ~~2003, at page 1730, is hereby amended to read as follows:~~

14 ~~Sec. 5.050 Names on ballots.~~

15 ~~1. The full names of all of the candidates, except those who have~~
16 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
17 ~~official ballots without party designation or symbol.~~

18 ~~2. If two or more candidates have the same name or names which are~~
19 ~~so similar as likely to cause confusion and:~~

20 ~~(a) None of them is an incumbent, their middle names or middle~~
21 ~~initials, if any, must be included in their names as [printed] placed on the~~
22 ~~ballots; or~~

23 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
24 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
25 ~~amendment.)~~

26 **Sec. 36.** Section 5.090 of the Charter of the City of Las Vegas, being chapter
27 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

28 Sec. 5.090 ~~[Voting machines.]~~ **Mechanical voting systems.**

29 1. The City Council ~~[may]~~ **shall** provide for the use of mechanical or
30 other devices for ~~[voting or for]~~ counting the votes ~~[, or both, which are not~~
31 ~~inconsistent]~~ **in accordance** with the ~~[law or the]~~ **election laws of this State**
32 **and any** regulations of the Secretary of State.

33 2. **If the City Council provides for the use of mechanical or other**
34 **devices for voting, such provision must be in accordance with the election**
35 **laws of this State and any regulations of the Secretary of State.**

36 **Sec. 37.** ~~[Section 5.060 of the Charter of the City of Mesquite, being chapter~~
37 ~~325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:~~

38 ~~Sec. 5.060 Names on ballots.~~

39 ~~1. The full names of all candidates, except those who have~~
40 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
41 ~~official ballots without party designation or symbol.~~

42 ~~2. If two or more candidates have the same surname or surnames so~~
43 ~~similar as to be likely to cause confusion and:~~

44 ~~(a) None of the candidates is an incumbent, the middle names or~~
45 ~~middle initials, if any, of both candidates must be included in their names as~~
46 ~~[printed] placed on the ballot; or~~

47 ~~(b) One of the candidates is an incumbent, the name of the incumbent~~
48 ~~must be listed first and must [be printed] appear in bold type.] (Deleted by~~
49 ~~amendment.)~~

50 **Sec. 38.** Section 5.090 of the Charter of the City of Mesquite, being chapter
51 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

52 Sec. 5.090 ~~[Voting machines.]~~ **Mechanical voting systems.**

1. The City Council ~~[may]~~ *shall* provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ *in accordance* with ~~[law or]~~ *the election laws of this State and any* regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 39. ~~[Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] placed on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] placed on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] appear in bold type.~~

~~3. In any election regulated by this Charter, the names of candidates as [printed] placed on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.] (Deleted by amendment.)~~

Sec. 40. ~~[Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] placed on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] placed on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] appear in bold type.] (Deleted by amendment.)~~

Sec. 41. Section 5.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1979, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ *Mechanical voting systems.*

1. The City Council ~~[may]~~ *shall* provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ *in accordance* with ~~[law or]~~ *the election laws of this State and any* regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

1 **Sec. 42.** ~~[Section 5.050 of the Charter of the City of Sparks, being chapter~~
2 ~~470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada~~
3 ~~2003, at page 1731, is hereby amended to read as follows:~~

4 ~~Sec. 5.050 Names on ballots.~~

5 ~~1. The full names of all candidates, except those who have~~
6 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
7 ~~official ballots without party designation or symbol.~~

8 ~~2. If two or more candidates have the same surname or surnames so~~
9 ~~similar as to be likely to cause confusion and:~~

10 ~~(a) None of them is an incumbent, their middle names or middle~~
11 ~~initials, if any, must be included in their names as [printed] placed on the~~
12 ~~ballot; or~~

13 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
14 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
15 ~~amendment.)~~

16 **Sec. 43.** Section 5.090 of the Charter of the City of Sparks, being chapter
17 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

18 Sec. 5.090 ~~[Voting machines.]~~ Mechanical voting systems.

19 1. The City Council [may] shall provide for the use of mechanical or
20 other devices for [voting or] counting the votes [not inconsistent] in
21 accordance with [law or] the election laws of this State and any
22 regulations of the Secretary of State.

