
ASSEMBLY BILL NO. 245—ASSEMBLYMEN STEWART, HARDY,
GANSERT; CARPENTER, GOEDHART, GOICOECHEA, GRADY,
GUSTAVSON, MCARTHUR, MUNFORD, SETTELMAYER AND
WOODBURY

MARCH 5, 2009

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Revises certain provisions relating to voter
identification. (BDR 24-577)

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; requiring photographic identification
for voting; requiring county clerks to issue voter
identification cards under certain circumstances; requiring
persons who apply for absent ballots to provide certain
information to county and city clerks; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that a person provide satisfactory identification to vote in
2 person or cast an absent ballot. (NRS 293.2725, 293.277, 293.303, 293.3081,
3 293.3082, 293.3083, 293.3085, 293.313, 293.330, 293.353, 293.3585, 293.5235,
4 293.541, 293C.270, 293C.292, 293C.310, 293C.330, 293C.3585) This bill requires
5 that a person provide one of the forms of photographic identification specified in
6 **section 2** of this bill to vote in person or cast an absent ballot. **Section 2** provides a
7 definition of “photographic identification” that is limited to a driver’s license or
8 identification card issued by the Department of Motor Vehicles, an identification
9 card issued by a branch of the Armed Forces of the United States, a United States
10 passport, an identification card issued by an Indian tribe or a voter identification
11 card issued by a county clerk. **Sections 3-6** of this bill: (1) require a county clerk to
12 issue a voter identification card, free of charge, to a person who does not possess
13 one of the forms of required photographic identification; (2) set forth requirements
14 for the issuance of voter identification cards; and (3) require that the Secretary of
15 State adopt regulations to carry out the provisions of those sections.

16 Under existing law, a registered voter who wishes to vote an absent ballot in an
17 election must provide sufficient written notice to a city or county clerk in advance
18 of the election. (NRS 293.313, 293C.310) **Sections 16 and 25** of this bill provide



19 that the written notice must include the name, address and date of birth of the
20 registered voter, a statement that the requester is a registered voter, a statement
21 identifying the election for which the absent ballot is requested, the political
22 affiliation of the registered voter if the election is a primary election, the address to
23 which the absent ballot should be mailed and one other form of identifying
24 information or document of the registered voter.

25 The provisions of this bill which require that a person present one of the forms
26 of photographic identification specified in **section 2** to vote in person or cast an
27 absent ballot are similar to the provisions of an Indiana law which the United States
28 Supreme Court determined does not unconstitutionally burden a person's right to
29 vote, in part because the person can obtain one of the forms of required
30 photographic identification free of charge. (*Crawford v. Marion County Election*
31 *Bd.*, 128 S. Ct. 1610 (2008))

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

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

4 **Sec. 2.** *“Photographic identification” means one of the*
5 *following forms of identification if it bears a recognizable*
6 *photograph of the person presenting it as identification:*

7 1. *A driver’s license or identification card issued by the*
8 *Department of Motor Vehicles.*

9 2. *An identification card issued by a branch of the Armed*
10 *Forces of the United States.*

11 3. *A United States passport.*

12 4. *An identification card issued by an Indian tribe.*

13 5. *A voter identification card issued pursuant to section 3 of*
14 *this act.*

15 **Sec. 3.** 1. *A county clerk shall, in accordance with*
16 *regulations adopted by the Secretary of State pursuant to section 6*
17 *of this act:*

18 (a) *Issue a voter identification card to a person who:*

19 (1) *Is registered to vote in this State;*

20 (2) *Does not possess a form of photographic identification*
21 *described in subsections 1 to 4, inclusive, of section 2 of this act;*
22 *and*

23 (3) *Complies with the provisions of subsection 2 of section*
24 *5 of this act.*

25 (b) *Provide at least one place in the county in which the county*
26 *clerk accepts applications for and issues voter identification cards.*

27 2. *A county clerk shall not charge a fee for the issuance of a*
28 *voter identification card.*

29 **Sec. 4.** *A person who wishes to obtain a voter identification*
30 *card must submit to the county clerk:*



1 *1. An application in the form prescribed by the Secretary of*
2 *State;*

3 *2. Proof of the applicant's date of birth;*

4 *3. A voter registration card issued to the applicant pursuant*
5 *to NRS 293.517 or other evidence that the applicant is registered*
6 *to vote in this State; and*

7 *4. A copy of a current utility bill, bank statement, paycheck or*
8 *document issued by a governmental entity, including a check,*
9 *which indicates the name and address of the applicant, but not*
10 *including a voter registration card issued pursuant to*
11 *NRS 293.517.*

12 **Sec. 5.** *A voter identification card issued pursuant to section*
13 *3 of this act:*

14 *1. Must include, without limitation:*

15 *(a) The name, address, date of birth, sex, height, weight, eye*
16 *color and photograph of the person;*

17 *(b) The date of issuance of the voter identification card;*

18 *(c) The name of the county in which the voter identification*
19 *card was issued; and*

20 *(d) Any other information required by the Secretary of State.*

21 *2. Is valid so long as the person is registered to vote and*
22 *resides at the address stated on the voter identification card.*

23 **Sec. 6.** *The Secretary of State shall:*

24 *1. Provide each county clerk with the equipment, forms,*
25 *supplies and training that are necessary for the issuance of voter*
26 *identification cards.*

27 *2. Adopt regulations to carry out the provisions of sections 3*
28 *to 6, inclusive, of this act.*

29 **Sec. 7.** NRS 293.010 is hereby amended to read as follows:

30 293.010 As used in this title, unless the context otherwise
31 requires, the words and terms defined in NRS 293.013 to 293.121,
32 inclusive, *and section 2 of this act* have the meanings ascribed to
33 them in those sections.

