

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; 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 driver's license or identification card issued by this State, another state, the District



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of Columbia or a territory of the United States as proof of identity and, if such proof of identity 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. **Sections 1.6 and 2** also provide that an 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, the elector must sign an affirmation and must 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.

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.

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

Section 1. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election pursuant to NRS 293.3078 to 293.3086, inclusive, if the person complies with the applicable provisions of NRS 293.3082 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.

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 293.3086 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.

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~~, provide his or her 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 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.

3. If the driver's license or identification card *was not* issued by the Department of Motor Vehicles to the elector *or* 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 ~~or~~, *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 ~~or~~ *that is dated not more than 60 days before the date on which the elector is registering to vote;*

(d) A paycheck ~~or~~ *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, 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 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, 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 a written affirmation on a form provided by an election officer which includes 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.

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 ~~[H]~~ or 5, provide his or her 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 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.

3. If the driver's license or identification card *was not* issued by the Department of Motor Vehicles to the elector *or* 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, 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 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, the elector may cast a provisional ballot,*



1 *as defined in NRS 293.3078, pursuant to NRS 293.3078 to*
2 *293.3086, inclusive. In addition to the affirmation required*
3 *pursuant to NRS 293.3082, the elector must complete a written*
4 *affirmation on a form provided by an election officer which*
5 *includes a statement in which the person affirms under penalty of*
6 *perjury that he or she is a qualified elector but has not been issued*
7 *a driver's license or identification card by this State or another*
8 *state, the District of Columbia or any territory of the United States*
9 *and does not have a social security number.*

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

11 481.057 ~~[[a]]~~

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

16 *2. In county whose population is 100,000 or more, the*
17 *Director shall arrange for the offices of the Department to remain*
18 *open on Saturdays and Sundays and at hours other than 8 a.m. to*
19 *5 p.m. for a person to apply only for the issuance or renewal of*
20 *any type of driver's license or identification card issued by the*
21 *Department:*

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

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

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

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

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

40 *4. As used in this section:*

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

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



1 (c) *“Primary election” has the meaning ascribed to it in*
2 *NRS 293.080.*

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

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

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

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

