1993

SB 250 By Government Affairs ELECTIONS

Makes various changes to provisions governing elections. (BDR 24-542)

Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes.

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|---|---|---|
| 03/02 | 22 | Read first time. Referred to Committee on Govt Affairs. To printer. |
| 03/03 | 23 | From printer. To committee. 2/9 |
| 03/03 | 23 | Dates discussed in Committee: 3/22, 3/24, 3/26, 5/3, 5/5 (A&DP) |
| 06/14 | 93 | From committee: Amend, and do pass as amended. |
| 06/14 | 93 | (Amendment numbers 456 and 855.) |
| 06/15 | 94 | Read second time. Amended. To printer. |
| 06/16 | 95 | From printer. To engrossment. |
| 06/16 | 95 | Engrossed. First reprint. |
| 06/17 | 96 | Read third time. Amended. To printer. |
| 06/17 | 96 | (Amendment numbers 944, 934, and 946.) |
| 06/17 | 96 | (Amendment number 923.) |
| 06/18 | 97 | From printer. To re-engrossment. |
| 06/18 | 97 | Re-engrossed. Second reprint |
| 06/18 | 97 | Placed on General File. |
| 06/18 | 97 | Read third time. Passed, as amended. Title approved, as amended. (21 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Assembly. |
| 06/18 | 98 | In Assembly. |
| 06/18 | 98 | Read first time. Referred to Committee on Elections & Proced. To committee. |
| 06/18 | 98 | Dates discussed in committee: 6/22, 6/27 (A&DP) |
| 06/27 | 106 | From committee: Amend, and do pass as amended. |
| 06/27 | 106 | Placed on Second Reading File. |
| 06/27 | 106 | Taken from Second Reading File. Placed on Chief Clerk's desk. |
| 06/27 | 106 | (Amendment number 1190.) |
| 06/27 | 106 | Taken from Chief Clerk's desk. Placed on Second Reading File. |
| 06/27 | 106 | Read second time. Amended. To printer. |
| 06/28 | 107 | From printer. To re-engrossment. |
| 06/28 | 107 | Re-engrossed. Third reprint. |
| 06/28 | 107 | Placed on General File. |
| 06/28 | 107 | Read third time. Passed, as amended. Title approved, as amended. (42 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Senate. |
| 06/29 | 106 | In Senate. |
| 07/01 | 108 | Assembly amendment concurred in. To enrollment. |
| 07/06 | 0 | Enrolled and delivered to Governor. |
| 07/12 | 0 | Approved by the Governor. |
| 07/13 | 0 | Chapter 523. Sections 1 to 70 inclusive, and 73 to 81 inclusive, of this act effective October 1, 1993. Section 71 of this act effective January 1, 1995. Section 72 of this act effective January 1, 1997. |

Additional Committee Information.
7/1-After passage discussion, concur, Senate Government Affairs.
(* = instrument from prior session)

Additional discussion, Senate Government Affairs, 2/9, 6/16, 6/21, 6/30

# NEVADA LEGISLATURE

## SIXTY-SEVENTH SESSION

## 1993

# SUMMARY OF LEGISLATION

PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

## S.B. 250 (Chapter 523)

Senate Bill 250 revises Nevada's election laws. The measure is designed to provide greater voter participation and ensure open ballot access. Voter registration and election procedures are improved and strict penalties are provided for fraudulent activities. The bill's revisions include:

- Making it unlawful for any person to provide compensation for registering voters that is based on the number or party of those registered;
- Providing for the color-coding and dating of ballots by election;
- Changing the period for candidate filing from early January through mid-May to early March through early June;
- Prohibiting the use of a candidate's nickname on the ballot if the name indicates political, economic, social, or religious views or is the name of any well-known person, living or dead;
- Expanding and clarifying the provisions for the challenge of a voter;
- Prohibiting the fraudulent request for an absentee ballot in the name of another person;
- Providing for the issuance of voter identification cards and for duplicate copies of a certificate of registration;
- Prohibiting the use of a business address when registering to vote, unless the person actually resides there;
- Requiring a mail-in registrant to appear in person for the first election after his registration is effective unless he requests an absent ballot in person in the county clerk's office or makes a written request for an absent ballot and his signature on that request is notarized.
- Providing additional safeguards to ensure the integrity of Nevada's programs for voter registration by mail, registration at an office of the Department of Motor Vehicles and Public Safety, and voting by absent ballot;
- Easing the requirements for access to the ballot by minor political parties;
- Establishing felony penalties and additional civil penalties for various actions which constitute election or voter fraud;

- Establishing provisions which authorize early voting up to 17 days before an election at temporary or permanent polling places throughout a county;

- Requiring election officers to post alphabetical listings of voters at each precinct on election day, to identify the name of each voter who voted during the previous hour and to prohibit the examination of pollbooks by political party representatives and others during the course of an election;

- Providing for the separate reporting of election returns by precinct for absent and early voting;

- Requiring the county clerks of all counties to have an alphabetical listing of all registered voters published in a newspaper or newspapers of general circulation in the county before both primary and general elections;

- Allowing the offices of a county clerk to remain open for the purpose of voter registration on the Nevada Day legal holiday in even-numbered years;

- Requiring that mechanical voting systems used in the State comply with Federal Election Commission standards; and

- Bringing Nevada into full compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act.

**Referred to Senate Committee on Government Affairs**
**SENATE VOTE: 21-0-0**
**Referred to Assembly Committee on Elections and Procedures**
**ASSEMBLY VOTE: 42-0-0**
**Effective: Certain provisions are effective January 1, 1995, or January 1, 1997.**
**Most sections are effective October 1, 1993.**

SENATE BILL NO. 250—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 2, 1993

Referred to Committee on Government Affairs

SUMMARY—SUMMARY—Makes various changes to provisions governing elections. (BDR 24-542)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to elections; making various changes to the provisions governing elections; prohibiting certain payments of compensation to a person for registering voters; prohibiting the alteration or defacing of a signature on a petition; changing the date of the primary election; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the penalty for certain violations; providing penalties; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

**Sec. 2.** *"Document" means:*

*1. A sheet of paper with writing on one or both sides; or*

*2. Two or more such sheets of paper bound together.*

**Sec. 3.** *"State officer" means:*

*1. The governor;*

*2. The lieutenant governor;*

*3. The secretary of state;*

*4. The state treasurer;*

*5. The state controller;*

*6. The attorney general;*

*7. A justice of the supreme court;*

*8. A state senator;*

*9. A state assemblyman;*

*10. A regent of the University of Nevada;*

*11. A member of the state board of education; or*

*12. A district judge.*

**Sec. 4.** *1. It is unlawful for a person to provide compensation for registering voters that is based upon:*

*(a) The total number of voters a person registers; or*

*(b) The total number of voters a person registers in a particular political party.*

*2. A person who violates any provision of this section is guilty of a felony.*

**Sec. 5.** *If a county clerk accepts any petition for the verification of signatures or a petition for filing for office, he shall issue a receipt to the person submitting the petition which indicates the number of documents and pages and the person's statement of the number of signatures contained in the petition. All of the documents which comprise a petition must be submitted to a county clerk for verification at the same time.*

**Sec. 6.** *1. A person who submits a petition listed in NRS 293.1276 for the verification of signatures or a public officer who is the subject of a recall petition must be allowed to witness the verification of the signatures on the petition.*

*2. Such a petition may not be handled by any person other than the county clerk or an employee of the county clerk's office after it has been submitted and until it is filed with the secretary of state.*

**Sec. 7.** *1. If, upon completion of the verification of signatures on any petition listed in NRS 293.1276, the secretary of state determines that the petition is insufficient and is deemed to have failed to qualify, the person who submitted the petition may contest the determination of the secretary of state by filing an appeal with the county clerk of the county in which the petition was circulated. The appeal must:*

*(a) Be filed not less than 5 working days after receipt of notification of the determination of the secretary of state;*

*(b) Include each reason for the appeal; and*

*(c) Include a statement of the number of signatures that were deemed invalid, if any, by the county clerk and which are being contested.*

*2. The county clerk shall, within 3 working days after receiving an appeal, forward a copy of the appeal and his written response thereto to the secretary of state. The secretary of state shall examine the documents submitted by the county clerk and issue a final decision on the appeal based on those documents.*

**Sec. 8.** *If an appeal is based upon the results of a verification of signatures on a petition pursuant to the provisions of NRS 293.1279, the secretary of state shall:*

*1. If he finds for the appellant, order the county clerk to include as verified signatures on the petition all contested signatures which the secretary of state has determined to be valid.*

*2. If he does not find for the appellant, order the county clerk to certify the petition as having failed.*

**Sec. 9.** *If an appeal is made from a determination that is based on a random sampling of signatures pursuant to the provisions of NRS 293.1277, and the secretary of state is unable to make a decision on the appeal based upon the documents submitted to him by the county clerk, the secretary of state may order the county clerk to draw a new random sample of signatures for verification.*



**Sec. 10.** *A final decision of the secretary of state on an appeal made pursuant to the provisions of section 7, 8 or 9 of this act may be appealed in the first judicial district court.*

**Sec. 11.** *1. At the time an elector registers to vote he must indicate:*

*(a) His political party affiliation; or*

*(b) That he is not affiliated with a political party.*

*2. If an elector indicates that he is not affiliated with a political party, the county clerk or deputy registrar of voters shall list the elector's political party as nonpartisan.*

*3. If an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the secretary of state, the county clerk or deputy registrar of voters shall list the elector's political party as indicated by the elector.*

*4. If an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the secretary of state, the county clerk or deputy registrar of voters shall list the elector's political party as "other party."*

**Sec. 12.** *A ballot prepared for use in an election in this state must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election.*

**Sec. 13.** *The secretary of state shall:*

*1. Prescribe the color of ballots for each statewide election not later than February 1 of the year in which the election is to be held; and*

*2. Alternate the color of ballots each year in such a manner as to ensure that no color is used for ballots more than once during any 3-year period.*

**Sec. 14.** *No political subdivision of this state may create, divide, change the boundaries of, abolish or consolidate a voting district during any year in which a general election is held.*

**Sec. 15.** *In any county where registrations are performed and records are kept by computer, a facsimile of a voter's signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this Title.*

**Sec. 16.** *1. An elector who is discharged from the Armed Forces of the United States not more than 60 days before an election, and who is not registered to vote at the close of registration for that election, must be allowed to register to vote in the election.*

*2. The secretary of state shall adopt regulations to carry out a program of registration for such electors.*

**Sec. 17.** *If a special election is held pursuant to the provisions of this Title, the secretary of state shall prescribe the time during which a candidate must file a declaration or acceptance of candidacy.*

**Sec. 18.** *A person who does not maintain a residence in this state may register to vote for the office of President and Vice President of the United States if he files a sworn statement with the county clerk or deputy registrar of voters that he is not registered to vote in any other state and provides evidence:*

*1. Of his domicile in this state in accordance with the provisions of NRS 41.191;*

*2. That he maintains an account at a financial institution located in this state; or*

*3. That his motor vehicle is registered in this state.*

**Sec. 19.** *If an election board register is kept by computer, the register must include all the information contained in the original affidavits of registration.*

**Sec. 20.** *1. The county clerks shall, for each election, prepare a list of the names and addresses of the persons in their respective counties who have requested absent ballots.*

*2. These lists must be made available to the public at the clerk's office.*

*3. A county clerk may charge a reasonable fee for providing mailing labels of the names and addresses of persons who have requested absent ballots.*

**Sec. 21.** NRS 293.010 is hereby amended to read as follows:

293.010 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2 and 3 of this act,* have the meanings ascribed to them in those sections.

**Sec. 22.** NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within [5] *2* days excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to *the provisions of* NRS 293.128, [293.1715,] *293.172,* 293.200, 295.056, 298.109 or 306.035, the county clerk shall determine the total number of signatures affixed to the documents and [shall transmit] *forward* that information to the secretary of state.

2. If the secretary of state finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, he shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

**Sec. 23.** NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the secretary of state finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within [15] 7 days after such a notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration what number of registered voters have signed the documents, the county clerk may use the file of



affidavits of registered voters or facsimiles of the voters' signatures. *If the county clerk uses that file, he must ensure that every affidavit in the file is examined. The county clerk may rely only on the appearance of the signature and the address and date included with each signature in making his determination.*

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and [transmit] *forward* the documents with the certificate to the secretary of state. A copy of this certificate must be filed in the clerk's office.

5. For any petition [other than a petition] containing signatures which are required to be verified pursuant to *the provisions of* NRS [293.128, 293.1715, 293.200, 295.056 or 298.109, or a petition containing signatures which are required to be verified pursuant to NRS 306.035 for any statewide office or district office comprising more than] *293.200 or 306.035 for any municipal, county or district office wholly within* one county, the county clerk shall not [transmit] *forward* to the secretary of state the documents containing the signatures of the registered voters.

6. The secretary of state may by regulation establish further procedures for carrying out the [purposes] *provisions* of this section.

**Sec. 24.** NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the secretary of state from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the secretary of state shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

2. If those certificates establish that the petitioners have more than [110] *100* percent of the number of registered voters needed to make the petition sufficient, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of certificates showing the petition to have reached [110] *100* percent, and the secretary of state shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

**Sec. 25.** NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more but less than [110] *100* percent of the number of signatures of registered voters needed to declare the petition sufficient, the secretary of state shall order the county clerks to examine [every signature] *the signatures* for verification. *The county clerks must examine the signatures for verification until it is determined that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid.*

2. If the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than [110] *100* percent of the number of signatures of registered voters needed to constitute 10 percent of

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the number of voters who voted at the last preceding general election in that county, the secretary of state may order the county clerk in that county to examine every signature for verification.

3. Within [30] *15* days after receipt of such an order, the *county* clerk shall determine from the records of registration what number of registered voters have signed the petition. If necessary, the board of county commissioners shall allow the *county* clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the *county* clerk may use any file or list of registered voters maintained by his office or facsimiles of voters' signatures. *The county clerk may rely only on the appearance of the signature and the address and date included with each signature in determining what number of registered voters have signed the petition.*

4. Except as otherwise provided in subsection 5, upon completing the examination, the *county* clerk shall immediately attach to the documents of the petition an amended certificate properly dated, showing the result of the examination and shall immediately [transmit] *forward* the documents with the amended certificate to the secretary of state. A copy of the amended certificate must be filed in the *county* clerk's office.

5. For any petition [other than a petition] containing signatures which are required to be verified pursuant to *the provisions of* NRS [293.128, 293.1715, 293.200, 295.056 or 298.109, or a petition containing signatures which are required to be verified pursuant to NRS 306.035 for any statewide office or district office comprising more than] *293.200 or 306.035 for any municipal, county or district office wholly within* one county, the county clerk shall not [transmit] *forward* to the secretary of state the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the secretary of state as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the state.

7. If the amended certificates received from all county clerks by the secretary of state establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

**Sec. 26.** NRS 293.130 is hereby amended to read as follows:

293.130 1. On the dates set by the respective state central committees in each year in which a general election is to be held, a county convention of each major political party must be held at the county seat of each county or at such other place in the county as the county central committee designates.

2. The county central committee of each major political party shall cause notice of the holding of the county convention of its party to be published in one or more newspapers, if any, published in the county . [, which] *The* notice must be in substantially the following form:



NOTICE OF.....(NAME OF PARTY).....CONVENTION

Notice is hereby given that the county Convention of the ..... Party for ..... County will be held at ..... in ....., on ....., the ..... day of ....., 19...; that at the convention delegates to the ..... State Convention will be elected, a county central committee to serve for the ensuing 2 years will be chosen, and other party affairs may be considered; that delegates to such county convention [shall] *will* be chosen at .....(name of party)..... precinct meetings to be held in each voting precinct in the county on or before the ..... day of ....., 19...; and that [each of the voting precincts] *a voting precinct* is entitled to [the] *a* number of delegates [specified below after the name of such precinct, as follows:

| Name of precinct | Number of delegates |
|---|---|
| ..... | to ..... |
| ..... | to ..... |
| ..... | (Name of party)..... ] |

*in proportion to the number of registered voters of the ..... Party residing in the precinct as set forth in NRS 293.133.*

County Central Committee of ..... County, Nevada
By .....(Its Chairman)
And .....(Its Secretary)

**Sec. 27.** NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a party nomination for office may be filled by a candidate designated by the party central committee of the county or state, as the case may be, subject to the provisions of subsections [3 and 4.] *4 and 5.*

2. *A vacancy occurring in a nonpartisan nomination after the close of filing and before the primary election must be filled by filing a nominating petition that is signed by at least 3 percent of the registered voters who voted for the office in question in the state, county, district or municipality at the next preceding general election. The petition must be filed not earlier than the first Tuesday in March and not later than the first Tuesday after the first Monday in June. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general election and his name must not appear on the ballot for a primary election.*

*3.* A vacancy occurring in a nonpartisan nomination after a primary election and before the second [Tuesday in September] *Friday in August* must be filled by the person who received the next highest vote for the nomination in the primary.

[3.] *4.* No change may be made on the ballot after the second [Tuesday in September] *Friday in August* of the year in which the general election is held. If a nominee dies after that date, his name must remain on the ballot and, if elected, a vacancy exists.

[4.] *5.* All designations provided for in this section must be filed before 5 p.m. [of] *on* the second [Tuesday in September.] *Friday in August.* In each

case, the statutory filing fee must be paid and an acceptance of the designation must be filed before 5 p.m. [of] *on* that date.

**Sec. 28.** NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates of a minor *political* party must be placed on the ballot for the general election if the party has filed a certificate of existence and a list of its candidates pursuant to *the provisions of* NRS 293.1725 with the secretary of state and:

(a) At the last preceding general election, the minor political party polled for any of its candidates a number of votes equal to or more than [3] *1* percent of the total number of votes cast for *the office of* Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party has been designated as a political party on the affidavits of registration of at least [3] *1* percent of the total number of registered voters in the state; or

(c) Not later than the second Friday in August preceding the general election, files a petition with the secretary of state which is signed by *a number of registered voters equal to* at least [3] *1* percent of the total number of votes cast at the last preceding general election for *the office of* Representative in Congress.

3. The name of only one candidate of each minor political party for each office may appear on the ballot for a general election.

*4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the secretary of state before the petition may be circulated for signatures.*

**Sec. 29.** NRS 293.172 is hereby amended to read as follows:

293.172 1. A petition filed pursuant to paragraph (c) of subsection 2 of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of [a county and include the affirmation of at least one of its signers] *the county in which it was circulated;*

*(b) Include the affidavit of the person who circulated the document verifying* that the signers are registered voters in the state according to his best information and belief and that the signatures are genuine and were signed in his presence; and

[(b)] *(c)* Be submitted to the county clerk in the county in which [they are] *it was* circulated for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than [65] *40* days before the [2nd] *second* Friday in August.

*A challenge to the form of a petition filed pursuant to paragraph (c) of subsection 2 of NRS 293.1715 must be made in a district court in the county in which the petition was circulated.*

2. A document which bears the name of a county may be signed only by registered voters of that county. *The person who circulated the document must be a registered voter of that county.*



*3. Each person signing a document shall add to his signature the address of the place at which he resides, the date on which he signs and the name of the county in which he is registered to vote.*

*4. The failure of a voter to comply with the requirements for signing a petition will not result in the disqualification of a signature if the signature is of a registered voter of the county named on the document.*

*5. It is unlawful for a person to alter or deface a signature after it has been affixed to a petition by a registered voter.*

**Sec. 30.** NRS 293.1725 is hereby amended to read as follows:

293.1725 1. [A] *Except as otherwise provided in subsection 4, a* minor political party which desires to place its candidates on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

must file with the secretary of state a list of its candidates not earlier than January 1 preceding the election nor later than the last Friday in [June.] *February.* The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. *The list must not be amended after it is filed.*

2. The secretary of state shall immediately [transmit] *forward* a certified copy of the list of candidates of each minor political party to the filing officer with whom each candidate must file his declaration of candidacy.

3. Each candidate on the list must file his declaration of candidacy with the proper filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates of his minor political party is filed with the secretary of state nor later than the first [Wednesday in July.] *Tuesday in March.*

*4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has otherwise qualified to place the names of its candidates on the ballot for the general election pursuant to the provisions of this chapter must file with the secretary of state a certificate of nomination for these offices not later than the first Tuesday in September.*

**Sec. 31.** NRS 293.175 is hereby amended to read as follows:

293.175 1. The primary election must be held on the first Tuesday [of September] *after the first Monday in June* in each even-numbered year.

2. Candidates of a major political party and candidates for nonpartisan offices must be nominated at the primary election.

3. Candidates of a minor political party must be nominated in the manner [prescribed pursuant to] *provided in* NRS 293.171.

4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.

5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply to:

(a) Special elections to fill vacancies.

(b) The nomination of the officers of incorporated cities.

(c) The nomination of district officers whose nomination is otherwise provided for by statute.

**Sec. 32.** NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, no name may be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of a candidacy, and paid the fee required by NRS 293.193 not earlier than January 1 of the year in which the election is to be held nor later than 5 p.m. **[**of the second Tuesday in May.**]** *on the first Tuesday in March.*

2. A declaration of candidacy or an acceptance of a candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of ..... for the Office of .....

State of Nevada }
}ss.
County of..... }

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear **[**(**]** or affirm **[**)**]** that I reside at No. ....., ..... Street, in the City **[**(**]** or Town **[**)**]** of ....., County of ....., State of Nevada; that my actual residence therein began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that I am registered as a member of the ..... Party; that I have not changed the designation of my political party affiliation on an official affidavit of registration in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)



Subscribed and sworn to before me this ..... day of ....., 19...

.....
Notary Public **[**(**]** or other person authorized to administer an oath **[**)**]**

(b) For nonpartisan office:

Declaration of Candidacy of ..... for the Office of .....

State of Nevada }
}ss.
County of..... }

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear **[**(**]** or affirm **[**)**]** that I reside at No. ....., ..... Street, in the City **[**(**]** or Town **[**)**]** of ....., County of ....., State of Nevada; that my actual residence therein began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that if nominated as a nonpartisan candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; and that I will qualify for the office if elected thereto; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me this ..... day of ....., 19...

.....
Notary Public **[**(**]** or other person authorized to administer an oath **[**)**]**

3. A person may be a candidate under **[**the name by which he is a voter, or under any other name which he has borne and by which he is known in the community where he resides.**]** *his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economical, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis.*

4. An affidavit of candidacy must be in substantially the same form as the form set forth in paragraph (b) of subsection 2.

5. The address of a candidate which must be included in the declaration of candidacy or acceptance of a candidacy pursuant to subsection 2 must be the street address of the residence where he actually resides, if one has been assigned. The declaration or acceptance must not be accepted for filing if the candidate's address is [described as a box in] *listed as* a post office *box* unless a street address has not been assigned to his residence.

**Sec. 33.** NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of state senator or assemblyman [shall] *must* execute and file with his declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned do swear [(] or affirm [)] that I have been a citizen resident of this state as required by NRS 218.010 and have resided *or intend to reside* at the following residence or residences during the 12 months immediately preceding the [filing of my declaration or acceptance of candidacy.] *date of the general election for the office for which I have filed.*

| | |
|---|---|
| ..... | ..... |
| Street Address | Street Address |
| ..... | ..... |
| City or Town | City or Town |
| ..... | ..... |
| State | State |
| From ..... To ..... | From ..... To..... |
| Dates of Residency | Dates of Residency |
| ..... | ..... |
| Street Address | Street Address |
| ..... | ..... |
| City or Town | City or Town |
| ..... | ..... |
| State | State |
| From ..... To ..... | From ..... To..... |
| Dates of Residency | Dates of Residency |

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where he actually resided or resides, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are [described as a box in] *listed as* a post office [,] *box,* unless a street address has not been assigned to the residence.

**Sec. 34.** NRS 293.187 is hereby amended to read as follows:

293.187 1. On or before the third Monday in [May,] *March,* the secretary of state shall [transmit] *forward* to each county clerk a certified list containing the name and mailing address of each person for whom candidacy



papers have been filed in the office of the secretary of state, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he represents.

2. There must be a party designation only for candidates for partisan offices.

**Sec. 35.** NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy or acceptances of candidacy must be paid to the filing officer by cash, cashier's check or certified check.

| | |
|---|---|
| United States Senator | $500 |
| Representative in Congress | 300 |
| Governor | 300 |
| Justice of the supreme court | 300 |
| [Any state office, other than governor or justice of the supreme court] *State treasurer* | 200 |
| *Lieutenant governor* | *200* |
| *State controller* | *200* |
| *Attorney general* | *200* |
| *Secretary of state* | *200* |
| *Member of the state board of education* | *200* |
| District judge | 150 |
| Justice of the peace | 100 |
| Any county office | 100 |
| State senator | 100 |
| Assemblyman | 100 |
| Any district office other than district judge | 30 |
| Constable or other town or township office | 30 |

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received by him from candidates. The county treasurer shall deposit one-half of the money to the credit of the general fund of the county and transfer the remainder to the state treasurer for deposit in the state general fund [.] *on or before August 31.*

**Sec. 36.** NRS 293.200 is hereby amended to read as follows:

293.200 1. [Independent candidates] *An independent candidate* for partisan office must file with the proper filing officer [a] *:*

*(a) A copy of the* petition of candidacy *that he intends to circulate for signatures. The copy must be filed before the petition may be circulated.*

*(b) A petition of candidacy* signed by a number of registered voters equal to at least 3 percent of the total number of ballots cast in the state or in the county or district electing that officer at the last preceding general election.

2. The petition may consist of more than one document. Each document must bear the name of [a] *the* county *in which it was circulated* and only registered voters of that county may sign the document. *The person who circulated the document must be a registered voter of that county. If the office is a district office, only the person who circulated the document and the registered voters of that district may sign the document.* The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than [65] *40* days before [filing the petition of candidacy with the proper filing officer.] *the second Friday in August.* Each signer shall add to his signature the address of the place at which he actually resides, *the date he signs the petition* and the name of the county where he is registered to vote for the purpose of determining whether he is a registered voter. [One of the signers of] *The person who circulates* each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than January 1 preceding the general election and not later than 5 p.m. on the second Friday in August.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he is proposing to run as the candidate of a political party whose name includes the word "independent."

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the third Friday in August. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in August.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The first judicial district court if the petition of candidacy was filed with the secretary of state.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. An independent candidate for partisan office must file a declaration of candidacy with the proper filing officer and pay the fee required by NRS 293.193 not earlier than January 1 of the year in which the election is held nor later than 5 p.m. [of the first Wednesday in July.] *on the second Tuesday in March.*

*11. The failure of a voter to comply with the requirements for signing a petition will not result in the disqualification of a signature if the signature is of a registered voter of the county named on the document.*

*12. It is unlawful for a person to alter or deface a signature after it has been affixed to a petition by a registered voter.*



**Sec. 37.** NRS 293.247 is hereby amended to read as follows:

293.247 1. The secretary of state shall adopt regulations, not inconsistent with the election laws of this state, for the conduct of primary, general, special and district elections in all cities and counties. The secretary of state shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy, affidavit of candidacy and any petition which is filed pursuant to the general election laws of this state.

2. The regulations must prescribe:

(a) The duties of election boards;

(b) The type and amount of election supplies;

(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

(f) The form and placement of instructions to voters;

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests;

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to *the provisions of* NRS 293.391;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections; [and]

(n) *The procedures to be used for the disposition of absent ballots in case of an emergency; and*

*(o)* Such other matters as determined necessary by the secretary of state.

3. The secretary of state may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this state.

4. The secretary of state shall prepare and distribute to each county and city clerk [the election officer's digest and instructions for election boards, and copies of any] *copies of:*

*(a) Laws and regulations concerning elections in this state;*

*(b) Interpretations issued by the secretary of state's office; and*

*(c) Any* attorney general's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the secretary of state.

**Sec. 38.** NRS 293.255 is hereby amended to read as follows:

293.255 Each county clerk, as registrar of voters, or his authorized representative shall issue a certificate of error to any registered voter whose affidavit of registration has been misplaced or for some other reason does not appear or who is not listed in the election board register at the polling place on election day. [The] *If the certificate of error is issued before the day of the election, the* county clerk or his authorized representative shall seal the

certificate in an envelope addressed to the appropriate precinct or district election board. *A certificate may, upon approval by the county clerk, be issued at the polling place on election day.*

**Sec. 39.** NRS 293.260 is hereby amended to read as follows:

293.260 1. **[**Where**]** *If* there is no contest for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. **[**If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his name must be placed on the general election ballot with the name of the nominee of the minor political party for the office.**]** *The nomination of a candidate by any minor political party or the filing for office by an independent candidate has no effect on whether a primary election is held.*

4. If only one major political party has candidates for a particular office **[**, and no minor political party has nominated a candidate for the office:

(a) If there are**]** *and:*

*(a) There are* more candidates than twice the number to be elected to the office, the candidates of that party who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office.

(b) **[**If there**]** *There* are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. **[**Where**]** *If* no more than the number of candidates to be elected have filed for nomination for any office, the names of those candidates must be omitted from all ballots for a primary election or primary city election and placed on all ballots for a general election or general city election.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election or primary city election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

**Sec. 40.** NRS 293.268 is hereby amended to read as follows:

293.268 The offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, lieutenant governor, secretary of state, treasurer, controller and attorney general, in that sequence.
4. State senators and assemblymen.
5. County and township partisan offices.
6. Statewide nonpartisan offices.



7. District nonpartisan offices.
8. *County nonpartisan offices.*
9. City offices:

(a) Mayor;

(b) Councilmen according to ward in numerical order, if no wards, in alphabetical order; and

(c) Municipal judges.

**[**9.**]** *10.* Township nonpartisan offices.

**[**10.**]** *11.* Questions presented to the voters of the state.

**[**11.**]** *12.* Questions presented only to the voters of a special district or political subdivision of the state.

**Sec. 41.** NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any **[**statewide**]** *state or judicial* office or for President and Vice President of the United States **[**shall**]** *must* contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line **[**shall**]** *must* contain a square in which the voter may express his choice of that line in the same manner as he would express his choice of a candidate, and the line **[**shall**]** *must* read "None of these candidates."

2. Only votes cast for the named candidates **[**shall**]** *may* be counted in determining **[**nomination or election to any statewide office or**]** presidential nominations or the selection of presidential electors, but **[**for each office**]** the number of ballots on which the additional line was chosen **[**shall**]** *must* be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election. *For each office other than President and Vice President of the United States, the number of votes cast for "None of these candidates" must be counted in determining nomination or election. If "None of these candidates" receives the highest number of votes, the nomination or office must be declared vacant and be filled in the manner provided in NRS 218.043, 293.165 or 293.166 or section 20 of article 6 of the constitution of the State of Nevada.*

3. Every sample ballot or other instruction to voters prescribed or approved by the secretary of state **[**shall clearly explain**]** *must indicate clearly* that the voter may mark his choice **[**of**]** *on* the line *for* "None of these candidates" only if he has not voted for any candidate for the office.

**Sec. 42.** NRS 293.272 is hereby amended to read as follows:

293.272 1. **[**Except as otherwise provided in subsection 2, a**]** *A* person who registered to vote pursuant to *the provisions of* NRS 293.5235, shall, for the first election in which he votes at which that registration is valid, vote in person unless he has previously voted in the **[**precinct**]** *county* in which he is registered to vote.

2. **[**The provisions of subsection 1 do not apply to a person who is entitled to vote:

(a) In the manner prescribed in NRS 293.343 to 293.355, inclusive; or

(b) An absent ballot pursuant to federal law or any other state law.**]** *The form prescribed by the secretary of state for registration by mail must include*

*a requirement that any person using the form must vote in person. The form must also include the procedure for requesting a county clerk or deputy registrar of voters to register the voter at his residence.*

**Sec. 43.** NRS 293.277 is hereby amended to read as follows:

293.277 1. No person may vote at any election unless his name, on the day of election, appears on the election board register furnished by the county clerk to the precinct or district election board, or unless he presents a certificate of error issued by the county clerk.

2. If a person's name appears in the election board register or on a certificate of error, he is entitled to vote, and he shall sign his name in the [precinct or district roster] *election board register* when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original affidavit of registration, the certificate of error or one of the forms of identification listed in subsection 3.

3. The forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time of his registration;

(b) A driver's license;

(c) An identification card issued by the department of motor vehicles and public safety;

(d) A military identification card; [and] *or*

(e) Any other form of identification which contains the voter's signature and physical description or picture.

*4. A person who fails to present a form of identification listed in subsection 3 must not be allowed to vote.*

**Sec. 44.** NRS 293.280 is hereby amended to read as follows:

293.280 [When] *If* a certificate of error stating the precinct or district in which a person is entitled to vote, and containing the signature of [such] *the* person, is presented to the election board in [such] *that* precinct or district and the person votes, the certificate [shall] *must* be marked "Voted" by the election board and returned with the [precinct or district] election board register to the county clerk.

**Sec. 45.** NRS 293.303 is hereby amended to read as follows:

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

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed, or has voted before on the same day, or on any other ground provided for in this Title; or

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

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

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear [(] or affirm [)] that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear [(] or affirm [)] that I designated on the affidavit of registration the political party to which I claim to belong";



(c) If the challenge is on the ground that he does not reside at the residence whose address is listed in the [precinct] *election board* register, "I swear [(] or affirm [)] that I reside at the residence whose address is listed in the [precinct] *election board* register" or "I swear [(] or affirm [)] that I reside in this precinct";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear [(] or affirm [)] that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear [(] or affirm [)] that I am the person whose name is in this [precinct] *election board* register."

The oath or affirmation must be set forth on a form prepared by the secretary of state and signed by the challenged person under penalty of perjury.

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

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

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

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

*7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.*

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

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years old who:

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

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

[8.] *9.* The election board officers shall record the result of the challenge on the challenge list, and the election board officer in charge of the checklist shall indicate next to the name of the challenged person the result of the challenge.

**Sec. 46.** NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303, the election board shall issue a statement to the person on a form provided by the secretary of state which contains:

(a) The name of the voter;

(b) The address which appears on the record of voter registration;

(c) The address at which the voter actually resides;

(d) The signatures of the members of the election board who issued the statement; and

(e) Other information which the secretary of state deems necessary to carry out the provisions of this section.

2. The county clerk of each county shall maintain a special polling place in his office and in each polling location during each primary or general election. The ballots for the special polling place must contain provisions for voting for any of the following offices and questions if an election is being held for the offices and questions, and no others:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the state may vote;

(d) All [county] officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all of the voters of the county or state.

3. If a person comes to the special polling place and presents a properly prepared statement issued pursuant to subsection 1, the county clerk shall permit him to vote at the special polling place, using the special ballot prepared pursuant to subsection 2.

4. The secretary of state shall provide by regulation for:

(a) Forms for statements; and

(b) The counting and security of ballots voted at a special polling place.

**Sec. 47.** NRS 293.310 is hereby amended to read as follows:

293.310 1. [A] *Except as otherwise provided in NRS 293.330, a* registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. [When any] *If a* registered voter has requested an absent ballot and the ballot has been mailed or issued, the appropriate county or city clerk shall notify the precinct or district election board that the registered voter has requested an absent ballot.

**Sec. 48.** NRS 293.313 is hereby amended to read as follows:

293.313 1. Any registered voter who provides sufficient written notice to the appropriate county or city clerk, may vote an absent ballot as provided in this chapter.

2. Any registered voter who:

(a) Is at least 65 years old; or

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

may request an absent ballot for all elections held during the year he requests an absent ballot. The registered voter shall include in his request a description of his physical disability or condition.



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

(a) Written request for an absent ballot which is signed by the registered voter and [received by the county clerk; or] *returned to the county clerk in person or by mail;*

(b) Form prescribed by the secretary of state which is completed and signed by the registered voter and [received by] *returned to* the county clerk [.] *in person or by mail; or*

*(c) Form provided by the Federal Government.*

*4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for both the primary and general elections unless otherwise specified in the request.*

*5. The form prescribed by the secretary of state pursuant to paragraph (b) of subsection 3 must include a unique control number and may not be printed or distributed by any person other than the secretary of state, a county clerk or a designated representative of the secretary of state or a county clerk.*

*6. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a felony.*

**Sec. 49.** NRS 293.315 is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the Tuesday preceding any election, make an application to that clerk for an absent voter's ballot. The application is not available for public inspection except by:

(a) The voter named in the application;

(b) A candidate whose name appears on the ballot for that election; or

(c) The candidate's official designee who possesses a letter signed under penalty of perjury which states that the person is the representative of the candidate.

[When] *If* the voter, candidate or candidate's official designee, as the case may be, has identified himself to the satisfaction of the clerk, he is entitled to inspect the application [.

2. When] *and receive a list of the voters who have requested an absent ballot.*

*2. If* the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

*3. A person who wishes that his name be excluded from a list prepared pursuant to the provisions of section 20 of this act must indicate that fact on his application.*

**Sec. 50.** NRS 293.3155 is hereby amended to read as follows:

293.3155 Notwithstanding any other provisions of this Title:

1. Any registered voter of this state who resides outside [this state] *the continental United States* may use the form provided by the Federal Government as a special absent ballot for a [primary or] general election if the voter:

(a) Requests an absent ballot and the request is received by the county clerk not later than 30 days before the [primary or] general election; and

(b) Does not receive the absent ballot.

2. The special absent ballot must be used only for the offices of President and Vice President of the United States, United States Senator and Representative in Congress. The ballot must allow the registered voter to vote by writing in his choice of a political party for each office **[**,**]** *or* the name of a candidate [for each office, or the name of the person whom the voter prefers] *whose name appears on the ballot* for each office.

3. The special absent ballot must not be counted if:

(a) It is submitted from any location within [this state;] *the continental United States;*

(b) The county clerk receives the request for an absent ballot less than 30 days before the [primary or] general election; or

(c) The county clerk receives the absent ballot on or before the date of the [primary or] general election.

[4. A county clerk who receives a request from a voter for an absent ballot for a primary election pursuant to this section shall also consider such a request as a request for an absent ballot for the general election unless otherwise specified in the request.

5. A voter who requests an absent ballot for a primary election pursuant to this section must be allowed to vote in person in the general election if he signs a statement, under penalty of perjury, that he did not:

(a) Intend that his request for an absent ballot for the primary election be considered a request for an absent ballot for the general election; and

(b) Receive an absent ballot for the general election.]

**Sec. 51.** NRS 293.320 is hereby amended to read as follows:

293.320 1. The county or city clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper county or city.

2. Armed Forces personnel *who are not registered to vote and are* applying for absent ballots [shall complete the] *must complete:*

*(a) The* form of affidavit required *by NRS 293.517* for registration *; or*

*(b) The form provided by the Federal Government for registration and request of an absent ballot,*

before receiving an absent ballot.

**Sec. 52.** NRS 293.330 is hereby amended to read as follows:

293.330 1. When an absent voter receives his ballot, he must stamp and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at [the] *:*

*(a) The* county or city clerk's office, he must stamp or punch the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

*(b) A polling place, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Spoiled."*



*3. Except as otherwise provided in NRS 293.316, it is unlawful for any person other than the voter who requested an absent ballot to return it. A person who violates the provisions of this subsection is guilty of a felony.*

**Sec. 53.** NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, unused ballots, tally lists, pollbooks, challenge lists and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, *and audit by the county clerk or his designated representative,* be deposited in the vaults of the county clerk, and preserved for at least 22 months. All sealed materials must be destroyed immediately after the preservation period. *A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.*

2. *The county clerk shall conduct an audit of the voted, rejected, spoiled and unused ballots within 5 working days after the election to verify that the number of ballots is equal to the number of ballots prepared for the election. The county clerk shall appoint four persons, two of whom were successful candidates in the election and two of whom were unsuccessful candidates in the election, to witness the audit. In a county whose population is 100,000 or more, the county clerk may contract with an independent accounting firm to conduct the audit.*

*3.* The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

[3.] *4.* A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the *voted* ballots.

[4.] *5.* The *voted* ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

**Sec. 54.** NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the registered voters in any precinct, district or county and who provides an assurance that the list will be used only for purposes relating to elections, may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to one cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided to the state and county central committee of any major political party, upon request, without charge.

2. The copy of the list provided pursuant to this section must indicate each voter's address, date of birth, telephone number and the serial number of his affidavit of registration. If the county maintains this information in a computer data base, the date of [each addition and] *the most recent addition or* revision *to an entry, if* made on or after July 1, 1989, [to an entry] must be included in the data base and on any resulting list of the information. The date

must be expressed numerically in the order of [year, month and date.] *month, day and year.*

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape *or diskette* shall, upon request of the state or county central committee of any major political party [,] *or minor political party which has filed a certificate of existence with the secretary of state,* record for that central committee on magnetic tape *or diskette* supplied by it:

(a) The list of registered voters and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the committee:

(1) A complete list of the registered voters with a notation for [each such] *the most recent* entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of registered voters after a date specified by the central committee.

*5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a reasonable fee for providing the tape, diskette or list.*

**Sec. 55.** NRS 293.443 is hereby amended to read as follows:

293.443 1. [The] *Except as otherwise provided in subsection 4, the* expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or state, as the case may be.

2. The cost of printing ballots must not exceed the sum of $100 per thousand or fraction thereof for the first two thousand ballots printed and $50 for each additional thousand printed.

3. The county or city clerk may submit such printing for competitive bidding.

*4. If a political party or other entity requests more than 50 applications to register to vote by mail, the clerk may assess a charge, not to exceed the actual cost of printing the applications, for each application requested in excess of 50.*

**Sec. 56.** NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as *otherwise* provided in subsection 2, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to each county clerk within the designated territory on or before the third Monday in July preceding the election.

(b) At a primary election, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to each county clerk within the designated territory on or before the first Friday in [May] *February* preceding the election.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to each county clerk at least 60 days before the election.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to the city clerk at least 35 days before the election.

2. The requirements of subsection 1 do not apply to any question expressly privileged or required [under] *pursuant to the provisions of* article 19 of the constitution of the State of Nevada or [under] *pursuant to the provisions of* chapter 295 of NRS or any other statute to be submitted if proposed after the dates specified.

*3. A county or city clerk may charge any political subdivision, public or quasi-public corporation or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation and arguments on the ballot.*

**Sec. 57.** NRS 293.482 is hereby amended to read as follows:

293.482 1. The governing body of any county or city may, at any general election or general city election, ask the advice of the registered voters within its jurisdiction on any question which it has under consideration by adopting a resolution which:

(a) Sets forth the advisory question , *including an explanation of and arguments for and against the question,* to be submitted to the voters; and

(b) States that the result of the voting on the question does not place any legal requirement on the governing body or any officer of the political subdivision.

2. A governing body may, at any general election, ask the advice of the registered voters of part of its territory if:

(a) The advisory question to be submitted affects only that part of its territory; and

(b) The resolution adopted pursuant to subsection 1 sets forth the boundaries of the area in which the advice of the registered voters will be asked.

**Sec. 58.** NRS 293.501 is hereby amended to read as follows:

293.501 Notwithstanding any other provisions of this Title:

1. Any elector of this state who resides outside this state may use the form provided by the Federal Government *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act of 1986, Public Law 99-410,* to register to vote in this state.

2. The county clerk shall not register a voter who submits the form [provided by the Federal Government] from any location within this state.

*3. If an elector registers to vote pursuant to the provisions of subsection 1, he shall be deemed to be registered upon receipt of the form by the county clerk.*

**Sec. 59.** NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio deputy registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a deputy registrar *of voters* who, except as *otherwise* provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a deputy registrar. A deputy registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A deputy registrar [may] *shall* demand of any person who applies for registration all information required by the affidavit of registration, and [may] *shall* administer all oaths required by this chapter.

4. When a deputy registrar has in his possession five or more completed affidavits of registration, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Immediately after the close of registration, each deputy registrar shall forward to the county clerk all completed affidavits in his possession. Within 5 days after the close of registration for a general election or general city election, a deputy registrar shall return all unused affidavits in his possession to the county clerk. If all of the unused affidavits are not returned to the county clerk, the deputy registrar shall account for the unreturned affidavits.

6. Each deputy registrar shall submit to the county clerk a list of the serial numbers of the completed affidavits of registration and the names of the electors on those affidavits. The serial numbers must be listed in numerical order.

7. Each deputy registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

8. A deputy registrar shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a deputy registrar unless he has been so appointed.

10. A county clerk or deputy registrar shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any *petition or other* material concerning a candidate or question which will be on the ballot for the ensuing election,

while he is registering an elector.

11. *A county clerk or deputy registrar shall not:*

*(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading affidavit of registration;*

*(b) Alter or deface an affidavit of registration that has been signed by an elector; or*



*(c) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.*

*12. If a deputy registrar violates any of the provisions of this section, the county clerk shall immediately suspend the deputy registrar and notify the district attorney of the county in which the violation occurred.*

*13.* Any person who violates any of the provisions of this section is guilty of a [misdemeanor.] *felony.*

**Sec. 60.** NRS 293.507 is hereby amended to read as follows:

293.507 1. The secretary of state shall prescribe:

(a) A standard form for affidavits of registration; and

(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer.

2. [County] *The county* clerks shall provide original and duplicate forms for affidavits of registration to deputy registrars in the form and number prescribed by the secretary of state.

*3. A form for an affidavit of registration must include a receipt which is detachable on a perforated line. The receipt must include:*

*(a) The name, address, political party affiliation and signature of the voter;*

*(b) The signature of the county clerk, deputy registrar or other person who assisted the voter in completing the form;*

*(c) The date the voter signed the form; and*

*(d) The number of the affidavit.*

*The receipt must be returned to the voter upon the completion of registration.*

*4. The form for an affidavit of registration must include:*

*(a) A line on which to enter the number on the voter's social security card, driver's license or identification card issued by the department of motor vehicles and public safety.*

*(b) A line on which to enter the address at which the voter actually resides. The affidavit must not be accepted if the address is listed as a post office box unless a street address has not been assigned to his residence.*

*(c) A notice that the voter may not list his address as a business unless he actually resides there.*

**Sec. 61.** NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) By appearing before the county clerk or deputy registrar, completing the affidavit of registration and giving true and satisfactory answers to all questions relevant to his identity and right to vote;

(b) By completing and mailing or personally delivering to the county clerk, an application to register to vote pursuant to *the provisions of* NRS 293.5235; or

(c) Pursuant to the provisions of NRS *293.501 or* 293.524.

The county clerk [may] *shall* require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him.

2. The affidavit of registration must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. Any elector who is registered and changes his name, must complete a new affidavit of registration by appearing before the county clerk or deputy registrar, *submitting an application to register to vote pursuant to the provisions of NRS 293.3235* or submitting a written statement to the county clerk requesting that the county clerk mail an affidavit of registration to him. If the elector fails to register under his new name, he may be challenged pursuant to *the provisions of* NRS 293.303 and required to furnish proof of identity and subsequent change of name.

*5. An elector who registers to vote pursuant to paragraph (a) of subsection 1, shall be deemed to be registered upon the completion of his affidavit of registration.*

**Sec. 62.** NRS 293.5235 is hereby amended to read as follows:

293.5235 1. A person may apply to register to vote, by mail, to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

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

3. The applicant must complete the application and sign an affidavit containing the following statement: "I do solemnly swear **[**(**]** or affirm **[**)**]** under penalty of perjury that I am a citizen of the United States and that on the date of the next ensuing election I will have attained the age of 18 years and will have continuously resided in the State of Nevada, in my county at least 30 days and in my precinct at least 10 days before the next ensuing election. I further swear **[**(**]** or affirm **[**)**]** under penalty of perjury that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence. I further swear **[**(**]** or affirm **[**)**]** that I am not now laboring under any felony conviction or other loss of civil rights which would make it unlawful for me to vote."