34 **Sec. 8.** NRS 293.2725 is hereby amended to read as follows:

35 293.2725 1. Except as otherwise provided in subsection 2, in
36 NRS 293.3081 and 293.3083 and in federal law, a person who
37 registers by mail to vote in this State and who has not previously
38 voted in an election for federal office in this State:

39 (a) May vote at a polling place only if the person presents
40 *photographic identification* to the election board officer at the
41 polling place ; ~~f:~~

42 ~~—— (1) A current and valid photo identification of the person; or~~

43 ~~—— (2) A copy of a current utility bill, bank statement, paycheck,~~
44 ~~or document issued by a governmental entity, including a check~~
45 ~~which indicates the name and address of the person, but not~~



1 ~~including a voter registration card issued pursuant to NRS 293.517;]~~
2 and

3 (b) May vote by mail only if the person provides *a copy of his*
4 *photographic identification* to the county or city clerk. ~~[-~~

5 ~~----- (1) A copy of a current and valid photo identification of the~~
6 ~~person; or~~

7 ~~----- (2) A copy of a current utility bill, bank statement, paycheck,~~
8 ~~or document issued by a governmental entity, including a check~~
9 ~~which indicates the name and address of the person, but not~~
10 ~~including a voter registration card issued pursuant to NRS 293.517.]~~

11 2. The provisions of this section do not apply to a person who:

12 (a) Registers to vote by mail and submits with his application to
13 register to vote ~~[-~~

14 ~~----- (1) A] a copy of [a current and valid photo] his photographic~~
15 ~~identification; [or~~

16 ~~----- (2) A copy of a current utility bill, bank statement, paycheck,~~
17 ~~or document issued by a governmental entity, including a check~~
18 ~~which indicates the name and address of the person, but not~~
19 ~~including a voter registration card issued pursuant to NRS 293.517;~~

20 ~~----- (b) Registers to vote by mail and submits with his application to~~
21 ~~register to vote a driver's license number or at least the last four~~
22 ~~digits of his social security number, if a state or local election~~
23 ~~official has matched that information with an existing identification~~
24 ~~record bearing the same number, name and date of birth as provided~~
25 ~~by the person in his application;-~~

26 ~~----- (c) (b) Is entitled to vote an absent ballot pursuant to the~~
27 ~~Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.~~
28 ~~§§ 1973ff et seq.;~~

29 ~~----- (d) (c) Is provided the right to vote otherwise than in person~~
30 ~~under the Voting Accessibility for the Elderly and Handicapped Act,~~
31 ~~42 U.S.C. §§ 1973ee et seq.; or~~

32 ~~----- (e) (d) Is entitled to vote otherwise than in person under any~~
33 ~~other federal law.~~

34 **Sec. 9.** NRS 293.277 is hereby amended to read as follows:

35 293.277 ~~[-]~~ Except as otherwise provided in NRS 293.541,
36 if a person's name appears in the election board register, ~~[or if he~~
37 ~~provides an affirmation pursuant to NRS 293.525.]~~ he is entitled to
38 vote and must ~~[sign]~~ :

39 1. *Present his photographic identification; and*

40 2. *Sign* his name in the election board register when he applies
41 to vote. His signature must be compared by an election board officer
42 with the signature or a facsimile thereof on his original application
43 to register to vote or ~~[one of the forms of identification listed in~~
44 ~~subsection 2.~~



1 ~~2. Except as otherwise provided in NRS 293.2725, the forms of~~
2 ~~identification which may be used individually to identify a voter at~~
3 ~~the polling place are:~~

4 ~~—(a) The card issued to the voter at the time he registered to vote;~~

5 ~~—(b) A driver's license;~~

6 ~~—(c) An identification card issued by the Department of Motor~~
7 ~~Vehicles;~~

8 ~~—(d) A military identification card; or~~

9 ~~—(e) Any other form of identification issued by a governmental~~
10 ~~agency which contains the voter's signature and physical description~~
11 ~~or picture.] on his photographic identification.~~

12 **Sec. 10.** NRS 293.283 is hereby amended to read as follows:

13 293.283 Any registered voter who is unable to sign his name
14 must **[be]** :

15 1. ***Present his photographic identification; and***

16 2. ***Be further*** identified by answering questions covering the
17 personal data which is reported on the original application to
18 register to vote. The officer in charge of the roster shall stamp, write
19 or print "Identified as" to the left of the voter's name.

20 **Sec. 11.** NRS 293.303 is hereby amended to read as follows:

21 293.303 1. A person applying to vote may be challenged:

22 (a) Orally by any registered voter of the precinct upon the
23 ground that he is not the person entitled to vote as claimed or has
24 voted before at the same election. A registered voter who initiates a
25 challenge pursuant to this paragraph must submit an affirmation that
26 is signed under penalty of perjury and in the form prescribed by the
27 Secretary of State stating that the challenge is based on the personal
28 knowledge of the registered voter.

29 (b) On any ground set forth in a challenge filed with the county
30 clerk pursuant to the provisions of NRS 293.547.

31 2. If a person is challenged, an election board officer shall
32 tender the challenged person the following oath or affirmation:

33 (a) If the challenge is on the ground that he does not belong to
34 the political party designated upon the register, "I swear or affirm
35 under penalty of perjury that I belong to the political party
36 designated upon the register";

37 (b) If the challenge is on the ground that the register does not
38 show that he designated the political party to which he claims to
39 belong, "I swear or affirm under penalty of perjury that I designated
40 on the application to register to vote the political party to which I
41 claim to belong";

42 (c) If the challenge is on the ground that he does not reside at the
43 residence for which the address is listed in the election board
44 register, "I swear or affirm under penalty of perjury that I reside at



1 the residence for which the address is listed in the election board
2 register”;

3 (d) If the challenge is on the ground that he previously voted a
4 ballot for the election, “I swear or affirm under penalty of perjury
5 that I have not voted for any of the candidates or questions included
6 on this ballot for this election”; or

7 (e) If the challenge is on the ground that he is not the person he
8 claims to be, “I swear or affirm under penalty of perjury that I am
9 the person whose name is in this election board register.”

10 ➔ The oath or affirmation must be set forth on a form prepared by
11 the Secretary of State and signed by the challenged person under
12 penalty of perjury.

