

Amendment No. 817

Senate Amendment to Senate Bill No. 443 First Reprint	(BDR 24-842)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 443 R1.

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.

ERS/HAC



Date: 5/30/2023

S.B. No. 443—Revises provisions relating to voter registration. (BDR 24-842)



SENATE BILL NO. 443—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 27, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to voter registration. (BDR 24-842)

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; ~~revising provisions relating to provisional ballots;~~
revising provisions relating to voter registration during certain periods
preceding an election; requiring the Department of Motor Vehicles to
have extended hours of operation in certain counties during certain
periods preceding the deadline to register to vote by mail for certain
elections and following the day of certain elections; prohibiting, in
certain counties, the Department from requiring an appointment to
obtain a driver's license or identification card during certain periods;
making an appropriation to the Department of Motor Vehicles for
certain security costs relating to extended hours of operation
required during certain periods; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain deadlines for registering to vote by mail, computer or
appearing in person at the office of the county or city clerk. (NRS 293.560, 293C.527)
Existing law also authorizes an elector to register to vote after such deadlines: (1) through the
Thursday preceding the election, by computer using the online registration system provided
on the Internet website of the Office of the Secretary of State; and (2) after such online
registration, by appearing in person during the period for early voting or on election day. To
register to vote during such periods, an elector must provide his or her driver's license or
identification card issued by the Department of Motor Vehicles and, if the license or
identification card does not include his or her current residential address, certain documents
establishing proof of residency. (NRS 293.5837-293.5847) **Sections 1.6 and 2** of this bill
instead provide that to register to vote in person during the period for early voting or on
election day, an elector must, with certain exceptions, provide a current and valid driver's
license or identification card issued by this State, another state, the District of Columbia or a
territory of the United States or provide a tribal identification card as proof of identity .
~~and, if such proof of identity~~ If the elector's driver's license or identification card was
issued by the Department of Motor Vehicles and shows the elector's current residential
address, the driver's license or identification card is also proof of the elector's residency.
If the elector's tribal identification card shows the elector's current residential address,
the tribal identification card is also proof of the elector's residency.

If the elector's driver's license or identification card was not issued by the Department of Motor Vehicles ~~or does not include his or her current residential address,~~ the elector ~~must also provide proof of residency,~~ may cast a provisional ballot if he or she completes a written affirmation. Any such elector who casts a provisional ballot must provide a current and valid driver's license or identification card issued by the Department of Motor Vehicles, an interim document issued by the Department of Motor Vehicles or a tribal identification card demonstrating proof of residency by 5 p.m. on the Friday immediately following election day.

Sections 1.6 and 2 also provide that ~~an elector~~ if an elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the elector may present an original, electronic or certified copy of a document as proof of residency and that, for certain documents, such document must be dated not more than 60 days before the date the elector is registering to vote.

Sections 1.6 and 2 further provide that if an elector does not have ~~the required identification,~~ a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a tribal identification card, the elector ~~must sign an affirmation and must~~ may cast a provisional ballot ~~in accordance with certain provisions of existing law. Section 1 of this bill makes a conforming change to authorize an elector who does not provide the required identification pursuant to section 1.6 to cast a provisional ballot. Section 1.3 of this bill makes a conforming change to require an elector who casts such a provisional ballot to provide the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day,~~ if he or she completes a written affirmation. Any such elector who casts a provisional ballot must provide a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card demonstrating proof of identity and residency in this State by 5 p.m. on the Friday immediately following election day.

Existing law authorizes the Director of the Department of Motor Vehicles to arrange for extended hours of operation for offices of the Department in a county whose population is 100,000 or more (currently Clark County and Washoe County). (NRS 481.057) **Section 3** of this bill provides that, in a county whose population is 100,000 or more, the Director is required to arrange for the offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m. for a person to only apply for the issuance or renewal of any type of driver's license or identification card issued by the Department: (1) during the 2 weeks immediately preceding the last day to register to vote by mail for a primary election, presidential preference primary election or general election; and (2) during the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election. **Section 3** further prohibits the Department from requiring, in a county whose population is 100,000 or more, a person to have an appointment to apply for the issuance or renewal of any type of driver's license or identification card issued by the Department: (1) during the 2 weeks immediately preceding the last day to register to vote by mail for a primary election, presidential preference primary election or general election; and (2) during the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

Section 3.5 of this bill makes an appropriation from the State Highway Fund to the Department of Motor Vehicles for the costs of additional security services for the extended hours of operation required by section 3.