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

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail a notice to the applicant informing him that he is registered to vote. The applicant shall be deemed *to be* registered as of the date **[**the county clerk received**]** the application **[**.**]** *is postmarked.*

6. If **[**he**]** *the county clerk* determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after



he receives the information, mail a notice to the applicant informing him that he is registered to vote. The applicant shall be deemed *to be* registered as of the date **[**the county clerk received**]** the application **[**.**]** *is postmarked.* If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The application must:

(a) Include the applicant's social security number, driver's license number or identification card number issued pursuant to *the provisions of* NRS 483.810 to 483.890, inclusive.

(b) Include the street address of the residence where the applicant actually resides. The application must not be accepted if the applicant's address is [described as a box in] *listed as* a post office **[**.**]** *box unless a street address has not been assigned to the residence.*

*(c) Include a notice that the voter may not list his address as a business unless he actually resides there.*

*(d) Include a receipt which is detachable on a perforated line. The receipt must include:*

*(1) The name, address, political party affiliation and signature of the voter;*

*(2) The signature of the county clerk, deputy registrar or other person who assisted the voter in completing the application;*

*(3) The date the voter signed the application; and*

*(4) The number of the application.*

*(e)* Allow an applicant to furnish his telephone number if he chooses to do so.

**[**(d)**]** *(f)* Include a notice stating that an applicant is not registered to vote until all of the information required by the application has been provided to the county clerk within the period prescribed in subsection 6.

**[**(e)**]** *(g)* Include any other information prescribed by the secretary of state.

8. The county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

9. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall cancel the registration of the person whose address appeared on the postcard.

*10. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application for registration by any other person. The application must include the telephone number and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.*

*11. An application for registration must be made available to all persons, regardless of political party affiliation.*

*12. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or*

*delivered in person to the county clerk's office within 3 working days after it is completed.*

*13. A person who willfully violates any provision of this section is guilty of a felony.*

*14.* The secretary of state shall adopt regulations to carry out the provisions of this section.

**Sec. 63.** NRS 293.524 is hereby amended to read as follows:

293.524 1. The department of motor vehicles and public safety shall inquire of each qualified elector who applies in person [to register a motor vehicle,] for the issuance, renewal or correction of any type of driver's license or for an identification card whether he desires to complete an application to register to vote by use of a single form containing the necessary information required by this chapter and subsection 2.

2. If the elector desires to complete an application for registration, he shall complete and sign an affidavit containing the following statement: "I ....., do solemnly swear [(] or affirm [)] under penalty of perjury that I am a citizen of the United States and that on the date of the next ensuing election I will have attained the age of 18 years and will have continuously resided in the State of Nevada, county of ....., at least 30 days and in my precinct at least 10 days before the next ensuing election. I further swear [(] or affirm [)] under penalty of perjury that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence. I further swear [(] or affirm [)] that I am not now laboring under any felony conviction or other loss of civil rights which would make it unlawful for me to vote."

3. For the purposes of this section, each employee specifically authorized to do so by the director of the department may oversee the completion of the affidavit and application. The authorized employee shall check the application for completeness and verify the information required by the affidavit of registration. The authorized employee shall stamp the application for registration to validate it and shall provide the applicant with a receipt verifying the submission of the application. *The receipt must be detachable from the application on a perforated line and include:*

*(a) The name, address, political party affiliation and signature of the voter;*

*(b) The signature of the person who assisted the voter in completing the application;*

*(c) The date the voter signed the application; and*

*(d) The number of the application.*

The department shall, except as otherwise provided in this subsection, forward each such application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. During the 2 weeks immediately preceding the close of registration for an election the applications must be forwarded daily.

4. Upon receipt of such an application, the county clerk or *deputy* registrar of voters shall determine whether the application is complete. If he determines that the application is complete, *he shall notify the applicant and* the applicant shall be deemed *to be* registered as of the date of the submission of the application. If he determines that the application is not complete, he shall



notify the applicant [by mail at the mailing address stated on the application] of the additional information required. The applicant shall be deemed *to be* registered as of the date of the initial submission of the application if the additional information is provided within [30] *15* days after the notice for the additional information is mailed. If the applicant has not provided the additional information within [30] *15* days after the notice for the additional information is mailed, the incomplete application is void. *Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.*

5. The secretary of state shall, with the approval of the director of the department of motor vehicles and public safety, adopt regulations which:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Provide for the form of the application of registration to be used by the department of motor vehicles and public safety; and

(c) Provide for the transfer of the completed applications of registration from the department of motor vehicles and public safety to the appropriate county clerk [or registrar of voters] for inclusion in the election board registers and registrar of voters' register.

**Sec. 64.** NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain a canceled file for canceled affidavits of registration. [Such file shall] *The file must* be kept in alphabetical order and [shall] *must* contain all affidavits of registration which are canceled. The county clerk shall mark such affidavits "Canceled," and indicate thereon the reason for cancellation. If the county clerk finds that any affidavit of registration was canceled erroneously, the county clerk shall reinstate such affidavit, reregister the elector, or, on election day, issue a certificate of error to the elector whose registration was erroneously canceled.

2. The county clerk may:

(a) Microfilm canceled affidavits of registration and destroy the originals at any time.

(b) *Record canceled affidavits of registration by computer and destroy the originals at any time.*

*(c)* Destroy any canceled affidavit of registration after the expiration of 3 years from the date of cancellation.

**Sec. 65.** NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel an affidavit of registration:

1. If he has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in his office.

2. If the insanity of the person registered is legally established.

3. Upon the production of a certified copy of the judgment of conviction of a felony of the person registered.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change his affiliation, if that change is made before the end of the

last day [for filing declarations of candidacy for a primary] *to register to vote in the* election.

6. Upon the request of any registered voter who has changed his name, if that voter satisfies the registrar that the change has been legally effected.

7. At the request of the person registered.

8. If any registered voter fails to vote in any presidential election.

9. Except as otherwise provided in NRS 293.531, if he has discovered an incorrect registration pursuant to *the provisions of* NRS 293.5235 or 293.530.

*10. Upon verification that the affidavit of registration is a duplicate if he has the original or another duplicate of the affidavit on file in his office.*

**Sec. 66.** NRS 293.543 is hereby amended to read as follows:

293.543 1. If an affidavit of registration is canceled [under] *pursuant to the provisions of* subsection 5 or 6 of NRS 293.540, the elector may reregister immediately.

2. If an affidavit of registration is canceled [under] *pursuant to the provisions of* subsection 7 of NRS 293.540, after [the close of registration,] *5 p.m. on the second Tuesday in May of the year of the election,* the elector may not reregister until after the primary election.

**Sec. 67.** NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk shall cause to be published in [counties having a population under] *a county whose population is less than* 100,000 and may cause to be published in [counties having a population of] *a county whose population is* 100,000 or more, once in each of the newspapers circulated in different parts of the county a list of all registered voters [, segregated by precincts or districts,] within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county [a segregated] *an alphabetical* listing *of all registered voters, including each voter's precinct,* for the entire county:

(a) At least 75 days before any primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

2. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

3. The list of registered voters must not be printed in type smaller than six-point.

**Sec. 68.** NRS 293.560 is hereby amended to read as follows:

293.560 1. [In any county which uses a computer to register voters and keep records of the registration of the county's voters, registration must close at 9 p.m. of the third Saturday preceding any primary, general, recall or special election. In every other county,] *Except as otherwise provided in section 16 of this act,* registration must close at 9 p.m. [of] *on* the fifth Saturday preceding any primary or general election and at 9 p.m. [of] *on* the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, or primary or general city election, registration must close at 9 p.m. [of] *on* the fifth Saturday preceding the day of the elections.



2. The offices of the county clerk and ex officio registrars must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, those offices must be open during the last 3 days before registration closes.

(b) In all other counties, those offices must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him to be published in a newspaper having a general circulation in the county indicating the day that registration will be closed. If no such newspaper is published in the county, [then] the publication may be made in a newspaper of general circulation published in the nearest county in this state.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

**Sec. 69.** NRS 293.800 is hereby amended to read as follows:

293.800 1. Any person who, either for himself or another, willfully gives a false answer or answers to questions propounded to him by the registrar or deputy registrar *of voters* relating to the information called for by the affidavit of registration, or who willfully falsifies his [registration] affidavit *of registration* in any particular, or who violates any of the provisions of the election laws of this state, or knowingly encourages another to violate such laws is guilty of a [gross misdemeanor.] *felony.*

2. Any public officer or other person, upon whom any duty is imposed by this Title, who willfully neglects such duty, or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this state, is, except where some other penalty is provided, guilty of a [gross misdemeanor.] *felony.*

3. If such person is a public officer, his office is forfeited upon conviction of any offense provided for in subsection 2.

4. Any person who causes or endeavors to cause his name to be registered, knowing that he is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he causes or endeavors to cause such registration to be made, and any other person who induces, aids, or abets any such person in the commission of either of such acts is guilty of a [gross misdemeanor.] *felony.*

*5. It is unlawful for a person to forge a signature on a petition circulated in accordance with the provisions of this Title or to threaten or coerce another person to forge or sign such a petition. A person who violates the provisions of this subsection is guilty of a felony.*

**Sec. 70.** Chapter 293B of NRS is hereby amended by adding thereto the provisions set forth as sections 71 and 72 of this act.

**Sec. 71.** *The secretary of state shall not approve any mechanical voting system which does not meet or exceed the standards for voting systems established by the Federal Election Commission.*

**Sec. 72.** *No mechanical voting system may be used in this state unless it meets or exceeds the standards for voting systems established by the Federal Election Commission.*

**Sec. 73.** NRS 293B.130 is hereby amended to read as follows:

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

[1.] *(a)* All lawful votes cast by each voter must be counted.

[2.] *(b)* All unlawful votes, including but not limited to overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the voter's registration, must not be counted.

[3.] *(c)* If the election is:

[(a)] *(1)* A primary election held in an even-numbered year, other than a presidential preference primary; or

[(b)] *(2)* A general election,

the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct.

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

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

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

**Sec. 74.** NRS 293B.140 is hereby amended to read as follows:

293B.140 Before conducting the test required [under] *pursuant to the provisions of* NRS 293B.150, the county or city clerk shall appoint [two] *three* persons who are not of the same political party to serve as an accuracy certification board. *At least one of the persons appointed to the board must be selected by a random drawing from the names of the candidates appearing on the ballot for which the test is made.*

**Sec. 75.** NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the secretary of state, the petitioners must submit to each county clerk for verification the document or documents which were circulated for signature within his county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not less than [95] *70* days before the next regular session of the legislature.

3. If a petition for initiative proposes an amendment to the constitution, the document or documents must be submitted not less than [155] *130* days before the date of the next succeeding general election.



4. If the petition is for referendum, the document or documents must be submitted not less than [185] *160* days before the date of the next succeeding general election.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time.

**Sec. 76.** NRS 298.109 is hereby amended to read as follows:

298.109 1. A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on the second Friday in August in each year in which a presidential election is to be held, pay a filing fee of $250 and file with the secretary of state a declaration of candidacy and a petition of candidacy, in which he [may] *must* also designate his nominee for Vice President. The petition must be signed by [the candidate for President, his nominee for Vice President if designated, and by] a number of registered voters equal to not less than 3 percent of the total number of votes cast at the last preceding general election for candidates for *the office of* Representative in Congress and must request that the names of the proposed candidates be placed on the ballot at the general election that year. *The candidate shall file a copy of the petition he intends to circulate for signatures with the secretary of state.*

2. The petition may consist of more than one document. Each document must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than [65] *40* days before filing the petition of candidacy with the secretary of state. Each person signing shall add to his signature the address of the place at which he resides, *the date on which he signs* and the name of the county wherein he is registered to vote. Each document of the petition must also contain the [affirmation of at least one of the signers] *affidavit of the person who circulated the document* that all signatures thereon are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

3. Each independent candidate so nominated for the office of President shall at the time of filing his petition as provided in subsection 1, or within 10 days thereafter, file with the secretary of state his written designation of the names of the number of presidential electors then authorized by law, whom the independent candidate desires to act as his electors, all of whom must then be registered voters. Immediately following receipt of each candidate's written designation of his nominees for electors, the secretary of state shall record them in his office as the nominees for presidential electors of that independent candidate.

4. If the candidacy of any person who seeks to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed with the first judicial district court not later than 5 p.m. on the third Friday in August. Any judicial proceeding relating to the challenge must be set for hearing not later than 5 days after the third Friday in August.

*5. The failure of a voter to comply with the requirements for signing a petition will not result in the disqualification of a signature if the signature is of a registered voter of the county named on the document.*

*6. It is unlawful for a person to alter or deface a signature after it has been affixed to a petition by a registered voter.*

**Sec. 77.** NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the department.

3. Each application must be made upon the appropriate form furnished by the department and contain:

(a) The signature of the owner.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The department shall use this declaration to determine the county to which the privilege tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this state for the make to be registered to the person first purchasing or operating the vehicle.

(e) Proof satisfactory to the department that the applicant has provided the security required by NRS 485.185 and his signed declaration that he will maintain the security during the period of registration.

(f) If the security is provided by a contract of insurance, evidence of that insurance provided by the insurer on a form approved by the commissioner of insurance, which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185. The department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the department, and must be accompanied by proof of ownership satisfactory to the department.

5. For purposes of the proof, declaration and evidence required by paragraphs (e) and (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this state, may be declared as a fleet by the registered owner thereof, on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this state or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.



(c) A person who qualifies as a self-insurer pursuant to *the provisions of* NRS 485.380 may file a copy of his certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to *the provisions of* NRS 485.186 and 485.3091 may file evidence of that insurance.

[6. At the time of applying for registration of a vehicle, an applicant may, if eligible, register to vote pursuant to NRS 293.524.]

**Sec. 78.** NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The department shall mail to each holder of a valid certificate of registration an application for renewal of registration for the following period of registration. The applications must be mailed by the department in sufficient time to allow all applicants to mail the applications to the department and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present the application to any agent or office of the department.

2. An application mailed or presented to the department or to a county assessor pursuant to the provisions of this section, or presented to an authorized station pursuant to the provisions of NRS 482.281 must include:

(a) A signed declaration by the applicant that he has and will maintain, during the period of registration, security as required by NRS 485.185. Security may be provided by an operator's policy of liability insurance if the applicant and the policy meet the requirements of NRS 485.186 and 485.3091.

(b) If required, evidence of compliance with standards for control of emissions.

3. The department shall insert in each application mailed pursuant to subsection 1 the amount of privilege tax to be collected for the county [under] *pursuant to* the provisions of NRS 482.260.

4. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the department as it may find necessary for the issuance of the new plate or plates or card of registration.

[5. At the time of applying for renewal of registration of a vehicle, an applicant may, if eligible, register to vote pursuant to NRS 293.524.]

**Sec. 79.** NRS 293.457 is hereby repealed.

**Sec. 80.** A minor political party that qualified to place the names of its candidates on the ballot for the general election of 1992 shall be deemed to have qualified pursuant to the provisions of subsection 2 of NRS 293.1715 for the general election of 1994.

**Sec. 81.** 1. This section and sections 1 to 71, inclusive, and 73 to 80, inclusive, of this act become effective on October 1, 1993.

2. Section 72 of this act becomes effective on June 1, 1994.

## TEXT OF REPEALED SECTION

**293.457 Compensation of deputy registrars.** Any person appointed a precinct or district deputy registrar, except justices of the peace, and deputies employed in the office of voters' registration, shall receive as compensation for all services the sum of not more than 10 cents for each voter registered, to be paid by claim against the county after such claim has been approved by the county clerk.

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# MINUTES OF THE
# SENATE COMMITTEE ON GOVERNMENT AFFAIRS

## Sixty-seventh Session
## February 9, 1993

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 1:30 p.m., on Tuesday, February 9, 1993, in Room 207/208 of the Cashman Field Center, Las Vegas, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator Sue Lowden, Vice Chairman
Senator William J. Raggio
Senator Dean A. Rhoads
Senator Thomas J. Hickey
Senator Leonard V. Nevin
Senator Matthew Q. Callister
Senator Lori L. Brown

STAFF MEMBERS PRESENT:

Caren Jenkins,
Diane Gamble, Committee Secretary

OTHERS PRESENT:

Cheryl Lau, Secretary of State
Dale Erquiaga, Elections Deputy, Office of Secretary of State
Judy Dubois, Concerned Citizen
John Dubois, Concerned Citizen
Jan MacEachern, Concerned Citizen
Jim VanDell, Nevada Car Owners Association, Southern Region
James Sohns, President, Nevada Car Owners Association
Gary Walker, Concerned Citizen
Tamara Clark, State Chairman, I CARE-Libertarian Party
Mona Snape, Concerned Citizen
Richard Puckett, Chairman, Libertarian Party, Clark County
Alfred J. Ravell, Air Force Sergeant's Association
Mel Clark, First Vice Chairman, Libertarian Party
Joseph Maviglia, President, H&E Training Schools
Lucille Lusk, Chairman, Nevada Coalition of Conservative Citizens
Bill Parker, Clark County Election Board Officer
Mike DeFloria, Concerned Citizen
Tom McGowan, Concerned Citizen
Alta Bybee, Election Coordinator
Sigrid Macey, Concerned Citizen
Steve Billigmeier, Concerned Citizen

Chairman O'Connell opened the meeting on election reform. Senator Brown was asked to join the committee by a vote from the chair. Cheryl Lau, Secretary of State, addressed the committee on this issue. Ms. Lau read from prepared testimony, see Exhibit C.

Ms. Lau explained to the committee she would like to go through this Bill Draft Request (BDR) 24-542. Ms. Lau presented the committee with a shorter summary of this BDR (Exhibit D).

BILL DRAFT REQUEST 24-542: (S.B. 250) Makes various changes concerning elections.

Ms. Lau continued to explain Exhibit C and Exhibit D with the committee.

Dale Erquiaga, Elections Deputy, Office of Secretary of State, spoke in support of BDR 24-542.

Judy Dubois, concerned citizen, told Mr. Eriquiaga the current law reads that no political subdivision of the state may change district boundaries in any year in which a general election is held. She stated there were precinct changes, precinct splits and precincts vacated during the height of the general and the primary election. She asked if the new proposed law would include stopping precinct splits as well as districts.

Mr. Erquiaga stated section 14 of BDR 24-542 would preclude a school board or a county commission board or in the rural counties, a hospital board from altering its districts. He added, by law, registrars do alter precincts during an election year. He explained what this section of the BDR will seek to do is correct one of the problems which occurred in the rural counties where, after candidate filing had closed, the board altered the line and removed a candidate from the district in which she had filed. Mr. Erquiaga stated once candidate filing has started they should not be allowed to move boundaries after that fact, which is currently allowable under the law. He explained this would not address the precinct problems Mrs. Dubois is referring to.

John Dubois, concerned citizen, told the committee there were three individuals who contested their elections this year in Nevada. He explained it was primarily an investigation of what happened in the election. He stated he and the two other individuals who contested their elections had no illusions of overturning the election results because the present election system makes that practically impossible. He continued saying:

> Nor did we, in our investigation, come up with anything, nor did we intend to, concerning our opponents. Concerning any fraud or misconduct that might have been perpetrated

actually by them. In our little informal ad hoc committee and in Senate District 8, my particular district, we spent, our little task force spent around 500 hours at the election department, 2,500 telephone calls were made to voters, election department workers, poll watchers and county officials. First class postcard mailing was mailed out to 3,725 absentee voters as a post-check and about 120 voter rosters were checked page-by-page and many had discrepancies found and they were xeroxed. At, I might add, at $1.00 per copy, which is what the election department charges. So we spent $400 or $500 dollars just in xerox. With all of this we were able to cover only about 1/5 of our district and we have tons of evidence which had been carted to Carson City for the January 18 meeting, which has never been viewed. We have copies of election documents, tapes, sworn statements, affidavits, again, it has never been viewed. That is the background for two or three or four recommendations that I would like to make and the first concern is the auditing of ballots. This I believe, and would recommend should be done by an outside CPA (certified public accountant) firm and done immediately after the final count. As you know, Commissioner Hayes requested that an audit be made and the request came about a month or so after the election and the audit was issued. This is an audit which is 3-1/2 pages of nothing. I showed this to my CPA firm and he said if he had spent 6, 7, 8, 10 or 12 weeks doing an audit and presented this to one of his clients he would wind up eventually with no clients. So, we consider this kind of a whitewash. Let me read one paragraph in this and it says here, and they are talking about the scope of it and the procedure that is to be followed, 'These agreed upon procedures are substantially less in scope than in examination. The objective of which is the expression of an opinion on financial statements or, in this case, the outcome of any particular election was affected by tampering or interference with the election process. Accordingly we do not express such an opinion.' So after all the work, naturally there is no opinion. Another problem with this audit, and I don't mean to sit here and knock it, I am sure there have got to be some good things about it somewhere, buried, but another aspect of it is that it was conducted in conjunction or in cooperation with the Clark County D.A.'s (district attorney) office and the Clark County Internal Audit Department so we have a case of the foxes looking after the hens. Now we have, as you know, problems that keep recurring throughout our electoral process and there absolutely is no oversight. This is an example of it. There is no consumer protection, the consumer in this case being the voter and as a result of

> this whole thing, everything that has been going on for over a decade now, the consumer confidence in the whole system is rapidly eroding.

Senator O'Connell stated it seemed strange to her that the election was certified before the audit even though the audit might not have been what it should have been. She asked, "Do we specify that it is a performance type audit and what would be your feelings since I know you have been so involved about the timing of the certification of the election?" She explained right now she felt it was pretty much a rubber stamp and that there is not a certain procedure that has gone through in order for it to be certified.

Mr. Dubois answered in addition to a quantitative analysis, he stated it should be a performance audit. He explained there are many laws which are good, but are not followed.

Senator O'Connell asked if Mr. Dubois were talking about a long period-of-time to do a performance audit, and is that something that could be done within a weeks time to certify the election. Mr. Dubois stated the performance audits usually are very detailed and take quite some time, but he stated perhaps there could be some stipulation that an individual candidate could contest his election and then allow a specific time for the audit to be made public.

Senator O'Connell asked if the criteria for the certification of an election be spelled out in the law. Mr. Dubois stated he felt it should even if it necessitates delaying certification of the election.

Mr. Dubois addressed the committee saying:

> This whole thing of certification is really sort of a farce, if I may use that term. What happens is, you have the election department and they come out with an abstract, computer printout and that is it. They then present that to the Clark County Commission, they look over the numbers and they have no way of challenging anything so they accept those numbers, they virtually have to. What happened in the last election is that some of us went down there to object before they canvassed the election, before they approved it, but they approved it before they allowed us to speak. So, they did not allow any public input. So the Clark County Commission within 5 days, by law, virtually automatically approves the election. What they really are doing is approving a part of county government over which they have control. And they are not going to go against it, that is not human nature. Then those figures go up to 17 county election districts. They go to the secretary of state, she has no choice but to look over the numbers and

> approve them. She has no oversight capabilities. The next farce is it goes to the supreme court, the Nevada Supreme Court and I am not stating that the supreme court members are farcical in any manner, it is just the system. They sit there and they read off the numbers supplied to them for the 17 counties and then they agree upon it and certify the whole election. So it comes back to where? The election department and the numbers they originally come out with in their abstract and there is no challenge to that. And that is a basic problem in our whole system. If a legislator or candidate for legislative office wants to challenge his seat, he then waits until the opening of either body that he is running for, senate or assembly, and they must present his material and we all know what happens in those cases. So there is no really redress and something should be done on that.

Senator Hickey asked if Mr. Dubois is proposing an outside CPA firm be used and an audit of system performance be done. Mr. Dubois stated he is proposing an audit of both the numbers and the performance. Senator Hickey asked when the performance audit would be used. Mr. Dubois stated he visualizes they commence within 24 hours after every election. Senator Hickey asked who would pay for that audit. Mr. Dubois suggested each individual county. He added this may be cheaper than paying $115,000 for a report that apparently was never used.

Mr. Dubois stated Nevada Revised Statute (NRS) 293.391, section 1, states that all materials must be deposited in the vaults of the county clerk and preserved for 22 months and then destroyed. He added they are very well preserved and no one can get into them. Mr. Dubois further explained NRS 293.391, section 3, states that a contestant may inspect all material except the ballots. He stated he feels this is like allowing the police to inspect all aspects of a murder except the murder weapon. Mr. Dubois feels this should be changed and there should be some sort of access.

Senator Nevin asked Mr. Dubois if the ballots in Clark County are numbered. Mr. Dubois stated the stub is numbered, but the ballot is blank or it would be possible to match up the stub with the ballot and therefore know how an individual voted.

Jan MacEachern, concerned citizen, stated the bottom section of the ballot is identified. She explained it does not have a number on it but one of the holes at the bottom tells you what precinct it is being voted in and another hole describes the district.

Mr. Dubois stated Senator O'Connell had a bill in a prior session which covered a whole trail of ballot auditing. This was Senate Bill 241 of the Sixty-fifth Session.

SENATE BILL 241 OF THE SIXTY-FIFTH SESSION: Provides additional remedy for misrepresenting or concealing material fact to obtain industrial insurance benefits.

Mr. Dubois used a voter Mail-In Registration Application to show the committee the areas where fraud are easily implemented (Exhibit E). Mr. Dubois stated the mail-in applications cause fraud and therefore need to be dealt with in NRS 293.272 to close the loophole.

Mr. Dubois stated since 1991 it has been law that each absentee voter must vote in person for their first election. Mr. Dubois explained this did not happen. He stated in his investigation of the election of 1992 there were hundreds of voters who did not comply with this law.
Mr. Dubois told the committee the absentee-voting became so loose the state is losing its integrity of the absentee voting system.

In closing his statement, Mr. Dubois told the committee the perception of the majority of voters feel is the 1992 election was fraught with discrepancies, irregularities, cover-ups, deception, misconduct, misfeasance, malfeasance and potential problems.

Jim VanDell, Nevada Car Owners Association, Southern Region, spoke to the committee on election reform. He stated it was unfortunate, an injured candidate through potential election fraud, has to plead his whole case right here. He stated the whole case should have been heard in Carson City on January 18 and 19.

He explained the whole concept of the Clark County District Attorney's Office or the Clark County existing grand jury investigating the allegations of election fraud and an election ballot audit, was not done properly, at least by normal business standards.

Mr. VanDell stated he would like to see the legislature spend $50,000 and initiate an actual independent investigation of election fraud in Clark County. He further explained this should include the registrar of voters, the individuals who work under this individual and then to pull the whole thing together, get it into an actual grand jury investigation. Mr. VanDell stated he felt the Metropolitan Police Department has not been able to do this effectively nor could it. He also stated he felt the county commission has not been fair and proper in the beginning when they certified the election in the face of a challenge.

Mr. VanDell told the committee he felt the election reform was very commendable and the secretary of state's bill draft contains many of the issues he feels needs to be done in the future, but he stated the State of Nevada cannot afford to allow reform for the future until they find out what did happen in the 1992 election.

Mr. VanDell asked the committee how an election department could misplace 1,500 ballots for 2 days. He stated something is wrong.

Mr. VanDell stated he would like to discuss Assembly Bill (A.B.) 106.

ASSEMBLY BILL 106: Allows high school pupils in certain counties to act as trainees for position of election board officer.

Senator O'Connell told Mr. VanDell A.B. 106 is an assembly bill and had not reached this committee thus far, therefore, she suggested they save that discussion for another time.

Mr. VanDell spoke to the committee about Assembly Joint Resolution (A.J.R.) 6.

Assembly Joint Resolution 6: Proposes to amend Nevada constitution to require that petition for recall of public officer contain signatures of certain number of registered voters.

Mr. VanDell stated he hoped the recall petition drive is being upheld and would ultimately result in a recall election. He said he had a strong opposition to the rule that an individual must wait 6 months after the election of a public servant before a recall petition could even be initiated. Mr. VanDell stated the recall effort should be allowed immediately after the election or no longer than 30 days afterwards. Mr. VanDell thanked the committee for their time.

Alfred J. Ravell, Trustee, Air Force Sergeant's Association, spoke on election reform. He stated:

> I am not a long-winded politician and I am not a business man, I am retired. And for the past 10 years I have been a deputy voter registrar and an election board officer. I am getting tired of hearing people throwing dirt at the registrars and the election board officers. Back in the election in [19] 90 when they had all the difficulty, the reason they tried to put the blame on the registrars, or the election board officers rather, and what it was, there was approximately 30,000 sample ballots that were never sent out. One of them that did not get her sample ballot was my wife and she is also an election board officer.

They tried to blame us because we had thousands of people coming into the polling places asking us, 'Where do I vote?.' They had no idea where they voted or who they were voting for. That blame they tried to place on the rest of us. They said, 'Oh, we didn't have any experience.' I had already had about 6 years experience doing that and so did everybody else that I knew of. The next thing is what Mr. Dubois brought up about the trouble he had. He got information given to him at the polling places. Either he was given the wrong information or he is fabricating stories. I have worked three different polling places and I have never, not once had any trouble with poll watchers or anybody else. The last election, I do right now. I work at the O.K. Adcock School, I am the coordinator there. We had two people come as poll watchers, they looked like the party had gone on skid row and picked them up and that is exactly what they looked like. They sat over on the steps of the stage for the whole time, they didn't do anything, they didn't keep records or nothing, they just sat there. The other thing, the one thing that started this problem was in the [19] 91 legislative session, whey they passed that bill allowing people to register by mail, they opened the state, county and city, wide open to fraud. I would venture to say that you have as many people voting this year that are in the graveyard. We have become another Chicago. How many votes do you want for this precinct? I can get them for you. When they had that vote-by-mail, that opened it up because there is absolutely no proof of who signs these. That should be the first agenda on your legislative session, repeal that law immediately and make everybody that wants to register to vote present a valid Nevada driver's license. The other thing is, I have done it many a time, voted for the republic party and the registrars office. I have been called, this was before they came out with that form, the mail-in form. I have been called an ass and I know a lot of other registrars have been. Please go to such and such a person's home. They are incapacitated, they want to register to vote and I have done it. We get a lousy 10 cents apiece for the affidavits and it is not a hell of a lot and I am satisfied with it because we do this as a community service. I ran voter registrations for 6 years at the Meadows Mall. A lot of people have seen me there and a lot have seen the people that work for me there. We do it under the banner of the Air Force Sergeant's Association, a nonprofit organization. And we do it as a community service. We don't expect to get paid for it and I understand Myrna Williams is proposing we get $85 per week for doing this. I have already had six people tell me, who have worked for me before, they said if they want

> to put us on the books, pay us and everything, they can forget it, we will not work. So, kill that vote-by-mail and you will eliminate 90 percent of your problems right there. And the coordinator that they have at each polling place, he is responsible, he or she is responsible for the conduct of your poll watchers and they have the right and they have been told they have the right. If one of those poll watchers steps out of line, there is the door, get lost. And I threatened one one time with just that action. But, I have never had to do it since and I am not afraid to do either. Because all we have to do, we have the cellular phone there now, with the county worker that works with us, and I'm telling you that is the best thing they have ever done. My hats off to the county for doing that. That is all I have to say, thank you.

Senator O'Connell asked if there were anybody else to testify.

James Sohns, President, Nevada Car Owners Association, addressed the committee on election reform. He stated he has lived in Las Vegas for 7 years and is proud to be here except for the last election which he stated made him ill. He told the committee he could not believe there was a $2 bounty being paid for signatures.

Mr. Sohns stated he used to live in Honolulu, Hawaii and they have an open primary which he feels works very well. He explained he has volunteered his services as he is retired and nobody has taken him up on his offer. He stated that was all of his comments.

Gary Walker, Concerned Citizen, spoke on election reform. He stated he was a candidate for the senate in the 1992 elections. He explained it was the first time he ran for a political office in his life as he is a retired military officer. He told the committee he did not contest his election, but given the circumstances, if he were a candidate again he would contest the election. he stated the reason for this is at this point, it is impossible to determine what would be a frivolous contest or not since the information is not available to base any kind of an investigation as to whether there was fraud in an election.

Mr. Walker stated while working on the informal task force after the election, he did become familiar with some of the computers. He stated this technology is approximately 30 years old and these were designed to accurately tabulate votes and not designed to safeguard against fraud. He explained the software that is involved with that computer system is proprietary to the company which is rather unusual inasmuch as it is a very standard kind of software that any computer-literate high school student could come up with.

Mr. Walker stated the last four columns on the ballot identify the precinct, election and that sort of thing. He did state one of the things that was not addressed, but he believes needs to be addressed is with regard to the secondary coding which is done to the software after it reaches Clark County and with respect to the specific election. He explained the elections are not built from the ground level each time. He did state over a period of years there has been the authority being removed from the precinct level from workers who actually used to do the counting of the ballots and the reporting of the ballots and then reported them to whoever was in charge, possibly the county clerk. He pointed out we have fewer and fewer people with more and more authority, but we have the same county commissioners who are the same people they were 30 years ago.

He explained there are some specific items he feels need to be covered. The first is either administratively or through statute that the coding of the ballots ought to be done by more than one individual. He stated it is imminently possible for a literate computer programmer to set those cards and to mark any ballot, which could completely change the election results.

Mr. Walker told the committee another thing he would like changed is the names on the ballots. He explained, the placement of the candidates names, they are alphabetical and in virtually every other state and any other political jurisdiction outside Nevada, they do not appear alphabetically year after year. He stated the last item he is concerned about is the layout of the ballots. He pointed out some of the ballots have no blanks to select a candidate out of each race.

Mr. Walker told the committee he felt volunteers are the heart of the system and he would like to see them given some kind of recognition for what they do.

Senator Nevin stated he understood Mr. Walker's point, but he stated Clark County has had problems in the last two elections and he added Northern Nevada does not have the same problem. Therefore, he stated he felt the problem was internal and within the management of the elections. Senator Nevin iterated he felt it was a shame the legislature has to pass a state law to help solve a problem within a county.

Tamara Clark, State Chairman, I CARE-Libertarian Party, spoke on election reform. She stated she is a candidate and a citizen who has spent over $30,000 since November 3, 1992, to investigate the elections in Clark County. Mrs. Clark stated the majority of problems exist within the election department.

Mrs. Clark stated the problem was dramatic in the absentee ballots and in the mail-in registration. She stated the laws are in existence today, but the election department and district attorney's office chose to ignore those laws. She pointed out writing more laws is not going to make a difference if the citizens are not willing to uphold the laws. Mrs. Clark iterated this did not only happen on a county level, it happened when she went to the state senate and asked them to hear the laws that were violated and she stated she was told the committee was too tired to hear what she had to say.

Mrs. Clark told the committee they need to throw out the circulator qualification for petition. She states this is one of the biggest problems. She explained if a citizen signs a petition and their signature matches their photo registration, then that citizen intentionally put that name on the petition. And regardless of who circulated the petition, the citizen signed it and wanted his name to be there and counted. Therefore, she stated the circulator is a terrible problem which caused most of the petitions in this state to fail this year. Mrs. Clark stated in going back and looking at the different situations, the failure was due to either the election department not knowing their correct numbers and giving false information and the petition person then being told, "We apologize that they gave you the wrong information, but you are tough out of luck." She told the committee that is wrong. She urged if an elected official makes a mistake they are accountable, not the citizens that are suffering for it.

Mrs. Clark stated there have been problems with poll watchers beyond a shadow of a doubt. She explained poll watchers were originally put at the polls to say whether or not someone is who they say when they are voting in certain districts. She would like to see the poll watchers become legitimate again.

Mrs. Clark stated one of the big problems in Clark County's Election Department was keeping track of ballots. She explained they had talked to hundreds and hundreds of poll workers, citizens, voters and transfer workers who felt the system was set up this year to safeguard the ballots, so individuals working the election polls were inconvenienced as little as possible. She stated she felt they should do away with the transfer stations and just have one station, such as Cashman Field, where they drop off their ballots so they are not passing through so many hands before being counted.

Mrs. Clark stated she went to the Clark County Commission to tell them prior to certifying the election there were problems, but they certified the election and then asked if there was anybody who wanted to say anything to them regarding the election issue.

Mrs. Clark stated the secretary of state's proposal has a section in it which is very important to her. She states the secretary of state has put forward, a minor party candidate must file for candidacy by the second week of February and the other political parties must file theirs by March. She explained the minor party candidates do not know if they have ballot access until August, plus they have to hold a convention to nominate the candidates, which means they must hold the convention in November, a year before the election to choose the candidates at least 3 months before anybody else has to file. She did state she realizes this is being done because individuals were angry that minor party candidates got to come in and file after everybody else. She stated this was not their choice, it is because the law constitutes they must have a convention, which has to be done in a particular matter because they do not hold primaries. Now, she states, this proposal is asking the minor parties to have their candidates ready a year before election.

Senator O'Connell stated she has asked for legislation which will treat every party the same.

Senator Nevin stated he checked on this also and he told her he felt she would not be able to do anything about it because it is a United States Supreme Court decision and state government cannot overturn U.S. Supreme Court decisions. He stated they could pass the legislation but it would not be constitutional. Mrs. Clark stated the minor parties will be held to it and she guarantees they will be the ones who will have to take it to court to say it is unconstitutional.

Mrs. Clark stated she had no objections to file candidacy at the same times the other parties do, she would be happy with that.

Mrs. Clark stated she could not be at the meeting last week when the committee discussed Senate Bill 94.

SENATE BILL 94: Requests that grand jury investigate allegations of misconduct related to general election of 1992 in Clark County.

She told the committee had she been here she would have told them the Clark County District Attorney's Office has shown an extreme interest in not bringing this forward as have the Clark County Police Department. She added not one of them has ever bothered to speak to the citizens who are investigating this.

Mrs. Clark emphasized the election department is wrong and the individuals working in the election department were wrong, but she states they have an attitude they are superior to the citizens they

are there to help. She added they would not be there long and that her organization will start at the top and will work their way down even though they know it will take some time. Mrs. Clark asked the committee for help as they have the power to help.

Mona Snape, Concerned Citizen, spoke on the election reform. She state:

> There are currently 16 statutes on the book giving the secretary of state authority to regulate our elections. Our elections are not simply little things that are done by counties or cities. We have a good strong election code that needs to be enforced. For example, one of the most maddening things I can think of is the stand-in. I can't go over this enough. we have a law, we have stated the law. Since last July, the Citizen's Coalition Groups of different members have been before everyone saying this is it and lets do it right. It has been absolutely ridiculous. But, the secretary of state again, and her proposals, for some odd reason does not seem to be able to determine the difference between statutory law or constitutional laws regarding the time frames that she proposes on initiative and referendum petition. The problems that have gone on with initiative and referendum and recall petitions around this county is horrendous. The attitude that we receive from the election department when we walk in there, when one walks in to the Secretary of State's Office to file a petition, they can't get the information. When they do receive the handbook, the handbooks are legally in error and legally flawed. They have regulations which far exceed any statutory or constitutional requirements. This is all in the petition package that went forward to a lot of the senators and a lot of the assemblymen and the Secretary of State's Office. Again, these groups have harped and harped, added volume as to the problem and no one has listened.

Mrs. Snape then referred to her handout and went over the material with the committee (Exhibit F, the original is on file in the research library.

Mel Clark, First Vice Chairman, Libertarian Party, spoke on election reform. He stated essentially what the committee needs to do is enforce the existing laws. He explained the committee needs to get within the election department, find out how the process was done and correct it from there.

Mr. Clark stated he would like to see some changes in the existing rules such as the rule that minor parties cannot work bowling alleys and he states that is a discrimination because democrats and

republicans are allowed to do so. He did suggest to the committee the people who spoke at this meeting probably have firsthand information and you can pretty much believe what they are saying. He did say, however, they need to look at both sides to come to a fair conclusion.

Richard Puckett, Chairman, Libertarian Party, Clark County, spoke to the committee on election reform. He told the committee he appreciated them coming down to Las Vegas to hear them.

Mr. Puckett stated after all of the testimony today they still do not have an idea of how many absentee requests were made and how many absentees actually voted on a precinct breakdown basis. Mr. Puckett stated he would like the numbers to analyze the information and determine if there was an unusual amount. He stated, as was mentioned before, one of the laws that needs to be changed or enforced is the reconciliation between the poll books and the official abstracts. He told the committee he helped with the computer analysis investigation and in his investigation he noticed they counted up the individuals who voted in the poll books. He stated that includes those who walked in, went to the election department, voted by mail and voted by absentee. He said comparing that to the official computer abstracts which were approved by the county commission and the supreme court, there was a discrepancy. Mr. Puckett stated he looked through the computer log which shows the activity that happened with the election computer, every vote that was counted on election night and he stated that number was off. Mr. Puckett pointed out the abstract supposedly was generated from the computer and yet the numbers were different between the abstract and the computer count. He stated he would like to know how many votes were cast in each precinct.

Mr. Puckett expressed to the committee his desire to have a change in Nevada Revised Statutes 293.410 2-D where it states "That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected." He stated when he went before the senate he had massive evidence of malfeasance on the part of the election department which was their case and that was grounds to bring our case forward. It was decided by the credentials committee the only valid grounds were to prove a certain number of votes went to a different candidate than it should have. He explained this is a very difficult standard to contest the election, but he did state what would be a fair solution would be if a contestant could prove sufficiently there was a flawed election, there should be a new election for the individual who contested it.

Senator Hickey stated the election loser can contest the election by formal contest or he can take it into court. He explained the system may be cumbersome or not, but to bring it directly into the state senate is awkward, so he suggests there is some way a system can allow an election to be contested.

Mr. Puckett suggested if the secretary of state was given enough investigative and enforcement powers and an individual could prove the county department made sufficient errors, the secretary of state may have the ability to declare the election bad and run a new election.

Senator Hickey asked Mr. Puckett if he would feel more comfortable having the secretary of state as an arbitrary. Mr. Puckett stated he felt the secretary of state is far enough removed from the county and has no vested interest in the county elections and therefore would be fair in looking at the evidence.

Mr. Puckett concluded by telling the committee 87,655 ballots were counted after the canvassers were sent home at 1:00 a.m. and he stated whether there was a law against that or not, there should be a law stating no ballots will be counted if canvassers are not there to make sure everything is done fairly.

Joseph Maviglia, President, H&E Training Schools, spoke to the committee regarding election reform. Mr. Maviglia stated he was addressing Senator Lowden because she was a new member of the state senate. He told her she would see lobbyists sell their souls for votes and he stated he felt we were losing our country. He said as a citizen to come forward and complain about the injustices in our government, they are shouted down, arrested, handcuffed, intimidated and abused even when the complaints are legitimate. Mr. Maviglia stated sometimes the complaints are idiotic out of frustration. He explained sometimes individuals come forward to learn how to present themselves so our representatives will pay attention to us and our concerns. He stated sometimes individuals must jump in the face of the elected officials so they will respond, but through that response they have been able to bring forward their complaints and have them looked at in a justifiable manner. Mr. Maviglia stated he is an ex-convict. When he was younger he was frustrated with his lack of education so he went the opposite way of the law. Now, he explains he is trying to become an honest, law abiding citizen and he is chastised for his past by officials because they cannot stand the truth. Mr. Maviglia stated there is no accusation nor aspersions against these committee members. He told the committee they will go away from here and maybe they will remember Joe Maviglia or maybe they will not, but he stated he will not let them forget him.

Mr. Maviglia stated the 1990 and 1992 ballots were the same color and that should have been enough probable cause for the district attorney or secretary of state rule the election invalid. He asked the committee to help reform these election laws.

Senator O'Connell asked Mr. Maviglia if he would support an administrative court. Mr. Maviglia stated he would support an administrative court if it was not stacked.

Lucille Lusk, Chairman, Nevada Coalition of Conservative Citizens, spoke to the committee on election reform. She made reference to Exhibit D. On page 1 she suggested they insert what is acceptable identification as required in this section. Also, on page 3 under the primary elections she commented open primaries have worked very well in many states and she asked that the committee seriously consider this recommendation. She stated she had extreme concern with the last paragraph on page 3 where it states the verification of signatures on petitions may be witnessed by the person who submits the petition or by the public officer who is the subject of the recall. She explained it seemed obvious to her if the public officer who is subject to the recall is allowed to be the person who witnesses the verification of signatures on the recall, particularly against a county commissioner who oversees election department employees, it is absolutely ripe for fraud. She continued telling the committee under no circumstances should the individual being considered for recall be the witness for verification.

Mrs. Lusk stated on page 4 of Exhibit D, with regard to "None of these candidates", there is a tremendous interest in having this an available option in many races. However, she stated the solution being offered in this exhibit does not respond to the public's desire. She explained if "none of these candidates" receives more votes than any other candidate then the options for seating a person are not acceptable.

Senator Lowden told Mrs. Lusk the proposal for "none of these candidates" and the resolution to the problem came out of a town meeting held by Secretary of State, Cheryl Lau.

Bill Parker, Clark County Election Board Officer, spoke to the committee on election reform. He addressed the issue of addresses. Senator Nevin had said nobody lives at a post office box and that is true, but Mr. Parker stated for security reasons he receives his registration materials at a post office box, but he resides within a house. He stated the registration forms have provisions on them so you can have a mailing address and a physical address. He explained the physical address is what should be checked to make sure the person lives at that address.

Mr. Parker explained he had programmed computers for 10 years and he feels it is not beyond the realm of possibility that an individual could tamper with machines. He stated he did not have a problem with a second person verifying a code that goes into the machine.

Mr. Parker told the committee on election day he was coordinator at Woodbury Junior High polling place which encompassed Paradise 6, Paradise 12, Desert Hills 4 and a few other precincts along the way.

He explained his day started at 5:00 a.m. that morning and by the time he got done, it was 9:15 p.m. He stated the provision to move the satellite receiving centers will not solve the problems.

Mr. Parker told the committee any time you have human beings as part of the process, errors are going to occur. He iterated there were two types of errors, deliberate and unintentional. He stated the missing 1500 ballots was, in his opinion, simply human error. He remarked how much responsibility the voters should have and how much responsibility state government and the elections department have. He surmised it becomes easy to complain about the process, but nobody can offer permanent fixes or good solutions to problems, then it becomes more of a problem.

Senator Hickey stated it had been suggested by someone that the coding of the ballots be done by more than one person and he asked Mr. Parker what he thought of that idea. Mr. Parker explained he has no problem with marking the ballots with the date specifying the year and he recommends that strongly.

Mr. Puckett again came up to the microphone to help answer Senator Hickey's question regarding the coding of ballots and specific software for the computers. Mr. Puckett suggested no computer modem lines should be connected to the computer on election night. His understanding was there were several terminals connected to the computer that did the counting on election night and he stated that can lead to potential for abuse.

Mr. Parker explained what Mr. Puckett is referring to is the fact that basically computers talk to one another in remote locations over telephone lines. This is basically known as telecommunications. He stated what Mr. Puckett is concerned about someone tampering with the data as it is being transmitted and he stated this has happened in the past.

Mike DeFloria, Concerned Citizen, spoke to the committee on election reform. Mr. DeFloria stated he has been a resident of Las Vegas for 30 years and he has seen it go from bad to worse to disastrous. He told the committee election boards are too lax and nobody cares. He stated his opinion was the election reform problems are not going to be solved.

Tom McGowan, Concerned Citizen, testified on election reform. He stated he represented no organization and he is here as a loyal American citizen and he told the committee his purpose is to achieve a massive fundamental reform of society and government in the State of Nevada, inclusively in the broad-based public interest of the people of Nevada and the United States of America. He stated he had no other purpose at this meeting, personal or otherwise.

Mr. McGowan stated Deputy Registrar Doug Leavitt is recognized as an expert professional in his field, yet he fails to expertly inform recall petitioners of accurate data requisite to their position. Mr. McGowan stated this was either grossly incompetent or deliberately remiss and adverse to the public interest and therefore, he should summarily be terminated and permanently prohibited from further service in public government.