13 3. Except as otherwise provided in subsection 4, if the
14 challenged person refuses to execute the oath or affirmation so
15 tendered, he must not be issued a ballot, and the officer in charge of
16 the election board register shall write the words “Challenged
17” opposite his name in the election board register.

18 4. If the challenged person refuses to execute the oath or
19 affirmation set forth in paragraph (a) or (b) of subsection 2, the
20 election board officers shall issue him a nonpartisan ballot.

21 5. If the challenged person refuses to execute the oath or
22 affirmation set forth in paragraph (c) of subsection 2, the election
23 board officers shall inform him that he is entitled to vote only in the
24 manner prescribed in NRS 293.304.

25 6. If the challenged person executes the oath or affirmation and
26 the challenge is not based on the ground set forth in paragraph (e) of
27 subsection 2, the election board officers shall issue him a partisan
28 ballot.

29 7. If the challenge is based on the ground set forth in paragraph
30 (c) of subsection 2, and the challenged person executes the oath or
31 affirmation, the election board shall not issue the person a ballot
32 until he furnishes satisfactory identification which contains proof of
33 the address at which he actually resides. For the purposes of this
34 subsection, a voter registration card issued pursuant to NRS 293.517
35 does not provide proof of the address at which a person resides.

36 8. If the challenge is based on the ground set forth in paragraph
37 (e) of subsection 2 and the challenged person executes the oath or
38 affirmation, the election board shall not issue the person a ballot
39 unless he:

40 (a) Furnishes ~~official~~ *photographic* identification ; ~~which~~
41 ~~contains a photograph of himself, such as his driver’s license or~~
42 ~~other official document;~~ or

43 (b) Brings before the election board officers a person who is at
44 least 18 years of age who:



1 (1) Furnishes ~~official~~ *photographic* identification ; ~~which~~
2 ~~contains a photograph of himself, such as his driver's license or~~
3 ~~other official document;~~ and

4 (2) Executes an oath or affirmation under penalty of perjury
5 that the challenged person is who he swears he is.

6 9. The election board officers shall:

7 (a) Record on the challenge list:

8 (1) The name of the challenged person;

9 (2) The name of the registered voter who initiated the
10 challenge; and

11 (3) The result of the challenge; and

12 (b) If possible, orally notify the registered voter who initiated
13 the challenge of the result of the challenge.

14 **Sec. 12.** NRS 293.3081 is hereby amended to read as follows:

15 293.3081 A person at a polling place may cast a provisional
16 ballot in an election to vote for a candidate for federal office if the
17 person complies with the applicable provisions of NRS 293.3082
18 and:

19 1. Declares that he has registered to vote and is eligible to vote
20 at that election in that jurisdiction, but ~~his~~ :

21 (a) *The person's* name does not appear on a voter registration
22 list as a voter eligible to vote in that election in that jurisdiction ~~for~~
23 ~~an~~ ;

24 (b) *An* election official asserts that the person is not eligible to
25 vote in that election in that jurisdiction; *or*

26 (c) *The person fails to provide the photographic identification*
27 *required by NRS 293.277;*

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

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

37 **Sec. 13.** NRS 293.3082 is hereby amended to read as follows:

38 293.3082 1. Before a person may cast a provisional ballot
39 pursuant to NRS 293.3081, the person must complete a written
40 affirmation on a form provided by an election board officer, as
41 prescribed by the Secretary of State, at the polling place which
42 includes:

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

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



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

4 (d) The date and type of election;

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

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

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

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

11 (1) An indication by the person as to whether or not he
12 provided the required *photographic* identification at the time he
13 applied to register to vote;

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

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

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

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

26 (i) If the person is casting the provisional ballot pursuant to
27 subsection 2 of NRS 293.3081:

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

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

32 (3) A statement informing the voter that the required
33 *photographic* identification must be provided to the county or city
34 clerk not later than 5 p.m. on the Friday following election day and
35 that failure to do so will result in the provisional ballot not being
36 counted; and

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

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

42 (a) The election board officer shall provide the person with a
43 receipt that includes the unique affirmation identification number
44 described in subsection 1 and that explains how the person may use
45 the free access system established pursuant to NRS 293.3086 to



1 ascertain whether his vote was counted, and, if his vote was not
2 counted, the reason why the vote was not counted;

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

6 (c) The election board officer shall issue a provisional ballot to
7 the person to vote only for candidates for federal offices.

8 **Sec. 14.** NRS 293.3083 is hereby amended to read as follows:

9 293.3083 A person may cast a ballot by mail to vote for a
10 candidate for federal office, which must be treated as a provisional
11 ballot by the county or city clerk if the person:

12 1. Applies by mail to register to vote and has not previously
13 voted in an election for federal office in this State;

14 2. Fails to provide the *photographic* identification required
15 pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the
16 county or city clerk at the time that he mails his ballot; and

17 3. Completes the written affirmation set forth in subsection 1
18 of NRS 293.3082.

19 **Sec. 15.** NRS 293.3085 is hereby amended to read as follows:

20 293.3085 1. Following each election, a canvass of the
21 provisional ballots cast in the election must be conducted pursuant
22 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

23 2. The county and city clerk shall not:

24 (a) Include any provisional ballot in the unofficial results
25 reported on election night; or

26 (b) Open any envelope containing a provisional ballot before 8
27 a.m. on the Wednesday following election day.

28 3. Except as otherwise provided in subsection 4, a provisional
29 ballot must be counted if:

30 (a) The county or city clerk determines that the person who cast
31 the provisional ballot was registered to vote in the election, eligible
32 to vote in the election and issued the appropriate ballot for the
33 address at which he resides;

34 (b) A voter who failed to provide *the* required *photographic*
35 identification at the polling place or with his mailed ballot provides
36 the required *photographic* identification to the county or city clerk
37 not later than 5 p.m. on the Friday following election day; or

38 (c) A court order has not been issued by 5 p.m. on the Friday
39 following election day directing that provisional ballots cast
40 pursuant to subsection 3 of NRS 293.3081 not be counted, and the
41 provisional ballot was cast pursuant to subsection 3 of
42 NRS 293.3081.