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

Section 1. ~~NRS 293.2081 is hereby amended to read as follows:~~
~~293.2081 A person at a polling place may cast a provisional ballot in an election pursuant to NRS 293.2078 to 293.2086, inclusive, if the person complies with the applicable provisions of NRS 293.2082 and:~~

~~1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;~~

~~2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or~~

~~3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election;~~

~~4. Registers to vote in person at a polling place for early voting or on the day of the election and declares that he or she is a qualified elector but does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a social security number. (Deleted by amendment.)~~

Sec. 1.3. ~~NRS 293.3082 is hereby amended to read as follows:~~

~~293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:~~

~~(a) The name of the person casting the provisional ballot;~~

~~(b) The reason for casting the provisional ballot;~~

~~(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;~~

~~(d) The date and type of election;~~

~~(e) The signature of the person casting the provisional ballot;~~

~~(f) The signature of the election board officer;~~

~~(g) A unique affirmation identification number assigned to the person casting the provisional ballot;~~

~~(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:~~

~~(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;~~

~~(2) The address of the person as listed on the application to register to vote;~~

~~(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;~~

~~(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and~~

~~(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;~~

~~(i) If the person is casting the provisional ballot pursuant to subsection 2 or 4 of NRS 293.3081:~~

~~(1) The address of the person as listed on the application to register to vote;~~

~~(2) The voter registration number, if any, issued to the person; and~~

~~(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following~~

election day and that failure to do so will result in the provisional ballot not being counted; and

~~(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.~~

~~2. After a person completes a written affirmation pursuant to subsection 1:~~

~~(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.2086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;~~

~~(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and~~

~~(c) The election board officer shall issue a provisional ballot to the person to vote.~~ **(Deleted by amendment.)**

Sec. 1.6. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➤ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in ~~subsection 3, or 5,~~ this section, provide his or her ~~current~~ :

(1) Current and valid driver's license or identification card issued by ~~the Department of Motor Vehicles which shows his or her physical address,~~ this State or another state, the District of Columbia or any territory of the United States as proof of the elector's identity and , if the ~~photo identification~~ driver's license or identification card was issued by the Department of Motor Vehicles and shows the elector's current residential address, as proof of the elector's identity and residency ~~;~~ ; or

(2) Tribal identification card as proof of the elector's identity and, if the tribal identification card shows the elector's current residential address, as proof of the elector's identity and residency.

3. If the elector's driver's license or identification card ~~was~~ was not issued by the Department of Motor Vehicles ~~(to the elector or)~~ but does not have the elector's current residential address, an original, electronic or certified copy of the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service ~~[§]~~, *that is dated not more than 60 days before the date on which the elector is registering to vote;*

(c) A bank or credit union statement ~~[§]~~ *that is dated not more than 60 days before the date on which the elector is registering to vote;*

(d) A paycheck ~~[§]~~ *that is dated not more than 60 days before the date on which the elector is registering to vote;*

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. ~~[Subject]~~ *Except as otherwise provided in subsection 5 ~~[§]~~ or 6, subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:*

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place;

and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

5. *If an elector who appears to vote provides as proof of identity a driver's license or identification card that was not issued by the Department of Motor Vehicles or provides a tribal identification card that does not have the elector's current residential address, the elector may cast a provisional ballot pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes:*

(a) *A statement in which the person affirms under penalty of perjury that he or she is a qualified elector; and*

(b) *A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and that failure to do so will result in the provisional ballot not being counted.*

6. *If an elector who appears to vote does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a ~~[social security number]~~ tribal identification card, the elector may cast a provisional ballot ~~[, as defined in NRS 293.3078, pursuant to NRS 293.3078 to 293.3086, inclusive. In addition to the affirmation required pursuant to NRS 293.3082, the elector must complete]~~ pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes ~~[a]~~;*

(a) A statement in which the person affirms under penalty of perjury that he or she is a qualified elector but has not been issued a driver's license or identification card by this State or another state, the District of Columbia or any territory of the United States ~~and does not have a social security number,~~ or a tribal identification card; and

(b) A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates proof of identity and residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and failure to do so will result in the provisional ballot not being counted.