Mr. McGowan stated the following:

> I hereby formally request that you immediately initiate and diligently expedite a formal legislative demand for an independent federal investigation of each and all elections, pertinent elements of government in the State of Nevada and Clark County inclusively. Said investigation to be maintained as separate and distinct from and secure from any persuasive influence by any and all entities in the public government and the private sectors of the State of Nevada inclusively. There is a very good reason for that. I no longer, personally, speaking for myself, trust anybody in this state, public or private. My frank opinion is this is one of the most unsophisticated societies I have ever encountered in my short life of sixty-some years. I am appalled. If this is reiterated nationwide, we don't have a nation and I don't want to pursue that further, but I will say there is still a window of hope that springs eternal, from the words of Sam Irvin. It is a matter of individual responsibility regardless of what level we are at. That includes everybody. When the legislature could fail to comply with this public request for an independent government investigation, I would request that you either resign immediately or stand fully liable to recall on the basis of your failure to exercise the mandate of responsible government to the broad-based public interest. There is very little else to say. There is nothing mistaken about what takes place in the state day-to-day, night-to-night, nothing. You've had 61 years plus as a legalized gaming state to become, not the solemn State of Nevada but the casino gaming industries State of Nevada. You need to change that. If you think you can't do it, think twice. You're overdependent upon a single industry, that is probably the crux issue and basis for all of these problems, all of these problems, specifically election reform. If you can't create and maintain a responsible government in a rational society, go home, bother somebody else. And that is inclusive of everybody in this state. Thank you for your time.

Jan MacEachern, Concerned Citizen, addressed the committee on election reform. She stated she is against paying registrars for signing up voters. She suggested the committee take all of the suggestions and the bill drafts and put them together to introduce one bill. She also suggested the state leave primaries open. Another complaint she had was regarding poll watchers. She explained the poll watchers are suppose to stay 6 feet away from the voting table and they were not to interfere. She thanked the committee for coming to Las Vegas and hearing this testimony.

Alta Bybee, Election Coordinator, spoke to the committee on election reform. She stated she has lived in Nevada for better than 60 years and she has been a resident of Las Vegas for 15 years. She pointed out since politicians running for office would not admit what party they were running for, then she asked, why should she have to claim a political party when she registers to vote.

Senator Hickey stated the law allows any individual to register as an independent and not claim a political party. Mrs. Bybee said she felt it was manipulated by particular political parties.

Mrs. Bybee pointed out most of the volunteers at the polls are elderly people who have to drive downtown late at night. She suggested they try to use the satellites to prevent some of this late night traveling. Mrs. Bybee told the committee Clark County is having this election problem because of their large population boom. She thanked the committee for their time.

Sigrid Macey, Concerned Citizen, addressed the committee on election reform. She stated she was concerned about post-adolescents are the ones who will decide if signatures are valid or not. She added only a graphologist would be qualified to do that. She agrees with Mrs. Bybee with regard to eliminating party affiliations when an individual registers to vote.

Steve Billigmeier, Concerned Citizen, spoke to the committee on election reform. He asked the committee to schedule another day for hearing this issue. He also suggested the committee go to a Clark County Commissioners meeting and see how they act.

Mr. Maviglia came forward and stated:

> Senator, I would just like to bring something to your attention. I was threatened during the times prior to my coming forward by ex-Senator [Assemblyman] Dubois. He handed me a note and he said, 'Be careful what you say or we will have you handcuffed and thrown into the street.'

Senator O'Connell told Mr. Maviglia stated Mr. Dubois did not mean it. Mr. Maviglia stated he did not know how Mr. Dubois meant it, but the fact that he did give him the note upset him and he would like it on the record.

There being no further business, Chairman O'Connell closed the meeting at 6:17 p.m.

RESPECTFULLY SUBMITTED:

Tanya Morrison

Tanya Morrison,
Committee Secretary

APPROVED BY:

Senator A. O'Connell

Senator Ann O'Connell, Chairman

DATE: 3-8-93

## Overview of the Secretary of State's Election Package
## February 9, 1993

Throughout the 1992 elections, and especially in their aftermath, I was aware that we needed to fix our election laws. As you all know by now, I launched a series of meetings in November and December to gather ideas. Those meetings resulted in the package you have before you.

First, I met with the county election officials to see how they felt we could improve the process. These men and women conduct our elections, and I strongly urge you to consult them whenever you consider a change in the law. They will tell you what works and what does not.

Second, I met with the majority and minority leaders of both houses of the Legislature -- because I wanted them to be aware of the problems we face, and the solutions I would propose. I did this, not to exclude anyone who does not sit in the Legislature, but to build a consensus among the people who must actually vote on reform bills. For after all, the Secretary of State does not have a vote on this issue. I can only propose -- you dispose.

Third, I held town hall meetings in Reno, Las Vegas, Tonopah and Elko. I heard directly from the voters how frustrated they were. I got plenty of ideas for change. I must tell you that these meetings were one of the most instructive things I have ever done in public life. Here in Las Vegas, especially, voters know what they want.

And so, I made a promise ninety days ago: to bring as many ideas as I could before the Legislature. The bill draft which I want to discuss with you today does just that. It contains 81 sections on 56 legal size pages! And even it may not be complete. You will have your own ideas, and you will hear more ideas from the public during testimony. In addition, I have noticed a few drafting errors in reading through the document this weekend -- for I only saw the finished copy on Friday myself. We still have a little work to do. But I wanted to keep my promise and give you the best possible working document that my office could deliver. With that in mind, let me run through the bill draft. I will only highlight a few sections in my testimony, but a written document has been filed with the committee secretary.

Sections 1 through 20 would add entirely new language to the statutes. A summary of their impact is as follows:

Section 2 -- clarifies the word "document" as it pertains to petition circulation. We found this to be necessary, particular is it relates to where a circulator must affix his affidavit.

Section 3 -- defines "state officer" because the term is used throughout the statutes, but nowhere is there a definitive list.

Section 4 -- outlaws the bounty for voter registration. We know there is almost unanimous consensus that this practice must be prohibited. The one thing which is lacking from this section is a penalty. We would suggest it be considered a felony.

Sections 5 through 10 -- these are critical additions to the statutes. We found in 1992 that the petition process and signature verification does not always work as intended, so this language would provide for better control and an appeals process. We hope this would avoid costly and disruptive lawsuits, such as the one we experienced in 1992.

Section 11 -- Nowhere in current law is the issue of choosing and classifying party affiliations codified. This section corrects that omission.

Sections 12 and 13 -- will help us avoid the kinds of problems experienced in Clark County with the destruction of old ballots. This language should restore confidence, since the public will be able to tell what is going on.

Section 14 -- closes a loophole in current law which might allow a board to change its district lines after candidate filing has begun, or even after the election is underway.

Section 15 -- this is a technical correction to keep pace with the times.

Section 16 -- this particular language was inserted at the request of the Federal Voting Assistance Program, which seeks to protect the rights of our Armed Forces personnel.

Section 17 -- again, this closes a loop hole by establishing some procedure for special elections.

Section 18 -- Nevada has a large population of "snow birds" who find themselves disenfranchised when they only want to vote for president. This section is for them.

Section 19 -- ensures that all affidavits will be examined, which is particularly important for petitioners.

Section 20 -- This section, together with other changes later on in the bill draft, seek to address the problem with absent ballot accountability.

Section 21 is technical language inserted by the bill drafters for the purpose of keeping the NRS clean and readable. Beginning with section 22, I am proposing changes to existing statutes.

Sections 22 through 25 -- shorten the time for signature verification from 65 days to 30 days. This will help Nevada comply with federal requirement on the submission date of petitions by taking the county clerks and registrars out of the business of determining legal sufficiency of a petition. We want to avoid throwing out signatures on technicalities. I am aware that

this language needs a little work, so we will address that, but the intent is to protect people's right to petition by cutting through the red tape.

Section 26 -- is really for the parties in large counties. Current law requires that every precinct be listed with its number of delegates, before any party convention. This can be an expensive and cumbersome task when our large counties have so many precincts.

Section 27 -- I want to call the committee's attention to this section because I need to have staff do some more work on the dates, if we are going to change Nevada's primary date as I propose elsewhere in this document. However, the intent is to provide a means for filling vacancies in nonpartisan elections -- none currently exists.

Sections 28 through 30 -- deal with minor political parties. In short, I am proposing we make it simpler for minor parties to qualify by reducing the signature formula from 3 percent to 1 percent. We are also trying to clarify the petition requirements so our citizens don't need a lawyer to wade through this process. The courts are clear: Nevada can no longer penalize so-called splinter groups. We must change our laws in some way. I look forward to hearing other ideas for this process, and will be more than willing to work with the committee if someone else has ideas.

Section 31 -- this section moves the primary from September to June. This idea came from my town hall meetings. The county clerks and registrars support this idea, since it gives them more time to administer an election. We learned in 1992 that late changes to the ballot can really complicate an election. I disagree with those who say a June primary will lengthen the election. Candidates begin campaign in January already, and an earlier primary would actually reduce the number of candidates and signs we are faced with throughout the summer months. It would also allow us to create a presidential primary in time for the 1996 election.

Section 32 -- changes the dates for candidate filing to accommodate a June primary. It also takes steps to eliminate the possibility of another "God Almighty" filing for office in Nevada. I urge you to adopt this language.

Section 33 -- corrects a current form so that it complies with another chapter of NRS.

Section 34 -- again, a date change for the June primary.

Section 35 -- enumerates state offices for filing. I believe there is a drafting error here, in that State Board of Education does not pay a filing fee.

Section 36 -- clarifies petition language for independent candidates. I would appreciate the committee's feedback on whether we should also make it easier for these candidates by lowering this percentage requirement as we did for minor parties.

Section 37 -- takes steps so that Secretary of State has authority to fix absent ballot crises in times of emergency, such as we saw in 1992. It also clarifies outdated language pertaining to what information my office actually sends the counties.

Section 38 -- would allow a voter whose registration was lost to actually vote at the polling place if, for example, he possessed a receipt. There would be much less hassle.

Section 39 -- This section is necessary if we move the primary date but leave the minor party filing date late in the year, as required by federal courts. Currently, minor party candidates trigger a primary race if, say, two Republicans and one Independent American file. With the change of primary dates, such a primary would be unfair because we might not know if the minor party candidate qualified for the ballot until well after the primary.

Section 40 -- county nonpartisan races need to be listed in this statute as a clean-up measure.

Section 41 -- is something which came from my town hall meetings. If we are going the have the "none of these candidates" option on the ballot, we should have it for more than statewide races and it should mean something. I am proposing that this option be allowed to win the race if voters are truly dissatisfied with their choices.

Section 42 -- this would clear the air about parakeet mail-in registrants being able to vote absentee. Please enact the so-called "stand in" requirement and help prevent even the hint of fraud.

Section 43 -- I am proposing we require identification from persons at the polls.

Section 44 -- clarifies terms.

Section 45 -- both clarifies terms and requires that a person challenged because of residency show proof that he lives where he says he does.

Section 46 -- the amendment to subsection (2)(d) is needed because not all officers for whom all voters in a county vote are county officers. District judges, and in most counties members of Congress, are also elected at large.

Sections 47 through 52 -- deal with absent ballots and reflect my effort to simplify the process for voters, while ensuring fraud cannot occur. In short, I want to restrict the availability of absent ballot requests so we do not have mass mailings, and I want to protect voters' right to take care of their own ballot.

Section 53 -- the people of Clark County in particular want accountability for unused ballots, as I learned at my meetings here. I am proposing an audit for voter confidence.

Section 54 -- makes some clean-up changes to voter lists, but will also make the information available to all our political parties. This, too, comes from my meetings.

Section 55 -- mail-in registration is a wonderful new program which can tremendously benefit voter participation. It is also a financial burden for our counties when the political parties mass mail thousand of government forms. I want to see the parties help defray the cost of voter outreach, so this section would allow the counties to charge for mail-in forms requested in bulk. This is a special request from the county clerks.

Sections 56 and 57 -- these, too, are for the clerks, It clarifies rights and responsibilities of local governments submitting ballot questions.

Section 58 -- brings our laws into line with federal requirements.

Sections 59 through 63 -- are a direct result of my meetings around the state. Simply put, we need better accountability of deputy registrars, mail-in registrations, and county election officers. I am proposing a point-of-registration receipt, improved forms, stricter penalties, and improved control. Again, please enact this language.

Section 64 -- updates our technological capabilities.

Section 65 -- subsection 5 takes care of those people who want to change parties to vote for a particular person in a primary, something I heard a great deal about. Subsection 10 allows a cancellation of duplicate registrations.

Section 66 -- a date change for the primary

Section 67 -- newspaper publications by precinct number are too hard to read. We need an alpha listing so voters can find their own names.

Section 68 --we must have a standard close of registration date throughout our state, and that date should remain at the 30-day-mark before an election.

Section 69 -- again, I am a firm believer in strict penalties as a fraud prevention measure. If someone infringes on your right to vote, he should face the possibility of losing his own rights.

Sections 70 through 74 -- let us have more accountability, better standards, and public input into the vote tabulation process. I heard this message loud and clear at my meetings.

Sections 75 and 76 -- change dates for petition submission to meet the new signature verification timeline. I am also proposing more clarification of our cumbersome petition rules.

Section 77 and 78 -- deal with motor voter. I am proposing we remove the motor voter program vehicle registration because we find too many duplicate registrations from the drivers' license division program, which works wonders.

Section 79 -- repeal the bounty even as it is hinted at for counties.

Section 80 -- let us restore fairness to the system by allowing the four parties which qualified in 1992 ballot access in 1994, since we are asking you to change the rules by which they qualify.

Section 81 -- these are the effective dates as established by the bill drafters.

This concludes my section-by-section overview of the bill draft. I hope that the committee and the audience understands the amount of work which went into this bill, which is perhaps the most comprehensive package ever prepared by my office. Again, there are a few technical corrections to be made before the bill is introduced in Carson City, but on the whole you can understand where my ideas are coming from.

I want to leave you with these words of warning from President Woodrow Wilson: "If you want to make enemies, try to change something." I am not trying to make enemies, and I know you are not. What we all want to accomplish is reforming the process and restoring voter confidence. I pledge to work closely with the Legislature. I know there are other ideas for reform on the table. Let us serve the public well by working together and including as many ideas as we can. Thank you.

# SUMMARY OF SELECTED PROVISIONS IN BILL DRAFT REQUEST NO. 24-542 RELATING TO ELECTION REFORM

(Each related BDR section is noted in parentheses.)

## VIOLATING ELECTION LAWS

- Certain penalties for violating election laws in this state have been increased to a felony. (48, 52, 59, 62, 69)

## VOTER REGISTRATION

- It is unlawful to provide compensation for registering voters based on the total number of voters a person registers or the total number of voters a person registers in a particular political party. (4, 79)

- At the time a person registers to vote, he must indicate whether or not he has a party affiliation. If no affiliation is indicated, he will be listed "nonpartisan." If the party indicated has not filed a certificate of existence with the Secretary of State, the person will be listed "other party." (11)

- A person who registers to vote by mail must vote in person at the first election in which he votes in the county following such registration. This requirement is to be noted on the mail-in voter registration form. (42) Identification will be required at the polling place for all voters. (43)

- Affidavits of registration must include a receipt which notes, among other things, the name, address, signature and party affiliation of the voter and the telephone number and signature of any person assisting the voter in completing the form. The affidavit of registration form must include any identification number assigned to the newly registered voter by the Department of Motor Vehicles and Public Safety and a notice that a business address may not be used unless the voter resides there. (60)

- In counties with a population less than 100,000, an alphabetical list of registered voters must be published. In larger counties, the list may be published. Current law specifies that the list be segregated by precinct. (67)

- In all counties, registration is closed on the 5th Saturday before an election regardless of whether a county uses a computer to register voters and keep records of voters. (68)

## ABSENT BALLOTS

- County clerks must prepare a list of all persons who have requested absent ballots, and make the list available to the public. Current law allows only candidates or their designated representatives to have access to applications for absent voter ballots. (20)

- A person who wishes to have his name excluded from the list of persons who have requested absent ballots must indicate that fact on his application for an absent ballot. (49)

- Sufficient written notice for requesting an absent ballot may be: a written request; a form prescribed by the Secretary of State marked with an unique control number; or a form provided by the Federal Government. (48)

- A person who receives an absent ballot, but chooses to vote in person, must surrender the absent ballot and provide satisfactory identification before being permitted to vote at the polling place. The absent ballot must be collected and marked "spoiled." A penalty is provided if a person other than the voter who requested an absent ballot returns the absent ballot. (52)

## CHALLENGES TO VOTERS

- An election board is prohibited from issuing a ballot to a voter who has been challenged on grounds of residency until the voter executes an oath or affirmation and provides proof of residence. (45)

## BALLOT SECURITY

- Ballots must be dated and marked to indicate the election for which they are valid. The Secretary of State must designate a color for each statewide election, and make certain that no color is used more than once every 3 years. (12, 13)

- Following each election, county clerks must audit all election materials and seal them in a vault for no less than 22 months. A notice must be published at least 2 weeks before their destruction. Within 5 days of the election, the clerk must verify the number of ballots collected against the number of ballots prepared for the election. This audit must be completed before witnesses, including both successful and unsuccessful candidates in the election. (53)

## PRIMARY ELECTIONS

- The nomination of a minor political party candidate or the filing by an independent candidate has no effect on whether a primary election is held. (39)

- If candidates from only one major political party file for an office and there are only two candidates for a vacant position, there will be no primary election even if there are one or more minor party or independent candidates in the race. (39)

## MINOR POLITICAL PARTIES

- The names of the candidates of a minor political party must be placed on the general election ballot if the party filed a certificate of existence and a list of candidates with the Secretary of State, and, at the last general election, the party received for its candidates at least 1 percent of the total number of votes cast for the office of petition signed by a number of registered voters equal to at least 1 percent of the total votes. Current law requires at least 3 percent of the votes. (2)

## PETITIONS FOR INITIATIVE OR REFERENDUM, QUALIFICATION OF POLITICAL PARTY OR RECALL OF PUBLIC OFFICER

- A receipt indicating the number of documents and pages accepted and the person's statement of the number of signatures contained in the petition will be issued when a county clerk accepts certain petitions. (5)

- The verification of signatures on certain petitions may be witnessed by the person who submits the petition or the public officer who is the subject of a recall. (6)

- A petition for the placement of a minor political party's candidates on the ballot must: include the name of the county in which it is circulated; be accompanied by an affidavit of the person circulating the document which verifies that the signatures are valid; and be submitted not later than 40 days before the 2nd Friday in August. (29)

- Signatures must be accompanied by the signers' residence address, the date on which the petition was signed, and the name of the county in which the signer is registered to vote. (29)

- A petition's failure to qualify may be contested by filing an appeal within 5 working days which includes the reason for the appeal and the number of signatures deemed invalid that are being contested. The final decision on such an appeal may be appealed to the First Judicial Court. (7, 10).

## NONE OF THESE CANDIDATES

- Ballots must offer "None of these candidates" as an option in all state or judicial races, including: Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, Supreme Court Justice, State Senator, State Assemblyman, University of Nevada Regent, member of the State Board of Education, and District Judge. If "None of these candidates" receives the highest number of votes, the office is declared vacant and, depending on the office, may be filled by the candidate receiving the next highest number of votes, appointed by the Governor from a group nominated by the Commission on Judicial Selection, or appointed following a vote by one or more boards of county commissioners. (41)

## COMPUTER USE

- If voter registrations are performed by computer, a facsimile of a voter's signature may be used for verification or comparison purposes. (15)

- If an election board register is kept by computer, it must include all the information in the original affidavits of registration. (19)

## DATE CHANGES

- The primary election must be held on the first Tuesday after the first Monday in June rather than in September. (31)

- No name may be printed on a primary election ballot unless the person has filed an acceptance or declaration of candidacy and paid the required fee between January 1 and the first Tuesday in March. The current deadline for filing is the second Tuesday in May. (32)

- An independent candidate for partisan office must file a declaration of candidacy between January 1 and the 2nd Tuesday in March. Current law specifies the 1st Wednesday in July as the deadline. (36)

- A minor political party which desires to place its candidates on the general election ballot must file with the Secretary of State between January 1 and the last Friday in February. Currently, such filing is accepted until the end of June. Each candidate must file his declaration of candidacy and pay the required fee after the party's list is filed, but not later than the first Tuesday in March. A minor political party's candidates for President and Vice President must be nominated not later than the first Tuesday in September. (30)

- Certain petitions of candidacy must be submitted for signature verification not less than 40 days before the 2nd Friday in August. Currently, county clerks have 65 days to verify these signatures. (29, 36, 76)

- Within 2 days after certain petitions are submitted for verification, the county clerk must forward a determination of the total number of signatures to the Secretary of State. Current law provides 5 days for this process. On notification from the Secretary of State that the number is sufficient, the clerks have 7 days to verify the number of persons whose signatures appear on the document who are registered in his county. Current law provides 15 days. Within 15 days (formerly 30 days) of receipt of an order to examine and verify every signature on a petition, the county clerk must report back to the Secretary of State. (22, 23, 25)

- An initiative petition which proposes a statute or an amendment to a statute must be submitted at least 70 days before the next legislative session. Current law states 95 days. If the petition proposes an amendment to the constitution, 130 rather than 155 days before the next general election are noted. If it is for a

referendum, the documents must be submitted not less than 160 days (currently 185 days) before the next general election. (75)

- For special elections, the filing deadlines are to be prescribed by the Secretary of State. (17)

## MISCELLANEOUS PROVISIONS

- No political subdivision of the state may change district boundaries in any year in which a general election is held. (14)

- A person who does not maintain a residence in Nevada may register to vote for President and Vice President of the United States if he files a sworn statement that he is not registered to vote anywhere else and proves that he maintains a bank account, has registered his motor vehicle or has a domicile in the state. (18)

- Any mechanical voting systems used in the state must meet or exceed the standards set by the Federal Election Commission. (72 - effective 10/94)

CJ/pok:W93-529.1,55

# Mail-In Voter Registration Application

STATE OF NEVADA

**You can use this form to:**

- register to vote in the State of Nevada
- choose or change your political party affiliation
- let us know that your name or address has changed

Nevada law permits you to register to vote by mail. The attached application can be filled out and mailed back to the county clerk/registrar in your county. Please print clearly and use black ink if possible. **YOUR APPLICATION CANNOT BE PROCESSED UNLESS IT IS COMPLETE.**

When you have completed the application, return it to the county clerk/registrar in your county *(addresses and telephone numbers are listed below)*. You may mail the application or return it in person. **KEEP THIS PAGE TO ASSIST IN FINDING LOST FORMS; IT CONTAINS A TRACKING NUMBER.**

The county clerk/registrar will send you a notice informing you if the application is complete. If you do not hear from the office within 30 days, please call the office. Completion of this application does **NOT** mean you are registered. If your application is determined to be complete, you will be deemed registered as of the date the county clerk/registrar received the application. If the application is incomplete, the clerk will notify you that more information is needed.

IMPORTANT: **THE ATTACHED APPLICATION IS AN OFFICIAL FORM. IT IS RECOMMENDED THAT YOU FILL IT OUT AND MAIL IT YOURSELF. THINK TWICE BEFORE ENTRUSTING SOMEONE ELSE WITH YOUR RIGHT TO REGISTER TO VOTE.**

## Mail your completed form to one of these offices:

Carson City Clerk
198 N. Carson Street
Carson City NV 89701
(702) 887-2087

Churchill County Clerk
10 W. Williams Avenue
Fallon, NV 89406
(702) 423-6028

Clark County Registrar
c/o Clark County Mail Complex
309 S. 3rd Street
Las Vegas, NV 89155
(702) 455-4055

Douglas County Clerk
P. O. Box 218
Minden, NV 89423
(702) 782-9020

Elko County Clerk
Courthouse, Room 204
Elko, NV 89801
(702) 738-3044

Esmeralda County Clerk
P. O. Box 677
Goldfield, NV 89013
(702) 485-6367

Eureka County Clerk
P. O. Box 677
Eureka, NV 89316
(702) 237-5262

Humboldt County Clerk
50 W. 5th Street, #207
Winnemucca, NV 89445
(702) 623-6343

Lander County Clerk
3155 Humboldt Street
Battle Mountain, NV 89820
(702) 635-5738

Lincoln County Clerk
P. O. Box 90
Pioche, NV 89043
(702) 962-5390

Lyon County Clerk
P. O. Box 816
Yerington, NV 89447
(702) 463-3341

Mineral County Clerk
P. O. Box 1450
Hawthorne, NV 89415
(702) 945-2446

Nye County Clerk
P. O. Box 1031
Tonopah, NV 89049
(702) 482-8127

Pershing County Clerk
P. O. Box 820
Lovelock, NV 89419
(702) 273-2208

Storey County Clerk
Drawer "D"
Virginia City, NV 89440
(702) 847-0969

Washoe County Registrar
P. O. Box 11130
Reno, NV 89520
(702) 328-3670

White Pine County Clerk
P. O. Box 659
Ely, NV 89301
(702) 289-2341

Prescribed by the Secretary of State (11/91)

XA 93209

241 217

EXHIBIT E

(FOLD, PEEL, TAPE, SEAL AND MAIL)

# Mail-In Voter Registration Application

STATE OF NEVADA

**To register to vote in Nevada, you must:**

- be a citizen of the United States
- be at least 18 years old on the date of the next ensuing election
- have continuously resided in the State of Nevada, in your county, at least 30 days and in your precinct at least 10 days before the next ensuing election
- not currently be laboring under any felony conviction or other loss of civil rights

YOUR APPLICATION CANNOT BE PROCESSED WITHOUT A SOCIAL SECURITY NUMBER, NEVADA DRIVERS LICENSE NUMBER, OR I.D. CARD NUMBER – (SEE SECTION 7 BELOW)

NEVADA IS A CLOSED PRIMARY STATE – (SEE SECTION 9 BELOW)

★ ★ OFFICE USE ONLY ★ ★

CANCELLED

☐ failed to vote ☐ death
☐ change politics ☐ change address
☐ other ☐ change name

Precinct Code

USE PEN – PLEASE PRINT CLEARLY – BLACK INK PREFERRED

**1** **Reason(s) for registration:** ☐ new registration ☐ address change ☐ party change ☐ name change

**2** Mr. Mrs. Miss Ms. | First Name | Middle Name | Last Name | Jr. Sr II III

**3** Address Where You Live (not a post office box or mail drop) | City | Zip Code

**4** Address Where You Get Your Mail (if different from #3) | City | Zip Code

**5** Birth Date (mo/day/yr)

**6** Place of Birth (state or country)

**7** Social Sec., Nevada Drivers Lic., or I.D. Card # (required)

**8** Telephone No. (optional)

**9** Party Registration (check one box)

☐ Democratic Party
☐ Republican Party
☐ Libertarian Party
☐ Nonpartisan (no party)
☐ Other (write on line below)

_____

**Please Note:**

To vote for a partisan office in a primary election you must be registered with either the Democratic or Republican Party.

You may register with any other party or offer no party affiliation. In that case you will only vote for Nonpartisan offices in the state primary election. At all other elections you may vote your choice, regardless of your party affiliation.

**10** **Voter Declaration** – Read the following statement prior to signing: "I d solemnly swear (or affirm) under penalty of perjury that I am a citizen of the Unite States and that on the date of the next ensuing election I will have attained the ag of 18 years and will have continuously resided in the State of Nevada, in my coun at least 30 days and in my precinct at least 10 days before the next ensuing electior I further swear (or affirm) under penalty of perjury that the present address I listec herein is my sole legal place of residence and that I claim no other place as my lega residence. I further swear (or affirm) that I am not now laboring under any felor conviction or other loss of civil rights which would make it unlawful for me to vot

**SIGNATURE** – Sign beside the "X" below:

X

**WARNING: WILLINGLY GIVING A FALSE ANSWER TO ANY QUESTION O THIS APPLICATION IS PUNISHABLE BY UP TO ONE YEAR IN JAIL, OR U TO A $2,000 FINE, OR BOTH.**

21

**11** Name and Address on Your Last Voter Registration:

First Name: _____

Last Name: _____

Address: _____

_____

XA 93209

Prescribed by the Secretary of State (1.

242

(FOLD, PEEL, TAPE, SEAL AND MAIL)

## FOR OFFICE USE ONLY

| CHANGE OF ADDRESS | | |
|---|---|---|
| NEW PRECINCT | 1 = RESIDENCE 2 = MAILING | DATE |
| | 1. | |
| | 2. | |
| | 1. | |
| | 2. | |
| | 1. | |
| | 2. | |
| | 1. | |
| | 2. | |
| | 1. | |
| | 2. | |

| VOTING RECORD FOR USE OF REGISTRAR ONLY | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| YEAR | 1992 | 1994 | 1996 | 1998 | 2000 | 2002 | 2004 | 2006 | 2008 |
| PRECINCT | | | | | | | | | |
| GENERAL | | | | | | | | | |
| YEAR | 2010 | 2012 | 2014 | 2016 | 2018 | 2020 | 2022 | 2024 | 2026 |
| PRIMARY | | | | | | | | | |
| GENERAL | | | | | | | | | |
| P = Means elector voted at election indicated. G = Means elector voted at election indicated. | | | | | | | | | |

# ELECTION REFORM PROPOSALS

SUBMITTED BY:

MONA L. SNAPE, ESQ.

FEBRUARY 8, 1993

original in Research Library

EXHIBIT F

Senator Raggio stated he would like his opposition noted to the exemption from the statutory cap which is included in the bill.

Chairman O'Connell closed the hearing on S.B. 307 and opened the hearing on Senate Bill (S.B.) 250.

S.B. 250: Makes various changes to provisions governing elections.

Cheryl Lau, Secretary of State, State of Nevada, spoke to the committee on S.B. 250. She submitted to the committee a summary and overview of this bill (Exhibit K). She went through the summary section by section with the committee.

Tamara Clark, Libertarian Party, spoke on S.B. 250. She told the committee she does not take election procedures lightly. She stated a lot of S.B. 250 is good, but it does need some improvements. She wanted to remind the committee of the reason this bill is before them. She stated:

> Your constituents were not very comfortable with how the elections in Clark County were run and I am speaking strictly on Clark County, because that is where I come from. Hundreds of people showed up at both Cheryl Lau's meeting and other meetings to talk about it. And there has always been this lack of trust between your constituents and their legislators for they feel their voices are never heard and no matter what we say you are going to come back and do the opposite of what we want. Senate Bill 250 has a lot of that in it and I think we need to use Senate Bill 250 as a bill that your constituents become comfortable with and that they feel their voices were finally heard and not a bill that addresses election reform, but never addresses election reform. I think you need to remember also that ballot access is so important in our country. Many of you who are republicans would not be here today if the ballot access laws that exist today existed when the republican party started. One of the greatest presidents in this country, Abraham Lincoln, came from a minor party representing an idea that was considered crazy, abolishing slavery. And if he had to deal with the access laws that I deal with today, he would have never been president. And we need to remember that great thought through politics comes from many ideas and never eliminating anybody's ability to access the ballot. What I would like to do is go through some of the areas. I am going to talk about those things I

> have a problem with. I will leave the things alone that are good, I don't want to waste anybody's time here, but the things we have a problem with. I am going to start with section 6 through section 10 which is an appeal process by the secretary of state. One of the things that brought this about was petitioners in this state had no avenue to readdress grievance if we had a problem with our petition and the secretary of state had no ability to override the county clerks or the county registrars. At the beginning this is very good. It now gives Cheryl Lau the ability to say, 'Hey, I'm the final say on this and if there is a problem I can take care of it.' But in going through here, as you read through this appeal process, the bottom line is Cheryl Lau is the final decision, we put in writing an appeal to her and then she is the decision again. When I go to court, I do not appeal to the same judge that I originally heard. I think what we were looking for was something a little more along the line of some type of a panel that included both some representatives of Cheryl Lau, some constituents, possibly some people here in the legislature and a couple of lawyers, but something a little more expansive than just the secretary of state. We did not want the same person that was going to make the first decision to make the final decision.

Senator Hickey asked if other states were using this process Ms. Clark was describing. Ms. Clark stated no other state, that she was aware of, was using this process, but she added, they do not have the situation that Nevada had whereby the secretary of state did not have a final say.

Ms. Clark told the committee in section 13, item 2 addresses the issue of colors of ballots. She said she would like to see the colors rotated for at least a 4-year period due to the elections which are run on a 4-year cycle.

Ms. Clark stated in section 20 with regard to the absentee ballots which was mentioned by Cheryl Lau. She told the committee in section 49 it states a person who wishes his name be excluded from a list prepared persuant to provisions of section 20 of this must indicate so on his application. She explained this specifically says your name will be excluded from the list being made available to the candidates and other individuals and she stated she has a problem with this language. She told the committee in Clark County they had a real problem with absentee ballots this year and accountability which really takes the teeth out of accountability. She explained there

were hundreds of citizens who got to the polls on election day and found that absentee ballots were cast in their name and yet they did not request one. Ms. Clark stated section 49, item 3 undoes any security.

Ms. Clark told the committee section 29, items A and B were a problem for her. She explained when the citizens came before Cheryl Lau and requested they lessen the requirements for petitioning. She feels the affidavit and circulator requirement are archaic and not needed, because the final verification of a petition does go to the county registrar and they do check to make sure each person is a registered voter. She stated they do not need tougher circulator requirements as long as all of the signatures are checked by the registrar.

Senator Nevin stated this requirement helps control the ballots and who acquired the signatures in case there are problems. Ms. Clark stated they do not need to add language to this section, they need to delete some. She told the committee they do not need a circulator requirement not do they need an affidavit requirement. She explained when a petition is circulated the registrar of voters is the final check and balance because they check to see the signatures on the petition are registered voters and if the signature does not match that of a registered voter it is thrown out.

Senator Hickey asked her what she would delete from section 29. She told him she would delete lines A and B.

Ms. Clark went on to section 36, item B, which gives minor parties 1 percent access and independent candidates 3 percent, but she feels it should be 1 percent overall. She feels more numbers makes it more difficult so she would change it to 1 percent for all parties.
Ms. Clark told the committee in section 39, item 3 makes this the most restrictive ballot access law in the history of the United States. She was told this by numerous federal judges and attorneys from all over the country and she stated this law would violate the equal protection clause and this will cause a court case. She suggested they leave the bill as it was and omit this item from the bill.

Ms. Clark told the committee section 49 which is None of these candidates, should be made to mean something. She explained if None of these Candidates wins, another election should be held and the citizens should be able to pick new candidates.

Ms. Clark stated in section 53, items 4 and 5, she would like to change this to include the voted ballots in contesting and not have to go through a judge to include these ballots.

Ms. Clark explained the next section she has a problem with is section 62, item 10 on page 29, line 38 which states, "a person who by mail registers to vote pursuant to this section may be assisted in completing an application for registration by any other person. The application must include the telephone number, signature of a person who assisted the applicant. Failure to provide this information required by this subsection will not result in the application being deemed incomplete." She told the committee there was a big problem in Clark County with people who were filling out mail-in registrations for other people and they were altering their political parties and sending in registrations for individuals who did not want them. She explained this will not solve anything. She suggested on the application in bold, red writing it should state, "Anybody helping to fill this out should include their name and address," so the voter knows if someone is helping them the individual who is helping them should have to write their name and address on the application also. Senator Hickey stated there is a problem with this kind of system because, for example, what if the voter is blind and cannot see that on the top of the application. Ms. Clark stated this section, as is, does not address the problem and she asked the committee not to pass bills which have no substance.

Ms. Clark then went on to section 76, line 29 which is another problem with circulator requirements. She stated we are making requirements more difficult rather than easier. She urged the committee to listen to what the citizens are saying because nobody else has listened.

Senator Nevin asked Ms. Clark if she would have any objection if he amended the bill to apply to a population of 400,000 or more. Ms. Clark stated she did object to that amendment. Senator Nevin told her the north part of the state does not have the problem the south has with this issue and Ms. Clark stated they may not now, but they could in the future.

Richard Puckett, Libertarian Party of Clark County, spoke to the committee on S.B. 250. He told the committee some of the provisions in this bill are very helpful and address some serious problems, but he also thinks there are some provisions which make it unreasonably difficult for minor parties. He stated one of the provisions is in section 30, lines 18 and 19 which states minor political parties must file candidacy by the last Friday in February whereas other candidates have to file by the first Tuesday in March and he feels this is very restrictive.

Mr. Puckett stated in section 39, item 3 which has to do with minor parties not forcing a primary. He said he does not agree with this because minor parties do not force primaries.

Senator Hickey asked Mr. Puckett if he wanted to eliminate the language in section 39, item 3 and Mr. Puckett stated he did in fact want this eliminated.

Mr. Puckett told the committee there were several sections of this bill proposed by Cheryl Lau to be very good, as in section 4 which eliminates the bounty for registering voters. He stated he also supports section 12 which improves security with regard to the date of the ballots. Mr. Puckett did suggest the ballots be printed with the date covering the entire ballot. He told the committee section 53, item 2 was a big improvement over the previous process which puts into place an audit process which would increase the confidence in the election. Mr. Puckett also liked section 54, item 4 which allows the lists to be made available on diskettes. He iterated the voter registration lists and the absentee ballot requests need to be accurate to make sure these are real voters. Chairman O'Connell asked Mr. Puckett if he was aware of the federal law coming down which prohibits purging of any voter lists. He stated he was not aware of that and would like to see a copy of that letter sent to Chairman O'Connell. He went through various other sections with the committee which he agreed with.

K.R. "Sandy" Harmon, Vice Chairman, Libertarian Party of Nevada, spoke to the committee on S.B. 250. Mr. Harmon read from prepared testimony, see Exhibit L. He told the committee section 28, subsection 2(a) does not clear up the ambiguity as to the exact requirement for continued qualification of a minor party.

Dale Erquiaga, Elections Deputy, State of Nevada, addressed the committee to try and clear up Mr. Harmon's questions. He stated it is the understanding of the secretary of state's administration that they have applied this law as have previous secretaries of state. He told the committee the way the formula is applied for the offices of representative in Congress in District 1 and District 2, the total votes cast there are added together and 3 percent is taken, but now it would be 1 percent.

James Frye, Secretary, Libertarian Party of Nevada, spoke on S.B. 250. He told the committee he had two problems with this bill and one suggestion for improvement, but otherwise he thinks it is a very good bill. The first problem he has is section 39 which deals with the minor party not forcing a primary run off if a major party has two candidates. He stated he was not going to elaborate on whether this is fair or just, but pragmatically if this is passed, somebody will sue the state and probably win and he believes it would be better not to have it in there. Mr. Frye stated the second section he has problems with is section 30. He stated if you look closely and think about it, the minor party candidates will actually have to file before the major party candidates, because the minor party candidates filing with the secretary of state is like declaring candidacy. He suggests

this section be rewritten to say the list of candidates be filed at the same time as the deadline for major party candidate filing and then given a week or two after that for each individual candidate to actually pay his filing fee. Mr. Frye stated he has a personal suggestion for section 28, paragraph a. He suggested instead of comparing the number of votes to a total in the representative in Congress, base it on 5 percent in two or three partisan elections.

Marlene Henderson, Registrar of Voters, Washoe County, spoke on S.B. 250. She stated she wanted to just submit her notes to Secretary of State, Cheryl Lau and then testify before the committee on Wednesday.

Lois Avery, Natural Law Party, testified on S.B. 250. She told the committee she attended the meeting in Reno in which Cheryl Lau took testimony and she stated she was impressed. She stated she liked section 24, line 30 where they change the percentage of the petitions from 110 percent to 100 percent. She explained this would save the State of Nevada a lot of money because the random count will be used in many more cases and they will not have to count every signature. She further stated she liked section 28 where they have changed it to 1 percent. She explained this makes it a lot more possible to achieve, though it does not quite address the issue the previous speaker brought up for the small elections. Ms. Avery stated she also liked section 29, subsection 4, where it explains what makes a signature valid. She told the committee of several other sections with which she liked and agreed. She did tell the committee she had one complaint which was in section 30, subsection 1(a), which lists the deadline for the list of candidates. She suggested the deadline be 2 months before the primary and maybe having the primary at the end of June or the beginning of July.

Chairman O'Connell asked for any further testifiers on S.B. 250. She closed the hearing on S.B. 250. There being no further business, she adjourned the meeting at 6:50 p.m.

March 1996

CHERYL A. LAU
*Secretary of State*

LARRY L. WISSBECK
*Chief Deputy Secretary of State*

ALE A. R. ERQUIAGA
*Deputy Secretary for Elections*

STATE OF NEVADA

MARK GRIFFIN
*Deputy Secretary for Securities Regulation*

CYNDY WOODGATE
*Deputy Secretary for Corporations*

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**SECRETARY OF STATE**
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# SB 250: summary and overview

Senate Bill 250 is the product of town hall meetings with Nevada voters, as well as working sessions with county election officials and members of the Legislature. As Secretary of State, I felt it was important to bring forth as many ideas as possible -- even those with which I might not agree completely. The goal was to give legislators a working document which will lead to meaningful reforms, especially in the areas of fraud prevention and ballot access.

Sections 1 through 20 would add entirely new language to the statutes. A summary of their impact is as follows:

Section 2 -- clarifies the word "document" as it pertains to petition circulation. We found this to be necessary, particularly as it relates to where a circulator must affix his affidavit.

Section 3 -- defines "state officer" because the term is used throughout the statutes, but nowhere is there a definitive list.

Section 4 -- outlaws the bounty for voter registration. We know there is almost unanimous consensus that this practice must be prohibited.

Sections 5 through 10 -- provides for better control of petition signature verification and establishes an appeals process.

Section 11 -- clarifies how an elector may designate party affiliation.

Section 12 -- requires that all ballots be date-stamped

Section 13 -- requires the secretary of state to prescribe colors for ballot card stock and rotate the colors to avoid confusion.

Section 14 -- closes a loophole in current law which might allow a local government board to change its district lines after the election is underway.



027

EXHIBIT K

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Section 15 -- confirms that facsimile signatures can be used for verification purposes in counties which have on-line registration.

Section 16 -- at the request of the Federal Voting Assistance Program, provides for the late registration of Armed Forces personnel who are discharged close to election day.

Section 17 -- if Nevada required a special election to fill a vacancy for the office of Representative in Congress, there is currently no means to establish dates.

Section 18 -- allows "snow birds" to register to vote for the office of President/Vice President in compliance with federal requirements.

Section 19 -- ensures that all available information on a voter will be available for signature verification or challenges.

Section 20 -- requires the compilation of a list of those persons who have requested absent ballots so that it is available for the press or other persons concerned about election fraud.

Section 21 -- technical language inserted by the bill drafters for the purpose of identifying the two new terms defined by this bill.

Sections 22 through 25 -- shorten the time for signature verification from 65 days to 30 days in order to comply with federal requirement on the submission date of petitions. Also takes the counties out of the business of determining legal sufficiency of a petition.

Section 26 -- allows the notices of party conventions to be shortened by providing a summary of precinct information rather than a complete list.

Section 27 -- provides a means for filling vacancies in nonpartisan elections if the vacancy occurs between close of filing and the primary.

Sections 28 through 30 -- lowers the percentage required for minor political party qualification by reducing the signature formula from 3 percent to 1 percent. Clarifies petition requirements. Requires that minor party candidate file for office at the same time as Republicans and Democrats, except in the case of presidential elections.

Section 31 -- moves the primary from September to June.

Section 32 -- changes the dates for candidate filing to accommodate a June primary. Takes steps to eliminate the possibility of another "God Almighty" filing for office in Nevada.

Section 33 -- corrects a current form used by legislative candidates so that it complies with another chapter of NRS.

Section 34 -- date change for the June primary.

Section 35 -- enumerates state offices for filing purposes. University regents are not listed because they do not pay a filing fee, since they receive no compensation.

Section 36 -- clarifies petition language for independent candidates and changes time for candidate filing. NOTE: page 14, line 42 should read "the first Tuesday in March"

Section 37 -- gives the secretary of state authority to fix absent ballot crises in times of emergency, such as we saw in 1992. Clarifies outdated language pertaining to what information my office actually sends the counties.

Section 38 -- would allow a voter whose registration was lost to actually vote at the polling place if, for example, he possessed a receipt.

Section 39 -- would prevent the triggering of a primary when a minor party or independent candidate files in a race with, for example, two Democrats and no Republican

Section 40 -- county nonpartisan races need to be listed in this statute as a clean-up measure.

Section 41 -- extends "none of these candidates" to all state races and allows it to win a primary or general. The office would be declared vacant and filled by appointment. NOTE: there are several suggested amendments for this section.

Section 42 -- clarifies legislative intent that all mail-in registrants must vote in person the first time.

Section 43 -- requires identification before voting at the polls.

Section 44 -- clarifies terms.

Section 45 -- clarifies terms and requires that a person challenged because of residency show proof that he lives where he says he does.

Section 46 -- the amendment to subsection (2)(d) is needed because not all officers for whom all voters in a county vote are county officers. District judges, and in most counties members of Congress, are also elected at large.

Sections 47 through 52 -- deal with absent ballots. Provide better control of absent ballot requests, establish penalties for falsely requesting an absent ballot, establish the list of absent ballot voters, allow the voter to withhold his name from this list if he chooses, brings statutes into compliance with federal law, and allow a voter to surrender his absent ballot at the polls and vote in person. There is a fiscal impact of approximately $4,000 over the biennium because this makes the secretary of state a distribution point for absent ballot request forms.

Section 53 -- requires an audit of unused ballots and public notice when old supplies are destroyed.

Section 54 -- makes some clean-up changes to availability of voter lists, but will also make the information available to all our political parties.

Section 55 -- allows the counties to recover costs for mail-in registration forms distributed in large quantities by the political parties.

Sections 56 & 57 -- clarifies responsibilities of local governments submitting ballot questions.

Section 58 -- brings our laws into line with federal requirements for overseas registrants.

Sections 59 through 63 -- provide accountability for deputy registrars, mail-in registrations, and county election officers. Requires a point-of-registration receipt, improved forms, and stricter penalties for fraud Clarifies that a voter may not register with a business address..

Section 64 -- updates the statutes to reflect technological capabilities of on-line registration.

Section 65 -- allows individuals to change parties to vote for a particular person in a primary, up until the time registration closes. Allows a cancellation of duplicate registrations.

Section 66 -- a date change for the June primary.

Section 67 -- newspaper publications by precinct number are too hard to read. We need an alpha listing so voters can find their own names.

Section 68 --we must have a standard close of registration date throughout our state, and that date should remain at the 30-day-mark before an election.

Section 69 -- establishes certain felony penalties.

Sections 70 through 74 -- require that all voting systems meet FEC standards; require that computer tabulation programs be prepared before a public committee; change the make-up of the accuracy certification board to ensure broader representation.

Sections 75 -- changes dates for initiative and referendum petition submission to meet new signature verification timeline.

Section 76 -- change dates for independent candidate for president's petition submission to meet the new signature verification timeline; clarifies rules.

Section 77 and 78 -- removes the motor voter program from vehicle registration because we find too many duplicate registrations from the drivers' license division program.

Section 79 -- repeal the bounty even as it is hinted at in this process used by some counties.

Section 80 -- allows the four minor parties which qualified in 1992 ballot access in 1994.

Section 81 -- these are the effective dates as established by the bill drafters.

# 1994 Election Calendar

| Event | Existing Law | Under SB 250 |
|---|---|---|
| First day to file for office | January 1 | January 1 |
| Last day to file for office | May 10 | March 1 |
| Last day to submit referendum petition for signature verification | May 6 | June 1 |
| Last day to submit initiative petition proposing constitutional amendment for signature verification | June 6 | July 1 |
| Last day for minor political parties and independent canidates to submit petitions for signature verification | June7 | July 1 |
| Last day for minor political party to submit list of candidates | June 24 | February 25 |
| Last day for independent candidate to file for office | July 6 | March 1 |
| Last day for minor political party to file for office | July 6 | March 1 |
| Last day to file referendum petition after signature verification | July 6 | July 6 |
| Last day to file initiative petition to amend constitution after signature verification | August 10 | August 10 |
| Minor party and indpendent candidate petitions are filed after signature verification | August 12 | August 12 |
| Last day to submit initiative petition to propose a new statute for signature verification | October 13 | November 7 |
| Primary election day | September 6 | June 7 |
| General election day | November 8 | November 8 |
| Last day to file an initiative proposing a new statute | December 16 | December 16 |

# K.R. "Sandy" Harmon

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Testimony before the Senate Committee on Government Affairs
Monday, March 22nd 1993

Madam Chairman, honorable Committee members; I thank you for the opportunity to speak before you today about Senate Bill 250, a bill of importance to all voters and political parties in our great state. For the record, my name is Kirt Harmon, commonly known as Sandy and am a resident of Tonopah, queen of the silver camps. I am the vice-chair of the Libertarian Party of Nevada and a former member of the Tonopah Town Board.