43 4. A provisional ballot must not be counted if the county or
44 city clerk determines that the person who cast the provisional ballot
45 cast the wrong ballot for the address at which he resides.



1 **Sec. 16.** NRS 293.313 is hereby amended to read as follows:

2 293.313 1. Except as otherwise provided in NRS 293.272
3 and 293.502, a registered voter who provides sufficient written
4 notice to the county clerk may vote an absent ballot as provided in
5 this chapter.

6 2. A registered voter who:

7 (a) Is at least 65 years of age; or

8 (b) Has a physical disability or condition which substantially
9 impairs his ability to go to the polling place,

10 ↳ may request an absent ballot for all elections held during the year
11 he requests an absent ballot.

12 3. As used in this section, "sufficient written notice" means a:

13 (a) Written request for an absent ballot which *complies with the*
14 *requirements of subsection 4 and which* is signed by the registered
15 voter and returned to the county clerk in person or by mail or
16 facsimile machine;

17 (b) Form prescribed by the Secretary of State which *complies*
18 *with the requirements of subsection 4 and which* is completed and
19 signed by the registered voter and returned to the county clerk in
20 person or by mail or facsimile machine; or

21 (c) Form provided by the Federal Government.

22 4. *A written request or a form that is returned to the county*
23 *clerk pursuant to paragraph (a) or (b) of subsection 3 must*
24 *include:*

25 (a) *The name and address of the registered voter;*

26 (b) *The date of birth of the registered voter;*

27 (c) *A statement that the person requesting the absent ballot is a*
28 *registered voter;*

29 (d) *A statement identifying the election for which the absent*
30 *ballot is requested;*

31 (e) *If the election identified pursuant to paragraph (d) is a*
32 *primary election, the political affiliation of the registered voter;*

33 (f) *The address to which the registered voter desires the absent*
34 *ballot to be mailed, if that address is different from the address*
35 *provided pursuant to paragraph (a); and*

36 (g) *One of the following:*

37 (1) *The driver's license number of the registered voter;*

38 (2) *The last four digits of the social security number of the*
39 *registered voter; or*

40 (3) *One of the following, which must include the name and*
41 *address of the registered voter:*

42 (I) *A copy of the photographic identification of the*
43 *registered voter; or*

44 (II) *A copy of a current utility bill, bank statement,*
45 *paycheck or document issued by a governmental entity, including*



1 *a check, but not including a voter registration card issued*
2 *pursuant to NRS 293.517.*

3 5. A county clerk shall consider a request from a voter who has
4 given sufficient written notice on a form provided by the Federal
5 Government as a request for an absent ballot for the two primary
6 and general elections immediately following the date on which the
7 county clerk received the request.

8 ~~5.~~ 6. It is unlawful for a person fraudulently to request an
9 absent ballot in the name of another person or to induce or coerce
10 another person fraudulently to request an absent ballot in the name
11 of another person. A person who violates this subsection is guilty of
12 a category E felony and shall be punished as provided in
13 NRS 193.130.

14 **Sec. 17.** NRS 293.330 is hereby amended to read as follows:

15 293.330 1. Except as otherwise provided in NRS 293.3157
16 and subsection 2 of NRS 293.323 and any regulations adopted
17 pursuant thereto, when an absent voter receives his ballot, he must
18 mark and fold it in accordance with the instructions, deposit it in the
19 return envelope, seal the envelope, affix his signature on the back of
20 the envelope in the space provided therefor and mail the return
21 envelope.

22 2. Except as otherwise provided in subsection 3, if an absent
23 voter who has requested a ballot by mail applies to vote the ballot in
24 person at:

25 (a) The office of the county clerk, he must mark the ballot, seal
26 it in the return envelope and affix his signature in the same manner
27 as provided in subsection 1, and deliver the envelope to the clerk.

28 (b) A polling place, including, without limitation, a polling place
29 for early voting, he must surrender the absent ballot and provide
30 ~~satisfactory~~ *photographic* identification before being issued a
31 ballot to vote at the polling place. A person who receives a
32 surrendered absent ballot shall mark it "Cancelled."

33 3. If an absent voter who has requested a ballot by mail applies
34 to vote in person at the office of the county clerk or a polling place,
35 including, without limitation, a polling place for early voting, and
36 the voter does not have the absent ballot to deliver or surrender, the
37 voter must be issued a ballot to vote if the voter:

38 (a) Provides ~~satisfactory~~ *photographic* identification;

39 (b) Is a registered voter who is otherwise entitled to vote; and

40 (c) Signs an affirmation under penalty of perjury on a form
41 prepared by the Secretary of State declaring that the voter has not
42 voted during the election.

43 4. Except as otherwise provided in NRS 293.316, it is unlawful
44 for any person to return an absent ballot other than the voter who
45 requested the absent ballot or, at the request of the voter, a member



1 of his family. A person who returns an absent ballot and who is a
2 member of the family of the voter who requested the absent ballot
3 shall, under penalty of perjury, indicate on a form prescribed by the
4 county clerk that he is a member of the family of the voter who
5 requested the absent ballot and that the voter requested that he return
6 the absent ballot. A person who violates the provisions of this
7 subsection is guilty of a category E felony and shall be punished as
8 provided in NRS 193.130.

9 **Sec. 18.** NRS 293.353 is hereby amended to read as follows:

10 293.353 1. Except as otherwise provided in subsection 2 or 3,
11 upon receipt of a mailing ballot from the county clerk, the registered
12 voter must, in accordance with the instructions, mark and fold the
13 ballot, deposit and seal the ballot in the return envelope, affix his
14 signature on the back of the envelope and mail the envelope to the
15 county clerk.

16 2. Except as otherwise provided in subsection 3, if a registered
17 voter who has received a mailing ballot applies to vote in person at:

18 (a) The office of the county clerk, he must mark the ballot, place
19 and seal it in the return envelope and affix his signature in the same
20 manner as provided in subsection 1, and deliver the envelope to the
21 clerk.