7. Nothing in this section shall be construed to authorize an elector's provisional ballot that is cast pursuant to this section to be counted unless the elector provides proof of identity and residency as required pursuant to this section.

Sec. 2. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➤ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in ~~[subsection 3, or 5,]~~ this section, provide his or her ~~[current]~~ :

(1) Current and valid driver's license or identification card issued by ~~the Department of Motor Vehicles which shows his or her physical address~~ this State or another state, the District of Columbia or any territory of the United States as proof of the elector's identity, and if the ~~[photo identification]~~ driver's license or identification card was issued by the Department of Motor Vehicles and shows the elector's current residential address, as proof of the elector's identity and residency ~~;~~ or

(2) Tribal identification card as proof of the elector's identity and, if the tribal identification card shows the elector's current residential address, as proof of the elector's identity and residency.

3. If the elector's driver's license or identification card ~~was~~ [not] issued by the Department of Motor Vehicles ~~[to the elector or]~~ but does not have the elector's current residential address, an original, electronic or certified copy of the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service ~~that is dated not more than 60 days before the elector is registering to vote;~~

(c) A bank or credit union statement ~~that is dated not more than 60 days before the elector is registering to vote;~~

(d) A paycheck ~~that is dated not more than 60 days before the elector is registering to vote;~~

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. ~~Subject~~ *Except as otherwise provided in subsection 5 ~~or~~ 6, subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:*

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot.

5. *If an elector who appears to vote provides as proof of identity a driver's license or identification card that was not issued by the Department of Motor Vehicles or provides a tribal identification card that does not have the elector's current residential address, the elector may cast a provisional ballot pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes:*

(a) A statement in which the person affirms under penalty of perjury that he or she is a qualified elector; and

(b) A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and that failure to do so will result in the provisional ballot not being counted.

6. *If an elector who appears to vote does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States or a ~~[social security number]~~ tribal identification card, the elector may cast a provisional ballot ~~[as defined in NRS 203.3078, pursuant to NRS 203.3078 to 203.3086, inclusive. In addition to the affirmation required pursuant to NRS 203.3082, the elector must complete]~~ pursuant to subsection 4 if the elector completes a written affirmation on a form provided by an election officer which includes ~~that~~:*

(a) A statement in which the person affirms under penalty of perjury that he or she is a qualified elector but has not been issued a driver's license or identification card by this State or another state, the District of Columbia or any

territory of the United States ~~(and does not have a social security number.)~~ or a tribal identification card; and

(b) A statement informing the voter that a current and valid driver's license, identification card or interim document issued by the Department of Motor Vehicles or a tribal identification card that demonstrates proof of identity and residency must be provided to the county or city clerk not later than 5 p.m. on the Friday immediately following election day and failure to do so will result in the provisional ballot not being counted.

7. Nothing in this section shall be construed to authorize an elector's provisional ballot that is cast pursuant to this section to be counted unless the elector provides proof of identity and residency as required pursuant to this section.

Sec. 3. NRS 481.057 is hereby amended to read as follows:

481.057 ~~Has~~

1. Except as otherwise provided in subsection 2, in a county whose population is 100,000 or more, the Director may arrange for offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m.

2. In county whose population is 100,000 or more, the Director shall arrange for the offices of the Department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m. for a person to apply only for the issuance or renewal of any type of driver's license or identification card issued by the Department:

(a) During the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 for a primary election, presidential preference primary election or general election; and

(b) During the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

3. In a county whose population is 100,000 or more, the Department shall not require a person to have an appointment for the issuance or renewal of any type of driver's license or identification card issued by the Department:

(a) During the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 for a primary election, presidential preference primary election or general election; and

(b) During the 6 calendar days immediately following the day of a primary election, presidential preference primary election or general election.

4. As used in this section:

(a) "General election" has the meaning ascribed to it in NRS 293.060.

(b) "Presidential preference primary election" has the meaning ascribed to it in NRS 293.0771.

(c) "Primary election" has the meaning ascribed to it in NRS 293.080.

Sec. 3.5. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of \$15,449 for the costs of additional security services for the extended hours of operation required by NRS 481.057, as amended by section 3 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or

transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

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

2. Sections 1 to 3, inclusive, of this act become effective:

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

(b) On ~~January~~ May 1, 2024, for all other purposes.

3. Section 3.5 of this act becomes effective on July 1, 2024.