When I was a boy I shared the common American dream of growing up to become president in a country where any citizen could vote or even run for office and help run this great land of ours. Having lived in California when Jerry Brown was Governor I lowered my expectations accordingly and would today be quite content to be an Assemblyman, an office that I once ran for and would like to be able to run for once again some day as a minor party candidate.

I have a great deal of respect and admiration for Secretary of State Lau and am impressed with what she has done in order to put together this bill draft and address the many problems that have occurred for a number of years in certain areas of the state, problems that we in Nye county have not experienced. I also have a great respect for you honorable Senators for your dealing with this difficult situation. Those involved in putting this bill together should be commended as this document, for the most part, is an excellent piece of work.

Having said these complimentary things I must now point out a problem or two that I see in the bill draft:

Section 28, sub 2(a) does not clear up the ambiguity as to the exact requirement for continued qualification of a minor party. In the past we always understood that our continued existence depended on any one candidate polling 3% of a congressional district vote. Last election we did better than that in more than one race but were told that we no longer have ballot access due to a different interpretation. While I applaud the change from 3% to 1%, could you please specify in this bill whether we must poll a percentage of one congressional race or both congressional races? I lost my re-election by 19 votes last year. A large number of local citizens have expressed disappointment in my loss and want me to run again which I am not allowed to do as things stand right now. This is not fair to either myself or the voters.

Section 39, sub 3 displays an inherent unfairness towards minor party candidates. If 2 democrats wish to run against 1 Republican then the Democrats must run off in a primary yet if those two democrats face a lone Libertarian, Populist or whatever then they turn the general election into a three way contest. Now honestly, philosophical differences aside, what's the difference between that lone Republican and myself in this hypothetical election? Are you saying that a minor party candidate is not to be taken seriously? Or is there some Dick Tuck style dirty tricks going on here as a reaction to the gains of my particular party in 1992? I have been active in both the Republican and Democratic parties and I find such reactionary actions reminiscent of back room shenanigans that I observed during those years.

Of the many positive suggested changes that I see in this bill draft, I would like to heartily endorse section 41. While voters have been able to express their feelings in the past with the non-binding "none of the above" option in certain races, this clearly and effectively states to one and all that we in Nevada have the option of saying "NO" with a note of finality to it. I'm not going to spend more of your time going into some of the other areas of this bill that is of concern to many of us as I am sure that I'd be repeating what many others have said or are about to say.

While I am here before you as an officer of the Libertarian Party of Nevada, I also speak as a Nevadan of nearly 16 years residence in this great state who is concerned that no one ever be disenfranchised nor ever lose his or her opportunity to the great American dream of running for political office.

I am also concerned that if this body is not careful in changing various provisions of the election code that we may once again endure the effect of the Federal government violating our state's rights by directing duly elected officials in how our elections will be run. The confusion created by the lawsuit of last year is nothing compared to what may well happen in the near future with so many federal judgeships to be appointed by the current administration. As a student of history I know well that history repeats itself and I'm afraid that history will indeed repeat itself when it comes to interventionist activities by an activist federal administration of so-called "liberal" persuasion and agenda and that "enlightened" federal judges will be running many state and local elections. One Supreme Court seat will soon be filled by the new administration and I am sure that it is just the start of major changes that are not necessarily all for the better. I hope that such a scenario scares you half as much as it does me. I hope that you will work to make our election laws fair to every Nevadan and not just those in power.

I thank you again for your time and patience and hope that in the spirit of fair play you will consider making some changes in the draft before you and that together we can all work for a better Nevada.

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> Nevada case law on it. There are cases even applying strict scrutiny that have upheld 1-year residency requirements. Briefly, I would also like to address the issue Senator Hickey raised about the annexed territory. I was concerned that amending this charter may cause problems...

Senator Raggio asked Mr. Malkiewich if he had stated he found precedence that specifically indicated a 1-year residence requirement would be inappropriate. Mr. Malkiewich stated he believed there are cases holding a 1-year residency requirement both appropriate and inappropriate. He explained checking the different state courts and the different circuit courts reveal there will be precedence, as far as 1-year is concerned, on both sides.

Mr. Malkiewich stated he checked into Senator Hickey's questions regarding a person running for office if the area he lives in was annexed within 11 months of the election date. He told the committee he found under the language of the Henderson City Charter, he does not think they could run for office, because it states you must have been a resident of the city for 12 months. Mr. Malkiewich was concerned all of the city charters might be worded that way, but he found they were not. He explained the Las Vegas City Charter provides an individual "must have resided within the territory defined by the boundaries of the city" for a certain period. He told the committee the intention of that language was to address that type of situation with regard to annexation.

Chairman O'Connell asked Mr. Malkiewich to repeat the California precedent. He stated there were a few cases, but the primary case was Johnson vs Hamilton which holds that any durational residents requirement for candidates for local office in excess of 30 days is a violation of the Equal Protection Clause of the 14th Amendment. He explained the California Supreme Court has taken a very hard line on the durational residency requirement.

Chairman O'Connell closed the hearing on S.B. 302 and opened the hearing on Senate Bill (S.B.) 250.

S.B. 250: Makes various changes to provisions governing elections.

Cheryl Lau, Secretary of State, State of Nevada, spoke to the committee on S.B. 250. She thanked the committee for allowing her to answer the questions the public posed for her at the previous meeting on this bill.

She started with section 6 through 10 where there was a concern of the appeal process for signature verification. She stated it was suggested the legislature create a panel instead of allowing the

secretary of state to hear the appeal and issue a final ruling. Secretary Lau stated Senator Hickey had asked about model legislation and whether there was such a piece of legislation, but she could find none. However, there are a few states that have a state election board and that board is comprised of people who are appointed either by the secretary of state or the governor and they include equal representation from the political parties. She told the committee this is an alternative they may want to consider.

Secretary of State Lau directed the committee's attention to section 11. This section states, "indication of party affiliations." She told the committee she got two suggestions from the Washoe County Registrar as to this section and pertaining to her computerized records. Secretary of State Lau stated she is incorporating these ideas into her suggested amendments for the committee during their work session.

Secretary of State Lau went to section 13, which suggests a 3-year rotational color coding for the ballots. Secretary of State Lau stated there was a suggestion for a 4-year rotation in color coding, but she does not feel this is necessary. She explained all ballots are shredded after 22 months and that means there is no overlap during a 3-year period, but she added she will leave it up to the committee.

She addressed section 14, changes in political boundaries. She told the committee a lobbyist came up to her and asked if this section prohibits annexation and she told him it was not intended to do so. She explained this section prohibits a board from changing lines after candidate filing has begun, in an attempt to redistrict an opponent out of a particular race. She stated she is offering new language in amendments to the committee to make this clear.

Secretary of State Lau went to sections 20 and 49 which address the give and take away concern. She explained section 20 establishes a public list of absentee voters and section 49 allows a voter to withhold his name from the list. She told the committee this exemption is in response to the complaints from many senior citizens who do not want their name on another public list. She explained, by withholding the name from the list, does not mean the name is withheld from the file of requests and the candidates or designee can still look at the file of requests, but the name can be withheld from a public list.

She explained section 28. The concern was using the office of representative in congress for petitions. She told the committee she offered an explanation which she hopes will clarify this language. She explained the intent is still to add the total votes cast in both congressional districts and then take 1 percent of that figure, not 3 percent.

Secretary of State Lau drew attention to section 29, section 36 and Section 76. These sections deal with circulator requirements. She stated for the record:

> This is not a new requirement. It clarifies existing practice in this way. The current law reads one of the signers must complete the affidavit, but the last three secretaries of state standardized the petition requirement through our power to prescribe petitions. So on the form prescribed by my office, which has been used by the other secretaries of state, we require the circulator to sign box one and complete the affidavit. We have done this for a very good reason, a reason pointed out by Senator Nevin. It is important to know who carried a petition in case signatures were forged or in case voters were not told what they were being asked to sign. You see, in 1992, last year's case dealing with term limit petitions, the Nevada Supreme Court agreed, calling some out-of-state circulators mercenaries, who had misrepresented a cause to the voters and at my town meetings I was told that this was too difficult. How come you have rules here in a law, then you have rules on a petition? Let's get together and have a place where all the rules are in one place and this is what we are doing. That is sections 29, 36 and 76. We are consolidating what has been used for many, many years. There is nothing new here. The only thing new here is to take the clerks out of the business of determining legal sufficiency. Let's not do that. Let's leave that to a court of law. Let's have those clerks check the signature to make sure they match. Let's have them check the name, address and date. But then if the circulator signs a little bit out of that box or if the notary is not quite right, don't leave that to the county clerks. It makes it too difficult. They throw out a whole list of names and maybe it was just one technical insufficiency that did it. That is the change I have in [sections] 29, 36 and 76. Circulator requirements? Not new.

Secretary Lau then continued with section 30, subsection 1(b), minor candidate lists. She stated this bill standardizes filing dates for all candidates and in doing so they work with the existing framework of what they had to deal with. She explained this minor party lists arrive on one date and the candidates file on another date.

Senator Lowden asked if this amendment would mean all candidates would file on the same date. Secretary of State Lau stated this was correct. All candidates would indeed file on the same date.

Secretary of State Lau referred again to section 36 and section 76, which refers to percentage requirements for independent candidates. She stated she agrees with the testimony given. The percentage should be lowered from 3 percent to 1 percent. She stated this was a drafting error.

Senator Rhoads asked why there should be a percentage at all if the party is recognized. Secretary of State Lau explained they have looked at that and it goes back to the research which was done by the majority of the states, but she stated they are also looking at that aspect to see what else can be done. She iterated historically 3 percent was used and her office is recommending going down to 1 percent, but perhaps if they are on the ballot they would not be required 14,000 signatures, only 4,000.

Dale Erquiaga, Elections Deputy, State of Nevada, spoke to the committee on S.B. 250. He added some states only require 500 or 1,000 signatures.

Secretary of State Lau went to section 39 which is the minor political party candidates having no effect on a major party primary. She explained this is only necessary if the primary date is moved to an earlier date. She iterated this is necessary. She told the committee if on the last day to file there are two democrats running for the same state assembly seat and on that same day there is a new minor party candidate in the same race, because of the federal ruling, the minor party has until July to bring forth their petition. She continued, telling the committee this would force a primary between the two democrats and when one wins and advances to the general election they must face the new party candidate, but what would happen if the new party candidate does not get the number of signatures necessary to fulfill the petition requirement. If this happens then the state has held an election without reason, because there is no longer a minor party candidate in the race. She explained she is not looking for any penalty for anyone, she is looking at logic. She asked how the state force a primary when they do not know who all the players are. She stated if there is a late filing date there should be equity all around and she said it is only true if the primary is moved to an earlier time, such as June.

Secretary of State Lau explained section 31 with the committee. She stated this section proposes Nevada move its primary from the first Tuesday in September to the first Tuesday after the first Monday in June. She told the committee she was not the first secretary of state to try this. She explained this was tried for one election cycle many years ago. Secretary of State Lau stated at the town hall meetings which she held, constituents stated they wanted to be a part of presidential primaries and to participate more. They felt having a late primary does not give them a chance to get to know who their candidates are. She told the committee the county clerks and

registrars feel administratively, this late primary is better and will allow the clerks and the registrars more time to administer an election. Secretary of State Lau stated this may reduce the precinct walkers and the lawn signs during the summer months. She explained there is one caveat in that there may be a bigger cost to candidates due to an earlier primary which may cause them to spend more money.

Senator Raggio told Secretary of State Lau she is proposing an issue which was done previously. He explained they formerly held the primary in June. He stressed they changed the primary back to September for the same reasons Secretary of State Lau is explaining, are not problems. He iterated telling the committee the length of the election was so long, 5 months, that quite frankly, the voting public was irritated by the process. He stated this will lengthen the time for the general election and it did not prove to be very thrifty in the past. He said his opinion was elections cost an inordinate amount of money as it is and he would not like to see individuals have to put more money into campaigns as well. He explained that is why the compelling reason to change even though other states remained in June, but Nevada went to September for that reason.

Secretary of State Lau told the committee the length of the general election is something she is very concerned about and that is why she left this until last. She stated it is not just expensive financially, but personally as well and she wanted the committee to be aware of that.
She agreed with Senator Raggio in that elections are way too costly even in minor political positions. She stressed to the committee this proposal was what she heard from the public in town hall meetings and she felt it extremely important she bring this up before the committee and the public so she could give them the pros and cons, but she stated she did promise she would put this proposal in the bill.

Secretary of State Lau went on to explain section 41 which addresses, "None of these Candidates." She stated this was another concern brought up by the public. She explained the most common concern expressed was this section would allow the Governor or the county commissioner to appoint a candidate who lost to "None of these Candidates." Secretary of State Lau stated Chairman O'Connell very graciously pointed out this oversight prior to the hearings and she added this was going to be contained in her amendments. She told the committee she will prepare an appropriate amendment which would say the Governor and the county commissioner cannot appoint a candidate who lost to"None of these Candidates." Unfortunately, she stated it may in fact be unconstitutional to have "None of these Candidates" win an election. She explained the constitution talks in terms of a person who is elected and "None of the Above" is not a person. She stated the decision would be up to the committee, but she suggested the staff attorneys take a good look at this to see if this is indeed constitutional or not.

Secretary of State Lau then explained section 53 to the committee. She stated this is the audit of unused ballots. She stated the unused ballots are sealed so this section must be amended to allow them to be opened before the audit can occur. She stressed it was also suggested that the judge is not the best person to decide whether there is due cause to inspect voted ballots. She stated she disagrees. She stressed a judge is the only person who should render this decision and she does not believe voted ballots should be subject to inspection except under a court order.

Secretary of State Lau explained section 62, subsection 10, requires the identification of any person who assists with a mail-in registration. She stated this section provides a voter may be assisted by someone else when completing a mail-in registration and it requires this person provide his or her name and phone number. It also states failure to provide this additional information will not result in the application being deemed incomplete. She explained this last sentence does not take the meat out of the provision, but it is model legislation in other states which have been using mail-in registration successfully since the 1970s. She told the committee this provides an accurate trail so they can track down someone who alters a form or misrepresents a voters intention. She iterated the forms would be printed with appropriate instructions.

Secretary of State Lau told the committee her bill contains strict penalties for election fraud and she pointed out in most instances she proposed election crimes be considered a felony. She stated she believes if an individual tampers with another individual's right to vote, that criminal should face the possibility of losing his or her right to vote. She told the committee she understands their concerns with prison overcrowding when she added the felonies. She stated they could look at fines if that is what they prefer to do.

Mr. Erquiaga addressed the committee on the problem of motor voter fraud. He stated there are two measures moving through the United States Congress, S. 460 and H.R. 2, which are commonly referred to as the Federal Motor Voter Act, although they have more wide ranging effect than just motor voter. He stated:

> Briefly, what the bill does is mandate motor voter programs which Nevada already has, mandates mail-in registration programs which Nevada already has and mandates what is called agency based registration which Nevada does not have. It will require that mail-in registration forms be provided at state agencies of public assistance, welfare, employment security, those offices. That is one of the areas that is being worked out in conference committee. The [United States] senate bill allows the state's chief election officer to pick which agencies will have

agency-based registration. Whether that was all agencies of public assistance or just certain agencies, that would be a state option. The [United States] house bill mandates all state agencies of public assistance. That is one of the points they need to work out. One of the other major provisions which indirectly affects what you are doing in the area of election reform, although it doesn't specifically affect S.B. 250, is the change in the way voter registration lists are maintained and updated and you mentioned this on Monday, Madame Chairman. Currently, Nevada purges its list for failure to vote after a presidential election. You'll recall we used to purge after every general election and in the last session the secretary of state proposed and the legislature agreed that that purge occur only after presidential years. A purge for failure to vote will now be outlawed throughout the United States. What will happen, the names will remain on the lists for two federal elections, are you with me, and you must send the voter a notice that he has failed to vote, so if you send him a notice that he has failed to vote and his name stays on the list for two federal elections, then you put him in inactive status, you don't take him off the list. You simply move the voter to an inactive status. This, the Federal Election Commission will have to prescribe regulations for, because it is very unclear in the bill and even the information Secretary of State Lau received yesterday from the Federal Election Commission is still unclear as to what the intent will be. They are saying there may be two poll books at the polling places. An active poll book and an inactive poll book. If a voter appears 6 years down the line and he is still in the inactive poll book, he has to be allowed to vote. That is a fairly dramatic change for us and we will have to work out the way we purge our lists. That will have to be removed from our statutes and we will have to adjust. There are also provisions that will require the manner in which you update addresses. It was suggested on Monday that we could send a first class postcard and if that was returned, then you could purge, you can't. You can send a first class postcard and if the voter proactively returns it to you, you being the Clark County Registrar of Voters or the Esmerelda County Clerk, the voter returns that card saying, 'yah you're right, I moved,' then you may change his or her address. If the voter does not return his card you can't change his address. So, the counties will have new responsibilities for

automatically updating lists if people move within their jurisdiction and trying to send postcards to people to get them to respond back. That, again, will be tried by the Federal Election Commission [FEC]. It will result in much larger voter registration lists and they may not be what is termed clean, they may actually have voters who have moved. One of the suggestions is, and it also does not directly affect this bill, but it might be something you consider, it has been discussed. This bill does deal with challenged ballots in some sections. What has been suggested at the federal level is you allow voters to vote a provisional ballot. Currently in Nevada if you are a challenged voter at the polls, take an oath, if you are challenged on the basis of residency, if you are challenged on the basis of identity, you take an oath, you sign the oath and you vote and then you go on, your ballot is cast. A provisional ballot requires that your ballot be sealed separate from the rest of the ballots and only counted after your eligibility is determined after the fact. So if the committee is concerned that the lists are going to be out-of-date and the people will be voting in districts where, in fact, they no longer live, you may want to request some information on provisional ballots and we can provide that to you as the federal election commission provides that to us. As I say, currently it is not provided for in S.B. 250, but the challenge section is already in the bill so you could amend it further to comply with that federal law. The secretary of state sent this information to bill drafters and I believe the chairman has asked for an emergency bill draft to be prepared whenever they sign this bill finally so we can clean this up, as a trailer, perhaps, to S.B. 250. One of the things that bill drafters have asked the secretary of state's office about is election day registration. The way the first house bill is written, that is your only way not to comply with the federal laws as you move to election day registration. There are no lists, there is no 30-day close, you walk in on election day and say I am here to register to vote and you are allowed to vote. Only one state currently does that, the state is completely computerized so they can check to make sure you are not voting in 17 counties on the same day. Nevada, as you know, is not computerized at that level. The senate bill has taken steps to prevent states from exercising the election day registration escape hatch so the bill drafters have asked me if that is a possibility and I have told them

> the secretary [of state] opposes election day registration and it is no longer an option. The escape hatch has been taken away from you anyway. Even if you now suddenly change to election day registration, it would not be grandfathered in under the federal law. One of the most common misperceptions of the bill is that it requires automatic voter registration at DMV [Division of Motor Vehicles and Public Safety] rather than simultaneous registration. It requires only simultaneous. When you appear at DMV and are filling out the forms for your drivers license, if you say I also want this to serve as a voter registration, they will print out a form at that time, but you have to say either I want this to be a registration or I don't want this to be a registration. There is still the voter having to take some action. It is not just automatically going to register everybody. It will be very similar to the Nevada system. Our DMV has a very clean system that relies on voter choice. The difference with the FEC is whether or not it is a positive question or a negative question, whether the voter has to say yes or whether the voter has to say no. That is still being worked out in committee.

Chairman O'Connell asked if an individual was registering their vehicle and did not want to be registered to vote, will it be on the form. Mr. Erquiaga stated it would be indicated on the vehicle registration form.

Chairman O'Connell closed the hearing on S.B. 250 and opened the hearing on Senate Bill (S.B.) 302.

SENATE BILL 302: Revises charter of City of Henderson to change residency requirement for candidates for certain public offices.

Chairman O'Connell asked for a motion on this bill.

Senator Raggio stated when the committee last heard this bill it was his suggestion to obtain an opinion from legal counsel on the constitutionality of the proposed change which was recommended by the Henderson City Council. He surmised the legal counsel indicated there was a difference of opinion in various states in precedents which are limited. He explained some of the precedents state 1-year may be unconstitutional and others state it may be constitutional. He further explained in the last meeting on this bill, a good number of the cities in this state have a 30-day requirement for candidate qualification, but there were others with longer periods. He told the

Senator Lowden suggested another amendment.

SENATOR LOWDEN MOVED TO FURTHER AMEND S.B. 302 TO CHANGE 1-YEAR RESIDENCY REQUIREMENT TO 30-DAY RESIDENCY REQUIREMENT.

SENATOR CALLISTER SECONDED THE MOTION.

THE MOTION TO FURTHER AMEND S.B. 302 FAILED. (SENATORS RAGGIO, RHOADS, HICKEY, NEVIN AND CALLISTER VOTED NO.)

* * * * *

Chairman O'Connell called for a vote on the original motion to amend and do pass S.B. 302 by adding to line 14, "territory defined by the boundaries of the."

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chairman O'Connell closed the hearing on S.B. 302 and opened the hearing on Senate Bill (S.B.) 250.

Dan Hansen, State Chairman, Independent American Party of Nevada, spoke to the committee on S.B. 250. He read from prepared testimony see Exhibit C.

Senator Hickey asked if a standard petition form developed by the secretary of state be acceptable in the petition process. Mr. Hansen said yes and no. He explained his group amended their petitions to comply with the basic requirements, but he stated they did not use the exact form that was printed because they found it cumbersome. He told the committee he would not use a standard petition unless they could make it better than the existing one.

Lynn Tynan, Concerned Citizen, Las Vegas, spoke on S.B. 250. She told the committee she was concerned about her constitutional right to vote. She commended Cheryl Lau on S.B. 250 and for coming to the aid of the public and trying to make a better system. She stated, the public needs to be represented by the public officials and not by the big money special interest groups which she feels presently run this state.

Daniel Braisted, Concerned Citizen, Las Vegas, told the committee he appreciated the time the committee was putting in on election reform, but he voiced his displeasure that the meeting did not start on time today.

Marlene Henderson, Registrar of Voters, Washoe County, spoke on S.B. 250. She presented the committee with a copy of her likes and dislikes on this bill (Exhibit D) and a copy of a letter to all interested persons with regard to the testing of the computer equipment in Washoe County. She also gave the committee members a copy of her yearly calendar of events (Exhibit E).

Tamara Clark, Libertarian Party, spoke on S.B. 250. She stated she was in agreement of most of what Cheryl Lau proposed in this bill. She did wonder about the political parties which are already on the ballot by qualifying the 1 percent or 3 percent. She explained these individuals should be considered candidates and should not be discriminated against. Ms. Clark told the committee she attended all of the town hall meetings held by Secretary of State Lau and she explained she did not hear any testimony from the citizens encouraging an earlier primary.

Jeanine Hansen, President, Nevada Eagle Forum, testified on S.B. 250. She stated her organization is an all-volunteer organization and during elections they get involved in surveying the candidates and distributing the information. She told the committee moving the primary would make it difficult to sustain a volunteer effort of individuals, because they have families and other commitments they are involved in and therefore it would be a great burden to extend the campaign period for several more months. She also expressed concern at the extra cost it would be to sustain a campaign for several more months. She encouraged the committee not to move the primary date. She is also concerned with the area of petitioners and feels young people who are not registered voters should be able to help gather signatures on petitions to help involve them in the political process. She encouraged the committee not to require an individual be a registered voter in order to gather signatures.

Russ Driver, KLAV Radio, Las Vegas, spoke to the committee on S.B. 250. He told the committee he sees nothing in this bill which refers to recalls. He suggested forms and documentation be made available so an individual does not have to guess as to what form is going to be accepted by the registrar of voters. He also stated the recall time element should be extended and it should be made easier for the public to recall public officials, not harder.

Chairman O'Connell told Mr. Driver the concerns he has are already being looked at by the committee. She explained they have gotten forms from all over the country to incorporate these ideas into one form to make it easier for the petitioners.

Mr. Driver asked Secretary of State Lau if the public is allowed to recall state officials or if it is an impeachment process. Secretary of State Lau told Mr. Driver the public could indeed recall state officials. She asked Mr. Driver to remember that recall was such an

important issue it is presented in a separate bill and not in S.B. 250. She explained her office wants to make sure they have streamlined and wide ranging reforms.

He then asked Secretary of State Lau about the penalties. He stated there are already penalties on the law books, but he feels these have not been enforced and asked what she is going to do regarding this process. Secretary of State Lau stated she provided Chairman O'Connell with some information regarding enforcement which she feels is very important. She stated the prisons are burgeoned and suggests there might be a series of fines which can be installed, however, she explained that is up to the committee. She did say she concurred with Mr. Driver that the penalties should be strong.

Mr. Driver also expressed concern regarding the change of date for the primary. He stated he attended the town hall meetings and never heard anyone suggest the date be changed. Secretary of State Lau told him after the meetings were over individuals told her the primary should be changed so they could participate more. She also stated she got the suggestion from letters and phone calls to her office. She explained she held three other town hall meetings and she is bringing forth all of the concerns that were brought to her attention.

Mr. Driver was concerned with regard to page 4, line 12 where it states, "the county clerk may charge a reasonable fee for providing mailing labels." He stated this fee should be spelled out. He also expressed concern regarding page 5 of the bill where it states, "the secretary of state, by regulation, establish further procedures for carrying out the provisions of this section." He stated this was an ambiguous statement, because there are no set procedures and these should be locked into the bill. Mr. Diver stated on page 6, line 29, 30, 31 and 32 it states, "except for a provision to recall a county, district or municipal officer, the petition shall be deemed filed with the secretary of state as of the date on which he receives certificates from the county clerk showing the petition to be signed by the requisite number of voters of the state" and his asked why state officer is left out of the list. Another concern he had was on page 8, lines 33, 34, 35 and 36 where it states, "include the affidavit of the person who circulated the document verifying that the signers are registered voters in the state according to his best information and belief that the signatures are genuine and were signed in his presence." He asked how the individual would know the signature was correct without a copy of their signature.

Mr. Driver told the committee he has problems with the provision on page 17, line 39, 40, 41, 42 and 43 which states, "a person registered to vote pursuant to the provisions of NRS [Nevada Revised Statutes] 293.5235, shall for the first election in which he votes, at which [time] that registration is valid, vote in person unless he has previously voted in" and he stated they bracketed out "precinct" and

replaced it with "county." He pointed out if a person is not registered in the precinct he is supposed to be voting in, it leaves it wide open to have individuals voting in precincts where they do not live. He suggested they take county out and replace it with precinct. He stated another concern he has is registration by mail. He believes when the voter goes to the polls to vote, he should present picture identification before voting.

Mr. Driver also expressed concern about shredding the ballots. He told the committee the date should be all over the back of the ballot so if it is shredded you could still see the date. He also stated he was against a 30-day residency requirement. He told the committee candidates for office should be a resident of the state or district for 6 months or 1-year.

Bonnie Reynolds, County Chairman, United We Stand America of Washoe County, spoke on S.B. 250. She gave the committee copies of a letter sent to Secretary of State Lau (Exhibit F). She read from this exhibit.

Dan Williams, Concerned Citizen, Las Vegas, testified on S.B. 250. He stated he would like to see the voting process opened up for an entire week. He also expressed concern over the candidates not filing financial disclosures on the due date. Another issue he mentioned which concerned him was the 6-month waiting period for recall of a public official.

Senator Lowden asked what Mr. Williams would suggest as penalty for the candidates who did not win their election, but did not file their financial disclosure on time. Mr. Williams stated everyone who wants to be part of the process should obey the laws of the State of Nevada and the current laws should apply to the losers as well as the winners.

James Dan, Northern Regional Representative, Libertarian Party of Nevada, spoke to the committee on S.B. 250. Due to the lateness of the hour Mr. Dan suggested he leave his written testimony (Exhibit G), for the committee members to review at their convenience and he stated he would return on Friday's meeting to answer any questions they might have.

Steven Dempsey, Concerned Citizen, Las Vegas testified on S.B. 250. He stated he had some concern on the recall. He explained he felt most of the concern on this issue is due to the past election and the alleged fraud that occurred. Another problem he wanted to deal with was the residency requirement. He also stated he does not like the idea of a 30-day residency requirement. Another problem he sees with a transient state like Nevada, an individual moves into the state and because they watch a little bit of television and see the campaign commercials, they feel they are fully informed on that individual in

the campaign and that is not always the case. He explained candidates with a lot of money can swing the election in their favor with expensive commercials that another candidate may not be able to afford.

James Frye, Secretary, Libertarian Party of Nevada, spoke on S.B. 250. He stated if the format of the circulation petition is changed and the individual who did the circulation had their name, address and phone number on the back of the petition and then had it notarized, he feels it would prevent a lot of problems. Another problem he heard and had a suggestion for was the filing dates. He explained with the dates the secretary of state recommends there is still a problem of weather. He pointed out we can have very bad weather here at times which might prevent a potential candidate from filing on the last day. The last problem he noted was with the primary. He stated all of the problems in this section come from the desire to put the primary in June, and he feels the major motivation for moving the primary to June is so Nevadans can have an effective voice in the primary. He suggested holding a separate presidential primary in June every 4 years and keeping the primary for the rest of the elections in September.

Steve Bellingar, Concerned Citizen, Las Vegas, testified on S.B. 250. He stated he was here to support his fellow citizens of Las Vegas who have already spoken on this bill.

Richard Puckett, Libertarian Party of Nevada, spoke on S.B. 250. He stated it is important for us to change to the 1 percent requirement for ballot access. He told the committee the State of Nevada currently has the third most restrictive law on ballot access.

Mr. Puckett asked Secretary of State Lau about the candidates being able to see the deleted names from the registration lists although it would not be available to the public. He stated this would be a great compromise, but he does not see it in this particular bill and wanted to know if there was another NRS code that would allow the secretary to make that interpretation. Secretary of State Lau told him it was in section 49 of S.B. 250.

Mr. Puckett addressed section 69 regarding public officials. He asked for an definition of a public official. Secretary of State Lau told him the complete definition is in the Ethic Statute as far as what is a public person. Mr. Puckett asked if that includes the employees at the Department of Motor Vehicles and Public Safety when they are registering voters. She stated she thought this definition included these individuals.

Mr. Puckett asked for clarification on the requirements of picture identification. He stated he had a chance to look at the Federal Motor Voter legislation which will substantially change this, but from

what he understands, they will still require picture identification if a particular voter is challenged as to their identity and residency. Secretary of State Lau stated that was correct.

Mr. Puckett stated he was very impressed by the computerized system Washoe County has and he asked if it would be possible for the secretary of state to find out what cost would be involved to implement that statewide or at least in Las Vegas. Secretary of State Lau told him that is why she got all of the registrars together for a meeting to discuss this, but money is a problem. She stressed they are working toward linking all of Nevada together in the future.

There being no further business, Chairman O'Connell adjourned the meeting at 6:45 p.m.

RESPECTFULLY SUBMITTED:

Tanya Morrison

Tanya Morrison,
Committee Secretary

APPROVED BY:

Senator Ann O'Connell

Senator Ann O'Connell, Chairman

DATE: 4-23-93

SILVER STATE

# INDEPENDENT AMERICAN PARTY of NEVADA

**An Affiliate of U.S. Taxpayers Alliance**
702-358-4876
715 (W)Right Way
Sparks, Nevada 89431

THE PRINCIPLES OF THE INDEPENDENT AMERICAN PARTY OF NEVADA ARE

1. We affirm our allegiance to the Great State of Nevada and to the Republic of the United States of America.
2. We believe that governments are sanctioned by Almighty God for the benefit of man. However, in the words of George Washington, "government is like fire a dangerous servant and a fearful master." Therefore, we believe in the Check and Balance System and the Constitutional principle of States' Rights.
3. We believe in the Free Enterprise system and oppose Facism, Socialism, Communism, and all forms of totalitarian government which deprive men of life, liberty and property. We champion the rights and dignity of the individual and believe in less government, more individual responsibility and a better world under God.
4. We believe that both the Republican and Democratic Parties have deserted the principles and traditions of the Founding Fathers. We contend that they have become the proponents of Big Government, of crushing taxation, of bureaucratic edicts, of foreign aid to our enemies, and authoritarian regimentation of the citizens of this Republic. We charge that our Government which is controlled by these twin parties is out of the control of the people it was designed to serve.
5. The Independent American Party of Nevada hereby pledges a return to Constitutional limited government.

ELECTION LAWS
Re: S.B. 250

March 24, 1993

Honorable Senators:

I am Daniel Hansen, a native Nevadan. I am a father and a grandfather of many children most of whom continue to reside in Nevada. I own businesses and property in Nevada. I love Nevada and have a great interest in the government of Nevada. I am here today addressing your committee on Government Affairs representing the Independent American Party of Nevada as State Chairman with specific regard to Senate Bill No. 250.

Secretary of State, Cheryl Lau, has presented what she terms a working document that considers over 81 changes in our current election laws. It is good to consider change. It is good to review.

However, history and common sense remind us that once order and law is established it should not be changed for light or transient reasons. It is difficult and perhaps impossible for the wisest and most experienced citizen or legislator to foresee

all the implications and perhaps even radical changes in the social order that one or more changes in the current law may lead to.

I therefore suggest caution in making any changes. I suggest that the burden of proof for change belongs to those that advocate change. That each point in the 81 proposed changes should have thorough consideration and compelling need and reason for change. If there is any doubt or lack of understanding regarding each proposed change, the law should remain as it is until such doubt or lack of understanding, as to the short and long term consequences, is clearly understood.

SECTION 31

Our major concern is the radical change proposed in Section 31 which changes the long established and successful primary election from our traditional month of September to the month of June. This will disrupt the established social order and procedures that have been eminently successful in Nevada in the past. What is the compelling reason to make this radical change? We see none.

Have the people petitioned for the change?

Do the people want what will amount to nearly year round political campaigns?

Do the people want political signs posted on every street corner and vacant lot year round?

Will this further disenfranchise the average citizen who is involved with family, or business, or job because of the

increased cost to him or her in terms of time, finance and emotional energy to conduct a protracted and more expensive campaign?

How will this affect volunteers, homemakers and other public spirited citizens who now find it difficult to join committees and campaigns?

Will our people suffer further political burnout and cynicism?

A June primary will create numerous obstacles to citizen participation in the election process and further insure dominance in the political arena by professional politicians, bureaucrats, the super rich, affluent special interest groups, and other privileged classes such as government subsidized parasites.

SECTION 30

A June primary will also have other negative results. Section 30 will then require a minor political party to file a list of its candidates in February instead of June.

We all know that politics is the art of the possible and that timing is everything. Issues and campaigns build throughout the year particularly in a presidential year.

Minor parties are made up of citizen volunteers. We naturally respond to unfolding events. We build and recruit on issues and national candidates. I for example decided to run for office in order to support our presidential candidate.

Often times presidential candidates are not even determined until August or September.

This requirement of filing a list of candidates in February is not only burdensome to minor parties, in my opinion it will be ruinous! Besides this, the requirement is ridiculous. Minor parties do not have primaries. Why should we be required to submit our list of candidates prior to the primary elections of the major parties which use the primaries to determine their candidates for the general elections?

And then to add insult to injury, it is proposed to change the law to require that our candidate list be filed in February, nearly one year before the general election and further specifies said list cannot be amended.

We Independent Americans facing time constraints and financial difficulties had one state meeting in Tonopah in 1992 to recruit and certify our volunteer candidates. Due to technicalities, amended personal considerations and political reality, it became imperative that a few changes were made in our list ... in plenty of time for the public officials to easily deal with these changes, I might add.

Of course, we need the opportunity to amend such lists. Even The Constitution of the United States is subject to amendment.

A $500 or $100 declaration fee may not be any problem for a professional politician, but, for several of our candidates it was a personal sacrifice which had to be budgeted. This proposed change would have minor party candidates who will not appear on the ballot until the November general election, pay their fees in March, seven months prior to the elections.

This radical change to a June primary with all its attendant changes would be ruinous to a new and emerging political party. Not only would the timing make recruitment extremely difficult, it appears that the list of minor party candidates would even have to be filed at least six months prior to the time at which a party could qualify for the ballot by petition as proposed in Section 28, Article 2c.

SECTION 29

Section 29 proposes that a petition must, as per Article 1a, bear the name of the county in which it is circulated.

We Independent Americans listed the county on each petition.

When you are circulating a petition and collecting thousands of signatures, each little step is significant in time, effort, space on the petition and can and does cause confusion.

Section 29, Article 3 requires a signer to also list the county. This is redundant. If the petition lists the county, all that is needed is for the signer to list his street and city address.

Section 29 needs further consideration. Article 2 requires that a circulator of the petition must be a registered voter of that county.

This is burdensome and unnecessary.

We are trying to build a statewide party with volunteers. We may have no members in a county. There may be a state fair or a parade or other event in a county at which our state organization could circulate a petition to meet and mingle with

the local citizens.

We collected signatures at the Washoe County Fair. Citizens from all over the state came to our booth. We could not collect signatures from residents of other counties even though they desired to sign. This inhibits freedom and citizen participation. It also infringes on the God given Constitutional Right to Petition.

I was a statewide candidate for Representative to Congress. Why could I not collect signatures of Nevada citizens in another county. This prohibition is unnecessarily restrictive.

I have gone to other states to collect signatures for party qualification of of our national party. Why should a Presidential Candidate who will be allowed to solicit our votes not be allowed to solicit our signatures. An American citizen should be able to collect signatures. At the least a Nevada citizen should be able to collect signatures in any county of Nevada.

With reference to Section 29, Article 1b:

I am a licensed contractor in the state of Nevada. The principle of delegation and supervision is well known to our people. I sign the contract and accept responsibility for the ensuring actions.

I collected over 4,000 signatures to qualify our Independent American Party for the ballot in Nevada. I have family, including competant teenagers who I am anxious to involve in the political process, so that they may become responsible and capable citizens. Because of this restrictive statute, I could

not engage their help to collect signatures.

I was forced to take time away from my business because I could not employ competent citizens to gather signatures on my behalf because of some technicality. As long as I sign the petition and accept responsibility for the document, I should be able to delegate or employ others to assist me in this enterprise.

For that matter, there are no requirements other than citizenship for an individual to exercise his constitutional rights of speech, religion, petition, etc. The needs of the law and of order and common sense should be satisfied as long as the gatherer is a citizen of the United States of America and is identified as the person who collected the signatures.

With regard to Section 29, Article 1c:

This proposal would change the time from 65 days prior to the second Friday in August to 40 days prior to the second Friday in August, allowing more time for a minor party to qualify by petition.

We support this change because it encourages instead of inhibits citizen participation and creates greater opportunity for the Right of Petition to be empolyed successfully.

With regard to Section 28, Article 1(a):

Our Independent American attorney, Joel Hansen, has written a letter to Secretary Lau challenging her interpretation of "office of Representative." This letter has been forwarded to the Attorney General. Copies of these letters have been presented to your committee along with a copy of this testimony.

The Independent American position is that the word "office" and the word "Representative" are in the singular. It does not say offices or Representatives in the plural.

The Secretary of State has ruled that the Independent American Party did not qualify with 3% of the vote cast because she tallied the votes from both congressional districts. I received over 5% of the vote in my race for the office of Representative. This point evidently needs legislative clarification.

Also if you will read our counsel's letter to Secretary of State Lau, you will be able to consider many other facets of information and other direct and implied considerations and concerns regarding the changes in our election laws.

You will see for example that the courts have applied the "Significant Modicum of Support" doctrine to party qualification in the states.

Perhaps other opportunities for party qualification should be considered such as viability and support in local races. We Independent Americans may have wanted to focus our limited resources exclusively on local races where we may have a greater opportunity for success than to be forced to run on a statewide basis in campaigns that cost millions of dollars. Local government and grass roots building of political support are part of our American heritage and should be strongly considered if we are to amend our election laws.

With regard to Section 28, Article 1a:

I believe the change from 3% to 1% would not be necessary

if the existing statute were properly interpreted in the singular.

As the law stands now however, not one of the many minor parties qualified despite receiving far more than a "modicum" of support from the people.

Regarding Section 32, Article 2(a):

The declaration of candidacy is burdensome and unfair to minor parties.

The Democrats and Republicans have a monopoly over the voters due to our restrictive primaries. A citizen will be effectively disenfranchised from voting in the primaries if he or she is not registered in one of the monopoly parties.

That monopoly situation coupled with the requirement of the declaration of candidacy to wit: "...That I have not changed the designation of my political party affiliation on an official affidavit of registration in any state since September 1 before the closing filing date for this election:" seriously inhibits the ability of a new party to recruit responsible citizens.

We agree that a person should re-register in a party before becoming a candidate of that party, however, a Declaration of Candidacy should be drawn up for minor parties deleting this objectionable requirement as it unduly and unfairly restricts our ability to recruit. We also recognize that the current law governing minor parties protects us from party hopping by submittal of an approved list of candidates by the particular party.

SECTION 39

We Independent Americans believe that competition and fair play are essential to freedom and prosperity. We oppose all forms of government sanctioned monopolies and unfair advantages.

No political party, major or minor should have more than one candidate for each designated office in the general election. If no other party puts up a candidate or if no independent citizen qualified for a general election, leaving a single candidate unopposed in the general, then the candidate should run unopposed as is often the case with judges. To allow one party to sponsor all candidates encourages monopoly and a one party system like was operative in the Deep South a few years back and in the Soviet Union where token voters could choose between socialist party candidates A or B. The opportunity by vacancy on the ballot should be kept available to attract opposition and competition and discourage monopoly and tyranny by a single or dominate party.

SECTION 54

Regarding Section 54, Article 1:

Again we see unfair advantage and monopoly power accorded to the major parties.

The voter list, if made available to the dominate and rich major parties free of charge, should also be made available to the minor parties free of charge.

SUMMARY

1. We should change our election laws with great caution.

2. We oppose the radical change of the primary election from September to June and oppose other changes in filings and other election date requirements to facilitate this radical change. We see no compelling reasons for change to a June primary and foresee many negative disruptions in the established order and tranquillity of the people.

3. We support minor changes which will facilitate and encourage freedom, competition, and citizen participation in the election process.

Thank you for your consideration,

Daniel Hansen
State Chairman
Independent American Party of Nevada

# WASHOE COUNTY

"To Protect and To Serve"

REGISTRAR OF VOTERS

[illegible] EAST NINTH STREET
POST OFFICE BOX [illegible]
RENO, NEVADA [illegible]
PHONE (702) 3[illegible]

DATE: March 23, 1993

TO: All Interested Persons

FROM: Marlene Henderson
Washoe County Registrar of Voters

SUBJECT: Testing of Computer Equipment for the May 4, 1993 Primary Municipal Election

Beginning at 2:00 p.m. on April 7, 1993, I will conduct a test of the computer tabulating equipment (293B.070 of the Nevada Election Regulations 1992), and on April 21, 1993, I will test the computer software programs to ascertain that the programs and equipment will correctly count the votes cast for all offices and on all measures on May 4, 1993.

In accordance with NRS 293B.145, candidates and the press may observe the conduct of the test.

The test will begin in the M.I.S. Conference Room, which is located on the second level at Ninth Street and Wells Avenue, Reno.

Due to the limited space available, please call my secretary, Wanda, 328-3670, by noon on Friday, April 2, if you plan to attend.

If you have any questions, please do not hesitate to call me.

MH/wm

copy to News Media

March 24, 1993
SB 250

Section 4 - (bill in Assembly AB 145)

I agree with this section; however, NRS 293.457 should be repealed. Payment to deputy registrars is not in AB 145. I disagree with the County having to pay volunteer deputy registrars and not being able to track how many hours they work a day.

Sections 5, 6, 7, 8, 9 and 10 (Constitutional amendment AJR 6) = ?

I agree with these sections, but it is my understanding that the League of Counties is submitting a bill on recall petitions. The only thing that this law is actually changing is the dates required for us to do signature verification, which could cost the County extra money due to the fact we would have to hire extra people just to do the petitions during an election year.

Section 11

There is no way that we know if an elector has indicated to anyone about his party affiliation.

I have no problem with Section 11. If we receive an affidavit of registration from the Department of Motor Vehicles or a mail-in registration and there is no political party on the affidavits, we would send them a card on missing information. However, suppose we do not receive the card back or the information back, do we register this person as a nonpartisan or, because of missing information, will we not process the affidavit according to NRS 293.5235 on mail-in registrations?

Section 12

In checking with the people who print the ballots, there will be no extra charge for putting a date on any location on the stub and on the ballot part. There should be a standard place for the date. I support this section.

Section 13. I support this section.

LEGISBILLS/p50

March 24, 1993
SB 250

Section 14

This is great for some people, but I have received a few phone calls from different entities within Washoe County stating that they can not wait a year to annex property, issue licenses for water and garbage, etc. In the interests of other departments, I will not support this section. I have spoken with Sparks and the general improvement districts and they are not in favor of Section 14.

Section 15. I support this section.

Section 16

People in the military can vote easier than anyone else--one paper serves as registration and absentee ballot. The government is accommodating those who have left the service and not established a residence yet. They should not be allowed the extra opportunity. We have no way of verifying when this person has left the military. There are federal laws stating we have to mail out our absentee ballots to the military at least 45 days before the election day. They can request up to 30 days before the election.

Section 17. I support this section.

Section 18

Attached to this packet you will find two forms. One is for a person who has no fixed residence and the other is foreign overseas. Each one of the forms asks questions. Maybe we would like to make sure they ask the same questions. I do support this section.

Section 19

We do maintain on the online computer system the voter's name, party, address, and affidavit number. I believe the only thing that is not encoded into the system is the birthplace and the Social Security number. However, when we scan the affidavit of registration it will show all the information on the affidavit of registration and the facimile of the signature, but do you really want printouts with Social Security numbers on them?

March 24, 1993
SB 250

Section 20

In checking AB 368, which is a bill regarding charges for copies of public records not to exceed cost, maybe we should have in this bill in Chapter 41 of the NRS "what is a domicile?" This is a bill on the county clerks, but there are no set fees for the Registrar of Voters' office to charge for maps, copies of affidavits, abstracts, diskettes, etc. So maybe section 20 will cover the sale of items in the Registrar of Voters' office.

Section 21, 22, 23, 24 and 25

I agree with these sections, but is is my understanding that the League of Counties is submitting a bill on recall petitions. The only thing that this law is actually changing is the dates required for us to do signature verification, which could cost the County extra money due to the fact we would have to hire extra people just to do the petitions during an election year.

Section 26. I support this section.

Section 27

This was brought about due to the fact that a constable in Washoe County passed away after the close of filing. This section is fine assuming that the primary will be moved to the first Tuesday after the first Monday in June, and this could be placed on the general ballot.

Sections 28, 29 and 30

This is an attempt to clarify the language in these sections.

LEGISBILSL/p52

March 24, 1993
SB 250

Section 31

In section 31, by having the primary in June I would support this section. However, in AB 39 we are talking about temporary employees and how many months a temporary can work without benefits. I would have to hire my election help prior to June and keep them through the November election, which would be longer than the six-month period.

Section 32 (AB 256). I support this section.

Section 33

This is cleaning up language in this section. I support this section.

Section 34. I support this section.

Section 35

I support the changes made in this section. However, I did run into one difficulty in 1992. When a candidate files for office and pays the filing fee, half of it goes to the state. If you have to return the money, you return half and the state returns half. Candidates whose money is to be returned did not like having to go to two entities to receive Their money. Page 13, lines 36, 37 and 38, starting with "the county treasurer shall deposit half the money to the credit of the general fund of the county and transfer the remainder to the state treasurer for deposit in the state fund..." should be deleted.