22 (b) One of the polling places on election day or a polling place
23 for early voting in the county designated pursuant to subsection 3 or
24 4 of NRS 293.343, he must surrender the mailing ballot and provide
25 ~~[satisfactory]~~ *photographic* identification before being issued a
26 ballot to vote at the polling place. A person who receives a
27 surrendered mailing ballot shall mark it "Cancelled."

28 3. If a registered voter who has received a mailing ballot
29 wishes to vote in person at the office of the county clerk or at one of
30 the polling places on election day or a polling place for early voting
31 in the county designated pursuant to subsection 3 or 4 of NRS
32 293.343, and the voter does not have the mailing ballot to deliver or
33 surrender, the voter must be issued a ballot to vote if the voter:

34 (a) Provides ~~[satisfactory]~~ *photographic* identification;

35 (b) Is a registered voter who is otherwise entitled to vote; and

36 (c) Signs an affirmation under penalty of perjury on a form
37 prepared by the Secretary of State declaring that the voter has not
38 voted during the election.

39 4. It is unlawful for any person to return a mailing ballot other
40 than the registered voter to whom the ballot was sent or, at the
41 request of the voter, a member of the family of that voter. A person
42 who returns a mailing ballot and who is a member of the family of
43 the voter who received the mailing ballot shall, under penalty of
44 perjury, indicate on a form prescribed by the county clerk that he is
45 a member of the family of the voter who received the mailing ballot



1 and that the voter requested that he return the mailing ballot. A
2 person who violates the provisions of this subsection is guilty of a
3 category E felony and shall be punished as provided in
4 NRS 193.130.

5 **Sec. 19.** NRS 293.3585 is hereby amended to read as follows:

6 293.3585 1. Upon the appearance of a person to cast a ballot
7 for early voting, the deputy clerk for early voting shall ~~§~~
8 ~~—(a) Determine that~~ *determine whether* the person is a registered
9 voter in the county ~~§~~

10 ~~—(b)}~~ *and, if so:*

11 (a) Instruct the voter to sign the roster for early voting;

12 (b) *Require the voter to present photographic identification;*
13 and

14 (c) Verify the signature of the voter against that contained on the
15 original application to register to vote or a facsimile thereof, the
16 card issued to the voter at the time of registration or ~~§some other~~
17 ~~piece of official~~ *the voter's photographic* identification.

18 2. The county clerk shall prescribe a procedure, approved by
19 the Secretary of State, to determine that the voter has not already
20 voted pursuant to this section.

21 3. The roster for early voting must contain:

22 (a) The voter's name, the address where he is registered to vote,
23 his voter identification number and a place for the voter's signature;

24 (b) The voter's precinct or voting district number; and

25 (c) The date of voting early in person.

26 4. When a voter is entitled to cast his ballot and has identified
27 himself to the satisfaction of the deputy clerk for early voting, he is
28 entitled to receive the appropriate ballot or ballots, but only for his
29 own use at the polling place for early voting.

30 5. If the ballot is voted on a mechanical recording device which
31 directly records the votes electronically, the deputy clerk for early
32 voting shall:

33 (a) Prepare the mechanical recording device for the voter;

34 (b) Ensure that the voter's precinct or voting district and the
35 form of ballot are indicated on the voting receipt, if the county clerk
36 uses voting receipts; and

37 (c) Allow the voter to cast his vote.

38 6. A voter applying to vote early by personal appearance may
39 be challenged pursuant to NRS 293.303.

40 **Sec. 20.** NRS 293.5235 is hereby amended to read as follows:

41 293.5235 1. Except as otherwise provided in NRS 293.502, a
42 person may register to vote by mailing an application to register to
43 vote to the county clerk of the county in which he resides. The
44 county clerk shall, upon request, mail an application to register to
45 vote to an applicant. The county clerk shall make the applications



1 available at various public places in the county. An application to
2 register to vote may be used to correct information in the registrar of
3 voters' register.

4 2. An application to register to vote which is mailed to an
5 applicant by the county clerk or made available to the public at
6 various locations or voter registration agencies in the county may be
7 returned to the county clerk by mail or in person. For the purposes
8 of this section, an application which is personally delivered to the
9 county clerk shall be deemed to have been returned by mail.

10 3. The applicant must complete the application, including,
11 without limitation, checking the boxes described in paragraphs (b)
12 and (c) of subsection 10 and signing the application.

13 4. The county clerk shall, upon receipt of an application,
14 determine whether the application is complete.

15 5. If he determines that the application is complete, he shall,
16 within 10 days after he receives the application, mail to the
17 applicant:

18 (a) A notice informing him that he is registered to vote and a
19 voter registration card as required by subsection 6 of NRS 293.517;
20 or

21 (b) A notice informing him that the registrar of voters' register
22 has been corrected to reflect any changes indicated on the
23 application.

24 6. Except as otherwise provided in subsection 5 of NRS
25 293.518, if the county clerk determines that the application is not
26 complete, he shall, as soon as possible, mail a notice to the applicant
27 informing him that additional information is required to complete
28 the application. If the applicant provides the information requested
29 by the county clerk within 15 days after the county clerk mails the
30 notice, the county clerk shall, within 10 days after he receives the
31 information, mail to the applicant:

32 (a) A notice informing him that he is registered to vote and a
33 voter registration card as required by subsection 6 of NRS 293.517;
34 or

35 (b) A notice informing him that the registrar of voters' register
36 has been corrected to reflect any changes indicated on the
37 application.

38 ↪ If the applicant does not provide the additional information
39 within the prescribed period, the application is void.

40 7. The applicant shall be deemed to be registered or to have
41 corrected the information in the register:

42 (a) If the application is received by the county clerk or
43 postmarked not more than 3 working days after the applicant
44 completed the application, on the date the applicant completed the
45 application; or



1 (b) If the application is received by the county clerk or
2 postmarked more than 3 working days after the applicant completed
3 the application, on the date the application is received by the county
4 clerk.