23 2. If the City Council provides for the use of mechanical or other
24 devices for voting, such provision must be in accordance with the election
25 laws of this State and any regulations of the Secretary of State.

26 **Sec. 44.** ~~[Section 5.040 of the Charter of the City of Wells, being chapter~~
27 ~~275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada~~
28 ~~2009, at page 2938, is hereby amended to read as follows:~~

29 ~~Sec. 5.040 Names on ballots.~~

30 ~~1. The full names of all candidates, except those who have~~
31 ~~withdrawn, died or become ineligible before the close of filing and any~~
32 ~~applicable period for withdrawal of candidacy, must be [printed] placed on~~
33 ~~the official ballots without party designation or symbol.~~

34 ~~2. If two or more candidates have the same surname or surnames so~~
35 ~~similar as to be likely to cause confusion and:~~

36 ~~(a) None of them is an incumbent, their middle names or middle~~
37 ~~initials, if any, must be included in their names as [printed] placed on the~~
38 ~~ballot; or~~

39 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
40 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
41 ~~amendment.)~~

42 **Sec. 45.** Section 5.080 of the Charter of the City of Wells, being chapter 275,
43 Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

44 Sec. 5.080 ~~[Voting machines.]~~ Mechanical voting systems.

45 1. The Board of Council Members [may] shall provide for the use of
46 mechanical or other devices for [voting or] counting the votes [not
47 inconsistent] in accordance with [law or] the election laws of this State
48 and any regulations of the Secretary of State.

49 2. If the Board of Council Members provides for the use of
50 mechanical or other devices for voting, such provision must be in
51 accordance with the election laws of this State and any regulations of the
52 Secretary of State.

1 **Sec. 46.** ~~[Section 5.040 of the Charter of the City of Yerington, being chapter~~
2 ~~465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada~~
3 ~~2003, at page 1731, is hereby amended to read as follows:~~

4 ~~Sec. 5.040 Names on ballots:~~

5 ~~1. The full names of all candidates, except those who have~~
6 ~~withdrawn, died or become ineligible, must be [printed] placed on the~~
7 ~~official ballots without party designation or symbol.~~

8 ~~2. If two or more candidates have the same surname or surnames so~~
9 ~~similar as to be likely to cause confusion and:~~

10 ~~(a) None of them is an incumbent, their middle names or middle~~
11 ~~initials, if any, must be included in their names as [printed] placed on the~~
12 ~~ballot; or~~

13 ~~(b) One of them is an incumbent, the name of the incumbent must be~~
14 ~~listed first and must [be printed] appear in bold type.] (Deleted by~~
15 ~~amendment.)~~

16 **Sec. 47.** Section 5.080 of the Charter of the City of Yerington, being chapter
17 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

18 Sec. 5.080 ~~[Voting machines.]~~ Mechanical voting systems.

19 1. The City Council [may] shall provide for the use of mechanical or
20 other devices for [voting or] counting the votes [not inconsistent] in
21 accordance with [law or] the election laws of this State and any
22 regulations of the Secretary of State.

23 2. If the City Council provides for the use of mechanical or other
24 devices for voting, such provision must be in accordance with the election
25 laws of this State and any regulations of the Secretary of State.

26 **Sec. 48.** The provisions of NRS 354.599 do not apply to any additional
27 expenses of a local government that are related to the provisions of this act.

28 **Sec. 49.** ~~[NRS 293.365, 293.373, 293B.050, 293C.365 and 293C.375 are~~
29 ~~hereby repealed.] (Deleted by amendment.)~~

30 **Sec. 50.** This act becomes effective on July 1, 2023.

f

TEXT OF REPEALED SECTIONS

~~— 293.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293.269931, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.~~

~~— 293.373 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:~~

~~— 1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.~~

~~— 2. The rosters and tally lists must be returned to the county clerk.~~

~~— 293B.050 Authorization for use of mechanical voting system. At all statewide, county, city and district elections of any kind held in this State, ballots or votes may be cast, registered, recorded and counted by means of a mechanical voting system.~~

~~— 293C.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293C.26231, a counting board in any~~

~~precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.~~

~~292C.375 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:~~

~~1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.~~

~~2. The rosters and tally lists must be returned to the city clerk.]~~