Section 36. I support this section.

Section 37

This is allowing the chairmen to issue Certificates of Error. I support this section.

March 24, 1993
SB 250

Section 38

There is not enough time period the day before an election to mail the Certificate of Error to the election board. If there is a Certificate of Error the day before the election, it would mean that my staff would have to deliver the letters to the polling places.

Section 39. I support this section.

Section 40. I support this section.

Section 41. I have no objections to this section.

Section 42

On the mail-in registrations, if a student picks up a mail-in registration in another county and registers to vote by mail, I don't feel we can ask that person to vote in person when they are away at college. I know there would probably be other cases besides this one.

Section 43

The new law in section 43, number 4, is putting a lot of responsibility on the election board officers, but I am sure the majority of the people have some sort of idea on them. I feel that we will be going to court if we do not allow a person to vote.

Section 44. I support this section.

Section 45

Also in section 45, page 9, number 7, lines 30, 31 and 32 maybe here we should also mention what a domicile is, that is in chapter 41 of the NRS.

Section 46. I support this section.

Section 47. I support this section.

Section 48, page 21, line 13, number 5

This will be an extra cost to the County. If a candidate wants to do a mailing, they cannot unless we (Registrar of Voters) furnish them copies with control numbers.

If we have to do this, have the candidates buy the forms and the money could go back into the Registrar of Voters' account to have more printed.

Section 49, number 3

To exclude a voter from the list of absent voters will not work for Washoe County since we are online registration. You can't exclude them and still have them get a ballot or do our audit.

Section 50

Washoe County receives federal forms for registration and absentee ballot requests from all military bases. They usually state what party, but the write-in states all you hve to do is write in the name and party you wish to vote for, no matter if it is Democrat, Republican, etc.

Section 51. I support this section.

SECTION 26 clarifies language regarding party conventions
SECTION 27 outlines the process for filling a vacancy in a non-partisan race which becomes vacant after the close of filing and before the primary election.
SECTION 28 changes the percentage of signatures needed on a petition for a minor political party to qualify for the ballot from 3 percent to 1 percent of the total votes cast for the offices of Representative in Congress.
SECTION 29 deleted (petitions measure)
SECTION 30 defines the period for filing a list of candidates for a minor political party as one month only--the first Tuesday in May through the first Tuesday in June.
SECTION 31 bill drafting clean-up language, the primary election remains in September.
SECTION 32 defines the period for filing as a candidate for office as the first Tuesday in May through the first Tuesday in June. This section also prohibits certain names from appearing on a ballot.
SECTION 33 standardizes the residency requirement for legislators to be 12 months prior to the general election.
SECTION 34 bill drafting clean-up language
SECTION 35 deleted (petitions measure)
SECTION 36 changes the percentage of signatures needed on a petition for an independent candidate to qualify for the ballot from 3 percent to 1 percent of the total votes cast for the intended office in the last general election.
SECTION 37 authorizes the secretary of state to prescribe procedures for the disposition of absent ballots in emergencies.
SECTION 38 allows a certificate of error to be issued at a polling place on election day.
SECTION 39 deleted (may be unconstitutional per Legislative Counsel)
SECTION 40 adds county nonpartisan offices to ballot sequence.
SECTION 41 deleted (may be unconstitutional per Legislative Counsel)
SECTION 42 requires that the mail-in voter registration application notify the voter if he registers by mail that he is required to vote in person at the next election in which he votes. It must also notify him that a deputy registrar is available to come to his residence, on request, to assist him in registering in person, should he wish to vote by absent ballot.
SECTION 43 requires voter to provide identification at the polls. The section also requires that voters be notified of this requirement as a part of a sample ballot.
SECTION 44 bill drafting clean-up language
SECTION 45 bill drafting clean-up language
SECTION 46 bill drafting clean-up language
SECTION 47 bill drafting clean-up language

SECTION 48 allows one request for an absent ballot, using a form provided by the Federal Government, to serve as an absent ballot request for both the primary and general elections. The section also requires the secretary of state to print and distribute numbered absent ballot request forms. Additionally, this section eliminates "batches" of absent ballot requests leaving and arriving at county clerks' offices. All requests must be made in person or by mail, and all absent ballots must be received in person or by mail.

SECTION 49 allows persons authorized to inspect applications for absent ballots to copy information from the applications.

SECTION 50 brings Nevada into compliance with certain Federal standards for overseas and military voting.

SECTION 51 allows an overseas military person to register to vote by mail and vote by absent ballot by completing an affidavit.

SECTION 52 permits a person to relinquish an absent ballot and vote in person on election day with proper identification.

SECTION 53 requires counties to publish a notice in the newspaper two weeks prior to destroying election materials.

SECTION 54 allows clerk to recoup actual cost of providing voter registration lists to major and minor political parties.

SECTION 55 requires political parties or organizations to pay for mail-in voter registration forms in excess of 50.

SECTION 56 requires ballot questions to include an explanation and arguments for and against the question and allows for recovery of the cost of printing such information from the political subdivision, corporation or local agency proposing the question.

SECTION 57 bill drafting clean-up language

SECTION 58 brings Nevada into compliance with certain Federal standards for overseas and military voting.

SECTION 59 mandates that clerks require positive identification when registering people to vote.

SECTION 60 mandates that a receipt containing certain information be provided when registering a person to vote.

SECTION 61 requires identification be provided when registering to vote, and make a voter's registration valid on completion of an affidavit.

SECTION 62 makes mail-in registration valid on the postmark date. This section also specifies that a person may not use a post office box as a residence on the application.

SECTION 63 clarifies that motor/voter registration is effective when received by the clerk, and requires that the voter receive a receipt.

SECTION 64 allows destruction of original affidavits of registration if information has been transferred to a computer. (See Section 19)

SECTION 65 clarifies circumstances regarding cancelling a voter's registration.

SECTION 66 bill drafting clean-up language

SECTION 67 requires counties to publish an alphabetical list of all registered voters in the newspaper.
SECTION 68 extends the close of registration for military voters.
SECTION 69 prohibits forging a signature on a petition, and makes any election fraud a felony.
SECTION 70 places language in chapter 293B of NRS.
SECTION 71 requires any new mechanical voting systems, acquired after January 1, 1995, to meet the Federal Election Commission's standards.
SECTION 72 requires all mechanical voting systems in the state to meet the Federal Election Commission's standards on January 1, 1997, but excepts any existing equipment which meets certain technical requirements.
SECTION 73 requires the clerk to protect the integrity of computer programs and directs the accuracy certification board to oversee the counting of votes.
SECTION 74 increases the accuracy certification board to three members, up to two of whom may be employees of the county.
SECTION 75 deleted (petitions measure)
SECTION 76 changes the percentage of signatures needed on a petition for an independent candidate for President or Vice President to 1 percent. (CORRECTION: line 16, "office" should be changed to "offices".)
SECTION 77 removes voter registration when registering a vehicle.
SECTION 78 removes voter registration when renewing a vehicle registration.
SECTION 79 repeals payment of 10 cents per name to registrars.
SECTION 80 deems any minor political party which qualified for the 1992 general election ballot qualified for the 1994 general election ballot.
SECTION 81 makes the entire measure effective on October 1, 1993, except Sections 71 and 72 regarding requirements for mechanical voting systems. Those sections are effective January 1, 1995, and 1997, respectively.

CJ/pok:W93-1491,58

# MINUTES OF THE
# SENATE COMMITTEE ON GOVERNMENT AFFAIRS

## Sixty-seventh Session
## May 5, 1993

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:00 p.m., on Wednesday, May 5, 1993, in Room 227 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator Sue Lowden, Vice Chairman
Senator William J. Raggio
Senator Dean A. Rhoads
Senator Thomas J. Hickey
Senator Leonard V. Nevin
Senator Matthew Q. Callister

GUEST LEGISLATORS PRESENT:

Assemblyman Dean A. Heller, Assembly District No. 40
Assemblywoman Kathy M. Augustine, Assembly District No. 12

STAFF MEMBERS PRESENT:

Caren Jenkins, Senior Research Analyst
Ricka Benum, Committee Secretary

OTHERS PRESENT:

Lucille Lusk, Nevada Coalition of Concerned Citizens
Carole Vilardo, Nevada Taxpayers Association
Bonnie James, Las Vegas Chamber of Commerce
C. Joseph Guild, III, Lobbyist, Nevada Mobilehome Park Owners Association
Frank Dayken, Esq., former Nevada Legislative Counsel
Mike Cirillo, Pleasant Valley Mobile Home Park, Las Vegas
Paul Keif, Mobilehome Park Owner, Wadsworth
Lois Lazor, Comstock Mobilehome Park
Tom Davis, Rental Home Owner
Kirby Burgess, Lobbyist, Clark County,
Irene Porter, Lobbyist, Southern Nevada Homebuilders Association

Ande Engleman, Lobbyist, Nevada Press Association
Kurt Fritch, Lobbyist, City of Henderson
Cheryl Lau, Secretary of State, Office of the Secretary of State
Dale A.R. Erquiaga, Deputy Secretary for Elections, Office of the Secretary of State
Pam Miller, Lobbyist, Associated General Contractors (AGC)

Chairman O'Connell opened the hearing by introducing Assemblyman Dean A. Heller, Assembly District No. 40 to speak on Assembly Joint Resolution (A.J.R.) 23.

ASSEMBLY JOINT RESOLUTION 23: Urges Congress to establish uniform hours for polls across nation in election for national officers. (BDR R-1158)

Mr. Heller testified A.J.R. 23 is an attempt to address complaints from voters in the west about hearing winners of national elections announced oftentimes before they have even voted. Mr. Heller indicated that having the election polls open and close at the same time across the country would assure voters in the west, that their vote still counts. He said many people vote after work between 5 p.m. and 7 p.m. and possibly are discouraged from doing so, when the national election results are announced on news broadcasts.

Mr. Heller noted results of studies conducted by major television networks, that claim the system used (national staggered voting reporting system) only impacts the national vote by 1 percent.

According to Mr. Heller the resolution would also open the possibility of weekend voting. He indicated many persons are of the opinion that a system with fewer restrictions and more options would encourage more people to get involved in the process.

There was no further testimony on A.J.R. 23. Chairman O'Connell opened the hearing to the next order of business A.J.R. 16.

ASSEMBLY JOINT RESOLUTION 16: Urges Congress to pass legislation prohibiting states from imposing income tax on income from pension of nonresidents. (BDR R-1495)

Assemblywoman Kathy M. Augustine, Assembly District No. 12, explained A.J.R. 16 if passed, would directly affect the many retirees that now reside in Nevada. Ms. Augustine submitted for the record a letter of support from Representative Barbara Vucanovich, dated April 1, 1993, referenced as Exhibit C.

SENATOR NEVIN MOVED TO DO PASS A.J.R. 23 AND A.J.R. 16.

SENATOR LOWDEN SECONDED THE MOTION.

Senator Hickey referred to page 10 of Exhibit H, and questioned if item 1 was included in his motion. Senator Callister clarified his motion incorporates all the amendments proposed in Exhibit H, except the maximum standard.

THE MOTION CARRIED. (SENATOR RAGGIO ABSTAINED FROM THE VOTE. SENATOR NEVIN WAS ABSENT FOR THE VOTE.)

* * * * *

Chairman O'Connell requested Senator Callister to take charge of requesting the appropriate amendments for S.B. 154.

The chairman stated the next order of business would be S.B. 250.

SENATE BILL 250: Makes various changes to provisions governing elections. (BDR 24-542)

Cheryl Lau, Secretary of State, indicated full agreement with the recommendations made by the subcommittee on election reform. Continuing, Ms. Lau offered her sincere thanks to the committee for their taking the time they have on the election bill. She commented that S.B. 250 is responsive to the problems that have occurred, particularly in Clark County.

Senator Hickey expressed concern with language addressing the issue of absentee ballots. He brought attention to the fact that originally absentee ballots were designed to accommodate people who were unable to get to the polls. Senator Hickey stated he wanted assurance that citizens would not be disenfranchised by the language in S.B. 250. Senator Hickey asked if the workers at the Nevada test site had been considered in the recommendations to the bill from the subcommittee.

Ms. Lau indicated that the language states any person may be absent from their place of employment for up to 3 hours in order to vote.

Senator Hickey indicated that in his opinion the bill is too restrictive regarding the absentee ballot and the design of S.B. 250 does appear to disenfranchise some voters. He wanted assurance from Ms. Lau that, even if there was a nominal charge for transportation, voters will be accommodated.

Ms. Lau gave Senator Hickey assurance that the absentee voters will be attended to in each county. She reminded him that the county clerks and registrars were in attendance at the hearings, when this topic was addressed.

Senator Callister questioned whether or not the younger voter, the 18 year old voters, were considered. He mentioned young persons

that may be going out-of-state to college, or those that may be entering the military or those fulfilling a missionary obligation to their church.

Ms. Lau answered Senator Callister's concerns by saying that everyone has a responsibility that they must uphold on the right to vote.

Dale A.R. Erquiaga, Deputy Secretary for Elections, Office of the Secretary of State, explained that voting rights of military personnel or citizens residing overseas are assured by the Uniformed and Overseas Citizens Absentee Voting Act, Title 42, Unites States (U.S.) Code 1973. This act specifically defines the guidelines to be followed that will guarantee the rights of these absentee voters. Mr. Erquiaga indicated they are allowed to register with the Federal Postcard Application for Registration and Absent Ballot Request.

Mr. Erquiaga stated section 42 refers only to Nevada Revised Statutes (NRS) 293.5235, which is the Nevada mail-in registration program. He indicated students attending out-of-state schools are protected under this Nevada statute. This allows for a person age 17 years old, who will be 18 years of age in time for the next election, to register at any time at the age of 17 years. Mr. Erquiaga said the law presumes that the students will take responsibility and affirmative duty to register.

Chairman O'Connell stated:

> If we generated a letter from the committee to the teachers' union or perhaps to the...State Department of Education, asking that in government classes...students are aware...of this opportunity of registering prior to being 18 [years old]...and we have a letter of encouragement that everyone is aware...

Senator Callister commented:

> I appreciate that, I think we should do this...there is a lot...in this bill that is long overdue and worthy of our support...I am still quite troubled...in these two instances, for the senior [citizen] and the student, you are making it tougher, not easier to vote...what we ought to be doing...we really ought to be making it easier for everyone to participate...we ought to be making it more convenient and not less so...

Ms. Lau told Senator Callister that actually the voting process has been made easier for senior citizens. She indicated that a deputy

registrar will go to the home of senior citizens, all they need to do is call the county registrar's office if they are unable to get out.

Mr. Erquiaga clarified that anyone who is unable to get out and vote must actively take the initiative to phone the registrar's office and request a mail-in application in order to register. Mail-in applications are not just mailed to every home, the person has to make the first phone call. Mr. Erquiaga also pointed out that S.B. 250 does not outlaw field deputy registrars, they will still be available. He also noted there are over 800 in Clark County and 600 in Washoe County.

Chairman O'Connell asked Ms. Lau if she is comfortable with the removal of the petition section from S.B. 250.

Ms. Lau told Chairman O'Connell since the petition portion is a complicated issue in itself, and she feels it is better addressed by itself.

SENATOR LOWDEN MOVED AMEND AND DO PASS S.B. 250.

SENATOR RAGGIO SECONDED THE MOTION.

Senator Raggio clarified the amendment to be the adopted Election Subcommittee Report.

Chairman O'Connell indicated yes and asked if there was any further discussion.

THE MOTION THE MOTION CARRIED. (SENATOR CALLISTER VOTED NO. SENATOR NEVIN WAS ABSENT FOR THE VOTE.)

* * * * *

The chairman indicated the next order of business would be S.B. 51.

SENATE BILL 51: Provides for incorporation of City of Moapa Valley by charter upon approval of qualified electors. (BDR S-161)

Chairman O'Connell reminded the committee the measure that would incorporate the City of Moapa was originally heard in February in Las Vegas. She had requested information from the residents on any progress and has not heard from either the proponents or the opposition.

SENATOR LOWDEN MOVED TO INDEFINITELY POSTPONE S.B. 51.

SENATOR HICKEY SECONDED THE MOTION.

mission of additional electricity for certain new recycling businesses; authorizing the commission on economic development to participate in certain proceedings before the public service commission of Nevada; exempting a percentage of the personal property of certain new recycling businesses from property taxes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to encouragement of new industry in Nevada. (BDR 58-1103)".

Senator Adler moved the adoption of the amendment.

Remarks by Senators Adler, Townsend and Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 456.

Amend sec. 2, page 1, by deleting lines 3 through 5 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 5 through 10 and inserting:

"Secs. 5-10. (Deleted by amendment.)".

Amend sec. 11, page 3, by deleting lines 16 and 17 and inserting: "*or deputy registrar of voters shall:*

*(a) List the elector's political party as the party indicated in the affidavit of registration.*

*(b) When compiling data related to voter registration for the county, report the elector's political party as "other party."*".

Amend sec. 13, page 3, line 23, by deleting "*statewide election*" and inserting: "*election in this state*".

Amend sec. 13, page 3, line 26, by deleting "*3-year*" and inserting "*4-year*".

Amend sec. 14, page 3, line 29, after the period, by inserting: "*This section does not prohibit a political subdivision from annexing territory in a year in which a general election is held.*".

Amend sec. 16, page 3, by deleting lines 34 through 38 and inserting:

"Sec. 16. *1. An elector who:*

*(a) Complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973;*

*(b) Is discharged from the Armed Forces of the United States not more than 60 days before an election;*

*(c) Presents evidence of his discharge to the county clerk; and*

*(d) Is not registered to vote at the close of registration for that election, must be allowed to register to vote in the election.*

*2. Such an elector must:*

*(a) Register in person; and*

*(b) Vote in the office of the county clerk unless he is otherwise entitled to vote an absent ballot pursuant to federal law.*



*3. The secretary of state shall adopt regulations to carry out a program of*".

Amend sec. 20, page 4, by deleting lines 10 through 14 and inserting: "*names and precinct numbers of the persons in their respective counties who have requested absent ballots.*

*2. These lists must be made available to the public at the clerk's office.*".

Amend sec. 21, page 4, lines 17 and 18, by deleting: "*sections 2 and 3*" and inserting "*section 3*".

Amend the bill as a whole by deleting sections 22 through 25 and inserting:

"Secs. 22-25. (Deleted by amendment.)".

Amend sec. 27, page 7, by deleting lines 30 through 35 and inserting: "*filing and before the first Tuesday in September must be filled by filing a nominating petition that is signed by at least 1 percent of the registered voters who voted for the office in question in the state, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in June and not later than the third Tuesday in September. A candidate nominated pursuant to the provisions of this*".

Amend sec. 27, page 7, by deleting line 39 and inserting: "tion and before the second Tuesday in September must be".

Amend sec. 27, page 7, by deleting lines 42 and 43 and inserting:

"[3. No]

*4. Except to place a candidate nominated pursuant to subsection 2 on the ballot, no* change may be made on the ballot after the second Tuesday in September of the year in which the general election is held.".

Amend sec. 27, page 7, by deleting line 47 and inserting: "p.m. [of] *on* the second Tuesday in September. In each".

Amend sec. 28, page 8, line 12, by deleting "*office*" and inserting "*offices*".

Amend sec. 28, page 8, line 20, by deleting "*office*" and inserting "*offices*".

Amend sec. 29, pages 8 and 9, by deleting lines 27 through 46 on page 8 and lines 1 through 8 on page 9 and inserting:

"Sec. 29. (Deleted by amendment.)".

Amend sec. 31, pages 9 and 10, by deleting lines 37 through 48 on page 9 and lines 1 and 2 on page 10 and inserting:

"Sec. 31. (Deleted by amendment.)".

Amend sec. 32, page 10, by deleting lines 7 through 9 and inserting: "and paid the fee required by NRS 293.193 not earlier than [January 1] *the first Tuesday in May* of the year in which the election is to be held nor later than 5 p.m. [of the second Tuesday in May.] *on the first Tuesday in June.*".

Amend sec. 34, page 12, line 46, by deleting: "Monday in [May,] *March,*" and inserting: "[Monday in May,] *Tuesday in June,*".

Amend sec. 35, page 13, by deleting lines 7 through 39 and inserting:

"Sec. 35. (Deleted by amendment.)".

Amend sec. 36, page 13, line 46, by deleting "3" and inserting "[3] *1*".

Amend sec. 36, page 14, line 20, by deleting "January 1" and inserting: "[January 1] *the first Tuesday in May*".

Amend sec. 36, page 14, by deleting lines 41 through 43 and inserting: "293.193 not earlier than [January 1] *the first Tuesday in May* of the year in which the election is held nor later than 5 p.m. of the first [Wednesday in July.] *Tuesday in June.*".

Amend sec. 39, page 16, by deleting lines 4 through 37 and inserting: "Sec. 39. (Deleted by amendment.)".

Amend sec. 41, page 17, by deleting lines 12 through 37 and inserting: "Sec. 41. (Deleted by amendment.)".

Amend sec. 42, page 17, by deleting line 39 and inserting: "293.272 1. Except as otherwise provided in subsection 2, a person".

Amend sec. 42, page 17, line 44, by deleting the open bracket.

Amend sec. 42, page 17, by deleting line 47 and inserting:

"(b) An absent ballot pursuant to federal law or [any other state law.] *NRS 293.316.*

*3. The*".

Amend sec. 42, page 18, line 1, by deleting the period and inserting: "*unless he is not required to do so pursuant to subsection 2.*".

Amend sec. 43, page 18, line 22, after "identification" by inserting: "*issued by a governmental agency*".

Amend sec. 43, page 18, line 25, after the period by inserting: "*Notice of the provisions of this subsection must be printed prominently on all sample ballots.*".

Amend sec. 48, page 20, line 39, by deleting "Any" and inserting: "[Any] *Except as otherwise provided in NRS 293.272 and section 16 of this act, any*".

Amend sec. 49, page 21, line 35, after the period by inserting: "*A county clerk who allows a voter, candidate or candidate's official designee to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information.*".

Amend sec. 49, page 21, by deleting lines 38 through 40.

Amend sec. 53, page 23, by deleting lines 8 and 9 and inserting: "commissioners, be deposited in the vaults of the county clerk, and preserved for at least".

Amend sec. 53, page 23, by deleting lines 14 through 21.

Amend sec. 53, page 23, line 22, by deleting "*3.*" and inserting "2.".

Amend sec. 53, page 23, line 26, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 53, page 23, line 29, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 54, page 24, line 20, by deleting: "*reasonable fee for*" and inserting: "*fee to cover the actual cost of*".

Amend sec. 58, page 25, lines 42 and 43, by deleting: "*Public Law 99-410,*" and inserting: "*42 U.S.C. § 1973,*".

Amend sec. 59, page 26, by deleting line 47 and inserting: "*elector except*



*to correct information contained in the affidavit after receiving notice from the elector that a change in or addition to the information is required; or*".

Amend sec. 60, page 27, line 13, by deleting: "original and duplicate" and inserting: "[original and duplicate]".

Amend sec. 62, page 28, line 16, by deleting "A" and inserting: "[A] *Except as otherwise provided in section 16 of this act, a*".

Amend sec. 62, page 29, line 40, by deleting "*telephone number*" and inserting "*mailing address*".

Amend sec. 66, page 32, by deleting lines 16 and 17 and inserting: "*sions of* subsection 7 of NRS 293.540, after the close of registration, the elector may not".

Amend sec. 72, page 34, line 1, by deleting "*No*" and inserting: "*1. Except as otherwise provided in subsection 2, no*".

Amend sec. 72, page 34, between lines 3 and 4, by inserting:

"*2. A mechanical voting system that does not comply with the standards established by the Federal Election Commission for computers or software for computers may be used if it is demonstrated to the secretary of state that the system performs all functions required by the commission.*".

Amend sec. 74, page 34, by deleting lines 31 through 35 and inserting: "*provisions of* NRS 293B.150, the county or city clerk shall appoint [two persons who are not] *three persons, not more than two of whom are* of the same political party , to serve as an accuracy certification board. *Not more than two of the persons appointed to the board may be employees of the county or city.*".

Amend sec. 75, pages 34 and 35, by deleting lines 36 through 48 on page 34 and lines 1 through 5 on page 35 and inserting:

"Sec. 75. (Deleted by amendment.)".

Amend sec. 76, page 35, line 14, by deleting "3" and inserting "[3] *1*".

Amend sec. 76, page 35, line 16, by deleting "*office*" and inserting "*offices*".

Amend sec. 81, page 38, line 5, by deleting "71," and inserting "70,".

Amend sec. 81, page 38, by deleting line 7 and inserting:

"2. Section 71 of this act becomes effective on January 1, 1995.

3. Section 72 of this act becomes effective on January 1, 1997.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent".

Senator O'Connell moved the adoption of the amendment.

Remarks by Senators O'Connell, Nevin, Neal, Lowden, Hickey, Brown, Titus and Adler.

Motion carried on a division of the house.

Amendment adopted.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 855.

Amend sec. 30, page 9, lines 18 and 19, by deleting "[June.] *February.*" and inserting "June.".

March 24, 1993
SB 250

Section 52

I do not support this section.

If a voter turns in his absentee ballot at the polls, whether voted or not, we will lose control and will not be able to do an audit because all spoiled or cancelled ballots are sealed and put away for 22 months.

A challenged absentee ballot could be issued and the voter is mad. He could go to the polls and surrender the challenged absentee ballot and vote a regular ballot.

Number 3 of section 52 does not allow another person to return the absentee ballot for another person. What happens if you are sick at home or in the hospital?

Section 53

Within five working days we would have to audit voted, rejected, spoiled and unused ballots. It would be impossible to verify the count against number ordered for that election. All unused ballots are in sealed boxes. If the ballots are sealed, how are we going to count and audit them?

The only way to audit unused ballots is by using the reconciliations of ballot statements as the audit. Also, in one of the sections you are allowing absentee voters to take their ballots to the polls. This is where we would lose control.

Question: What do we do to comply with this?

This says you SHALL have two successful candidates and to unsuccessful candidates.

We cannot open Envelope No. 2 (spoiled). Unless they change the law to allow us to get into the sealed envelopes, we cannot balance.

Section 53 (cont)

We cannot account for every ballot. People walk away from the polls with them, etc. We now account for as much as we can prior to the canvass of the vote.

No problem with notice of destruction--just another cost to the County.

I do not think the audit can be done in five days. Also, you are putting ballots that need to be audited in sealed envelopes. I feel this law or section should be worked through by the registrars and county clerks so that it can be done administratively and with time allowed.

Section 54

#1. I feel that the fee of one cent per name has to be changed due to the fact that the paper products are going up.

#4. Diskettes or tapes with voters' names. There should be two different kinds of fees. One on tapes a charge for the tape and multiplied by the amount for the names. Another for the cost of the diskettes and multiplied by the amount for the names. Also, a reasonable fee for the person having to sit in front of the computor to change the diskettes when one gets full. It will take around 52 diskettes for the list of voters in Washoe County.

I cannot justify this by charging for the diskettes and number of voters. We are taking this person away from her job just to sit and wait to change a diskette.

Section 55

#4. I can see giving the 50 free then charging anyone no matter who it is (and have the money put back into the account to purchase more forms). The only exception would be someone working out of this office as a duputy registrar for a job this office recommends.

Section 56. Changing dates. I support this section.

Section 57. Advisory questions.

There is only one law pertaining to advisor questions. What if someone wanted to pun an advisory question, what would the rules be? I support this section.

Section 58. This is a good law. I support this section.

Section 59

Section 60

I think all our laws should be the same, regardless. Mail-in form have no duplicate. Why should the others?

Parts of section 60 are good.

Section 61. I have no objection to this section.

Section 62

A person could mail a form on Saturday (close of registration) and we may not get it until Thursday. I do not feel we could wait that long.

Page 29, line 46, number 12

If at the last minute we (Registrar of Voters' office) get the voter on the phone and he gives us the correct or missing information, I feel that this office should be able to change the affidavit of registration without being guilty of a felony. Otherwise, we cannot let the person vote. We do make a lot of changes, such as a change of address letter from a voter.

*NOTE: These individuals may only vote for President/Vice-President.

№ 000764 NFR

VOTER'S REGISTRATION STATEMENT
*INDIVIDUALS WITH NO FIXED RESIDENCE ADDRESS
VOTER STATEMENT

STATE OF NEVADA
COUNTY OF WASHOE } ss.

The undersigned, being duly sworn, says: I am not now laboring under any court conviction or other loss o civil rights which would make it unlawful for me to vote; I make the following statements in compliance with lav to register to vote and these statements are true and correct to the best of my knowledge and belief.

1. My full name is _____
(given name, middle name or initial and surname for women. Each female elector who is or has been marriec shall be registered under her own given or first name and not under the given name or initials of her husbanc (NRS 293.517).

2. Last permanent address (residence):

_____
(STREET) (CITY) (COUNTY)

3. I was last registered to vote under the name of: _____

4. Place of last registration (county, township or precinct, if known)

_____

5. Date of birth: _____

6. State or Country of birth (Abbreviate) _____

7. United States citizen: Native ☐ Naturalized ☐

8. Social Security No. _____/_____/_____

9. Party affiliation _____

10. Mailing address:

_____

_____

11. Registrant advised as to requirement to request Absent Ballot for each election and advised of how to execute process: YES ☐ NO ☐

12. Applicant does ☐ does not ☐ maintain Nevada bank accounts.

13. Applicant does ☐ does not ☐ maintain valid Nevada driver's license.

14. I intend ☐ do not intend ☐ to retain Nevada as my voting residence and voting domicile for purposes of voting for President/Vice-President.

I do ☐ do not ☐ maintain a domicile, I am ☐ am not ☐ registered to vote and I am ☐ am not ☐ voting in any other state, territory or possession of the United States.

15. Under penalty of perjury I declare that I have examined this statement and to the best of my knowledge and belief all answers I have made are true and complete.

Signature _____ Date _____

This signature will be compared with the signature you write on the return envelope of your absentee ballot. The two signatures must be the same.

079

RV-109 (2 92)

629

**VOTER'S REGISTRATION STATEMENT**
**OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1975**

STATE OF NEVADA } ss.
COUNTY OF WASHOE }

№ 000298 FOC

1. My full name is _____ (Mr.) (Mrs.) (Miss)
(given name, middle name or initial and surname for women, including prefix Miss or Mrs. Each female elector who is or has been married shall be registered under her own given or first name and not under the given name or initials of her husband (NRS 293.517)).

2. Last Nevada address:

_____
(STREET) (CITY) (COUNTY)

3. Length of residence in Nevada: _____ years _____ months.

4. Departed Nevada: _____ month _____ year.

5. Prior to leaving Nevada I was ☐ was not ☐ a registered voter.

6. I last voted in Nevada in Primary election ☐ General election ☐ 19 _____ .

7. _____
(I WAS LAST REGISTERED TO VOTE UNDER THE NAME OF (IF APPLICABLE))

8. Place of last registration (county, township or precinct, if known)

_____

9. Date of birth: _____ Place of birth _____
(City, town, state, county or country)

10. _____ _____
Date of Naturalization if naturalized citizen Place of Naturalization

11. Social Security No. ____ / ____ / _____

12. Professional Status

_____

Valid { Passport No. _____ or Card of Identity No. _____

13. Party affiliation _____

FOREIGN ADDRESS:

_____ _____
(Country) (City or Town)

_____
(Street Address)

SPECIAL MAILING INSTRUCTIONS (If any)

_____

_____

14. I am ☐ am not ☐ now laboring under any conviction of court or other loss of civil rights which would make it unlawful for me to vote.

15. I was ☐ was not ☐ last domiciled in the State of Nevada.

16. I intend ☐ do not intend ☐ to retain Nevada as my voting residence and voting domicile for purposes of voting in federal elections.

17. I do ☐ do not ☐ maintain a domicile, I am ☐ am not ☐ registered to vote and I am ☐ am not ☐ voting in any other state, territory or possession of the United States.

18. I have ☐ do not have ☐ a valid passport or card of identity and registration issued by the Secretary of State of the United States.

Under penalty of perjury I declare that I have examined this statement and to the best of my knowledge and belief all answers I have made are true and complete.

Signature _____ Date _____

This signature will be compared with the signature you write on the return envelope of your absentee ballot
**The two signatures must be the same.**

RV - 13 (Rev. 9/83)

071 630

WASHOE COUNTY REGISTRAR OF VOTERS

CALENDAR OF EVENTS

WASHOE COUNTY PRIMARY ELECTION - SEPTEMBER 1, 1992

WASHOE COUNTY GENERAL ELECTION - NOVEMBER 3, 1992

(Calendar contains statutory and regulatory deadlines as well as administrative deadlines for completion of election duties.)

This "CALENDAR OF EVENTS" was compliled as a reference guide for the purpose of administering the election process and is intended for the exclusive use of the Registrar of Voters' Office. It is made available for public inspection as a convenience and general information ONLY. It should not be relied upon for any other purpose. Many events listed may actually occur either on or before the dates shown. Insterested persons planning activities based upon dates contained in this calendar should contact the Registrar of Voters'Office in advance of such dates.

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EXHIBIT E

071

PRIMARY ELECTION
AND
GENERAL ELECTION

SEPTEMBER 1, 1992 AND NOVEMBER 3, 1992

SEPT. 1, 1991 CHANGE OF PARTY AFFILIATION FOR CANDIDATES N.R.S.293.176
Last day a person may change their party affiliation if they want to run for office.

Oct. 28, 1991 PETITION OF CANDIDACY FOR INDEPENDENT CANDIDATES N.R.S.293.200
FOR GENERAL ELECTION
First day petition for signature verification

Dec. 12, 1991 Submit request for County Comm. Chambers--also check on Canvass. Classes and Canvass set.

Dec. 23, 1991 Check on Candidate filing forms, if we have not received them.

Dec. 23, 1991 Do complete ballot listing. Who is up for election?

Dec. 31, 1991 Have instructions typed for Candidate Filing.

an. 1, 1992 MINOR POLICIAL PARTY-LIST OF N.R.S.293.1725 293.176/293.285/293.200.
FOR GENERAL ELECTION
Secretary of State must certify list to Registrar of Voters.

Jan. 1, 1992 MAJOR POLICIAL PARTY MUST FILE A CERTIFICATE OF EXISTENCE WITH THE SECRETARY OF STATE. N.R.S.293.128(3)(4)

Jan. 2, 1992 CANDIDATE FILING N.R.S.293.181
Have special forms ready for assemblyman & state senators to fill out.

Jan. 2, 1992 FILING FEES N.R.S.293.193
Check filing fees for candidates.

Jan. 2, 1992 — FIRST DAY
FILING DECLARATION OR ACCEPTANCE OF CANDIDACY N.R.S.293.177
First day a candidate may file for office. Watch for party affilation changes.

Jan. 6, 1992 — FIRST DAY
NOTIFY SECRETARY OF STATE & POLITICAL PARTIES
N.R.S.293.133(2).
The number of registered voters in each precinct by party.

Jan. 15, 1992 — Check all supplies to be ordered and when you need them by.

Feb. 3, 1992 — Start Board Worker instructions.

Feb. 3, 1992 — Prepare memo to Board of County Commissioners requesting bid waiver for Sample Ballots.

Feb. 5, 1992 — LAST DAY
NOTIFY SECRETARY OF STATE & POLITICAL PARTIES
N.R.S.293.133(2).
The number of registered voters in each precinct by party.

Feb. 5, 1992 — Begin negotiations on Polling Places.

Mar. 6, 1992 — Letter to Pat at Rancho San Rafael for use of Polling Places....The Ranch House...Black Springs...Lemmon Valley...Which ones are we using.....

Mar. 8, 1992 — Democratic Precinct Caucuses.

Mar. 9, 1992 — Prepare news release for candidate filing deadline and last time voters can change party affiliation. Deadline is May 12, 1992.

Mar. 16, 1992 — Write letter of notification to the school trustees (N.R.S.386.150)should receive notification by Apr.1.

Apr. 1, 1992 — Begin National Change of Address.

Apr. 1, 1992 — SECRETARY OF STATE MUST HAVE PROCEDURES, FORMS & STATE WIDE MEASURES COMPLETED. N.R.S.293.250/293B205/218.276 293.250.
FOR GENERAL ELECTION
Have language completed.

Apr. 1, 1992 — SCHOOL TRUSTEES NUMBER AND OFFICES N.R.S.386.150
On or before this date the superintendent of public instruction, shall file with this office the number and offices to be placed on the ballot for the general election.

Apr. 1, 1992 FISCAL NOTES FOR CONSTITUTION AMENDMENTS OR STATEWIDE MEASURES-N.R.S.218.276.
FOR GENERAL ELECTION
Legislative Counsel must provide Secretary of State with fiscal notes.

Apr. 6, 1992 Polling Places completed ( have to be ready for printing in newspaper May 18.)

Apr. 6, 1992 Check on Polling Places that need Santi Huts.

Apr. 6, 1992 Check on Polling Places that need phones.

Apr . 6, 1992 CERTIFICATE OF CANDIDACY: REQUIREMENTS; FILING; ACCEPTANCE OF CANDIDACY. N.R.S.293.180(1)\293.185
FIRST DAY
Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate.

Apr. 10, 1992 RESIDENCE REQUIREMENTS FOR CANDIDATES N.R.S.293.1755/ 281.050.
No person may be a candidate for any office unless for at least 30 days before the close of filing of declarations of candidacy for the office which he seeks, he has been a legal residence of the state, district, county, township, city or other area prescribed by law to which the office pertains and if elected, over which he will represent. Candidate may not have moved out of the district for which they have filed after April 10, 1992.

Apr. 10, 1992 Democratic County Convention

Apr. 11, 1992 Democratic County Convention

Apr. 24, 1992 LAST DAY
PETITION ON QUALIFYING MAJOR POLITICAL PARTIES N.R.S. 293.128.

Apr. 27, 1992 Do ballot card order.

PRIMARY

COLORS

--DEMOCRAT----------BUFF
REPUBLICAN--------SALMON
NONPARTISAN-------BLUE

GENERAL

ALL PARTIES ARE WHITE

Apr. 27, 1992 Notify printer of colors for Sample Ballots

May 1, 1992 LAST DAY
CERTIFICATE OF CANDIDACY: REQUIREMENTS; FILING; ACCEPTANCE OF CANDIDACY. N.R.S.293.180(1)\293.185
Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate.

May 1, 1992 Write letters to:

| | |
|---|---|
| Sheriff..... | For security and delivery of ballots from Incline Village, Wadsworth and etc. Also letter to Incline Sheriff.(cc Vince). |
| Citifare..... | Bus stop on 9th street. |
| Roads..... | Delevery/Pick up and Election night. |
| Parks..... | Help on Board Worker supplies. |
| General Services.. | Darryl--For security on Close of Registration--both elections.... Both bldgs. election night. |
| General Services.. | Gregg--cc Darryl Lights and Heating for Close of Registration....Both bldgs. election night. |
| J. P'.s..... | Office Hours for Close of Registration. Send Law. |
| Phones..... | Rent Cellular Phones for Polling Places and Trouble Shooters with no phones. |
| Election Day ..... | Primary and General. |
| Deputy Registrar.. | Last day of Candidate filing & party changes. |

May 1, 1992 QUESTION TO BE SUBMITTED FOR PRIMARY N.R.S.293.481(1b)
Last day a we can receive questions submitted by political subdivisions etc.

May 1, 1992 STATE REFERENDUM/N.R.S.295.056/293.1275
LAST DAY
To submit for signature verification-not less than 185 days before the general election.

May 1, 1992 Democratic State Convention

May 2, 1992 Democratic State Convention

May 3, 1992 Democratic State Convention

May 12, 1992 LAST DAY
FILING DECLARATION AND ACCEPTANCE OF CANDIDACY
N.R.S.293.1275\293.177\293.180\293.185.
Last day a candidate shall file for office.

May 12, 1992 CHANGE OF PARTY AFFILIATION N.R.S.293.540(5)
LAST DAY
This is the last day a voter shall change their party. This also means your nonpartisan voters Refer to A G 's letter dated July 23, 1990

May 13, 1992 Start Sample Ballot lay out.

May 18, 1992 CERTIFIED LIST OF CANDIDATES NAC 293.050
On or before this date, certify list of candidates to Secretary of State.

May 18, 1992 CERTIFIED LIST OF CANDIDATES N.R.S.293.187
On or before this date the Secretary of State shall certify list of candidates to Registrar of Voters.

May 18, 1992 PUBLISH NOTICE OF PRIMARY ELECTION N.R.S.293.203
Prepare to be published for (2)two weeks.
Publish notice of primary on May 22, and May 27th.

May 19, 1992 LAST DAY
CANDIDATE MAY WITHDRAW N.R.S.293.202
This is the last day a candidate can remove his/her name from ballot.

May 19, 1992 Take Sample Ballot lay out to printer

ıy 20, 1992 ESTABLISH ELECTION PRECINCTS N.R.S.293.205\293.207
On or before this date establish, define, alter precincts. Maximum number of voters per precinct is 1,500.

May 22, 1992 PUBLISH NOTICE OF PRIMARY ELECTION N.R.S.293.203
Published for (2)two weeks.
Publish notice of primary on May 22, and May 27th.

May 22, 1992 Letter to Washoe/Storey and Vya conservation districts must hold election in the 1st 10 days of November.

May 22, 1992 FILING FINANCIAL DISCLOSURE STATEMENTS N.R.S.293.561(1)
Not later than the 10th day after the last day of filing. Last day candidates for nomination, election or reelection to file statement of financial disclosures with the ETHICS COMMISSION and a second copy with the Registrar of Voters.

May 27, 1992 PUBLISH NOTICE OF PRIMARY ELECTION N.R.S.293.203
Published for (2)two weeks.
Publish notice of primary on May 22, and May 27th.

June 1, 1992 Prepare Notice of Close of Registration
To be published July 15, 22, 29, and Aug. 5. Need proof of publication

June 1, 1992 Do Requisition on Mail Service suggest A.B.C.Nevada
This company has only 3 days to put labels on Sample Ballots and has to deliver them to the Post Office According to N.R.S. Sample Ballot has to be mailed to every voter 10 days before the election. MAIL Service will receive from us the labels to put on the Sample Ballots on Aug. 18, 1992. Sample Ballots to be at Post Office on Aug. 21, 1992. THIS IS FOR PRIMARY..FOR THE GENERAL the dates are Labels will be received by mail service on Oct. 20, 1992 and the Sample Ballots delivered to Post Office on Oct. 23, 1992.

June 1, 1992 INITIATIVE TO AMEND CONSTITUTION-N.R.S.295.056
LAST DAY
To submit petition for signature verification-not less than 155 days before the second Friday in August.

June 10, 1992 MINOR PARTY/N.R.S293.172
LAST DAY
To submit petition for minor party to be added to General Also for signature verification.

June 10, 1992 INDEPENDENT CANDIDATE/N.R.S.293.200
LAST DAY
To submit Petition of independent candidacy for signature verification.

June 15, 1992 Deliver Sample Ballots to office.

June 10, 1992 INDEPENDENT CANDIDATE FOR PRESIDENT-N.R.S.298.109
LAST DAY
To submit petition for signature verification.

June 26, 1992 MINOR PARTY-N.R.S.293.1725
LAST DAY
For Secretary of State to certify list to Registrar of Voters' Office.

July 1, 1992 Letter to Cities on NO Annexation 90 days before General Election. (N.R.S. 268.666 Aug. 4.)

July 1, 1992 Send letters to confirm use of polling places, tables and chairs.

July 1, 1992 NATIONAL CHANGE OF ADDRESS
Must be completed by this date.

July 1, 1992 CANDIDATE FILING/N.R.S.293.181/293.1725/293.200
LAST DAY
Minor and Independent candidates can file for office.

July 2, 1992 COUNTY CENTRAL MAY RECOMMEND ELECTION WORKERS-N.R.S.293.170 \293.219.
60 days before a primary or general, may recommend election workers.

July 3, 1992 COUNTY REFERENDUM-N.R.S.295.140
LAST DAY
For 10 percent of the registered voters to file petition to have any statute or resolution enacted by Legislature and pertaining to the County, submit a referendum vote of the voters.

July 6, 1992 STATE REFERENDUM-N.R.S.295.045/Article 19 const.
LAST DAY
Not less than 120 days to file signature verification with Secretary of State.

July 7, 1992 Notify County Insurance carrier on polling places to be used on election days.

July 13, 1992 Print Mailing Precinct Labels.

July 15, 1992 Prepare Mailing Precinct and Absent Ballot Packages ( including Board Workers).

July 15, 1992 PUBLICATION OF CLOSE OF REGISTRATION N.R.S.293.560(3B)
Once a week for 4 weeks publish notice of close of registration.

July 13, 1992 Have Mailing Precincts and Absent Ballot Cards delivered to office.

July 20, 1992 QUESTION SUBMITTED TO REGISTRAR OF VOTERS-N.R.S.293.481
LAST DAY
Questions submitted by political subdivision, public or quasi-public corp. or other local agency authorized by law.

July 22, 1992 PUBLICATION OF CLOSE OF REGISTRATION N.R.S.293.560(3B)
Once a week for 4 weeks publish notice of close of registration.

July 23, 1992 ABSENT BALLOTS-OVERSEAS-N.R.S.293.309
If possible, 40 days before election day, is the first day Absent Ballots should be available.

July 29, 1992 PUBLICATION OF CLOSE OF REGISTRATION N.R.S.293.560(3B)
Once a week for 4 weeks publish notice of close of registration.

July 31, 1992 APPOINTMENTS OF ELECTION WORKERS N.R.S.293.217-293.243 LAST DAY
All appointments should be completed.

July 31, 1992 FEDERAL ABSENT BALLOT-SPECIAL-N.R.S.293.3155 LAST DAY
To receive request outside this state-to allow federal absent ballot to be counted on special forms.

Aug. 3, 1992 Prepare Notice of Close of Registration
To be published Sept. 16, 23, 30 and Oct. 7. Need proof of publication

Aug. 3, 1992 Crimp ballot pages for voting in office.

ug. 3, 1992 SECRETARY OF STATE TO CERTIFY TO REGISTRAR OF VOTERS CONSTITUTIONAL AMENDMENTS-N.R.S.293.253
Secretary of State on or before this date certify admendments or questions and also furnish copies.

Aug. 3, 1992 PUBLISH IN NEWSPAPER-N.R.S.293.253
Shall publish full amendments or questions.

Aug. 3, 1992 Deliver Sample Ballots to Mail Service for labeling (suggest A B C Nevada).

Aug. 3, 1992 Have Precinct Ballot Cards Delivered.

Aug. 3, 1992 CHALLENGES MAY BE FILED N.R.S.293.547(1) FIRST DAY
Written challenges may be filed with Registrar of Voters.

Aug. 4, 1992 ANNEXATION-N.R.S. 268.666
No change in boundaries--90 days before General Election.

Aug. 5, 1992 PUBLICATION OF CLOSE OF REGISTRATION N.R.S.293.560(3B)
Once a week for 4 weeks, publish notice of close of registration.

Aug. 5, 1992 INITIITIVE PETITION AMENDING CONSTITUTION-Art. 19 const. LAST DAY
90 days before General Election file with Secretary of State signature verification.

Aug. 7, 1992 VOTING IN OFFICE N.R.S.293.327/293.245
Begin in office voting--25 days before election.

Aug. 10, 1992 Begin crimping ballot pages for Primary.

Aug. 11, 1992 CLOSE OF REGISTRATION N.R.S.293.560
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Aug. 12, 1992 CLOSE OF REGISTRATION N.R.S.293.560
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Aug. 12, 1992 Finish crimping ballot pages for Primary.

Aug. 12, 1992 PREPARE ABSENT BALLOT N.R.S. 293.323\293.309
Have Absent Ballot ready for distribution.

Aug. 13, 1992 Assemble pages in frames by ballot style.