5 8. If the applicant fails to check the box described in paragraph
6 (b) of subsection 10, the application shall not be considered invalid
7 and the county clerk shall provide a means for the applicant to
8 correct the omission at the time the applicant appears to vote in
9 person at his assigned polling place.

10 9. The Secretary of State shall prescribe the form for an
11 application to register to vote by mail which must be used to register
12 to vote by mail in this State.

13 10. The application to register to vote by mail must include:

14 (a) A notice in at least 10-point type which states:

15
16 NOTICE: You are urged to return your application to
17 register to vote to the County Clerk in person or by mail. If
18 you choose to give your completed application to another
19 person to return to the County Clerk on your behalf, and the
20 person fails to deliver the application to the County Clerk,
21 you will not be registered to vote. Please retain the duplicate
22 copy or receipt from your application to register to vote.
23

24 (b) The question, "Are you a citizen of the United States?" and
25 boxes for the applicant to check to indicate whether or not the
26 applicant is a citizen of the United States.

27 (c) The question, "Will you be at least 18 years of age on or
28 before election day?" and boxes for the applicant to check to
29 indicate whether or not the applicant will be at least 18 years of age
30 or older on election day.

31 (d) A statement instructing the applicant not to complete the
32 application if the applicant checked "no" in response to the question
33 set forth in paragraph (b) or (c).

34 (e) A statement informing the applicant that if the application is
35 submitted by mail and the applicant is registering to vote for the first
36 time, the applicant must ~~submit the information set forth in~~
37 ~~paragraph (a) of subsection 2 of NRS 293.2725 to avoid the~~
38 ~~requirements of subsection 1~~ *comply with the provisions* of NRS
39 293.2725. ~~[upon voting for the first time.]~~

40 11. Except as otherwise provided in subsection 5 of NRS
41 293.518, the county clerk shall not register a person to vote pursuant
42 to this section unless that person has provided all of the information
43 required by the application.

44 12. The county clerk shall mail, by postcard, the notices
45 required pursuant to subsections 5 and 6. If the postcard is returned



1 to the county clerk by the United States Postal Service because the
2 address is fictitious or the person does not live at that address, the
3 county clerk shall attempt to determine whether the person's current
4 residence is other than that indicated on his application to register to
5 vote in the manner set forth in NRS 293.530.

6 13. A person who, by mail, registers to vote pursuant to this
7 section may be assisted in completing the application to register to
8 vote by any other person. The application must include the mailing
9 address and signature of the person who assisted the applicant. The
10 failure to provide the information required by this subsection will
11 not result in the application being deemed incomplete.

12 14. An application to register to vote must be made available to
13 all persons, regardless of political party affiliation.

14 15. An application must not be altered or otherwise defaced
15 after the applicant has completed and signed it. An application must
16 be mailed or delivered in person to the office of the county clerk
17 within 10 days after it is completed.

18 16. A person who willfully violates any of the provisions of
19 subsection 13, 14 or 15 is guilty of a category E felony and shall be
20 punished as provided in NRS 193.130.

21 17. The Secretary of State shall adopt regulations to carry out
22 the provisions of this section.

23 **Sec. 21.** NRS 293.541 is hereby amended to read as follows:

24 293.541 1. The county clerk shall cancel the registration of a
25 voter if:

26 (a) After consultation with the district attorney, the district
27 attorney determines that there is probable cause to believe that
28 information in the registration concerning the identity or residence
29 of the voter is fraudulent;

30 (b) The county clerk provides a notice as required pursuant to
31 subsection 2 or executes an affidavit of cancellation pursuant to
32 subsection 3; and

33 (c) The voter fails to present satisfactory proof of his identity
34 and residence pursuant to subsection 2, 4 or 5.

35 2. Except as otherwise provided in subsection 3, the county
36 clerk shall notify the voter by registered or certified mail, return
37 receipt requested, of a determination made pursuant to subsection 1.
38 The notice must set forth the grounds for cancellation. Unless the
39 voter, within 15 days after the return receipt has been filed in the
40 office of the county clerk, presents satisfactory proof of his identity
41 and residence to the county clerk, the county clerk shall cancel his
42 registration.

43 3. If insufficient time exists before a pending election to
44 provide the notice required by subsection 2, the county clerk shall



1 execute an affidavit of cancellation and file the affidavit of
2 cancellation with the registrar of voters' register and:

3 (a) In counties where records of registration are not kept by
4 computer, the county clerk shall attach a copy of the affidavit of
5 cancellation in the election board register.

6 (b) In counties where records of registration are kept by
7 computer, the county clerk shall have the affidavit of cancellation
8 printed on the computer entry for the registration and add a copy of
9 it to the election board register.

10 4. If a voter appears to vote at the election next following the
11 date that an affidavit of cancellation was executed for the voter
12 pursuant to this section, the voter must be allowed to vote only if he
13 furnishes ~~f~~:

14 ~~—(a) Official identification which contains a photograph of~~
15 ~~himself, including, without limitation, a driver's license or other~~
16 ~~official document; and~~

17 ~~—(b) Satisfactory identification that contains proof of the address~~
18 ~~at which he actually resides and that address is consistent with the~~
19 ~~address listed on the election board register.]~~ *photographic*
20 *identification.*

21 5. If a determination is made pursuant to subsection 1
22 concerning information in the registration to vote of a voter and an
23 absent ballot or a ballot voted by a voter who resides in a mailing
24 precinct is received from the voter, the ballot must be kept separate
25 from other ballots and must not be counted unless the voter presents
26 satisfactory proof to the county clerk of his identity and residence
27 before such ballots are counted on election day.

28 6. For the purposes of this section, a voter registration card
29 issued pursuant to NRS 293.517 does not provide proof of the:

30 (a) Address at which a person actually resides; or

31 (b) Residence or ~~identify~~ *identity* of a person.

32 **Sec. 22.** NRS 293C.270 is hereby amended to read as follows:

33 293C.270 ~~[1.]~~ If a person's name appears in the election
34 board register, ~~[or if he provides an affirmation pursuant to NRS~~
35 ~~293C.525.]~~ he is entitled to vote and must ~~[sign]~~ *:*

36 1. *Present his photographic identification; and*

37 2. *Sign* his name in the election board register when he applies
38 to vote. His signature must be compared by an election board officer
39 with the signature or a facsimile thereof on his original application
40 to register to vote or ~~[one of the forms of identification listed in~~
41 ~~subsection 2-~~

42 ~~—2. The forms of identification that may be used to identify a~~
43 ~~voter at the polling place are:~~

44 ~~—(a) The card issued to the voter at the time he registered to vote;~~

45 ~~—(b) A driver's license;~~



1 ~~—(c) An identification card issued by the Department of Motor~~
2 ~~Vehicles;~~

3 ~~—(d) A military identification card; or~~

4 ~~—(e) Any other form of identification issued by a governmental~~
5 ~~agency that contains the voter's signature and physical description~~
6 ~~or picture.] on his photographic identification.~~

7 **Sec. 23.** NRS 293C.272 is hereby amended to read as follows:

8 293C.272 Any registered voter who is unable to sign his name
9 must ~~[be]~~ :

10 1. *Present his photographic identification; and*

11 2. *Be further* identified by answering questions covering the
12 personal data that is reported on the original application to register
13 to vote. The officer in charge of the roster shall stamp, write or print
14 "Identified as" to the left of the voter's name.

15 **Sec. 24.** NRS 293C.292 is hereby amended to read as follows:

16 293C.292 1. A person applying to vote may be challenged:

17 (a) Orally by any registered voter of the precinct or district upon
18 the ground that he is not the person entitled to vote as claimed or has
19 voted before at the same election; or

20 (b) On any ground set forth in a challenge filed with the county
21 clerk pursuant to the provisions of NRS 293.547.

22 2. If a person is challenged, an election board officer shall
23 tender the challenged person the following oath or affirmation:

24 (a) If the challenge is on the ground that he does not reside at the
25 residence for which the address is listed in the election board
26 register, "I swear or affirm under penalty of perjury that I reside at
27 the residence for which the address is listed in the election board
28 register";

29 (b) If the challenge is on the ground that he previously voted a
30 ballot for the election, "I swear or affirm under penalty of perjury
31 that I have not voted for any of the candidates or questions included
32 on this ballot for this election"; or

33 (c) If the challenge is on the ground that he is not the person he
34 claims to be, "I swear or affirm under penalty of perjury that I am
35 the person whose name is in this election board register."

36 ➤ The oath or affirmation must be set forth on a form prepared by
37 the Secretary of State and signed by the challenged person under
38 penalty of perjury.

39 3. If the challenged person refuses to execute the oath or
40 affirmation so tendered, he must not be issued a ballot, and the
41 officer in charge of the election board register shall write the words
42 "Challenged" opposite his name in the election board
43 register.

44 4. If the challenged person refuses to execute the oath or
45 affirmation set forth in paragraph (a) of subsection 2, the election



1 board officers shall inform him that he is entitled to vote only in the
2 manner prescribed in NRS 293C.295.

3 5. If the challenged person executes the oath or affirmation and
4 the challenge is not based on the ground set forth in paragraph (c) of
5 subsection 2, the election board officers shall issue him a ballot.

6 6. If the challenge is based on the ground set forth in paragraph
7 (a) of subsection 2, and the challenged person executes the oath or
8 affirmation, the election board shall not issue the person a ballot
9 until he furnishes satisfactory identification that contains proof of
10 the address at which he actually resides. For the purposes of this
11 subsection, a voter registration card issued pursuant to NRS 293.517
12 does not provide proof of the address at which a person resides.

13 7. If the challenge is based on the ground set forth in paragraph
14 (c) of subsection 2 and the challenged person executes the oath or
15 affirmation, the election board shall not issue the person a ballot
16 unless he:

17 (a) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
18 ~~contains a photograph of himself, such as his driver's license or~~
19 ~~other official document;}~~ or

20 (b) Brings before the election board officers a person who is at
21 least 18 years of age who:

22 (1) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
23 ~~contains a photograph of himself, such as his driver's license or~~
24 ~~other official document;}~~ and

25 (2) Executes an oath or affirmation under penalty of perjury
26 that the challenged person is who he swears he is.

27 8. The election board officers shall:

28 (a) Record on the challenge list:

29 (1) The name of the challenged person;

30 (2) The name of the registered voter who initiated the
31 challenge; and

32 (3) The result of the challenge; and

33 (b) If possible, orally notify the registered voter who initiated
34 the challenge of the result of the challenge.

35 **Sec. 25.** NRS 293C.310 is hereby amended to read as follows:

36 293C.310 1. Except as otherwise provided in NRS 293.502
37 and 293C.265, a registered voter who provides sufficient written
38 notice to the city clerk may vote an absent ballot as provided in this
39 chapter.

40 2. A registered voter who:

41 (a) Is at least 65 years of age; or

42 (b) Has a physical disability or condition that substantially
43 impairs his ability to go to the polling place,

44 ➔ may request an absent ballot for all elections held during the year
45 he requests an absent ballot.