Aug. 13, 1992 CLOSE OF REGISTRATION N.R.S.293.560
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Aug. 14, 1992 Assemble pages in frames by ballot style.

Aug. 14, 1992 MINOR PARTY-N.R.S.293.1715/293.171
LAST DAY
To file certificate of existence with Secretary of State.

Aug. 14, 1992 MINOR POLITICAL PARTY-N.R.S.293.171
LAST DAY
To file list with Secretary of State, if a person has already filed we have to return their money.

Aug. 14, 1992 INDEPENDENT CANDIDATE-N.R.S.298.109
LAST DAY
To file for President after signature verfication

Aug. 14, 1992 CLOSE OF REGISTRATION N.R.S.293.560
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Aug. 14, 1992 Type Certification of Election for Primary.

Aug. 14, 1992 INDEPENDENT CANDIDATE-FILING PETITION OF CANDIDACY N.R.S.293.185/293.200
LAST DAY
Independent Candidate may file-if a petition of candidacy signed by the required number of voters -after signature verification.

Aug. 15, 1992 CLOSE OF REGISTRATION N.R.S.293.560
LAST DAY
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Aug. 17, 1992 Put frames in votomatics.

Aug. 17, 1992 CAMPAIGN CONTRIBUTIONS AND EXPENDITURES-N.R.S.294A.011/ 294A.020/294A.041/294A.010.
Filing of first report of campaign contributions and expenditures
Last day for all non-federal office candidates.
Persons making independent expenditure to advocate election or defeat of any candidate
Political action committees
Persons advocating passage or defeat of any question
to file report.

Aug. 17, 1992 COPIES TO SECRETARY OF STATE N.R.S.294A.020
Mail copies of Contributions and Expenditures to Secretary of State on legislative and judicial offices...no J.P."s.

Aug. 17, 1992 CHALLENGES MAY BE FILED N.R.S.293.547
LAST DAY
Written challenges may be filed with Registrar of Voters.

Aug. 17, 1992 Hire Absent Ballot Inspection and Processing Board. for Aug.24.

Aug. 18, 1992 Put frames in votomatics.

Aug. 18, 1992 Run Rosters.

Aug. 18, 1992 TEST EQUIPMENT AND PROGRAM N.R.S.293B.150
Do test on computors--Check with M.I.S.

Aug. 18, 1992 Call Mail Service get guess-a-ment on cost for Post Office. Get a check cut so we can take it to the Post Office.

Aug. 20, 1992 Send reminder letters to polling place.
Call to arrange KEY pick-ups

Aug. 19, 1992 Warehouse assembly for ballot boxes.

Aug. 20, 1992 Warehouse assembly for ballot boxes.

Aug. 20, 1992 MAIL MAILING BALLOTS-ABSENT BALLOTS N.R.S.293.345
3rd Thursday in August. Mail all Absent Ballots.

Aug. 21, 1992 INDEPENDENT CANDIDATE-N.R.S.293.200
LAST DAY
To file challenge of candidacy.

Aug. 21, 1992 MINOR POLITICAL PARTY-N.R.S.293.174
To file challenge of candidacy.

Aug. 21, 1992 MEDIA TO MAKE CERTAIN INFORMATION AVAILABLE N.R.S.294A.050
Make all information available at least 10 days before an election.

Aug. 21, 1992 SAMPLE BALLOTS-MAIL-N.RS.293.565
Mail sample ballots to Candidates and Secretary of State
Also post in office.
Mail Sample Ballots to all registered voters at least 10 days before election day.

Aug. 21, 1992 REGISTERED VOTERS--N.R.S.293.567
Mail Stats to Secretary of State.

'g. 24, 1992 Absent Ballot Inspection and Processing Board to work in office.

Aug. 24, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Aug. 25, 1992 FILE COMPUTER PROGRAM WITH SECRETARY OF STATE-N.R.S.293B.135/293.313.
Copies of computer program certified by Accuracy Certification Board must be filed 1 week before the election.

Aug. 25, 1992 ABSENT BALLOT-N.R.S.293.313/293.315/293.316 LAST DAY
To receive an absent ballot request (5:00pm) Only on an emergency after this date and the voter must sign a statement.

Aug. 26, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Aug. 27, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Aug. 27, 1992 ELECTION WORKER CLASSES-N.R.S.293.227/293B.260 293B.265/293B.270.
On or before this date conduct the worker classes.

AUG. 27, 1992 PREPARE PRECINCT REGISTER-N.R.S.293.275/293.563
Have supplies ready at least 5 days before the election.

Aug. 27, 1992 Make arrangements for 1 member of the Accuracy Certification Board to come into office on Aug. 31.

Aug. 27, 1992 Call and find out who the contact will be election days, on Absent Ballot pick up.

Aug. 28, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Aug. 31, 1992 1 Member of the Accuracy Certification to be in office.

Aug. 31, 1992 Put together supplies for election night.

Aug. 31, 1992 Have Road crew pick up and deliver table and chairs.

Sept. 1, 1992 RECEIVE ABSENT BALLOT-N.R.S.293.325/293.
Last day to receive and count absent ballots.
Check with Post Office (4:00p).

Sept. 1, 1992 ELECTION DAY-N.R.S.293.175/293.273
Polls close at 7:00pm -GOOD LUCK.....

Sept. 1, 1992 Order Abstracts, and etc.
Copies for:
County Commissioners--5
County Manager--------1
County Clerk----------1
District Attorney-----1
Secretary of State----1
Registrar of Voters---1
For Sale-------------10
Total----------------20

Sept. 2, 1992 Get ready for canvass.
Do memo.

Sept. 3, 1992 Get ready for canvass.

Sept. 4, 1992 Do Ballot Lay out.

Sept. 4, 1992 BOARD WORKERS-N.R.S.293.170
LAST DAY
Major and Minor party may recommend registered voters to be election workers.

Sept. 8, 1992 PROCEDURE IN FILLING VACANCY IN NOMINATIONS AFTER THE PRIMARY-N.R.S.293.165/293.166.

Sept. 8, 1992 CANVASS-RETURNS & ABSTRACTS-N.R.S.293.387/293.1275
Canvass with County Commissioners.
Transmit copies to Secretary of State.

Sept. 9, 1992 Take Sample Ballot Lay out to printers.

Sept. 13, 1992

CERTIFICATION OF CANDIDATES
SECRETARY OF STATE TO CERTIFY LIST OF CANDIDATES
N.R.S.293.190

Sept. 14, 1992 Print Mailing Precinct Labels.

Sept. 16, 1992 Prepare Mailing Precincts and Absent Ballot Packages (including Board Workers).

Sept. 16, 1992 PUBLISH IN NEWSPAPER-CLOSE OF REGISTRATION
N.R.S.293.560
Publish in newspaper close of registration.
Once a week for 4 weeks before close of registration.

Sept. 23, 1992 PUBLISH IN NEWSPAPER-CLOSE OF REGISTRATION
N.R.S.293.560
Publish in newspaper close of registration.
Once a week for 4 weeks before close of registration.

Sept. 24, 1992 OVERSEAS ABSENT BALLOT-N.R.S.293.309
If possible, 40 days before the election mail absent ballots to the overseas voters.

Sept. 30, 1992 PUBLISH IN NEWSPAPER-CLOSE OF REGISTRATION
N.R.S.293.560
Publish in newspaper close of registration.
Once a week for 4 weeks before close of registration.

Oct. 1, 1992 Delivery of Ballot Cards.

Oct. 1, 1992 MEDIA-MAKE COST AVAILABLE-N.R.S.294A.050.
Must make cost information available.

Oct. 1, 1992 Type Certification of Election for General.

Oct. 1, 1992 Contact Washoe/Storey and Vya to place Legal Ad.
N.R.S. 548.040.

Oct. 2, 1992 BOARD WORKERS-N.R.S.293.217-293.243
LAST DAY
To have all board workers hired.

Oct. 2, 1992 ABSENT BALLOT-N.R.S.293.3155
LAST DAY
To receive request from voters outside the state in order to allow special federal govt. forms to be used by voter and be counted.

Oct. 2, 1992 CHALLENGES-N.R.S.293.547/293.560
FIRST DAY
Written challenges may be filed with the Registrar. After the 30th day prior to the election.

Oct. 5, 1992 Crimp ballot pages for voting in office.

Oct. 5, 1992 Deliver Sample Ballots to office.

Oct. 9, 1992 PUBLISH IN NEWSPAPER-CLOSE OF REGISTRATION N.R.S.293.560.
Publish in newspaper close of registration.
Once a week for 4 weeks before close of registration.

Oct. 9, 1992 VOTING IN OFFICE-N.R.S.293.327/293B.245
25 days before the election set up booths in office for voting.

Oct. 12, 1992 PUBLISH CONSTITUTIONAL ADMENDMENTS-N.R.S.293.253
2nd time to publish constitutional admendments and questions.

Oct. 12, 1992 Begin crimping ballot pages for general.

Oct. 13 1992 CLOSE OF REGISTRATION N.R.S.293.560 — Need 30days to Costly
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Oct. 12, 1992 Finish crimping ballot pages for general.

Oct. 14, 1992 CLOSE OF REGISTRATION N.R.S.293.560
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Oct. 14, 1992 ABSENT BALLOTS-N.R.S.293.309/293.323
20 days before the election-prepare ballots and have ready for distribution.

Oct. 14, 1992 Hire Absent Ballot Inspection and Processing Board for Oct. 21.

Oct. 15, 1992 Assemble pages in frames by ballot style.

Oct. 15, 1992 CLOSE OF REGISTRATION N.R.S.293.560
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Oct. 16, 1992 Assemble pages in frames by ballot style.

Oct. 16, 1992 CLOSE OF REGISTRATION N.R.S.293.560
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Oct. 17, 1992 CLOSE OF REGISTRATION N.R.S.293.560
LAST DAY
Office to remain open 8:00am to 5:00pm and 7:00pm to 9:00pm.

Oct. 18, 1992 Call Mail Service get guess-a-ment on cost for Post Office. Get a check cut so we can take it to the Post Office.

Oct. 19, 1992 PUBLISH CONSTITUTIONAL ADMENDMENTS-N.R.S.293.253
3rd time to publish constitutional admendments and questions.

OCT.19,1992 CHALLENGES-N.R.S.293.347
LAST DAY
15 days before the election-written challenges may be filed with this office.

Oct. 19, 1992 CAMPAIGN CONTRIBUTIONS AND EXPENDITURES-N.R.S.294A.011/294A.020/294A.041/294A.010.
15 days before the general
Filing of campaign contributions and expenditures
Last day for all non-federal office candidates.
Persons making independent expenditure to advocate election or defeat of any candidate
Political action committees
Persons advocating passage or defeat of any question
to file report.

Oct. 19, 1992 Put frames in votomatics.

Oct. 20, 1992 Run Rosters.

Oct. 20, 1992 Put frames in votomatics.

Oct. 20, 1992 TESTING OF EQUIPMENT-N.R.S.294B
No sooner than 2 weeks before the election test tabulating and programs.

Oct. 21, 1992 Absent Ballot Inspection and Processing Board to work in office.

Oct. 21, 1992 Warehouse assembly for ballot boxes.

Oct. 22, 1992 Send reminder letters to polling places

Oct. 22, 1992 Warehouse assembly for ballot boxes.

Oct. 23, 1992 MEDIA MAKE COST OF-N.R.S.294A.050
FIRST DAY
On or before this day and 30 days after the day of election-make cost available.

Oct. 23, 1992 SAMPLE BALLOTS-N.R.S.293.565
At least 10 days before the election mail all sample ballots out. See June 1, 1992.

Oct. 23, 1992 STAT REPORT-N.R.S.293.567
To Secretary of State.

Oct. 23, 1992 SAMPLE BALLOT-N.R.S.293.565/NAC293.120
Mail sample ballots to Secretary of State, all candidates, and post in office.

Oct. 23, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Oct. 26, 1992 Make arrangements for 1 member of the Accuracy Certification Board to come into office on Oct. 30.

Oct. 26, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Oct. 27, 1992 MAILING PRECINCTS/ABSENT BALLOTS-N.R.S.293.345/293.313
Mail ballots to all mailing precincts.

Oct. 27, 1992 ABSENT BALLOTS-N.R.S.293.315/293.316
LAST DAY
To request an Absent Ballot (5:00PM).

Oct. 28, 1992 ABSENT BALLOT-N.R.S.293.315/293.316
FIRST DAY
To vote on emergency basis and sign proper forms.

Oct. 28, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Oct. 29, 1992 ELECTION WORKER CLASS IN County Comm. Chambers.

Oct. 29, 1992 PRECINCT REGISTER-N.R.S293.563/293.275/293.227
293B.260/293B.265.
Have roster and lists ready-5 days prior to election.

Oct. 29, 1992 ELECTION CLASSES-N.R.S.293B.270.293.227/NAC293.140
5 days prior to the election-hold election classes.

Nov. 2, 1992 Have Road crew pick up and deliver table and chairs.

Nov. 2, 1992 Put together supplies for election night.

Nov. 3, 1992 ABSENT BALLOTS-N.R.S.293.317/293.325
LAST DAY
To receive and count absent ballots.
Check with Post Office on Absent Ballot pick up
Refer to contact Aug. 27.

Nov. 3, 1992 ELECTION DAY-N.R.S.293.060/293.273
GOOD LUCK
POLLS OPEN AT 7:00AM--CLOSES AT 7:00PM.....

Nov. 3, 1992 Order Abstracts, and etc.
Copies for:
County Commissioners--5
County Manager--------1
County Clerk----------1
District Attorney-----1
Secretary of State----1
Registrar of Voters---1
For Sale-------------10
Total----------------20

Nov. 4, 1992 Prepare memo on canvass

Nov. 4, 1992 Start Board Worker Payroll.

Nov. 5, 1992 Get ready for canvass

Nov. 10, 1992 CANVASS-N.R.S.293.387/293.393/293.395/293.1275
293.545.
Have abstract ready for county commissioners.
Send abstract to Secretary of State.

Nov. 13, 1992 ABSENT BALLOTS-N.R.S.293.545
Ballot received 10 days after election are not subject to cancellation.

Nov. 25, 1992 CANVASS-N.R.S.293.395
Justices of the Supreme court -shall meet and proceed to canvass.

Nov. 25, 1992 GOVERNOR-N.R.S. 293.395
Shall issue certificate of election and proclaim election of candidates.

Nov. 25, 1992 MEDIA -MAKE COST OF-N.R.S.294A.050
Ending on this day or later make cost available.

Dec. 12, 1993 Submit request for Co. Comm. Chambers for Election Worker classes for City Election.

Dec. 12, 1993 Certify Cities Ward Boundries.

Jan. 11, 1993 City Ward Boundries must be changed--on the second Monday in Jan.

Jan. 15, 1993 CAMPAIGN CONTRIBUTIONS AND EXPENDITURES-N.R.S.294A.011/
294A.020/294A.041/294A.010.
15th day of the second month following the general.
Filing of campaign contributions and expenditures.
Last day for all non-federal office candidates.
Persons making independent expenditure to advocate election or defeat of any candidate.
Political action committees.
Persons advocating passage or defeat of any question to file report.

Feb. 1, 1993 PURGE-N.R.S.293.545/293.1275
On or before this date
cancel all voters who did not vote
at a presidential general election.

Reno, Nevada
Nov. 24, 1992

Cheryl A. Lau
Secretary of State
Capitol Complex
Carson City, Nv. 89710

Attention Dale and Election Reform Committee:

Nevada needs election law reform to combat electronic voter fraud and subsequent allegations of same. The citizens of this state must feel that the ballot they marked is the one that actually gets counted.

The following suggestions are submitted for your consideration and actions on behalf of all Nevada citizens.

1. Pass a simple law that states that all ballots, both used and unused, MUST be date stamped for each election and an audit trail MUST be maintained in order to verify where each ballot went. Number sequencing on both portions of ballot will fulfill this safeguard. Should this become an issue, relative to voter secrecy, number sequencing could be separate and different for each portion of the card.

In addition, each ballot must have printed on it the full names and the office sought of each candidate. This would allow each voter to check his ballot immediately upon completion of vote to assure himself that he voted as he wished. If the card does not now fit precisely into the slot provided, voters can punch the wrong number.

After the elections, ALL used and unused ballots must be available at a specified location during business hours for public inspection. Presently, Nevada law "exempts" the ballots from scrutiny, the very information needed to effectively challenge an election. Neither the used, the unused or the damaged ballots are available to inspection by the public.

I suggest that you do away with the pre-scored punch cards. Anytime anyone handles these present cards, a fingernail, a pen, or fanning the cards, could result in an over vote causing the card to be rejected in the computer counting process.

According to Howard Strauss,( member of election research staff, Prinston University), Nevada's voting system is very vulnerable to election fraud. A common computer subterfuge is in the software itself. Computer "viruses" can be introduced and can



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651
EXHIBIT F

attack voting machines. Nevada has no listed procedures to protect against an introduction of a "Virus." Mr. Strauss maintains that this problem is inexpensive to correct.

2. Police in Las Vegas are now investigating charges of voter fraud. Many people, thinking themselves registered, went to vote and were unable to do so. Procedures must be simplified and uniform. No absentee ballots should be mailed to anyone not actually outside the state other than shut in's. No one should be allowed to return a "shut in" ballot. These ballots must be mailed in by the voters themselves, and not handed over to a union representative or a friend to bring in.

3. In Nevada, apx. 95,000 citizens are registered to vote as non-partisan. Our closed primary status disenfranchises these Nevadans. Therefore, I respectfully suggest you use your influence with state legislators to secure an open primary system for ALL Nevadan's.

4. Nevada is among the few states in the nation without provisions for primary runoffs. We should make such a provision in our election law reform. When a candidate is elected, it must be with a clear majority vote. Our winner "take all" concept should be looked at carefully in order to guarantee a clear majority vote and give Nevadans a truly democratic process.

5. In Clark County today, the County Commissioners have decided that two private citizens will serve on the election committee for the counting and inspection of the ballots. This should be a state mandate.

6. I would urge the state legislature to consider Mr. Perot's suggestion that all elections be held on Saturday and Sunday. Too many Nevadans are unable to get to the polls from their job locations. This process would allow ample time for ALL people to vote. This process would also prohibit the "exit" polls from influncing voters by declaring a winner long before the polls actually close.

Respectfully submitted,

Jan Hunt

Jan Hunt
Nevada State Coordinator
United We Stand, America
1511 Wesley Dr.
Reno, Nevada (702) 747-2124

← PLACE HOLES OVER POSTS →

INSERT CARD ↓ THIS SIDE UP

# VOTER STUB

OFFICIAL BALLOT CARD
PRIMARY ELECTION
SEPTEMBER 1, 1992
CLARK COUNTY, NEVADA

# REPUBLICAN

340126

THIS BALLOT STUB SHALL BE REMOVED BY INSPECTOR BEFORE BALLOT IS PLACED IN BALLOT BOX

Many voting precincts and polling locations have changed for the 1992 elections as the result of recent reapportionment of political districts and the substantial increase in the number of registered voters in our county. This notice is being provided as a public service to inform you that your election precinct for the 1992 elections is UNI013 and your polling location is:

THOMAS & MACK CENTER(ROOMS C&D)
4505 S MARYLAND PK, LAS VEGAS
BETWEEN PARADISE AND MARYLAND PKY

In additon, a sample ballot will be mailed to you 10 days before the election, again providing your precinct number and the name and address of your polling place.

Clark County Election Department

XA14369

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# bsent Ballot Request

| Mr/Mrs | First Name | Middle Name | Last Name |
|---|---|---|---|
| | Elizabeth | | Hughes |

| | | | | |
|---|---|---|---|---|
| Nevada Address Where You Live | 1500 Helen Apt A | City NLV | State | Zip 89030 |
| Address for Mailing the Absent Ballot (if different from #2) | | City | State | Zip |

Please mark election(s) for which you are requesting an absent ballot:

☑ Primary ☑ General ☐ Special

If you are at least 65 years old or have a physical disability or condition which substantially impairs your ability to go to the polling place, you may request an absent ballot for ALL elections held during the calendar year in which you request an absent ballot.

[redacted]

Signature of Requester Elizabeth Hughes Date 9/22/92

N/L LET. 7/28/94

654

095

| NAME OF PRECINCT | PRECINCT NO. |
|---|---|
| NORTH LAS VEGAS | 37 |

# COMBINED POLL BOOK, ROSTER AND CHECK LIST

PAGE NO. 5

| BALLOT NUMBER | VOTED | VOTER'S NAME AND ADDRESS | AFFIDAVIT NUMBER | PARTY | SIG. NO. | VOTER'S SIGNATURE |
|---|---|---|---|---|---|---|
| | | HARPER, LINDA DARNELL<br>2520 WEST ST APT D | AE41648 | N.P. | 1 | ABSENTEE VOTER |
| | | HARRIS, MOSSIE DELORIS<br>1716 W CAREY AV NO C | MP09200 | DEM | 2 | |
| | | HARRIS, MYRTLE ELAINE<br>1500 HELEN AV NO B | MP05201 | N.P. | 3 | |
| 145354 | | HARVEYHUGHES, ELIZABETH MARY<br>1500 HELEN AV | XA71251 | DEM | 4 | Elizabeth Hughes Harvey |
| | | HAYNES, DARIEL<br>1704 W CAREY AV APT A | AC97648 | DEM | 5 | |
| | | HOLLOWAY, JAMERSON LEATROYE<br>2536 WEST ST | AE83997 | N.P. | 6 | |
| | | HOLMES, JOYCE<br>1501 W CARTIER AV NO D | MT02574 | DEM | 7 | |
| | | HOLMES, ROBERTA<br>1501 W CARTIER AV NO D | MT02575 | DEM | 8 | |
| | | HUDSON, SHARISSE LORAINE<br>2539 MORTON AV NO B | AF63040 | DEM | 9 | |
| | | HUGHES, ELIZABETH J<br>1500 HELEN AV APT A | XA14369 | REP | 10 | ABSENTEE VOTER |
| | | HUGHES, MARY LOUISE<br>1500 HELEN AV APT A | MK05012 | DEM | 11 | VOTED |
| | | JOHNSON, CHARLIE M<br>2504 WEST ST APT A | K083280 | DEM | 12 | |
| | | JOHNSON, CYNTHIA YVETTE<br>2532 WEST ST # C | MU09945 | DEM | 13 | AB [illegible]<br>ABSENTEE VOTER |

CAR-RT-SORT **CR57
ELIZABETH J HUGHES
4630 KOVAL LA NO 57B
LAS VEGAS NV 89109-6988

Registrar of Voters
1860 E. Sahara Ave.
Las Vegas NV 89104-3760

BULK RATE
US POSTAGE
PAID
LAS VEGAS, NV
PERMIT NO 388

Many voting precincts and polling locations have changed for the 1992 elections as the result of recent reapportionment of political districts and the substantial increase in the number of registered voters in our county. This notice is being provided as a public service to inform you that your election precinct for the 1992 elections is UNI013 and your polling location is:

THOMAS & MACK CENTER(ROOMS C&D)
4505 S MARYLAND PK, LAS VEGAS
BETWEEN PARADISE AND MARYLAND PKY

In additon, a sample ballot will be mailed to you 10 days before the election, again providing your precinct number and the name and address of your polling place.

Clark County Election Department

097 656

# Libertarian Party of Nevada

**James Dan, Northern Regional Representative**
**PO Box 10833 / Reno, Nevada 89510**
**(702) 626 - 1776 / Fax: 626 - 2501**


24 March 1993

To: State Senate Government Affairs Committee
RE: SB 250 - Comments and Proposed Changes

We commend the Secretary of State for her efforts at election procedural reform embodied in SB250 and find much of SB250 to be positive. However, there are many areas that we do find objectionable. The following are some suggested changes.

1. Allowing two major party candidates from the same major party to advance to the general election when a minor party candidate files for the office is unfair, violates the equal protection clause of the US Constitution, and will result in litigation if passed unamended.

   We understand the Secretary of State's reason for doing this (The fact that SB250 moves the primary election from September to June, and the fact that minor party qualification for the ballot may not have been completed by June), but we find it peculiar that the Secretary of State sees no problem in requiring minor parties to file their lists of candidates at the end of February, three months before the proposed new primary date and seven months before they know whether they even qualified for the ballot.

   **Possible remedies:**

   A. Leave the primary election date alone (IE: In September) so that minor party ballot status will be known by the time of the primary.

   B. Force the two major party candidates to run in the primary if a minor party candidate files, regardless of that minor party's ballot status. If the minor party then fails to qualify for the ballot by the time of the general election, ignore the result of that primary race and advance both major party candidates to the general. This solution is admittedly awkward and costly to both the candidates and the State, but we cannot go back three months in time to June and run a primary after a minor party qualifies for the ballot in late August.

   C. Remedy B to item 2 below will eliminate this problem entirely.

   **Remedy C, A, B is the order of preference.**

2. Requiring minor parties to file their lists of candidates in February and allowing only four or five days for the individual minor party candidates to file their declarations of candidacy puts minor parties and their candidates at a distinct disadvantage with respect to the major parties.

Current law gives minor parties more time to file their candidates than major parties. We agree that this practice is not fair and should be changed, but the solution is not to give major parties more time to file.

**Possible remedies:**

A. Require the minor parties to file their lists of candidates by the same deadline as the major party candidates. Then allow a 30 day period for the individual candidates on the list to file their declarations. The fairness issue is addressed by the fact that the names of the minor party candidates are known at the same time as the major party candidates.

   A possible objection to the 30 day window may be one of fairness to the major parties, but we see that as a non-issue since any candidate may withdraw from the race at any time after filing. A minor party candidate whose name appears on the party's list but who does not file his declaration is tantamount to a candidate who files but withdraws 30 days later.

B. Require individual minor party candidates to file their declarations of candidacy by the same deadline as major party candidates. Allow more than one minor party candidate from the same minor party to file for the same office, to be consistent with the practice for major party candidates. Then require each minor party to hold a nominating convention, in lieu of a primary election, to select no more than one candidate for each office. The minor party may, through its nominating convention, reject all candidates for any particular office(s) and select no candidate that office. Each minor party must then file its list of candidates no later than 30 days prior to the day of the primary election. The candidates on that list must have already filed their individual declarations by the candidate filing deadline.

   The intent here is to align minor party procedure as closely to that of the major parties as possible without incurring the expense to the State of running minor party primaries. The fairness issue is addressed by requiring the same filing deadline for all candidates, regardless of party. Allowing more than one minor party candidate from the same minor party to file for the same office makes minor party procedure identical to major party procedure. While that triggers a primary in the major party case, in the minor party case, the nominating convention sorts out the candidates.

**Remedy B is very attractive because it aligns minor party procedure**

**more closely with major party procedure without incurring undue expense and makes the procedures easier to understand.**

3. Current law provides for a 3% standard to qualify a minor party for the ballot. The minor party, in any one race, must attain 3% of the total votes cast for Representative in Congress, or submit a petition signed by that number of registered voters in order to maintain or achieve ballot status.

   Current law also provides that independent candidates must submit a petition signed by 3% of the registered voters eligible to vote for candidates for the office sought.

   SB250 lowers the standard to 1% for minor party qualification but leaves it at 3% for independent candidates. We believe the standard should be 1% for independent candidates as well.

4. Further amend minor party ballot status provisions by adding minor party PERMANENT BALLOT STATUS. A minor party would achieve permanent ballot status by having attained ballot status over FIVE consecutive general elections. A minor party would lose permanent ballot status immediately following any one general election in which that party places no candidates on the ballot for any office.

   If this provision were to be enacted in the 1993 legislature, then a minor party that has maintained ballot status for the 1984, 1986, 1988, 1990, and 1992 general elections would achieve permanent ballot status immediately upon enactment. It would lose permanent ballot status if it ran no candidates for any office in the 1994 general election.

5. New language proposed in SB250 adds undue burden to the petioning process. In particular, the circulator provisions serve no purpose other than to obstruct. It is the signatures of registered voters that are germain, not the circulator's.

   It has been argued that the absense of such circulator requirements would cause a loss of control over the petition. We see that argument as irrelevant and nonsensical. Since there is a signature verification procedure in place, it is superfluous to require a circulator to be a registered voter in the county

   in which he circulates a petition, and to require the circulator to sign an affidavit attesting to the validity of the signatures on the document(s) he circulates. It serves only to make petioning more difficult.

   **Remedy:** Drop all circulator requirements.

6. Current practice calls for petitions to be filed with the Secretary of State's office prior to circulation but does not prescibe an exact form to be used. A petitoner creates a form in accordance with his best interpretation of the requirements and files it with the Secretary of State's office. It is possible for the petiton to be rejected when the signatures are submitted on the technicality of format of the petition.

   **Remedy:** Require the Secretary of State to prescribe a standard form for all petitions, OR require that once a petition has been accepted for filing by the Secretary of State's office, it cannot later be rejected on the basis of format.

7. SB250 provides for a list of absentee ballot requests to be made available to the public but then negates itself by allowing any such requestor to ask that his name be left off the list. We agree with the Secretary of State's reasoning for this: That such a list might be put to nefarious use by unscrupulous individuals.

   **Remedy:** Provide for TWO sets of lists of absentee ballot requestors. The first is available to the public as proposed in SB250 and from which any absentee ballot requestor may ask to have his name excluded. The second would include the names and addresses of ALL absentee ballot requestors, without exception. The second list will be made available ONLY to candidates running for an office in which the absentee voter may cast a ballot. The list will be given to the candidate, in paper or magnetic form, upon his certification that it will be used only for election purposes and that any name on that list not also appearing on the public list shall remain confidential for a period of time not to exceed thirty (30) days after the election unless written permission is obtained from named individual.

8. SB250 provides for different color ballots to be used from one election to another, with no color repeating in any three year period. We believe four or five years would be more secure, since offices other than State Assembly and US Senate follow a four year cycle.

9. Mail-in registrations have been a source of controversy and lack of confidence. There have been many allegations that such registrations have been falsified after leaving the voters' hands.

   **Remedy:** Require the registering voter to certify that he completed the form without assistance, or, if assisted, require the person who assisted to affix his name and address to the form in a space provided.

10. Current law provides that a person who registered to vote by mail must vote in person in the first election following such registration. But the law is sufficiently ambiguous that an "informal" Attorney General's opinion allowed Clark County election officials to waive that requirement. The potential abuse should be obvious. I could register my two cats, Cassie and Larry, to vote by mail and then request absentee ballots for them. No one would ever know.

    **Remedy:** Clarify the law so that this provision is unambiguous. Also provide for a Deputy Field Registrar to go to the home of a disabled or handicapped person, upon request, to register that person to vote, and provide for an election official, upon request, to go to the home of such a person to deliver and retrieve a ballot on election day. The name of the individual who goes to the home of a disabled or handicapped voter in such a manner would be recorded on the registration form or ballot to provide an audit trail.

11. Assemblyman Bob Price has a wonderful sense of humor. He suggested, during a hearing af AB145, that a person accused of violating certain provisions of election law might be able to plea bargain it down to second degree murder, given the proposed escalation of offense and penalty.

    While the provisions of SB250 that escalate certain offenses from gross misdemeanor to felony are commendable as to intent, in practice, they are actually self-defeating. What jury would return a guilty verdict on election fraud if they feel that the penalties are out of line? What DA would even prosecute? Indeed, the problem here is not the lack of severity of penalty, but rather, the reluctance to investigate and prosecute.

    **Remedy:** We have no solution to the problem of reluctance to investigate and prosecute, but do recommend that the proposal to escalate gross misdemeanor to felony be dropped. We also believe that Senator Hickey has some good ideas regarding this area and would like to discuss this further with him.

12. SB250 attempts to give greater effectiveness to "None of these Candidates" on the ballot. Unfortunately, it allows the Governor to fill by appointment any office in which "None of these Candidates" wins.

    **Remedy:** Require a special election within three months with a completely new slate of candidates for those offices in which "None of these Candidates" won. For certain offices such as State Senate and State Assembly, because of the short duration of the session, that would

effectively leave that particular electorate unrepresented, but they knew that when they voted for "Non ..."

**We would prefer leaving leaving current law as is rather than allowing the Governor to fill by appointment.**

Submitted by

James Dan,
Northern Regional Representative,
Libertarian Party of Nevada

and

Tamara Clark,
Chair,
Libertarian Party of Nevada

# MINUTES OF THE
# SENATE COMMITTEE ON GOVERNMENT AFFAIRS

## Sixty-seventh Session
## March 26, 1993

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 11:30 a.m., on Friday, March 26, 1993, in Room 119 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator Sue Lowden, Vice Chairman
Senator William J. Raggio
Senator Dean A. Rhoads
Senator Thomas J. Hickey
Senator Leonard V. Nevin
Senator Matthew Q. Callister

STAFF MEMBERS PRESENT:

Caren Jenkins, Principal Research Analyst
Tanya Morrison, Committee Secretary

OTHERS PRESENT:

Sam Hiliard, Detective, Las Vegas Metropolitan Police Department, (METRO) Criminal Intelligence Section
Van Graham, District Attorney's Office, Clark County
Marlene Henderson, Registrar of Voters, Washoe County
James Dan, Northern Regional Representative, Libertarian Party of Nevada
Dale Erquiaga, Elections Deputy, Nevada Secretary of State
Jan Gilbert, Nevada League of Women Voters
Richard Puckett, Chairman, Libertarian Party of Clark County

Chairman O'Connell opened the meeting on Senate Bill (S.B.) 250.

SENATE BILL 250: Makes various changes to provisions governing elections.

Sam Hiliard, Detective, Las Vegas Metropolitan Police Department, Criminal Intelligence Section, temporarily assigned to the Elections Fraud Task Force, spoke to the committee on S.B. 250. He stated:

> Basically the Elections Fraud Task Force was formed by Sheriff John Moran after numerous allegations had basically filtered into the police department concerning election fraud. This is somewhat new territory for the police department. We have not investigated very many instances of election fraud in the past. What happened was, our investigation since November of 1992 centered mostly on deputy field registrars. We are looking at over a dozen deputy field registrars that are going to be charged with multiple felony counts. Some of those felony counts are detailed as filing a false document, forgery and some of those deputy registrars turned out to be felons, which are persons not even eligible to vote let alone register other people to vote. What happened was, there is no specific law or statute that we were able to uncover. There is federally, however, but as far as the state level we didn't come up with a specific law for some of the instances that we found concerning these registrars, so we had to research the law and find the correct charge to charge these persons with. Let me give you an example of some of the things we had. We had a group of registrars, numerous subjects that were all residing in a downtown apartment complex. They had discovered that the democratic party was paying a $2 bounty for every democrat registered, in addition to the 10 cents that is paid per statute for every person registered. When they discovered that there was $2 they could obtain for every person they registered, they got together and some of them went out and diligently registered democrats. I mean legitimately registered people to vote. Some of the other group got together and found a way that they would go out and register people to vote such as at grocery stores, DMV (Department of Motor Vehicles and Public Safety), our own METRO sheriff's card office, etc. and when they would register these people to vote...let me just give you an example of what would happen. They would come up to you as a perspective voter and they would say, "Would you like to register to vote?" and of course you would say yes and they would say, "Okay, lets go ahead. I will fill this information out for you." They would fill in the name, the date of birth, social security number and whatever is required on the registration affidavit and then they would sometimes

ask what party affiliation would you like me to mark for the party affiliations. They would just simply say, "What are you, a republican, democrat, independent, what?" An example of some of the crimes we found were the person would reply to the registrar they would like to be a republican and they would say no problem and then go ahead and fill out the form then turn it over and have the person sign, however, they would either cover the box that marks the affiliation or just leave it blank, have the voter sign the affidavit then they would say thank you and turn around and mark democrat on there as the person walked away or later mark democrat then turn that in and collect the $2 bounty for that party affiliation. On those particular persons, which is mostly what we found, we are charging each one of those persons with filing a false document because we consider and the D.A.'s office considers that voter registration affidavit to be an official document. So, when they altered that document is now not an accurate portrayal of what the person wanted to be so we are charging them with filing a false document which is a felony crime. The other crimes we found which were several were a group of these deputy registrars got together...let me back up just a minute. When a perspective deputy registrar goes down and gets appointed by the election department they take an oath of office. On that oath it says they will uphold the rules and regulations and they will not try and persuade people to be a particular party, they are not laboring under a felony conviction, they will return all of their affidavits within a certain amount of time, etc. They take the oath then they are assigned a group of blank affidavits that are numbered that are specifically categorized and numbered so that the election department can keep track of those affidavits. However, one of the problems that we discovered through talking to some of these suspects and through our investigation was that they were also given by the democratic party and by some other parties and had access to were group stacks of mail-in registration forms that are not categorized, logged, nothing. No track is kept of these mail-in registration forms and in addition, on the mail-in registration forms it only requires the signature of the person registering to vote. It does not require a signature of an official person such as a deputy registrar or Clark County official, or anybody, it just requires the signature of the person registering to vote. So, what happened was, this group of deputy

registrars got together in this particular apartment complex, sat down and they took the Centel First Source phone book, opened it up and started randomly registering people to vote and then forging their name on that registration form. They did this with maybe several hundred, we are not sure exactly and the reason we cannot pin down exactly how many they did is because in the beginning of this...the democratic party, by the way, if I can say this particular facet of the democratic party was very cooperative with us in our investigation and they themselves had discovered that there may have been some wrongdoing on the part of these registrars and try to circumvent and I will explain that. What would happen is they would take these forged mail-in registration forms, take them to the democratic party, get paid their $2 bounty for every democrat and of course they were all democrats, the democratic party would log the affidavit number and who actually got paid for that. That is the only record we had and the only way we were able to obtain this information. Then in the beginning, before the democratic party was able to catch onto what was going on, they entrusted the deputy field registrar to take those mail-in registration forms, the completed ones and turn them in to the election department. What happened was, in the beginning of this those deputy registrars, because their own names were not on those forms, they trashed them, simply threw them away and discarded them. However, through our investigation we found that some of them had actually made it to the election department and we were able to uncover maybe 10 or 12 that were actual forgeries that we are charging a couple of the deputy field registrars with actually forging these persons names. The information contained on the mail-in registration form contained the correct name, the correct address because that is what is in the phone book and the correct phone number, however, the date of birth, social security number and signature were all fabricated. That is mainly the crux of what our investigation centered on. We had some other allegations that had come in pertaining to persons who had voted twice and those turned out to be very minor. They turned out to be not criminal intent, no wrongdoing on their part. One in particular, I will give you an example, is actually a United States senator's mother, not naming any names, she is an elderly woman and she wanted to vote absentee so she received an absentee ballot in the mail and she went ahead and filled it out and mailed

it in. But then she started watching on TV (television) and on the news media that they were having problems with the absentee ballots and so she got scared and panicked and at the time of the actual election she thought, well if they are having all of these problems my absentee ballot isn't going to count so she went down and voted. So we took that and just investigated it, but of course we are not going to charge in an incident like that because it was simply an error on the voters part. The other part of our investigation centered on the picking up of absentee ballots which is a gross misdemeanor. The one of them was a particular individual that has been charged that was working for a particular person running for county commission and this person went out and was actually picking up absentee ballots which again is a gross misdemeanor and a violation. I can tell you just in summary that one of the main things that we saw where there is lack of control or problems is first off, as I mentioned in the beginning, some of these deputy field registrars turned out to be ex-felons which they are actually convicted persons. One of them, I won't specifically identify him, he is a convicted person for forgery and counterfeiting which goes right along with what he is accused of doing now. Another individual which has been in the media down here lately is a person who is a convicted felon who was taking persons who he had registered to vote, who matched his physical description somewhat and writing down their name, date of birth, social security number, address and telephone number and when he was getting stopped by the police here he was using that persons name as an alias and he, in fact, received four traffic tickets under this alias name and they had actually gone to warrant because, of course, they were not paid and had we not discovered this in the timely manner that we did, this individual's name he was using, that person would have been arrested for those traffic warrants and of course it would have been a terrible miscarriage there that that person would have been arrested. So, that is pretty much it for right now. Like I said in summary, the mail-in registration forms, the lack of controls on those caused these individuals to have a lot of freedom to do what they wanted with those mail-ins. We did not find any blatant forgeries on the actual registration affidavits that they were entrusted with because, according to them, by their own admission, those were accountable documents and they felt they would get caught if they forged those, that is why they just

> forged the mail-ins. Later on, as I had stated earlier, the democratic party...after they found out or started to suspect that there were some problems, they no longer entrusted the deputy field registrars with turning in their own registration forms. They would go ahead and turn them in to the election department. I will take any questions now.

Senator Hickey asked about the federal law with regard to election fraud. Detective Hiliard told the committee his department made an agreement with the United States (U.S.) Attorney's Office, which handles the prosecution of federal crimes. This agreement was they would go ahead and conduct the investigation on a state level and if they ran into a problem with the state courts concerning prosecution they would then turn the investigation results over to the U.S. Attorney's Office and they would then consider prosecuting on a federal level. He pointed out it is not necessary to do both, it is only necessary to prosecute on one level.

Senator Lowden told Detective Hiliard the committee has heard testimony that some citizens have tried to present evidence to METRO and METRO has not wanted to see it. Detective Hiliard stated he made personal contact with the individuals who have conducted their own investigations into some of the allegations of election fraud. He explained some of the allegations may warrant follow-up. He told the committee he asked these people to bring in all of the evidence they have and they were a little hesitant about having this evidence seized from them. He explained to these people he would make Xerox copies and return their originals to them. He told the committee they are planning to meet within 2 weeks and they are going to bring in the material they have.

Van Graham, District Attorney's Office, Clark County, spoke to the committee regarding S.B. 250. He stated as Detective Hiliard testified there are a number of matters currently awaiting action. He told the committee he spoke with Chief Deputy Eric Jorgensen this morning and he is awaiting some additional information from the task force. He pointed out they are trying to correct some of the procedural and potential criminal problems which occurred in the last registration process. He stated the penalties for cheating in the election process will have to come from the legislature. Mr. Graham stated they will be presenting their evidence to the grand jury within the next several weeks.

Jan Gilbert, Nevada League of Women Voters, spoke to the committee on S.B. 250. She explained she wanted to address one section of the bill. She stated section 42 which clarifies the legislative intent that all mail-in registrants must vote in person the first time. She said she has a personalized view of this because the Nevada League of Women Voters was asked to participate in a rock the vote event at the

local high school. Ms. Gilbert recruited a couple of registrars who were Carson City residents because she is not. She explained they went to the high school to register first-time voters at the high school. She explained there is a problem with the restrictions on mail-in voting because of military personnel, retired individuals and students going off to college.

Senator Raggio explained to Ms. Gilbert that the committee has heard testimony regarding nonexistent individuals or dead individuals being registered under the mail-in registration process. He stated that is the reason section 42 was placed in the law. This will ensure the individual will show up at some point to be identified.

Ms. Gilbert told the committee she feels this law disenfranchises the young voters. She agreed these people should make the effort to go and register to vote, but they do not and therefore it helps to go to the schools and register these young people.

Senator Callister stated his district is full of mobile home parks and senior facilities which are filling on a daily basis with people new to Southern Nevada. He explained many of these individuals are house bound routinely and he stated this is not a small number of people. He maintained he has a concern regarding section 42 in this bill because he did not hear of the types of fraud Senator Raggio was referring to and he feels this section will disenfranchise a significant number of seniors.

Chairman O'Connell told Senator Callister the committee had heard quite a bit of testimony regarding fraud with mail-in registration.

Senator Lowden stated in her district there were individuals she talked to who had no idea they had been registered to vote and some of them were not even citizens.

Senator Callister explained he feels the fraud they need to be most concerned about are individuals who are illegitimately registered and then they vote. He explained if someone was just illegitimately registered it is certainly fraud on the party or group paying the bounty for those individuals, but he is not sure it resulted in fraud on the system.

Senator Hickey stated this committee should look at this bill very carefully, but he added the point is well taken and he understands the concerns of Senator Callister and Ms. Gilbert. He suggested the subcommittee look at this section and perhaps another step could be taken.

Senator Raggio stated if somebody wanted to send in a bunch of registrations and then send in applications for absentee ballots, those people could never exist and nobody would ever know about. That is why this law was implemented. The individuals only have to show up the first time they vote.

Senator Callister told Senator Raggio his explanation made sense. But, he stated the evidence he is looking for is evidence not that people abuse the registration process, but that they registered illegally and then voted.

Chairman O'Connell shared with the committee information she had received on absentee ballots. She explained some individuals had gotten the plans for a housing development which only had foundations at that time. These individuals then found out the addresses from the planning department and they used those addresses and fictitious names and voted by mail.

Marlene Henderson, Registrar of Voters, Washoe County, gave the committee members her written suggestion of amendments to S.B. 250, (Exhibit C). She told the committee there is also a list of the cost of her software in this exhibit. Ms. Henderson brought with her one of her votomatics to demonstrate to the committee how difficult it is to punch the wrong holes.

James Dan, Northern Regional Representative, Libertarian Party of Nevada, told the committee he had already submitted his testimony in writing during the meeting last Wednesday. He made suggestions to the committee regarding voter registration. He suggested students in high school be allowed to register to vote during a civics class. He drew attention to the fact that in apartment buildings the managers could become registrars and help register the elderly. Mr. Dan pointed out how easy it would be to commit fraud with the register-by-mail process and then they could vote by absentee ballot.

Richard Puckett, Chairman, Libertarian Party of Clark County, spoke on S.B. 250. He suggested individuals who were home-bound call the registrar's office to have someone come to their home to register them in person. Mr. Puckett stated mail-in registration was the biggest area for potential problems where individuals would submit fake names for registration and then vote fake names. He also voiced his concern that only a registered democrat or a registered republican are able to work at the election polls on election day and he feels this is an unfair requirement.

Chairman O'Connell stated she did not feel this was still a requirement to work at the election polls or that possibly it was a misunderstanding. She asked Dale Erquiaga to address this concern.

Dale Erquiaga, Elections Deputy, Nevada Secretary of State, addressed the question posed by Mr. Puckett. He pointed out the law states that the registered voters appointed as election board officers for any precinct or district must not be all of the same political party. He iterated there is no reference made to major or minor political party, they simply cannot all be of the same political party.

Mr. Puckett told the committee another concern he has is allowing the election computer to be hooked up by phone so any computer could call into the election department computer on election night. He stated there needs to be safeguards as far as this computer is concerned. He asked the computer not be hooked up by phone link because people familiar with computers can get past the security and create problems.

Mr. Puckett also expressed concern with section 53. He suggested adding to this section the requirement to reconcile the poll book numbers to the abstract numbers. Another problem he sees is that poll watchers should be allowed at the transfer points, but as it currently stands, no private citizen is allowed to be at transfer points and he does not see the need for that. Mr. Puckett also suggests a requirement in the law that ballots be canvassed. He would like to see a picture identification be presented at the time of voting.

Chairman O'Connell closed the hearing on S.B. 250 and opened the hearing on Bill Draft Request (BDR) 25-604.

Bill Draft Request 25-604: Provides for establishment of capital improvement districts.

SENATOR NEVIN MOVED FOR COMMITTEE INTRODUCTION OF BDR 25-604.

SENATOR HICKEY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR RHOADS WAS ABSENT FOR THE VOTE.)

* * * * *

Chairman O'Connell opened the hearing on Bill Draft Request (BDR) 23-810.

Bill Draft Request 23-810: Clarifies procedures for state agencies to obtain approval of an employed person to perform data processing for agency.

# WASHOE COUNTY

"To Protect and Serve"

REGISTRAR OF VOTERS

[illegible] EAST NINTH STREET
[illegible] POST OFFICE BOX 11130
RENO, NEVADA 89520
PHONE (702) 328-3670

DATE: March 24, 1993

FROM: Marlene Henderson
Washoe County Registrar of Voters

SUBJECT: AB 250

Attached are my notes on sections 63 through 81 which are to be added to the notes that I gave you on March 24, 1993.

MH/wm

See Exhibit D, March 24, 1993, for full text of this exhibit.