- 1 3. As used in this section, “sufficient written notice” means a:
2 (a) Written request for an absent ballot ~~{that}~~ *which complies*
3 *with the requirements of subsection 4 and which* is signed by the
4 registered voter and returned to the city clerk in person or by mail or
5 facsimile machine;
6 (b) Form prescribed by the Secretary of State ~~{that}~~ *which*
7 *complies with the requirements of subsection 4 and which* is
8 completed and signed by the registered voter and returned to the city
9 clerk in person or by mail or facsimile machine; or
10 (c) Form provided by the Federal Government.
11 4. *A written request or a form that is returned to the city clerk*
12 *pursuant to paragraph (a) or (b) of subsection 3 must include:*
13 (a) *The name and address of the registered voter;*
14 (b) *The date of birth of the registered voter;*
15 (c) *A statement that the person requesting the absent ballot is a*
16 *registered voter;*
17 (d) *A statement identifying the election for which the absent*
18 *ballot is requested;*
19 (e) *If the election identified pursuant to paragraph (d) is a*
20 *primary election, the political affiliation of the registered voter;*
21 (f) *The address to which the registered voter desires the absent*
22 *ballot to be mailed, if that address is different from the address*
23 *provided pursuant to paragraph (a); and*
24 (g) *One of the following:*
25 (1) *The driver’s license number of the registered voter;*
26 (2) *The last four digits of the social security number of the*
27 *registered voter; or*
28 (3) *One of the following, which must include the name and*
29 *address of the registered voter:*
30 (I) *A copy of the photographic identification of the*
31 *registered voter; or*
32 (II) *A copy of a current utility bill, bank statement,*
33 *paycheck or document issued by a governmental entity, including*
34 *a check, but not including a voter registration card issued*
35 *pursuant to NRS 293.517.*
36 5. A city clerk shall consider a request from a voter who has
37 given sufficient written notice on a form provided by the Federal
38 Government as:
39 (a) A request for the primary city election and the general city
40 election unless otherwise specified in the request; and
41 (b) A request for an absent ballot for the two primary and
42 general elections immediately following the date on which the city
43 clerk received the request.
44 ~~{5-}~~ 6. It is unlawful for a person fraudulently to request an
45 absent ballot in the name of another person or to induce or coerce



1 another person fraudulently to request an absent ballot in the name
2 of another person. A person who violates any provision of this
3 subsection is guilty of a category E felony and shall be punished as
4 provided in NRS 193.130.

5 **Sec. 26.** NRS 293C.330 is hereby amended to read as follows:

6 293C.330 1. Except as otherwise provided in NRS 293C.315
7 and subsection 2 of NRS 293C.322 and any regulations adopted
8 pursuant thereto, when an absent voter receives his ballot, he must
9 mark and fold it in accordance with the instructions, deposit it in the
10 return envelope, seal the envelope, affix his signature on the back of
11 the envelope in the space provided therefor and mail the return
12 envelope.

13 2. Except as otherwise provided in subsection 3, if an absent
14 voter who has requested a ballot by mail applies to vote the ballot in
15 person at:

16 (a) The office of the city clerk, he must mark the ballot, seal it in
17 the return envelope and affix his signature in the same manner as
18 provided in subsection 1, and deliver the envelope to the city clerk.

19 (b) A polling place, including, without limitation, a polling place
20 for early voting, he must surrender the absent ballot and provide
21 ~~[satisfactory]~~ **photographic** identification before being issued a
22 ballot to vote at the polling place. A person who receives a
23 surrendered absent ballot shall mark it "Cancelled."

24 3. If an absent voter who has requested a ballot by mail applies
25 to vote in person at the office of the city clerk or a polling place,
26 including, without limitation, a polling place for early voting, and
27 the voter does not have the absent ballot to deliver or surrender, the
28 voter must be issued a ballot to vote if the voter:

29 (a) Provides ~~[satisfactory]~~ **photographic** identification;

30 (b) Is a registered voter who is otherwise entitled to vote; and

31 (c) Signs an affirmation under penalty of perjury on a form
32 prepared by the Secretary of State declaring that the voter has not
33 voted during the election.

34 4. Except as otherwise provided in NRS 293C.317, it is
35 unlawful for any person to return an absent ballot other than the
36 voter who requested the absent ballot or, at the request of the voter,
37 a member of his family. A person who returns an absent ballot and
38 who is a member of the family of the voter who requested the absent
39 ballot shall, under penalty of perjury, indicate on a form prescribed
40 by the city clerk that he is a member of the family of the voter who
41 requested the absent ballot and that the voter requested that he return
42 the absent ballot. A person who violates the provisions of this
43 subsection is guilty of a category E felony and shall be punished as
44 provided in NRS 193.130.



1 **Sec. 27.** NRS 293C.3585 is hereby amended to read as
2 follows:

3 293C.3585 1. Upon the appearance of a person to cast a
4 ballot for early voting, the deputy clerk for early voting shall ~~};~~

5 ~~—(a) Determine that}~~ *determine whether* the person is a registered
6 voter in the county ~~};~~

7 ~~—(b)}~~ *and, if so:*

8 (a) Instruct the voter to sign the roster for early voting;

9 (b) *Require the voter to present photographic identification;*
10 and

11 (c) Verify the signature of the voter against that contained on the
12 original application to register to vote or a facsimile thereof, the
13 card issued to the voter at the time of registration or ~~{some other~~
14 ~~piece of official}~~ *the voter's photographic* identification.

15 2. The city clerk shall prescribe a procedure, approved by the
16 Secretary of State, to determine that the voter has not already voted
17 pursuant to this section.

18 3. The roster for early voting must contain:

19 (a) The voter's name, the address where he is registered to vote,
20 his voter identification number and a place for the voter's signature;

21 (b) The voter's precinct or voting district number; and

22 (c) The date of voting early in person.

23 4. When a voter is entitled to cast his ballot and has identified
24 himself to the satisfaction of the deputy clerk for early voting, he is
25 entitled to receive the appropriate ballot or ballots, but only for his
26 own use at the polling place for early voting.

27 5. If the ballot is voted on a mechanical recording device which
28 directly records the votes electronically, the deputy clerk for early
29 voting shall:

30 (a) Prepare the mechanical recording device for the voter;

31 (b) Ensure that the voter's precinct or voting district and the
32 form of ballot are indicated on the voting receipt, if the city clerk
33 uses voting receipts; and

34 (c) Allow the voter to cast his vote.

35 6. A voter applying to vote early by personal appearance may
36 be challenged pursuant to NRS 293C.292.

37 **Sec. 28.** The provisions of this act become effective on:

38 1. October 1, 2009, for the purpose of adopting regulations and
39 performing other preparatory administrative tasks that are necessary
40 to carry out the provisions of this act; and

41 2. October 1, 2010, for all other purposes.