675

Below is a list of all the hardware that is currently in the Washoe County Registrar of Voters office . All of the equipment is required to run our voter system.

| | ITEM | PRICE |
|---|---|---|
| 1 | DIMS Software program | $37,200.00 |
| 13 | At&t 6386 sy/el wgs Personal Computers | $15,145.00 |
| 8 | Panasonic KX-P1123 Desktop printers | $ 2,120.00 |
| 1 | Optical full image scanner/Optical drive | $59,000.00 |
| 2 | Hewlett Packard Lazer III printers | $ 5,260.00 |
| 2 | Portable Data Terminals MSI PDT II | $ 5,700.00 |
| 2 | Documentation 1000 Cardreaders | $16,000.00 |
| | Ballot counter softerware | $22,000.00 |
| | Yearly Maintenance | $ 3,960.00 |
| | Signature Management software | $25,000.00 |
| | Yearly Maintenance | $ 6,000.00 |
| 1 | PC 6386wgs | $ 1,300.00 |
| 1 | Hewlett Packard Laser printer 3d | $ 3,860.00 |
| 1 | ALR 486 file server | $15,000.00 |
| 1 | Wang tech 5525 ES Tape drive for backup | $ 1,150.00 |
| | TOTAL | $218,695.00 |

Washoe County also has purchased a Xerox 4235 laser printer that has the abilty to print bar codes and signatures for the purpose of printing election day rosters.

Hardware/Software Costs
Registrar of Voters
Washoe County

| Software | | Maint/yr |
|---|---|---|
| | | |
| Ballot Count | 22000 | 3960 |
| Times Software | 17500 | 37200 |
| Signature Management | 25000 | 6000 |
| | | |
| Totals | 64500 | 47160 |
| | | |
| | | |
| Hardware | Per Unit | Total WC |
| | | |
| Card Readers (2) | 8000 | 16000 |
| Scanner & Optical drive | 59000 | 59000 |
| Optical disk cartridge (8) | 155 | 1240 |
| Bar Code Reader (2) | 2850 | 5700 |
| 6386 PC's (13) | 1165 | 15145 |
| Panasonic KP-P1123(8) | 265 | 2120 |
| HP Laser III | 1400 | 1400 |
| HP Laser III SI Duplex | 3860 | 3860 |
| 6386 WGS | 1300 | 1300 |
| ALR 486 File Server | 15000 | 15000 |
| Wangtek tape backup | 1150 | 1150 |
| | | |
| Totals | 94145 | 121915 |

Chairman O'Connell closed the hearing on S.B. 154, until Senator Callister returns to the meeting. She opened the hearing on Senate Bill (S.B.) 250.

SENATE BILL 250: Makes various changes to provisions governing elections.

Senator Lowden chaired the subcommittee on election reform and presented the committee with proposed amendments from that subcommittee (Exhibit C). She stated the subcommittee met for a total of 10 hours on this subject for a total of 40 hours with committee meetings. She explained each section of Exhibit C to the committee.

Senator Hickey had a question on section 62. He pointed out during public testimony on S.B. 250, some individuals in law enforcement stated they could not use their address and they therefore used post office boxes. He asked how section 62 will affect these people.

Mr. Erquiaga stated any voter registration document would require a residence address, but unless the voter gives a physical address they cannot be precincted. He pointed out this is a problem for law enforcement personnel and members of judiciary, but unless they have a physical address they cannot be placed in a precinct.

Senator Hickey asked if there was a way to set up a voter box in each of the counties for these individuals.

Mr. Erquiaga stated that would be possible, but he added they would have to vote in person in the clerk's office which can be done at any time, as provided by law.

Senator Hickey suggested looking at this by regulation for special circumstances. Mr. Erquiaga stated he would look into this and report back to Senator Hickey.

Senator Lowden continued explaining the proposed amendments to S.B. 250 (Exhibit C).

James Dan, Northern Regional Representative, Libertarian Party of Nevada, congratulated the subcommittee on the work done on S.B. 250 which he feels overall is a very good bill.

Lois Avery, Member, Natural Law Party, spoke in favor of S.B. 250. She told the committee they did a great job and took a lot of testimony. She added she is very pleased with the results of this bill.

Barbara Reed, Clerk/Treasurer, Douglas County, spoke to the committee in favor of S.B. 250. She stated she does have a little bit of concern with section 42 which requires if a person uses a mail-in registration form, the person has to vote in person. She explained her primary concern is the administration of that provision and also concern with students using mail-in forms. She requested the committee consider treating students as they do the military.

Senator Hickey stated the workers at the Nevada Test Site also have a hard time getting to the polls to vote. He iterated the first-time registered voters would not be able to vote because of their job. He concluded he has a real problem with the provision in section 42 due to the previously stated problems which can affect registered voters.

Chairman O'Connell asked Mrs. Reed to share with the committee some of the problems she sees as far as the mechanics she expressed concern over.

Mrs. Reed stated they will have to change their computer program so they can indicate if it was a mail-in affidavit. She noted in turn that information has to be generated to the election polls where trained individuals would know how to check to see if the voter had mailed in their registration.

Marlene Henderson, Registrar, Washoe County, spoke on S.B. 250. She stated she still has a few problems with it. She explained, in section 42, line 41 and 42 it states the people vote in person unless they have previously voted in the county. She told the committee her office personnel do not have the time for that kind of research on election day. She stated she agreed with Senator Hickey in regard to people who work out-of-town and cannot get back into town to the polls to vote. She explained they need to be able to vote an absentee ballot in these special cases.

Senator Lowden stated if the individuals are first-time voters and they have a mail-in registration form it states on the form if people think they are not going to be able to show up in person to call a deputy of registrar to register them at home or at their place of business. She declared she feels this will enable those individuals to be able to register and vote.

Mrs. Henderson stated in section 43, line 19 it states an identification card will be issued by the Department of Motor Vehicle and Public Safety (DMV). She pointed out the registrars would not

know if the affidavit is correct. She explained the identification cards should not come out of any office except the clerks' or registrars' office.

Senator Hickey stated he felt Mrs. Henderson's complaint was valid due to the fact when he has written checks in the past and the checker asks for his driver's license. He explained the checker will ask him if his address is correct on the license and therefore this seems to be a problem with the DMV having the correct address for each individual. He concluded the identification should come from the registrars' office.

Senator Rhoads asked how this bill will affect absentee ballots. He explained in his county they vote at the school house except for all of the little precincts located way out in the country when people vote by absentee ballots. He inquired as to how the first-time voters in these precincts would vote in person, because they do not have any precincts where they can vote.

Mr. Erquiaga stated the mail-in precincts are at the call of the clerk, based on certain statutory requirements. He explained Senator Rhoads' constituents would have to be exempted due to the lack of having a precinct election poll.

There being no further business Chairman O'Connell adjourned the meeting at 3:50 p.m.

RESPECTFULLY SUBMITTED:

Tanya Morrison

Tanya Morrison,
Committee Secretary

APPROVED BY:

Senator A. O'Connell

Senator Ann O'Connell, Chairman

DATE: 6-7-93

SECTION BY SECTION
**SUMMARY OF SENATE BILL 250**
WITH PROPOSED AMENDMENTS
May 3, 1993

SECTION 1 places information into chapter 293 of NRS.
SECTION 2 deleted (petitions measure)
SECTION 3 defines "state officer" for elections purposes.
SECTION 4 prohibits voter registrar from being paid according to the number of voters he registers or the number of voters in a particular party he registers.
SECTION 5 deleted (petitions measure)
SECTION 6 deleted (petitions measure)
SECTION 7 deleted (petitions measure)
SECTION 8 deleted (petitions measure)
SECTION 9 deleted (petitions measure)
SECTION 10 deleted (petitions measure)
SECTION 11 clarifies party affiliation or lack thereof in voter registration.
SECTION 12 requires the date of an election to be printed on each ballot or portion thereof.
SECTION 13 requires the secretary of state to indicate ballot color for every election in the state.
SECTION 14 protects against boundaries of a voting district being changed after the close of candidate filing.
SECTION 15 allows computer generated facsimiles of voters' signatures to be used for comparison in elections.
SECTION 16 brings Nevada into compliance with certain Federal standards for overseas and military voting.
SECTION 17 gives authority to secretary of state to prescribe deadline for filing as a candidate in a special election if a vacancy occurs in a Representative in Congress seat.
SECTION 18 allows "snowbirds" and people who live in their motorhomes to vote for President and Vice President of the United States.
SECTION 19 requires all information which appears on an affidavit of registration to be entered if files are kept by computer. (See Section 64)
SECTION 20 directs county clerks to compile a list of the names and precinct numbers of persons who have requested absent ballots, and makes such lists public. (See Section 49)
SECTION 21 specifies that the terms used in the measure are defined in chapter 293 of NRS.
SECTION 22 deleted (petitions measure)
SECTION 23 deleted (petitions measure)
SECTION 24 deleted (petitions measure)
SECTION 25 deleted (petitions measure)

Amend sec. 30, page 9, by deleting lines 29 and 30 and inserting: "with the secretary of state nor later that the first Wednesday in July.".

Senator O'Connell moved the adoption of the amendment.

Remarks by Senators O'Connell and Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 759.

Amend sec. 3, page 1, by deleting line 6 and inserting: "*tion to a legislator, officer or employee of this state or of a political subdivision, or to a legislator,*".

Amend sec. 3, page 1, line 7, by inserting an italicized comma after "*Government*".

Amend sec. 3, page 1, line 8, by deleting "*agency*" and inserting "*entity*".

Amend sec. 4, page 1, line 11, by deleting "*an*" and inserting "*a legislator,*".

Amend sec. 4, page 1, line 13, by deleting "*agency,*" and inserting "*entity,*".

Amend sec. 4, page 1, line 18, by deleting "*an*" and inserting "*a legislator,*".

Amend sec. 5, page 1, line 22, by deleting "*an*" and inserting "*a legislator,*".

Amend sec. 5, page 1, by deleting line 23 and inserting: "*political subdivision, or to a legislator, officer or employee of the Federal Government,*".

Amend sec. 5, page 1, line 25, by deleting "*agency*" and inserting "*entity*".

Amend the title of the bill, second line, by deleting "agency;" and inserting "entity;".

Amend the summary of the bill, second line, by deleting "agency." and inserting "entity.".

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 508.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 782.

Amend sec. 2, page 2, line 17, by deleting "10" and inserting "[10] *6*".

Amend sec. 2, page 2, line 18, by deleting "$10,000," and inserting "[$10,000,] *$5,000,*".



Amend sec. 2, page 2, by deleting lines 20 through 26 and inserting: "section is guilty of a misdemeanor.".

Senator James moved the adoption of the amendment.

Remarks by Senators James and Brown.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 837.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 408.367 is hereby amended to read as follows:

408.367 1. With the approval of the board, the director may receive informal bids and award contracts for highway construction, reconstruction, improvements, and maintenance on projects estimated to cost not in excess of [$50,000.] *$250,000.*

2. Such informal bids must be submitted in accordance with due advertisement thereof being published for at least one publication in any newspaper or publication.

3. The department shall:

(a) Mail a copy of the bid invitation by certified mail to all qualified bidders who are on record with the department as desiring to receive bid invitations on projects estimated to cost not in excess of [$50,000.] *$250,000.*

(b) Maintain a record of such certified mailings.

4. Contracts awarded under the provisions of this section must be accompanied by bonds and conditioned and executed in the name of the State of Nevada, and must be signed by the director, under the seal of the department, signed by the contracting party or parties, and the form and legality of [such] *those* contracts approved by the attorney general or chief counsel of the department.".

Amend the title of the bill to read as follows:

"An Act relating to the department of transportation; revising the provisions governing the state highway revolving account to delete obsolete provisions; creating a state highway clearing account to accommodate current payroll requirements; increasing the monetary threshold for allowing informal bids for certain contracts relating to the construction of highways; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to department of transportation. (BDR 35-1930)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 250

SENATE BILL NO. 250—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 2, 1993

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing elections. (BDR 24-542)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to elections; making various changes to the provisions governing elections; prohibiting certain payments of compensation to a person for registering voters; prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the penalty for certain violations; providing penalties; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** *"State officer" means:*

*1. The governor;*

*2. The lieutenant governor;*

*3. The secretary of state;*

*4. The state treasurer;*

*5. The state controller;*

*6. The attorney general;*

*7. A justice of the supreme court;*

*8. A state senator;*

*9. A state assemblyman;*

*10. A regent of the University of Nevada;*

*11. A member of the state board of education; or*

*12. A district judge.*

**Sec. 4.** *1. It is unlawful for a person to provide compensation for registering voters that is based upon:*

*(a) The total number of voters a person registers; or*

*(b) The total number of voters a person registers in a particular political party.*

THIS BILL IS 31 PAGES LONG.
CONTACT THE RESEARCH LIBRARY
FOR A COPY OF THE COMPLETE BILL.

Chairman O'Connell closed the hearing on S.B. 525 and opened the hearing on Senate Bill (S.B.) 539.

SENATE BILL 539: Makes various changes to election laws to comply with National Voter Registration Act of 1993.

Dale Erquiaga, Chief Deputy, Office of the Secretary of State, State of Nevada, explained to the committee this bill is not a proposal by the secretary of state's office. He stated this is a bill written by the legal division of the Legislative Counsel Bureau to comply with the National Voter Registration Act of 1993 in which compliance is mandatory and there is no option. He gave the committee copies of the amendments which are Exhibit E.

Marlene Henderson, Registrar of Voters, Washoe County, told the committee she has read S.B. 539 and also the federal bill signed by the President. She stated she concurs that the amendments to this bill will bring us into compliance with federal law.

Mr. Erquiaga explained to the committee the language changes which had to be made in S.B. 539 and are contained on Exhibit E. There was some discussion from the committee members.

Ms. Henderson stated there is nothing Nevada can do about complying with federal law, but she suggested the State of Nevada increase the efficiency in which they check for felons. She told the committee she would like to be able to access a compatible list for the computer system which contains a list of felons which can then be compared with the registered voter list.

Senator Nevin stated he agreed with the concept Ms. Henderson is suggesting. He feels this system would help enhance the already existing federal law.

Mr. Erquiaga stated a central registry for felons has been discussed for a number of years in this state. He explained it would require the legislature to require the clerks of the state district court to notify the secretary of state of a conviction.

Caren Jenkins, Principal Research Analyst, Legislative Counsel Bureau, stated Senator Raggio asked before the description of the bill began and she wanted it noted for the record:

> The only area in the measure which overlaps with current law or duplicates a portion of the bill that is before the senate currently is in section 30, that removal of voter registration when you register your motor vehicle. That is the only section that overlaps current law or Senate Bill 250...I wanted to be

> certain that with Dale's statement...this bill doesn't do anything that we don't have to do that the feds [federal government] have mandated, that the changes from may to shall and shall to may [within the bill] that are proposed by the secretary of state to current law are mandated by the federal law and not just a method of making implementation easier.

SENATE BILL 250: Makes various changes to provisions governing elections.

Chairman O'Connell suggested Mr. Erquiaga and Ms. Henderson get together and come to an agreement on the amendments to S.B. 539.

Senator Nevin asked Chairman O'Connell to consider the felon request which Washoe County suggested. He explained he feels it is a good approach and with this everything will be covered at one time rather than duplicating work.

Chairman O'Connell closed the hearing on S.B. 539 and opened the hearing on Senate Bill (S.B.) 250.

SENATE BILL 250: Makes various changes to provisions governing elections.

Chairman O'Connell stated Senator Ernest Adler brought up a point on the senate floor on Tuesday on section 43 of the bill. She explained Senator Adler's concern is somebody might be disenfranchised because they left their identification at home and would not be allowed to vote without identification.

Senator Hickey stated he feels that is a real issue and questioned whether or not it is constitutional to prevent an individual from voting who did not present identification.

Chairman O'Connell stated she spoke with the secretary of state and the secretary of state is asking the committee to make a committee amendment to delete that section of the bill. She also stated Senator Joseph Neal is requesting an amendment to provide a challenge box at every polling district so nobody would be disenfranchised if they came to vote. They would be allowed to vote and their vote would go into a challenge box. At the end of the day the challenge box would be gone through and the registrars would decide the validity to each of the challenges.

Chairman O'Connell stated if the request for an amendment dealing with the challenge boxes has not been made, the committee should make it part of their amendment which is Exhibit F.

SENATOR HICKEY MOVED FOR A COMMITTEE AMENDMENT TO DELETE SECTION 43, PAGE 12 OF S.B. 250 AND THEN REQUEST THE INFORMATION IF NOT ALREADY REQUESTED BY SENATOR JOSEPH NEAL.

SENATOR RHOADS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR LOWDEN WAS ABSENT FOR THE VOTE.)

* * * * *

There being no further business, Chairman O'Connell adjourned the hearing at 5:00 p.m.

RESPECTFULLY SUBMITTED:

Tanya Morrison

Tanya Morrison,
Committee Secretary

APPROVED BY:

Ann O'Connell

Senator Ann O'Connell, Chairman

DATE: _____

# SB 250

Section 43, page 12.
Delete lines 26, 27 and 28 in their entirety.

Section 45, page 13.
Insert the following new language beginning at line 36:

*, or brings before the election board officers a person who is at least 18 years old who:*

*(a) furnishes official identification which contains a photograph of himself, such as his driver's license or other official document, and*

*(b) Executes an oath or affirmation under penalty of perjury that the challenged person resides at the address listed in the election board register.*

Senate Bill No. 250.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 944.

Amend sec. 43, page 12, by deleting lines 26 through 28.

Senator O'Connell moved the adoption of the amendment.

Remarks by Senator O'Connell.

Senator Brown requested that Senator O'Connell's remarks be entered in the Journal.

Thank you, Madam President. The senator from Carson City expressed a concern on the floor on Tuesday regarding Section 43 of the bill. This section addressed requirement for presenting identification before you could vote. I felt that he expressed a very valid concern. I brought it to the Committee on Government Affairs and they agreed. Therefore, we have requested the deletion of this section.

Amendment adopted.

The following amendment was proposed by Senator Titus:

Amendment No. 934.

Amend sec. 32, page 6, line 3, by deleting "*May*" and inserting "*March*".

Amend sec. 36, page 9, line 30, by deleting "*May*" and inserting "*March*".

Amend sec. 36, page 10, line 3, by deleting "*May*" and inserting "*March*".

Senator Titus moved the adoption of the amendment.

Remarks by Senators Titus, Raggio, Coffin, Callister, Brown, James and Neal.

Senator Brown requested that the following remarks be entered in the Journal.

SENATOR TITUS:

In reference to the section I was discussing yesterday that closes the window of time a person has for filing to run for office. The bill closed that window which was from January to June down to May to June, to just be one month. This amendment opens that window back up to three months, from March to June. I can understand there are good arguments for making the election season shorter. It makes it less expensive. It is less of a burden on the public to have to read campaign signs for such a long period of time. But, I think one month is just too short. Such a restricted filing period favors incumbents and does not give people a real opportunity to check out their options and get involved. I repeat, this amendment would open that window back up to three months as opposed to just one.

SENATOR RAGGIO:

Thank you, Madam President. I serve as a member of the committee which processed this bill. In this particular situation, I can understand some arguments on both sides. But, I would oppose the amendment. The present situation is unique to this state. We have an inordinate amount of time between when the opportunity to actually file as a candidate occurs and when you close that filing. I think that the shorter that is serves the public interest and I can't see this as something favoring an incumbent and I certainly respectfully would disagree with the minority leader. This would allow, in the bill which is before us, a 30-day period in which to formally file a candidacy. People can make all kinds of decisions for many, many months prior to this. They can have all kinds of leaks and all kinds of press statements and all kinds of disclosures that they are considering running. I think that the public is entitled to a shorter period of time within which people actually go



down and file for candidacy. In most states, of which I am aware, most legislators are amazed that we allow this length of time in order to formally go down and file your candidacy. In the cities, as I recall in this state, I think it is a very short period. I think we only allow ten days in Reno in which to make your formal filing. You have all the time you want to think about this. But, I think the public is entitled in a short period of time, comparatively short, to determine officially whether you are going to be a candidate. I don't think this is a main argument. This is not a disagreement that is going to rock the world whether the minority leader and I disagree on this. However, I think the committee looked at this long and hard and determined that we should shorten this period to something manageable where we know who the actual candidates are going to be. I believe one month is far more than the ten days we allow in local government elections and that the public is entitled to a shorter period of time to determine who is actually officially going to be a candidate. I would oppose the amendment and I think the committee's action in allowing a one-month period is not only appropriate but very, very adequate. Also, insofar as candidates are concerned, candidates ought to have a shorter period of time in which to know who is going to be the opponent, who is going to be involved in these elections and start being able to manage their campaigns a little more appropriately. From the public standpoint, one month is certainly a reasonable period of time.

SENATOR COFFIN:

According to the majority leader, short is best. I disagree. I was thinking about the city time limits. I am glad the majority leader brought them up. I think that is a crime. In political time, a week is just like the snap of the finger. It is absolutely unconscionable that we really allow the cities to get along with that. I guess they do it through the charters that we approve. But one week, when the person might be ill or perhaps not have a moment to reconsider and then can't file loses a tremendous opportunity. I think it is a heck of a disadvantage. Frankly, when the minority leader proposed even increasing it to two months, I did not like the idea. I think that longer is better. I think it gives the opportunity for the public to focus more and I think that is good. I don't think the length of time is the important thing. I think it is the quality of the candidate. The quality of the candidate can be enhanced by people having a chance, not only to be thinking about running for office, but to actually be recruited to run for office. Both parties have a hard enough time finding candidates to run for office as it is, especially people who are qualified and willing to leave their businesses and their homes and their families. They need to talk to people, like you and I. I think the only way that they can possibly reach an intelligent decision is to have a long period of time to do it. It certainly isn't something that you should do overnight. The ten days we allow in the cities, at least in your estimation, is apparently too short, so somewhere along the line, somewhere in between four months and a week is okay. I've got to support the amendment because there is no question that the amendment at least takes this purported election reform bill and tries to give it a little bit of meat. Thank you.

SENATOR CALLISTER:

Very briefly, I think that arguments have been touched upon. I also serve on the committee that processed this legislation. I have listened to the arguments there and here with some interest. I think it is arguments that sometimes we as part-time professional politicians, understand perhaps better than the unsophisticated folks who are thinking about getting involved in a political process. In the end, I have to come down in favor of this amendment. It is all too easy for us to develop a "beltway mentality." In an era when the public has demanded greater access to participatory democracy, greater opportunities to be involved, we have to structurally accommodate such demands. I tend to agree with the majority leader that six months or five months, as under the present law, was, perhaps, too long. But, I think that one month is far too short. I think the compromise proposed by the minority leader is an appropriate one. It accommodates both the concern that we make certain that the general public understand and have an opportunity to consider their involvement on a very personal level; making tough decisions about whether they should get involved in the election process and the campaign process are not decisions made overnight. I would urge all of your support on behalf of those who are less well versed in the mechanics of the system than we are. I think the compromise is an appropriate one and I urge your positive support for this amendment.

SENATOR BROWN:

Thank you, Madam President. I rise in support of this amendment. What we do here on election reform is a delicate balance between making sure that things work efficiently and also with absolute legitimacy. In that balance, we must not close people out of the system. As my colleague just mentioned, this probably wouldn't affect any of us who are in the loop and know what these dates are. For the outsiders, I think it helps to give them more time within which to make these decisions and find out about these things.

SENATOR RAGGIO:

Thank you, Madam President. In listening to the arguments, I don't see anything in the bill that reaches the concerns that have been expressed here with the amendment or without it. There is nothing in the language of the amendment or the bill that refers to or limits the length of time within which people may recruit candidates or within which candidates may determine whether or not they want to be a viable candidate. But what we are saying is that you have a month in which to go down and formally file. I think we have imposed upon the public long enough with this long inordinate time in which people can go down, file or not. I think that one month is a pretty accommodating period of time and is more in line with the practice throughout this country than otherwise. So, I don't see any of these concerns or dangers inherent in whether or not we adopt this amendment.

SENATOR TITUS:

Thank you, Madam President. It just occurred to me that there are two additional arguments that I don't believe have been mentioned that I think would favor allowing a longer window than just one month. One of those is that sometimes people get into the political process and file as a candidate and then something comes up causing them to change their minds, something occurs in their family or their job or their economic situation or maybe they decide to run for another office and want to withdraw their original filing and file for something else. Regardless of the reason, if you narrow the filing period to just one month, then you don't give people much of an opportunity to change their minds.

The second, and, I think, the most important reason is that this goes hand in glove with campaign finance reform. If you are not a declared candidate, then you are not held accountable for collecting contributions. Narrowing the window to just one month gives nondeclared candidates a much longer period of time during which they can be involved in fund raising and other political activities that are not included in any public reports. Narrowing the window to only one month thereby decreases accountability and public access to important campaign finance dates.

SENATOR JAMES:

Thank you, Madam President. Listening to the dates, I have to say that I am confused by the arguments for this amendment. The way I understand it, what we are doing is extending the time closer to the election that you can file. It is now the first part of May; under the bill it will be the first part of June. We are not moving it this way; but it is going the other way. If anyone makes a decision to file in April to run for office, it doesn't prevent them from making that decision. They just have to walk down when the time is opened and file. What we are doing here is making it closer to the election giving one more time to make that decision and decide whether to run. We are extending the deadline for filing, which is the cutoff period at which time you cannot become a candidate—moving it toward the election. That gives more people the opportunity to decide, and as the election approaches and things heat up and people decide on becoming candidates and newspaper articles are coming out, then they decide to file. Under the old law, you had to go right out and file because the time to file was cut off in May. Under the bill, it is going to be cut off in July. Under the amendment, which pushes the opening back to March, the only people remotely affected are those people who decide in March or April that they want to run for office. They cannot immediately go down and file. But they can go down and file as soon as filing opens in May or June if they choose because the time is being extended. We are not closing the time. I cannot really understand why there is any opposition to that, so I am opposed to the amendment.



SENATOR NEAL:

In reference to this amendment, I would like to quote an old friend of mine and probably some of the others, Howard Cannon. When he was faced with an issue of this sort, he said, "some of my friends are against it and some of my friends are for it and I will be voting with my friends."

SENATOR COFFIN:

To the chairman of the Judiciary Committee, that was an amazing piece of legal sophistry if I ever heard of it from a true practitioner of the arts. What he just said is six inches is a foot. To me, it is still a half a foot. It is like saying to the great unwashed masses out there, give them an inch and they will take a mile. I say, give them a mile.

Senators Raggio, Jacobsen and Coffin requested a roll call on Senator Titus's motion.

Roll call on Senator Titus's motion:

YEAS—11.

NAYS—Jacobsen, James, McGinness, Neal, O'Connell, O'Donnell, Raggio, Rawson, Rhoads, Townsend—10.

The motion having received a majority, Madam President declared it carried.

Amendment adopted.

The following amendment was proposed by Senator Lowden:

Amendment No. 946.

Amend sec. 42, page 11, by deleting lines 44 through 48 and inserting:

"2. The provisions of subsection 1 do not apply to a person who [is entitled to vote:

(a) In] *:*

*(a) Is entitled to vote in* the manner prescribed in NRS 293.343 to 293.355, inclusive; [or

(b) An]

*(b) Is entitled to vote an* absent ballot pursuant to federal law or [any other state law.] *NRS 293.316; or*

*(c) Has received an absent ballot by submitting a written request therefor signed by the registered voter before a notary public or other person authorized to administer an oath.*".

Senator Lowden moved the adoption of the amendment.

Remarks by Senator Lowden.

Senator Brown requested that Senator Lowden's remarks be entered in the Journal.

This amendment will make it possible for Nevadans who register by mail to request and receive an absentee ballot. The request must be signed before a notary public to be valid. This would be good for college students, religious missionaries, business people who work on the road and other people who travel extensively, such as retired persons. Of course, persons outside the United States already have access to absentee ballots under federal law.

Amendment adopted.

The following amendment was proposed by Senator Neal:

Amendment No. 923.

Amend sec. 46, page 14, by deleting lines 6 through 34 and inserting:

"293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303, the election board

shall issue a [statement] *prepared envelope* to the person [on] *in* a form provided by the secretary of state which contains [:] *on the outside of the envelope:*

(a) The name of the voter;

(b) The address which appears on the record of voter registration;

(c) The address at which the voter actually resides;

(d) The signatures of the members of the election board who issued the [statement;] *prepared envelope;* and

(e) Other information which the secretary of state deems necessary to carry out the provisions of this section.

2. The [county clerk of each county shall maintain a special polling place in his office and in each polling location during each primary or general election. The ballots for the special polling place must contain provisions for voting for any of the following offices and questions if an election is being held for the offices and questions, and no others:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the state may vote;

(d) All county officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all of the voters of the county or state.

3. If a person comes to the special polling place and presents a properly prepared statement issued pursuant to subsection 1, the county clerk shall permit him to vote at the special polling place, using the special ballot prepared pursuant to subsection 2.] *election board officers shall issue to the challenged voter a ballot to vote. The ballot must be voted at that polling place. The voted ballot must be placed in an envelope and that envelope must be placed and sealed in the prepared envelope issued pursuant to subsection 1. The ballot must be kept separate from the ballots of voters who have not been so challenged in a special ballot box for such ballots.*

*3. The votes contained on ballots that have been placed in the special ballot box must be counted for the following offices and questions in the same manner as the ballots of voters who have not been challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303:*

*(a) President and Vice President of the United States;*

*(b) United States Senator;*

*(c) All state officers for whom all voters in the state may vote;*

*(d) All officers for whom all voters in the county may vote; and*

*(e) Questions which have been submitted to all voters of the county or state.*

*The remaining votes on the ballot must not be counted until the county clerk determines that the address at which the voter actually resides, as indicated on the outside of the prepared envelope, is the address listed for the voter in the election board register. Such a determination must be made within 3 days after the election.*

4. The secretary of state shall provide by regulation for:

(a) [Forms for statements;] *The form of prepared envelopes;* and



(b) The counting and security of ballots voted [at a special polling place.] *pursuant to this section.*".

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Senator Brown requested that Senator Neal's remarks be entered in the Journal.

This amendment came about in a discussion that I had with the senator from District Five. We were discussing this matter and I did not know that the amendment was going to come out with my name on it but since I proposed the question, the amendment itself would allow those individuals within districts to vote in a challenged ballot. That challenged ballot would have to be separated from the rest of the ballots and then counted separately to see whether or not it would have any effect upon the election. Before then, they have to determine whether or not the person who actually was being challenged successfully really met the qualifications of the law in order to vote in a district election. So this is essentially what this would do. This would allow the secretary of state to institute a method by which an envelope would be prepared for that person to challenge, then they would take that ballot and put that ballot into an envelope and then into another envelope with the name of the person on it and put it into a challenge box and those ballots would be counted when the absentee ballots are counted in any particular election.

Also, if they found that those ballots were valid, they would be counted. If not, they would be thrown out.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lowden moved that Senate Bill No. 231 be taken from the Secretary's desk and placed on the General File.

Remarks by Senator Lowden.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 231.

Bill read third time.

Remarks by Senators Adler, Townsend, Neal and Raggio.

Roll call on Senate Bill No. 231:

YEAS—21.

NAYS—None.

Senate Bill No. 231 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 115.

Bill read third time.

Roll call on Assembly Bill No. 115:

YEAS—21.

NAYS—None.

Assembly Bill No. 115 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT **S.B. 250**

SENATE BILL NO. 250—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 2, 1993

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing elections. (BDR 24-542)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to elections; making various changes to the provisions governing elections; prohibiting certain payments of compensation to a person for registering voters; prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the penalty for certain violations; providing penalties; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** *"State officer" means:*

*1. The governor;*

*2. The lieutenant governor;*

*3. The secretary of state;*

*4. The state treasurer;*

*5. The state controller;*

*6. The attorney general;*

*7. A justice of the supreme court;*

*8. A state senator;*

*9. A state assemblyman;*

*10. A regent of the University of Nevada;*

*11. A member of the state board of education; or*

*12. A district judge.*

**Sec. 4.** *1. It is unlawful for a person to provide compensation for registering voters that is based upon:*

*(a) The total number of voters a person registers; or*

*(b) The total number of voters a person registers in a particular political party.*

THIS BILL IS 32 PAGES LONG.
CONTACT THE RESEARCH LIBRARY
FOR A COPY OF THE COMPLETE BILL.

Senate Bill No. 91 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.

Bill read third time.

Roll call on Senate Bill No. 196:

YEAS—21.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250.

Bill read third time.

Remarks by Senators Lowden, Brown, Hickey, Adler, Neal, Callister, Raggio and Coffin.

Senator Brown requested that her remarks be entered in the Journal.

Thank you, Madam President. I believe it is a major step for us to be looking at election reform today. It is essential to the democratic process that we ensure the absolute integrity of every vote without closing out any voters. There are two parts of this bill which I have expressed my opinions on to people in the Assembly. I have been assured that they will be handled in that house. In lieu of the time lines we are working on, I plan to vote for this bill, but on the record, I would like to express that I have asked that they look at the felonies in here. I understand that, for people who are willing to abuse the democratic process in these felonious ways, that misdemeanors do not always deter them. I understand why they become felonies, but I have asked that they look at additionally imposing fines. So, if the state is paying more money on jail time, at least we can also be bringing money in if people are committing these crimes.

Additionally, in Section 49, subsection 2, immunity from liability is given for people who give out the names of someone to someone other than one who is authorized to ask for them. I've asked that that immunity not be extended to knowing, willful acts. I think there is no problem with taking this into consideration in the other house. I feel comfortable in voting for the bill.

Roll call on Senate Bill No. 250:

YEAS—21.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462.

Bill read third time.

Roll call on Senate Bill No. 462:

YEAS—21.

NAYS—None.

Senate Bill No. 462 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477.

Bill read third time.

> I think we can note in our record, Madame Chairman, enacting the resolution expresses the intent, it is a concurrent resolution and we urge the policies to be adopted. Obviously we understand this does not create a cause of action and certainly that should suffice. We can live with one grammatical error.

Chairman O'Connell asked if there was any opposition from the committee members in having the record reflect the intention of the amendment suggested by the Attorney General's Office. She noted there was none.

Senator Hickey noted for the record he would not be voting on this measure.

> SENATOR RHOADS MOVED TO DO PASS S.C.R. 50.
>
> SENATOR RAGGIO SECONDED THE MOTION.
>
> THE MOTION CARRIED. (SENATOR HICKEY ABSTAINED FROM THE VOTE. SENATOR CALLISTER AND SENATOR NEVIN WERE ABSENT FOR THE VOTE.)

* * * * *

Chairman O'Connell closed the hearing on S.C.R. 50 and opened the hearing on Senate Bill (S.B.) 552.

SENATE BILL 552: Urges adoption of policies to avoid takings by governmental entities.

Caren Jenkins, Principal Research Analyst, Legislative Counsel Bureau, explained this bill to the committee. She explained she met with Senator Lowden, Senator O'Connell, Dale Erquiaga from the Secretary of State's office and Cheryl Lau, Secretary of State to go over some proposed amendments to Senate Bill (S.B.) 250.

SENATE BILL 250: Makes various changes to provisions governing elections.

She told the committee it became pretty clear to the committee that the petition's concept was quite convoluted and the secondary topic of fortifying the public's perception about the election process is also an area that needed some work, but it was the desire of the chairman to continue with S.B. 250 and come back to these two issues at a later time. She explained S.B. 552 is the outcome of those desires and in her estimation it does two things which are addressing the sections of S.B. 250 which were deleted prior to its passage and

adds what comes from a very long and complex discussion of the senator's intent regarding investigating any impropriety or fraudulent practices or any such perception of such things in the election process.

Chairman O'Connell stated for the record:

> I think it would be good to state for the record that although the secretary of state has been given the responsibility for elections she has never been given any enforcement power. This was a very big concern especially after the election in Clark County where people did not have a source that they could make any complaints to except the election department itself and they were very concerned about that. So the focus of the first part of the bill was to put in place a commission which would have some authority for the public to make complaints to and they would be able to bypass the county in which the violations, or alleged violations took place. So this is something that is set up in order to allow the public access to somebody to review any perceived violations of an election.

Senator Hickey asked who would be the members of the commission.

Chairman O'Connell stated the commission would be appointed by the secretary of state.

Ms. Jenkins stated for the record that she works for the Legislative Counsel Bureau and as a result she is not here to support or oppose any measure, but simply to clarify any questions anyone may have. She also stated Mr. Erquiaga may be able to clarify some issues regarding the petitions. She explained the commission is a totally new concept that was developed.

Senator Hickey asked what this newly formed commission means as they view it.

Dale Erquiaga, Chief Deputy, Nevada Secretary of State, explained the commission that is proposed in S.B. 552 is a local commission which replaces an accuracy certification board that is in existence under current law.

Senator Hickey asked who has control of the accuracy certification board.

Mr. Erquiaga stated it is appointed by the county registrar or county clerk.

# MINUTES OF THE
# SENATE COMMITTEE ON GOVERNMENT AFFAIRS

## Sixty-seventh Session
## June 30, 1993

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 5:48 p.m., on Wednesday, June 30, 1993, in Room 227 of the Legislative Building, Carson City, Nevada. There was no Meeting Agenda. Exhibit A is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator Sue Lowden, Vice Chairman
Senator William J. Raggio
Senator Dean A. Rhoads
Senator Thomas J. Hickey
Senator Leonard V. Nevin
Senator Matthew Q. Callister

STAFF MEMBERS PRESENT:

Caren Jenkins, Senior Research Analyst
Ricka Benum, Committee Secretary

OTHERS PRESENT:

Dale A. R. Erquiaga, Deputy Secretary for Elections, Office of the Secretary of State
Robert Hadfield, Lobbyist, Nevada Association of Counties
Ande Engleman, Lobbyist, Nevada Press Association
Kirby Burgess, Lobbyist, Clark County
Kit Weaver, Assessor, Carson City
Irene Porter, Lobbyist, Southern Nevada Homebuilders Association
Michele Bero, Lobbyist, Nevada Association of Counties
Lucille Lusk, Lobbyist, Nevada Coalition of Conservative Citizens
Stan Warren, Lobbyist, Sierra Pacific Resources
Brian G. Herr, Lobbyist, Nevada Bell
Robert L. Seale, State Treasurer, Office of the State Treasurer
Lawrence J. Semenza, Lobbyist, Circus Circus Enterprises, Inc.
Mary E. Henderson, Lobbyist, Washoe County

Chairman O'Connell opened the hearing with discussion of Amendment No. 1190 to Senate Bill 250.

SENATE BILL 250: Makes various changes to provisions governing elections. (BDR 24-542)

Dale A. R. Erquiaga, Deputy Secretary for Elections, Office of the Secretary of State, briefly outlined the amendments incorporated into S.B. 250 by the assembly.

Mr. Erquiaga explained the major changes serve to establish a program for early voting, which allows for Saturday and evening hour voting. A provision was added to allow voting at alternative polling places within a county. He explained the portion referring to alternative polling places is permissive language and therefore left to the option of the individual counties. However, Mr. Erquiaga stated that sections 20 through 20.65 of the amendment would make the early voting program mandatory.

The next election provision included in Amendment No. 1190 explained by Mr. Erquiaga would require county clerks to maintain an alphabetical listing of registered voters, and to have it published in local a newspaper.

Mr. Erquiaga explained that current law requires the smaller counties to publish a registered voter list; Clark and Washoe Counties have been exempt. As amended the bill would require Clark and Washoe Counties to maintain and publish the list also.

Senator Lowden questioned if the financial impact on the larger counties was discussed during the assembly hearings.

Mr. Erquiaga pointed out that representatives from both counties were present for the Assembly Committee on Elections and Procedures hearings and voiced no objection. He noted this applies to section 67 of S.B. 250.

Senator Raggio asked Mr. Erquiaga if an estimated cost was given during assembly hearings. Secondly, he asked if Mr. Erquiaga had some idea of the cost to publish lists of that size.

Responding, Mr. Erquiaga said Clark County estimated the cost to be approximately $100,000, and in Washoe County the estimated cost would be $60,000.

Robert Hadfield, Lobbyist, Nevada Association of Counties, (NACO) responding to comments from the committee, agreed that 15 of the counties in the state are already required to publish the voter lists. He was under the impression that the mandate language reads, "if the funding is available," and therefore would not represent a problem. Mr. Hadfield did not wish to speak for the county representatives as to whether or not the county funding was available.

The chairman asked Mr. Erquiaga if the language was permissive.

Mr. Erquiaga replied no, that if passed as amended publishing would be required, just as it is mandated in the other 15 counties. During assembly hearings the cost of publishing was justified as providing an important notice to voters who may think they are registered but are not, he explained.

Ande Engleman, Lobbyist, Nevada Press Association, told the committee that publishing the list of registered voters in the rural counties has prevented fraud and is very popular with the voters. Ms. Engleman said it has proved to be a successful method to notify the voters.

Ms. Engleman informed the committee that the charge to publish the registered voter list is set by statute and the fee has not been changed in 20 years. The fee is 10 cents a name for 7-point type and 15 cents a name for 8-point type. She commented that every newspaper in the state looses money in publishing the list, but they view it as a public service.

Senator Lowden questioned Mr. Erquiaga if the registrars from Clark and Washoe counties testified during assembly hearings. Secondly, she asked if they addressed the issue or if they currently have funding to cover the cost of publishing.

Mr. Erquiaga said representatives of the registrars' offices from both counties testified the cost would be included in the budgets they submit to the county commissioners.

Several of the committee members expressed concern with mandating a cost of this magnitude to the counties.

Mr. Erquiaga concluded his outline of the remaining changes contained in Amendment No. 1190. The provisions removed from S.B. 250 were the numbered absent ballot request form, and the receipt for voter registration. The condensed list of absentee ballots was changed to a full list of absentee voters, including names and addresses. Mr. Erquiaga commented the Office of the Secretary of State views this as a better bill as amended.

Several members of the committee expressed concern with the provision that mandates publishing the registered voter list.

SENATOR NEVIN MOVED NOT TO CONCUR WITH AMENDMENT NO. 1190 TO S.B. 250.

SENATOR HICKEY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CALLISTER WAS ABSENT FOR THE VOTE.)

* * * * *

Chairman O'Connell asked for discussion on Amendment No. 1198 to S.B. 474.

SENATE BILL 474: Makes various changes relating to public works projects. (BDR 28-1401)

SENATOR NEVIN MOVED TO CONCUR WITH AMENDMENT NO. 1198 TO S.B. 474.

SENATOR HICKEY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CALLISTER WAS ABSENT FOR THE VOTE.)

* * * * *

SENATE BILL 154: Revises provisions governing notice of hearing for proposed zoning changes. (BDR 22-1133)

Senator Callister explained the amendment addresses the concerns of the homebuilders representatives. He suggested the committee concur with the amendment.

SENATOR CALLISTER MOVED TO CONCUR WITH AMENDMENT NO. 980 TO S. B. 154.

SENATOR NEVIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chairman O'Connell told the committee she was informed of problems with amendments to A.B. 177.

ASSEMBLY BILL 177: Makes various changes to requirements of division of land. (BDR 22-339)

Kirby Burgess, Lobbyist, Clark County, explained he was made aware that county treasurers have expressed opposition to the bill as amended. Mr. Burgess indicated the Carson City Treasurer is enroute to testify.

Kit Weaver, Assessor, Carson City, expressed agreement with the second reprint and supported passage of A.B. 177.

# MINUTES OF MEETING
# ASSEMBLY COMMITTEE ON ELECTIONS AND PROCEDURES

## Sixty-seventh Session
## June 22, 1993

The Assembly Committee on Elections and Procedures was called to order by Chairman Myrna T. Williams at 3:40 p.m., Tuesday, June 22, 1993, in Room 331 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda, Exhibit B is the Attendance Roster.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Myrna T. Williams, Chairman
Mr. Robert E. Price, Vice Chairman
Mr. Joseph E. Dini, Jr.
Mrs. Jan Evans
Mr. Val Z. Garner
Mr. David E. Humke
Mrs. Joan A. Lambert
Mr. William A. Petrak
Mr. Gene T. Porter
Mr. Robert M. Sader
Mr. Scott Scherer

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Mr. Robert Erickson/Research Director, Legislative Counsel Bureau

**OTHERS PRESENT:**

Secretary of State Cheryl Lau
Chief Deputy Dale Erquiaga, office of Secretary of State
Ms. Jan Hunt/United We Stand America
Ms. Marlene Henderson/Registrar of Voters, Washoe County
Ms. Janine Hansen/Nevada Eagle Forum
Mr. James Dan/Northern Regional Representative, Libertarian Party of Nevada
Ms. Jan Gilbert/League of Women Voters of Nevada

**SB 250: Makes various changes to provisions governing elections.**

Secretary of State Cheryl Lau introduced Mr. Dale Erquiaga, Chief Deputy, Secretary of State's office, and gave the genesis of SB 250. She stressed the need for the SB 250 changes and stated she had held meetings with county election officials and members of both houses and also town hall meetings. She discussed conflict with AB 145, and further stated she and Chairman Williams were working on the amendments for committee review. SB 250 reflected their concerns for more open and fraud-free elections, she declared.

Mr. Dale Erquiaga called to committee's attention that certain sections had been deleted by amendment. Those sections dealt with petition requirements, and they were taken out by the Senate committee on government affairs and placed into Senate Bill 552 as opposed to Assembly Bill 552 which dealt with recall. He reiterated Senate bill 552 would address the petition requirements.

Next, Mr. Erquiaga recapped each section of SB 250 and resolved questions from the committee regarding amendments with assistance from Secretary of State Lau and Chairman Williams.

Mr. Porter expressed concern regarding mail-in registrations which used an address not identifiable as a post office box. Discussion ensued between Mr. Porter, Mrs. Williams, Mr. Petrak, Mr. Humke and Mr. Erquiaga regarding address registration. Mrs. Williams asked Mr. Porter to assist with language which would address the problem, and Secretary of State Lau said an amendment would be done.

Ms. Jan Hunt, representing United We Stand America, testified in favor of SB 250 which she thought was an excellent bill. Ms. Hunt asked for the actual name of the candidate to appear on the ballot and not have a prepunched ballot. She also requested a three-man team to check voter registration, one of which should be adept at debugging software to assure the computer had no virus. Ms. Hunt also informed the committee 15,000 absentee ballots were requested from people who worked in casinos. The people filled out the absentee ballots and gave them to the union's bosses to take in for them. She requested committee address recount of a close election since the ballots were not there for the recount and the ballot recount was done by machine. In the event something was wrong with the software, the recount would not help. She asked that ballots be maintained under supervised conditions which, she said, was

addressed in SB 250 as 22 months. However, the public did not have access. If ballots were numbered, an audit trail would exist for every ballot requested.

Ms. Hunt said Nevada had voter registrations for 95,000 citizens who were neither Democrats nor Republicans and who had other party affiliation. The 95,000 citizens were not allowed to vote in the primary which was disenfranchising 95,000 Nevada voters, and Ms. Hunt felt the 95,000 citizens should also be allowed to vote in the primary.

Ms. Hunt referenced petitions which would be covered in another bill and had been deleted from SB 250. Her concern was no definition existed as to a general election. Mrs. Williams requested her comments be limited to SB 250.

Mr. Price reflected Ms. Hunt was suggesting the use of paper type ballots used before computer ballots. Mr. Price then asked Ms. Hunt her logic for requesting an open primary. Responding to Mr. Price's question, Ms. Hunt communicated twenty million people in the United States had decided they did not want to be one party or the other party, and, in the democratic process, very few people voted the straight party line. Especially in the state of Nevada, people voted for the person in the general election and in the primary. At present, in the primary a voter could only vote for a Democrat if the voter was a Democrat, and a voter could only vote for a Republican if the voter was a Republican. If a voter was anything else, he/she could not vote for anyone.

Mr. Petrak pointed out people could vote on the issues, and if the people had a candidate, they could vote.

Mr. Price discussed a number of states did not have primaries in the manner of Nevada where citizens voted for the Democratic or Republican candidate. Those decisions would be made at each party's state convention where it would be decided among themselves who would be the Assembly District 17 democratic candidate, for example. That system would not prohibit any other person living in Assembly District 17 from running for office in the primary, but it would prohibit another person from using the word Democrat to the extent it would appear the individual was the democratic candidate. Mr. Price felt it would be improper to have a say-so about who the leaders of United We Stand would be unless the person wanted to join the organization and be a part of it.

Discussion continued between Ms. Hunt and Mr. Price regarding open primaries. Ms. Hunt felt a voter should have the right to vote for a Democrat, a Republican or a Libertarian, and Mr. Price disagreed.

Ms. Marlene Henderson, Registrar of Voters, Washoe County, testified she supported the majority of SB 250. A few sections of the bill would be costly to the county such as printing of names of all registered voters in the newspaper. The cost of printing tax roles in Washoe County was $45,000, she added. She discussed Section 52, Section 62 and Section 74. Mr. Erquiaga clarified the sections at the request of Mrs. Williams and stated the ballot processing and packaging board was a separate board appointed by the clerk or registrar, and the person on that board must be qualified in the use of data processing equipment.

Ms. Henderson referenced Section 62 stating Washoe County flagged all addresses with mail drops so the addresses could be clarified for mail drop and actual residence. Mrs. Williams discussed Section 62 and reiterated she and Secretary of State Lau would address concerns.

Ms. Janine Hansen, representing Nevada Eagle Forum, testified in favor of SB 250. She expressed concerns and asked for clarification of language which Mr. Humke and Mrs. Williams provided.

Mrs. Lambert questioned the deputy registrar system since post-cards were used. Mrs. Williams pointed out not everyone wanted to register to vote by mail.

Not everyone had the ability to go to a DMV office to register to vote, Mr. Dini added, and from a rural standpoint, he thought deputy registrars worked well. He also felt the position was too politicized as the clerk appointed his/her particular party which had an affect on how people were registered.

Concluding her testimony, Ms. Hansen expressed her appreciation for the work of the Secretary of State's office on SB 250 and hoped the bill could proceed rapidly.

Mr. James Dan, Northern Regional Representative for the Libertarian Party of Nevada, spoke in favor of SB 250 and emphasized his agreement with Mr. Price's remarks regarding the primary procedure. Referring to Mrs. Lambert's question regarding both the keeping of the deputy registrar system and having the mail-in registration, he reminded a requirement was

made in SB 250 that a person who registered by mail for the first time must use a different procedure in voting. The person who registered by mail had to send in a notarized request for an absentee ballot.

Mr. Dan stated the Libertarian party supported SB 250 in its present form. He thought some small items could be improved as testimony from others indicated. However, he preferred not to impede progress of the bill, and added the items could be addressed next session, if necessary.

He addressed easing of the ballot access requirements for minor political parties which was the dropping of three percent requirement to one percent. If the number was dropped, the number of signatures which must be verified by each county clerk would be lessened and would ease the burden on the clerks.

Ms. Jan Gilbert, representing the League of Women Voters of Nevada, testified in support of SB 250. She discussed Section 42 and stated having the notary request done every time a person who registered by mail wanted to vote by mail would be extreme. She acknowledged Mr. Erquiaga had said there would be some negotiations on Section 42.

Mrs. Williams closed the hearing on SB 250.

There being no further business to come before committee, the meeting was adjourned at 5:25 p.m.

RESPECTFULLY SUBMITTED:

Bobbie Mikesell

BOBBIE MIKESELL
Committee Secretary

# MINUTES OF MEETING
# ASSEMBLY COMMITTEE ON ELECTIONS AND PROCEDURES

## Sixty-seventh Session
## June 27, 1993

The Assembly Committee on Elections and Procedures was called to order by Chairman Myrna T. Williams at 9:10 a.m., Sunday, June 27, 1993, in Room 331 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda, Exhibit B is the Attendance Roster.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Myrna T. Williams, Chairman
Mr. Robert E. Price, Vice Chairman
Mr. Joseph E. Dini, Jr.
Mrs. Jan Evans
Mr. David E. Humke
Mrs. Joan A. Lambert
Mr. William A. Petrak
Mr. Gene T. Porter
Mr. Robert M. Sader
Mr. Scott Scherer

**COMMITTEE MEMBERS ABSENT:**

Mr. Val Z. Garner

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Mr. Robert Erickson/Research Director, Legislative Counsel Bureau
Mr. John R. Crossley/Director, Legislative Counsel Bureau

**OTHERS PRESENT:**

Secretary of State Cheryl Lau
Chief Deputy Dale Erquiaga, office of Secretary of State

**SB 250: Makes various changes to provisions governing elections.**

Assemblyman Myrna Williams, District No. 10, and Chairman of Elections and Procedures Committee, assumed the testimonial table along with Secretary of State Cheryl Lau. She announced SB 250 was the refinement of election reform legislation. Mrs. Williams and Secretary of State Lau hoped to take elements of AB 145 and AB 577 and amend them into SB 250 to strengthen and further clarify election procedures in the State of Nevada.

Mrs. Williams told the committee Secretary of State Cheryl Lau and Chief Deputy Dale Erquiaga would explain SB 250, and at this time Mrs. Williams assumed the chair.

Secretary of State Lau introduced Chief Deputy Dale Erquiaga, and asked committee to follow Amendment No. 1070 (Exhibit C). Mr. Rob Elliott, office of Registrar of Voters, Clark County, was expected to arrive from Las Vegas during the meeting to discuss Sections 20 through 20.9 which was the early voting program suggested by Kathryn Ferguson, Registrar of Voters, Clark County.

Secretary of State Lau then began a recap of each section of the amendment (Exhibit C) with questions and suggestions from members of the committee.

Mrs. Williams wished to expand language under Section 20.8, and Mr. Sader suggested the words "illness, disability or other good cause shown."

Secretary of State Lau continued with the recap of Exhibit C.

Chief Deputy Dale Erquiaga explained Section 42.5 of Exhibit C had been moved to SB 250 from AB 145.

Concerning language on Page 11 of Exhibit C, Mrs. Williams and committee expressed concerns regarding type of marking, and Secretary of State Lau suggested excluding the words on Page 11, "with a pen or indelible pencil on the alphabetical listing a line through" thereby leaving up to the counties the decision of how Voter Registrars would mark the name of each voter who voted during the previous hour. Mr. Sader further suggested changing the word mark to the word identify.

Chief Deputy Dale Erquiaga continued recap of Exhibit C with questions and suggestions from committee.

After committee discussion among Mr. Humke, Mr. Sader and Mrs. Williams, Secretary of State Lau suggested omission in the second reprint of SB 250, Page 15, Section 48, subsection 5, lines 42 through 45, and the corresponding section Page 16, lines 1 and 2, suggested by Mrs. Williams.

Chief Deputy Dale Erquiaga continued with recap of Exhibit C on Page 12.

Referring to Page 17 of Exhibit C, which would require issuance of a voter registration card suggested by the Registrar of Voters, Clark County, Mr. Dini questioned if local governments would pay for registration cards, and Mr. Erquiaga replied the cost would be borne by the county. Responding to Mr. Dini's question of fiscal impact to the county, Mrs. Williams understood cards would be issued to people who were new voters or who changed addresses, and a blanket issuance would not occur thereby negating a large expenditure.

Because voter registration card issuance was being inserted into existing statute, Mr. Erquiaga declared back issuance of cards would not be required. If a voter changed his/her name or address, the voter would be issued a new card unless the county chose to issue a registration card.

Secretary of State Lau stated voter registration cards were an excellent control factor.

In response to questions by Mrs. Lambert, Mr. Erquiaga informed no requirement was added that a voter produce the voter registration card at the polls.

Committee discussion ensued after Mrs. Lambert's suggestion of using may instead of shall on Page 17, section 6, of Exhibit C. Mrs. Williams declared if a challenge occurred, the challenge would go back to the Registrar's office for address check which was the method used by other states and was the best way to ensure the integrity of voters.

Mr. Dini suggested leaving the word shall on Page 17 for at least two years.

Chief Deputy Dale Erquiaga continued with recap of Exhibit C on Page 17, Section 62.

Secretary of State Lau pointed out Sections 76 and 36 from SB 250 dealt with independent candidates petition. The petition part was deleted, she told committee, and placed into a separate

bill, SB 552. The bill drafters thought this would avoid conflict notices. The petition part of SB 552 was very important, she advised committee.

Mrs. Williams stated committee did not yet have SB 552, and Secretary of State Lau stated her intention was merely to give committee a background and to notify committee of the importance of the petition.

Chief Deputy Dale Erquiaga concluded recap of Exhibit C with Pages 21, 22 and 23.

Mrs. Lambert questioned how the charges would be determined and the rationale (Page 17, Section 56, lines 39 through 42.)

Responding to Mrs. Lambert's question, Mr. Erquiaga stated the legislature was charged not for the space taken on the ballot, but for the ballot card stock purchased by the state. The state also paid for the printing of its ballot questions in the newspapers. Counties were required to print all questions which appeared on the ballot in the newspaper, and the state reimbursed the counties for that portion which dealt with state questions. Citizens were not charged for initiative and referenda as this was their right under the Constitution. County school boards and general improvement districts were charged by the counties, he conveyed.

Mrs. Lambert then questioned cost of early voting which would start three weeks before the election just after registration closed.

In response, Mr. Erquiaga communicated in-office voting began about three weeks before the election which would not change under the amendment to SB 250 from AB 577. The difference in in-office voting would be the hours it was available. In-office voting was not changed from existing law; it was made more accessible to the public.

Mr. Dini added county clerks had the option of shifting staff to avoid overtime.

Agreeing with Mr. Dini, Secretary of State Lau described Kathryn Ferguson, Registrar of Voters, Clark County, had talked with the other county clerks who would have discretion to determine how they would work on the permissive program.

Mr. Sader referred to Exhibit C, Section 20.25, publication requirement for early voting, and suggested the words prior to to replace the word during. Mr. Erquiaga agreed.

Mr. Petrak raised the point cost savings on abolition of special elections would more than offset the cost of printing a card for every registered voter.

Mr. Sader questioned Mr. Rob Elliott's portion, Section 20, since Mr. Elliott was not in attendance at the meeting. Mrs. Williams declared Mr. Elliott had no proposed changes, and his attendance was not vital if the committee had no questions regarding Section 20.

Mrs. Williams then asked for further committee discussion. There being none, Mrs. Williams asked for a motion.

> ASSEMBLYMAN DINI MOVED TO AMEND AND DO PASS SB 250 AS DEFINED IN THE MEETING.
>
> ASSEMBLYMAN PORTER SECONDED THE MOTION.
>
> THE MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT. ASSEMBLYMAN GARNER WAS ABSENT FOR THE VOTE.

Mrs. Williams asked Mr. Erickson if he had minor changes in language to SB 250 requested by committee in a previous meeting. Mr. Erickson did have the changes and stated he would meet with Mr. Erquiaga.

**AB 404: Clarifies and expands authority of legislative commission and its subcommittees to conduct studies and investigations.**

Mr. Price testified he had served on Assemblyman McGaughey's subcommittee on U.N.L.V. where, near the end of the hearings, Mr. McGaughey issued subpoenas which everyone except Dennis Finfrock answered. Mr. Finfrock's attorney prepared a brief (Exhibit D), and Mr. Finfrock did not appear. The basis of the brief was subcommittees of the Legislative Commission did not have subpoena power. The brief also indicated the Legislative Commission was a subbody to the Legislative Counsel Bureau which was just the reverse of how the structure was set up. Legislative Commission was not subservient to the Legislative Counsel Bureau, and AB 404 was drafted to correct that situation.

# DRAFT

A SB250 R2 1070

**1993 REGULAR SESSION (67th)**

| ASSEMBLY ACTION | SENATE ACTION | |
|---|---|---|
| Adopted ☐ | Adopted ☐ | Assembly Amendment to Senate Bill No. 250 Second Reprint BDR 24-542 Proposed by Committee on Elections and Procedures |
| Lost ☐ | Lost ☐ | |
| Date: | Date: | |
| Initial: | Initial: | |
| Concurred in ☐ | Concurred in ☐ | |
| Not concurred in ☐ | Not concurred in ☐ | |
| Date: | Date: | |
| Initial: | Initial: | |

**Amendment No. 1070**

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"**Sec. 2.** *"Deputy clerk" means a deputy clerk for early voting who is appointed pursuant to section 20.3 of this act to serve as the election officer in charge of the polling place for early voting.*".

Amend sec. 14, page 2, line 30, by deleting "*a voting*" and inserting "*an election*".

Amend the bill as a whole by deleting sec. 20 and adding new sections designated sections 20 through 20.9, following sec. 19, to read as follows:

"**Sec. 20.** *1. If a request is made to vote early by a registered voter in person, the county clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.*

*2. From the third Saturday preceding an election through the Friday before the election, Sundays excepted, each county clerk shall provide a voting booth, with*



Drafted by: RLB:

Date: 6/23/93

S.B. No. 250--Makes various changes to provisions governing elections.

*suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.*

**Sec. 20.1.** *1. The county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.*

*2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:*

*(a) Provide appropriate forms of ballots for all offices within a county commissioner election district; and*

*(b) Limit voting at that polling place to registered voters in that district.*

**Sec. 20.15.** *1. The period for early voting by personal appearance begins on the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays excepted.*

*2. A permanent polling place for early voting must remain open:*

*(a) On Monday through Friday:*

*(1) During the first week of early voting, from 8 a.m. until 6 p.m.*

*(2) During the second week of early voting, from 8.a.m. until 8 p.m.*

*(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.*

**Sec. 20.2.** *1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.*

*2. The provisions of subsection 2 of section 20.15 of this act do not apply to a temporary polling place. Voting at a temporary branch polling place may be*

*conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.*

*3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.*

**Sec. 20.25.** *1. The county clerk shall publish at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:*

*(a) The location of each permanent and temporary polling place for early voting and the election precincts served by each location.*

*(b) The dates and hours that early voting will be conducted at each location.*

*2. A copy of the schedule must also be posted on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.*

*3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.*

*4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.*

**Sec. 20.3.** *1. The county clerk shall appoint for each polling place for early voting a deputy clerk for early voting who must serve as the election officer in charge of the polling place.*

*2. The county clerk may also appoint as many additional deputy clerks as he deems necessary for the proper conduct of the election.*

**Sec. 20.35.** *1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:*

*(a) Determine that the person is a registered voter in the county;*

*(b) Instruct the voter to sign the roster for early voting; and*

*(c) Verify the signature of the voter against that contained on the original affidavit of registration, or the card issued to the voter at the time of registration, or other piece of official identification.*

*2. The county clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.*

*3. The roster for early voting must contain:*

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

*(b) The voter's precinct number; and*

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

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

*5. The deputy clerk for early voting shall:*

*(a) Mark the voter's precinct on the bottom left-hand side of the card and the form of ballot on the bottom right-hand side of the card;*

*(b) Direct the voter to the appropriate voting machine for his form of ballot; and*

*(c) Allow the voter to place his voted ballot in the ballot box.*

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

**Sec. 20.4.** *1. The ballot box for early voting in which voted ballots are deposited must have two locks, each with a different key and must be designed and constructed*

*so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.*

*2. During the period for early voting by personal appearance, the county clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the county clerk, shall keep the key to the second lock.*

*3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.*

**Sec. 20.45** *1. A plan for the security of unvoted ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.*

*2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.*

*3. All materials for early voting must be delivered to the county clerk's office at the close of voting on the last day for voting at the polling place for early voting.*

**Sec. 20.5.** *1. A ballot board for early voting must be appointed by the county clerk to handle early voting ballots for that county.*

*2. The board must consist of two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.*

**Sec. 20.55.** *1. During the period for early voting by personal appearance, the ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office at the close of each voting day. The*

*seal on the ballot box must indicate the number of voted ballots contained in that box for that day.*

*2. When the ballot box is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box locked in the manner prescribed in section 20.4 of this act.*

*3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:*

*(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;*

*(b) A voting roster of all persons who voted early by personal appearance; and*

*(c) Any list of registered voters used in conducting early voting.*

*4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.*

*5. Upon the receipt of ballots, the board shall:*

*(a) Remove all ballots from the ballot boxes and sort the ballots by precinct;*

*(b) Count the number of ballots by precinct;*

*(c) Account for all ballots on an official statement of ballots; and*

*(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.*

**Sec. 20.6.** *1. The returns for early voting must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot.*

*2. The county clerk shall develop a procedure to ensure that each ballot is kept secret.*

**Sec. 20.65.** *1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 30 feet from the entrance to the voting area.*

*2. During the period of early voting, the county clerk shall keep continuously posted:*

*(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and*

*(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker. No electioneering between this point and the entrance to the polling place."*

*3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.*

*4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.*

**Sec. 20.7** *1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after he receives notice of the court's decision:*

*(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and*

*(b) Transmit a notice of the extended deadline to each registered voter who requested an absent voter's ballot for the election and has not returned the ballot before the date on which the notice will be transmitted.*

*2. The notice required pursuant to paragraph (a) of subsection 1 must be published:*

*(a) In a county whose population is 30,000 or more, on at least 3 successive days.*

*(b) In a county whose population is less than 30,000, at least twice in successive issues of the newspaper.*

**Sec. 20.75.** *1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed $20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the attorney general or by any district attorney in a court of competent jurisdiction.*

*2. Any civil penalty collected pursuant to this section must be deposited with the state treasurer for credit to the state general fund.*

**Sec. 20.8** *Any time before the close of registration a person who because of illness or disability requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register him at his residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register him to vote.*

**Sec. 20.9** *Any person who engages in the business of receiving and distributing mail for customers shall provide the county clerk of the county in which the business is located with the street address of the business.".*

Amend sec. 32, page 7, line 42, by deleting the period and inserting:

", *or in any other manner deceive a voter regarding the person or principles for which he is voting.*".

Amend the bill as a whole by deleting sec. 36 and adding a new section designated sec. 36, following sec. 35, to read as follows :

"**Sec. 36.** NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish such precinct as a mailing precinct, and shall forthwith mail notification to the [deputy] *field* registrar for such precinct.

2. Except as otherwise provided by NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts and those precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.".

Amend sec. 42, page 12, line 3, by deleting "*or*".

Amend sec. 42, page 12, by deleting lines 4 through 6 and inserting:

"*(c) Submits or has previously submitted a written request therefor signed by the registered voter before a notary public or other person authorized to administer an oath; or*

*(d) Requests an absent ballot in person at the office of the county clerk.*".

Amend sec. 42, page 12, by deleting lines 10 and 11 and inserting:

"*must also state that a person who because of illness or disability requires assistance to complete the form may request the county clerk to register him to vote at his residence pursuant to section 20.8 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 42.5, following sec. 42, to read as follows:

"**Sec. 42.5.** NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as *otherwise* provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this Title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the precinct or district, as shown on the checklist and roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except [to examine a pollbook pursuant to NRS 293.301 or] by authority of the election board as necessary to keep order and carry out the provisions of this Title.".

Amend the bill as a whole by adding a new section designated sec. 44.5, following sec. 44, to read as follows:

"**Sec. 44.5.** NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall [allow not more than one representative from each political party for each precinct at a polling place to examine the pollbook four times during an election to determine the registered voters in that precinct who have not voted in the election. The examination of the pollbook must not interfere with the conduct of the election.

2. Each person who is authorized by a political party to examine the pollbooks shall provide proof of identity and a written statement from the county central committee which authorizes him to represent that political party at the polling place.] *require an election board officer or officers to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. The alphabetical listing must include the name, address and political affiliation of each voter. At the end of each hour that the polling place is open, up to and including 6 p.m., an election board officer shall mark with a pen or indelible pencil on the alphabetical listing a line through the name of each voter that voted during the previous hour.*

*2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:*

> *It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.*

*3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation*

*of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.*".

Amend sec. 48, page 15, by deleting lines 44 and 45 and inserting:

"*by any person other than the secretary of state or a county clerk. The secretary of state and the county clerk shall upon request provide the printed forms to any candidate running in an election or his official designee. The secretary of state and the county clerk shall not issue any forms to the candidate's official designee until he produces a letter which is signed under penalty of perjury stating that he is the representative of the candidate.*".

Amend sec. 49, page 16, by deleting lines 6 and 7 and inserting:

"tion to that clerk for an absent voter's ballot. The application [is not] *must be made* available for public inspection . [except by:".

Amend sec. 49, page 16, line 13, by deleting "[When] *If*" and inserting "When".

Amend sec. 49, page 16, by deleting lines 15 through 22 and inserting:

"inspect the application.]

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

*3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.*".

Amend the bill as a whole by adding a new section designated sec. 51.5, following sec. 51, to read as follows:

"**Sec. 51.5** NRS 293.327 is hereby amended to read as follows:

293.327 1. If a request for an absent ballot is made by a registered voter in person, [the county or] *a* city clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. At least 25 days before [an] *a primary or general city* election until 5:00 p.m. the day before the election, each [county clerk and] city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.".

Amend the bill as a whole by adding a new section designated sec. 52.5, following sec. 52, to read as follows:

"**Sec. 52.5.** NRS 293.385 is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots received the previous day from absent voters' ballot boxes and ascertain that each box has the required number of ballots according to the county or city clerk's absent voters' ballot record.

2. If any absent ballots are received by the county or city clerk on election day, pursuant to NRS 293.316, the county or city clerk shall hold the ballots until ballots received before election day have been withdrawn pursuant to subsection 1. Thereafter, the county or city clerk shall deposit the absent ballots in the appropriate ballot boxes.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county or city clerk [, who shall] *who must* have the results added to the regular votes of the precinct. If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct. [The results of the absent ballot vote must not be identified separately from the regular votes of the precinct on any abstract or printout produced by a computer of the results of the election.] *The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county and city clerks shall develop a procedure to ensure that each ballot is kept secret.*

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.".

Amend sec. 59, page 20, line 25, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 28, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, by deleting line 31 and inserting:

"not be appointed or serve as a [deputy] *field* registrar. A [deputy] *field* registrar serves at".

Amend sec. 59, page 20, line 34, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 37, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 40, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 45, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 46, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 3, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 5, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 10, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 11, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, by deleting line 18 and inserting:

"11. *When the county clerk receives affidavits of registration from a field registrar he shall issue a receipt to the field registrar. The receipt must include:*

*(a) The number of persons registered; and*

*(b) The political party of the persons registered.*

*12. A county clerk or field registrar shall not:*".

Amend sec. 59, page 21, by deleting line 27 and inserting:

*13. If a field registrar violates any of the provisions of this section, the*".

Amend sec. 59, page 21, line 28, by deleting "*deputy*" and inserting "*field*".

Amend sec. 59, page 21, by deleting lines 30 and 31 and inserting:

"*14.* A person who violates any of the provisions of [this section] *subsections 8 to 12, inclusive,* is guilty of a [misdemeanor.] *felony.*".

Amend the bill as a whole by adding a new section designated sec. 59.5, following sec. 59, to read as follows:

"**Sec. 59.5.** NRS 293.5055 is hereby amended to read as follows:

293.5055 A county clerk or [deputy] *field* registrar may register, outside the boundaries of the county, any voter who is a resident of that county.".

Amend sec. 60, page 21, line 38, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 60, page 21, by deleting lines 40 through 47 and inserting:

"*3. A form for an affidavit of registration must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*".

Amend sec. 61, page 22, line 11, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 61, page 22, line 16, by deleting "or" and inserting "[or]".

Amend sec. 61, page 22, by deleting line 17 and inserting:

"(c) Pursuant to the provisions of NRS *293.501 or* 293.524 [.] *; or*

*(d) At his residence with the assistance of a field registrar pursuant to section 20.8 of this act.*".

Amend sec. 61, page 22, line 27, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 61, page 22, between lines 36 and 37, by inserting:

"*6. After the county clerk determines that the affidavit of registration of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:*

*(a) The name, address, political affiliation and precinct number of the voter;*

*(b) The date of issuance; and*

*(c) The signature of the county clerk.*".

Amend the bill as a whole by adding a new section designated sec. 61.5, following sec. 61, to read as follows:

"**Sec. 61.5.** NRS 293.520 is hereby amended to read as follows:

293.520 The registration or reregistration of electors who are unable to sign their names must be made upon personal application of those electors at the office of the county clerk where they may be identified or in the presence of a [deputy] *field* registrar. The electors may use a mark or cross in place of a signature.".

Amend sec. 62, page 23, line 16, by deleting the period and inserting:

"[.] *and a voter registration card as required by subsection 6 of NRS 293.517.*".

Amend sec. 62, page 23, line 25, by deleting the period and inserting:

"[.] *and a voter registration card as required by subsection 6 of NRS 293.517.*".

Amend sec. 62, page 23, by deleting line 35 and inserting:

"[described as a box in] *listed as* a post office [.] *box or is the same address as a business that receives and distributes mail for customers, unless a street address*".

Amend sec. 62, page 23, by deleting lines 39 through 46 and inserting:

*"(d) Include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.".*

Amend sec. 62, page 24, by deleting lines 24 and 25 and inserting:

*"13. A person who willfully violates the provisions of subsection 10, 11 or 12 is guilty of a felony.".*

Amend sec. 63, page 25, line 3, by inserting an open bracket before "The".

Amend sec. 63, page 25, by deleting lines 5 through 11 and inserting: "submission of the application.] *Each application must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.".*

Amend the bill as a whole by adding a new section designated sec. 66.5, following sec. 66, to read as follows:

"**Sec. 66.5.** NRS 293.550 is hereby amended to read as follows:

293.550 Any elector of this state who has not registered to vote in this state, or who has registered but whose registration has been canceled, and who contemplates enlisting in, or has been inducted into, the Armed Forces of the United States may, at any time, appear before the county clerk of the county of his residence or the [deputy] *field* registrar thereof and register as a voter in the manner provided by law.".

Amend sec. 67, page 26, by deleting lines 39 through 48 and inserting:

"293.557 1. The county clerk shall cause to be published [in counties having a population under 100,000 and may cause to be published in counties having a population of 100,000 or more,] once in each of the newspapers circulated in different parts of the county a list of all registered voters [, segregated by precincts or districts,] within the circulation area of each

newspaper. or cause to be published once in a newspaper circulated in the county [a segregated] *an alphabetical* listing *of all registered voters. including the precinct of each voter,* for the entire county:

(a) [At least 75 days] *Not less than 2 weeks* before *the close of registration for* any primary election.".

Amend sec. 68, page 27. between lines 34 and 35. by inserting:

"*4. The offices of the county clerk and ex officio registrars may remain open on October 31 in each even-numbered year.*".

Amend the bill as a whole by adding a new section designated sec. 68.5. following sec. 68, to read as follows:

**Sec. 68.5** NRS 293.650 is hereby amended to read as follows:

293.650 *1.* The conduct of any city election [must be] *is* under the control of the city council, and it shall by ordinance provide for the holding of the election, appoint the necessary officers thereof, and do all other things required to carry the election into effect.

*2. Early voting must not be permitted in a city election.*

Amend sec. 69, page 27, line 38. by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 69, page 28, by deleting lines 9 through 12 and inserting:

"*5. Any field registrar or other person who:*

*(a) Knowingly falsifies a registration form. or knowingly causes such a form to be falsified; or*

*(b) Knowingly provides money or other compensation to another for a falsified registration form,*

*is guilty of a felony.*".

Amend the bill as a whole by deleting sec. 76 and adding a new section designated sec. 76, following sec. 75, to read as follows:

"**Sec. 76.** NRS 236.015 is hereby amended to read as follows:

236.015 1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)

Third Monday in January (Martin Luther King, Jr.'s Birthday)

Third Monday in February (Washington's Birthday)

Last Monday in May (Memorial Day)

July 4 (Independence Day)

First Monday in September (Labor Day)

October 31 (Nevada Day)

November 11 (Veterans' Day)

Fourth Thursday in November (Thanksgiving Day)

Friday following the fourth Thursday in November (Family Day)

December 25 (Christmas Day)

Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day.

2. [All] *Except as otherwise provided by NRS 293.557, all* state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on the legal

holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.

3. If January 1, July 4, October 31, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following must be observed as a legal holiday.

(b) Saturday, the Friday preceding must be observed as a legal holiday.

4. To celebrate the 500th anniversary of the arrival of Cristoforo Columbo in the New World, October 12, 1992, is hereby declared to be a legal holiday for state, county and city governmental offices. All state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on this day.

Amend the bill as a whole by adding new sections designated sections 78.4 and 78.7, following sec. 78, to read as follows:

"**Sec. 78.4** NRS 539.130 is hereby amended to read as follows:

539.130 1. The secretary [shall be] *is* ex officio district registrar of the district, and may, at least 4 weeks before any election, appoint a [deputy] *field* registrar in each election precinct. Each [deputy] *field* registrar shall register all electors within his precinct applying for registration, and for this purpose he [shall have] *has the* authority to demand of the elector all information and to administer all oaths required by this chapter.

2. The registrar and [deputy registrars shall be] *field registrars are* governed in the performance of their duties by the general election laws of this state as far as they are applicable, and [shall] *must* be at their places of registration to receive applications for registration from 9 a.m. until 9 p.m. on each of three Wednesdays next preceding the date of election.

**Sec. 78.7** NRS 539.140 is hereby amended to read as follows:

539.140 1. The registration oath may be taken before the registrar or [deputy] *field* registrars, any member of an election board, or any person authorized by law to administer oaths.

2. All oaths taken before the election board must be preserved by the election board and returned with the ballots.".

Amend the bill as whole by adding a new section designated sec. 82, following sec. 81, to read as follows:

"**Sec. 82.** In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall change any reference to "deputy registrar" to refer to "field registrar" in any section which is not amended by this act or is further amended by another act.".

Amend the title of the bill to read as follows:

"AN ACT relating to elections; prohibiting certain methods of compensating a person who registers persons to vote; providing procedures for voting early in counties; requiring the county clerk to register a person at his home if he requires such assistance; requiring a person who engages in the business of receiving and distributing mail for customers to provide the county clerk with the address of the business; prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the

penalty for certain violations; making various other changes to the provisions governing elections; providing penalties; and providing other matters properly relating thereto.".

Senate Bill No. 368.
Bill read second time and ordered to third reading.

Senate Bill No. 507.
Bill read second time and ordered to third reading.

Assembly Bill No. 311.
Bill read second time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 1093.
Amend sec. 2, page 2, by deleting lines 15 and 16 and inserting:
"*5.* The "practice of architecture" consists of [holding out to the public, and] rendering or offering to render [,] services embracing the scientific,".
Amend sec. 2, page 2, line 17, by deleting "[and] *or*" and inserting "and".
Amend sec. 2, page 2, line 19, by deleting "[and] *or*" and inserting "and".
Amend sec. 7, page 4, line 7, by deleting "[$500] *$10,000,*" and inserting "$10,000,".
Amend sec. 7, page 4, between lines 30 and 31, by inserting:
"If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.".
Amend sec. 10, page 5, by deleting lines 43 and 44 and inserting:
"(1) Buildings for his own private residential use; [or]
(2) Farm or ranch buildings used as such [.] *; or*
*(3) The design, selection or arrangement of furnishings, equipment, cabinetry, fixtures or interior finish materials.*".
Amend sec. 10, page 6, between lines 3 and 4, by inserting:
"*4. A document that is required to be submitted for the issuance of a building permit and which is submitted by a person exempted by the provisions of subparagraph (3) of paragraph (e) must contain on the face of each sheet a declaration as follows: This document is not a drawing prepared by an architect, residential designer or engineer.*".
Amend the bill as a whole by adding a new section designated sec. 14, following sec. 13, to read as follows:
"Sec. 14. Section 7 of this act becomes effective at 12:01 a.m. on October 1, 1993.".
Assemblyman Scherer moved the adoption of the amendment.
Remarks by Assemblyman Scherer.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 687, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*



MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Senate Bill No. 250 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Remarks by Assemblyman Myrna Williams.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 250.
Bill read second time.
The following amendment was proposed by the Committee on Elections and Procedures:
Amendment No. 1190.
Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:
"Sec. 2. *"Deputy clerk" means a deputy clerk for early voting who is appointed pursuant to section 20.3 of this act to serve as the election officer in charge of the polling place for early voting.*".
Amend sec. 14, page 2, line 30, by deleting "*a voting*" and inserting "*an election*".
Amend the bill as a whole by deleting sec. 20 and adding new sections designated sections 20 through 20.9, following sec. 19, to read as follows:
"Sec. 20. *1. If a request is made to vote early by a registered voter in person, the county clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.*
*2. From the third Saturday preceding an election through the Friday before the election, Sundays excepted, each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.*
Sec. 20.1. *1. The county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.*
*2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:*
*(a) Provide appropriate forms of ballots for all offices within a county commissioner election district; and*
*(b) Limit voting at that polling place to registered voters in that district.*
Sec. 20.15. *1. The period for early voting by personal appearance begins on the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays excepted.*
*2. A permanent polling place for early voting must remain open:*
*(a) On Monday through Friday:*

*(1) During the first week of early voting, from 8 a.m. until 6 p.m.*

*(2) During the second week of early voting, from 8.a.m. until 8 p.m.*

*(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.*

Sec. 20.2. *1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.*

*2. The provisions of subsection 2 of section 20.15 of this act do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.*

*3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.*

Sec. 20.25. *1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:*

*(a) The location of each permanent and temporary polling place for early voting and the election precincts served by each location.*

*(b) The dates and hours that early voting will be conducted at each location.*

*2. A copy of the schedule must also be posted on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.*

*3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.*

*4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.*

Sec. 20.3. *1. The county clerk shall appoint for each polling place for early voting a deputy clerk for early voting who must serve as the election officer in charge of the polling place.*

*2. The county clerk may also appoint as many additional deputy clerks as he deems necessary for the proper conduct of the election.*

Sec. 20.35. *1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:*

*(a) Determine that the person is a registered voter in the county;*

*(b) Instruct the voter to sign the roster for early voting; and*

*(c) Verify the signature of the voter against that contained on the original affidavit of registration, or the card issued to the voter at the time of registration, or other piece of official identification.*

*2. The county clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.*

*3. The roster for early voting must contain:*



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

*(b) The voter's precinct number; and*

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

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

*5. The deputy clerk for early voting shall:*

*(a) Mark the voter's precinct on the bottom left-hand side of the card and the form of ballot on the bottom right-hand side of the card;*

*(b) Direct the voter to the appropriate voting machine for his form of ballot; and*

*(c) Allow the voter to place his voted ballot in the ballot box.*

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

Sec. 20.4. *1. The ballot box for early voting in which voted ballots are deposited must have two locks, each with a different key and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.*

*2. During the period for early voting by personal appearance, the county clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the county clerk, shall keep the key to the second lock.*

*3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.*

Sec. 20.45 *1. A plan for the security of unvoted ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.*

*2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.*

*3. All materials for early voting must be delivered to the county clerk's office at the close of voting on the last day for voting at the polling place for early voting.*

Sec. 20.5. *1. A ballot board for early voting must be appointed by the county clerk to handle early voting ballots for that county.*

*2. The board must consist of two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.*

Sec. 20.55. *1. During the period for early voting by personal appearance, the ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office at the close*

*of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.*

*2. When the ballot box is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box locked in the manner prescribed in section 20.4 of this act.*

*3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:*

*(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;*

*(b) A voting roster of all persons who voted early by personal appearance; and*

*(c) Any list of registered voters used in conducting early voting.*

*4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.*

*5. Upon the receipt of ballots, the board shall:*

*(a) Remove all ballots from the ballot boxes and sort the ballots by precinct;*

*(b) Count the number of ballots by precinct;*

*(c) Account for all ballots on an official statement of ballots; and*

*(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.*

Sec. 20.6. *1. The returns for early voting must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot.*

*2. The county clerk shall develop a procedure to ensure that each ballot is kept secret.*

Sec. 20.65. *1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 30 feet from the entrance to the voting area.*

*2. During the period of early voting, the county clerk shall keep continuously posted:*

*(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and*

*(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker. No electioneering between this point and the entrance to the polling place."*

*3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permit-*



*ted by law to be in a polling place must be excluded from the polling place to the extent practicable.*

*4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.*

Sec. 20.7 *1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after he receives notice of the court's decision:*

*(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and*

*(b) Transmit a notice of the extended deadline to each registered voter who requested an absent voter's ballot for the election and has not returned the ballot before the date on which the notice will be transmitted.*

*2. The notice required pursuant to paragraph (a) of subsection 1 must be published:*

*(a) In a county whose population is 30,000 or more, on at least 3 successive days.*

*(b) In a county whose population is less than 30,000, at least twice in successive issues of the newspaper.*

Sec. 20.75. *1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed $20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the attorney general or by any district attorney in a court of competent jurisdiction.*

*2. Any civil penalty collected pursuant to this section must be deposited with the state treasurer for credit to the state general fund.*

Sec. 20.8 *Any time before the close of registration a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register him at his residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register him to vote.*

Sec. 20.9 *Any person who engages in the business of receiving and distributing mail for customers shall provide the county clerk of the county in which the business is located with the street address of the business.".*

Amend sec. 32, page 7, line 42, by deleting the period and inserting: ", *or in any other manner deceive a voter regarding the person or principles for which he is voting.*".

Amend the bill as a whole by deleting sec. 36 and adding a new section designated sec. 36, following sec. 35, to read as follows:

"Sec. 36. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish such precinct as a mailing precinct, and shall forthwith mail notification to the [deputy] *field* registrar for such precinct.

2. Except as otherwise provided by NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may

abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts and those precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.".

Amend sec. 42, page 12, line 3, by deleting "*or*".

Amend sec. 42, page 12, by deleting lines 4 through 11 and inserting:

"*(c) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or*

*(d) Requests an absent ballot in person at the office of the county clerk.*".

Amend the bill as a whole by adding a new section designated sec. 42.5, following sec. 42, to read as follows:

"Sec. 42.5. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as *otherwise* provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this Title; the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the precinct or district, as shown on the checklist and roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except [to examine a pollbook pursuant to NRS 293.301 or] by authority of the election board as necessary to keep order and carry out the provisions of this Title.".

Amend the bill as a whole by adding a new section designated sec. 44.5, following sec. 44, to read as follows:

"Sec. 44.5. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall [allow not more than one representative from each political party for each precinct at a polling place to examine the pollbook four times during an election to determine the registered voters in that precinct who have not voted in the election. The examination of the pollbook must not interfere with the conduct of the election.

2. Each person who is authorized by a political party to examine the pollbooks shall provide proof of identity and a written statement from the county central committee which authorizes him to represent that political party at the polling place.] *require an election board officer or officers to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. The alphabetical listing must*



*include the name, address and political affiliation of each voter. At the end of each hour that the polling place is open, up to and including 6 p.m., an election board officer shall identify the name of each voter that voted during the previous hour.*

*2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:*

*It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.*

*3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.*".

Amend sec. 48, page 15, by deleting lines 42 through 45.

Amend sec. 48, page 15, line 46, by deleting "*6.*" and inserting "*5.*".

Amend sec. 49, page 16, by deleting lines 6 and 7 and inserting: "tion to that clerk for an absent voter's ballot. The application [is not] *must be made* available for public inspection . [except by:".

Amend sec. 49, page 16, line 13, by deleting "[When] *If*" and inserting "When".

Amend sec. 49, page 16, by deleting lines 15 through 22 and inserting: "inspect the application.]

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

*3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.*".

Amend the bill as a whole by adding a new section designated sec. 51.5, following sec. 51, to read as follows:

"Sec. 51.5 NRS 293.327 is hereby amended to read as follows:

293.327 1. If a request for an absent ballot is made by a registered voter in person, [the county or] *a* city clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. At least 25 days before [an] *a primary or general city* election until 5:00 p.m. the day before the election, each [county clerk and] city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.".

Amend the bill as a whole by adding a new section designated sec. 52.5, following sec. 52, to read as follows:

"Sec. 52.5. NRS 293.385 is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots received the previous day from absent voters' ballot boxes and ascertain that each box has the required number of ballots according to the county or city clerk's absent voters' ballot record.

2. If any absent ballots are received by the county or city clerk on election day, pursuant to NRS 293.316, the county or city clerk shall hold the ballots until ballots received before election day have been withdrawn pursuant to subsection 1. Thereafter, the county or city clerk shall deposit the absent ballots in the appropriate ballot boxes.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county or city clerk [, who shall] *who must* have the results added to the regular votes of the precinct. If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct. The [results of the absent ballot vote must not be identified separately from the regular votes of the precinct on any abstract or printout produced by a computer of the results of the election.] *returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county and city clerks shall develop a procedure to ensure that each ballot is kept secret.*

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.".

Amend sec. 59, page 20, line 25, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 28, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, by deleting line 31 and inserting: "not be appointed or serve as a [deputy] *field* registrar. A [deputy] *field* registrar serves at".

Amend sec. 59, page 20, line 34, by deleting: "deputy registrar [may] *shall*" and inserting: "[deputy registrar] *field registrar shall*".

Amend sec. 59, page 20, line 37, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 40, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 45, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 46, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 3, by deleting "deputy" and inserting "[deputy] *field*".



Amend sec. 59, page 21, line 5, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 10, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 11, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, by deleting line 18 and inserting:

"11. *When the county clerk receives affidavits of registration from a field registrar he shall issue a receipt to the field registrar. The receipt must include:*

*(a) The number of persons registered; and*

*(b) The political party of the persons registered.*

*12. A county clerk or field registrar shall not:*".

Amend sec. 59, page 21, by deleting line 27 and inserting: *13. If a field registrar violates any of the provisions of this section, the*".

Amend sec. 59, page 21, line 28, by deleting "*deputy*" and inserting "*field*".

Amend sec. 59, page 21, by deleting lines 30 and 31 and inserting:

"*14.* A person who violates any of the provisions of [this section] *subsections 8 to 12, inclusive,* is guilty of a [misdemeanor.] *felony.*".

Amend the bill as a whole by adding a new section designated sec. 59.5, following sec. 59, to read as follows:

"Sec. 59.5. NRS 293.5055 is hereby amended to read as follows:

293.5055 A county clerk or [deputy] *field* registrar may register, outside the boundaries of the county, any voter who is a resident of that county.".

Amend sec. 60, page 21, line 38, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 60, page 21, by deleting lines 40 through 47 and inserting:

"*3. A form for an affidavit of registration must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*".

Amend sec. 61, page 22, line 11, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 61, page 22, line 16, by deleting "or" and inserting "[or]".

Amend sec. 61, page 22, by deleting line 17 and inserting:

"(c) Pursuant to the provisions of NRS *293.501 or*293.524 [.] *; or*

*(d) At his residence with the assistance of a field registrar pursuant to section 20.8 of this act.*".

Amend sec. 61, page 22, line 27, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 61, page 22, between lines 36 and 37, by inserting:

"*6. After the county clerk determines that the affidavit of registration of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:*

*(a) The name, address, political affiliation and precinct number of the voter;*

*(b) The date of issuance; and*

*(c) The signature of the county clerk.*".

Amend the bill as a whole by adding a new section designated sec. 61.5, following sec. 61, to read as follows:

"Sec. 61.5. NRS 293.520 is hereby amended to read as follows:

293.520 The registration or reregistration of electors who are unable to sign their names must be made upon personal application of those electors at the office of the county clerk where they may be identified or in the presence of a [deputy] *field* registrar. The electors may use a mark or cross in place of a signature.".

Amend sec. 62, page 23, line 16, by deleting the period and inserting: "[.] *and a voter registration card as required by subsection 6 of NRS 293.517.*".

Amend sec. 62, page 23, line 25, by deleting the period and inserting: "[.] *and a voter registration card as required by subsection 6 of NRS 293.517.*".

Amend sec. 62, page 23, by deleting line 35 and inserting: "[described as a box in] *listed as* a post office [.] *box or is the same address as a business that receives and distributes mail for customers, unless a street address*".

Amend sec. 62, page 23, by deleting lines 39 through 46 and inserting:

"*(d) Include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*".

Amend sec. 62, page 24, by deleting lines 24 and 25 and inserting:

"*13. A person who willfully violates the provisions of subsection 10, 11 or 12 is guilty of a felony.*".

Amend sec. 63, page 25, line 3, by inserting an open bracket before "The".

Amend sec. 63, page 25, by deleting lines 5 through 11 and inserting: "submission of the application.] *Each application must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*".

Amend the bill as a whole by adding a new section designated sec. 66.5, following sec. 66, to read as follows:

"Sec. 66.5. NRS 293.550 is hereby amended to read as follows:

293.550 Any elector of this state who has not registered to vote in this state, or who has registered but whose registration has been canceled, and who contemplates enlisting in, or has been inducted into, the Armed Forces of the United States may, at any time, appear before the county clerk of the county of his residence or the [deputy] *field* registrar thereof and register as a voter in the manner provided by law.".

Amend sec. 67, page 26, by deleting lines 39 through 48 and inserting:

"293.557 1. The county clerk shall cause to be published [in counties having a population under 100,000 and may cause to be published in counties having a population of 100,000 or more,] once in each of the newspapers circulated in different parts of the county a list of all registered voters [, segregated by precincts or districts,] within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in



the county [a segregated] *an alphabetical* listing *of all registered voters, including the precinct of each voter,* for the entire county:

(a) [At least 75 days] *Not less than 2 weeks* before *the close of registration for* any primary election.".

Amend sec. 68, page 27, between lines 34 and 35, by inserting:

"*4. The offices of the county clerk and ex officio registrars may remain open on October 31 in each even-numbered year.*".

Amend the bill as a whole by adding a new section designated sec. 68.5, following sec. 68, to read as follows:

"Sec. 68.5 NRS 293.650 is hereby amended to read as follows:

293.650 *1.* The conduct of any city election [must be] *is* under the control of the city council, and it shall by ordinance provide for the holding of the election, appoint the necessary officers thereof, and do all other things required to carry the election into effect.

*2. Early voting must not be permitted in a city election.*".

Amend sec. 69, page 27, line 38, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 69, page 28, by deleting lines 9 through 12 and inserting:

"*5. Any field registrar or other person who:*

*(a) Knowingly falsifies a registration form, or knowingly causes such a form to be falsified; or*

*(b) Knowingly provides money or other compensation to another for a falsified registration form,*

*is guilty of a felony.*".

Amend the bill as a whole by deleting sec. 76 and adding a new section designated sec. 76, following sec. 75, to read as follows:

"Sec. 76. NRS 236.015 is hereby amended to read as follows:

236.015 1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)
Third Monday in January (Martin Luther King, Jr.'s Birthday)
Third Monday in February (Washington's Birthday)
Last Monday in May (Memorial Day)
July 4 (Independence Day)
First Monday in September (Labor Day)
October 31 (Nevada Day)
November 11 (Veterans' Day)
Fourth Thursday in November (Thanksgiving Day)
Friday following the fourth Thursday in November (Family Day)
December 25 (Christmas Day)

Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day.

2. [All] *Except as otherwise provided by NRS 293.557, all* state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on

the legal holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.

3. If January 1, July 4, October 31, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following must be observed as a legal holiday.

(b) Saturday, the Friday preceding must be observed as a legal holiday.

4. To celebrate the 500th anniversary of the arrival of Cristoforo Columbo in the New World, October 12, 1992, is hereby declared to be a legal holiday for state, county and city governmental offices. All state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on this day.".

Amend the bill as a whole by adding new sections designated sections 78.4 and 78.7, following sec. 78, to read as follows:

"Sec. 78.4 NRS 539.130 is hereby amended to read as follows:

539.130 1. The secretary [shall be] *is* ex officio district registrar of the district, and may, at least 4 weeks before any election, appoint a [deputy] *field* registrar in each election precinct. Each [deputy] *field* registrar shall register all electors within his precinct applying for registration, and for this purpose he [shall have] *has the* authority to demand of the elector all information and to administer all oaths required by this chapter.

2. The registrar and [deputy registrars shall be] *field registrars are* governed in the performance of their duties by the general election laws of this state as far as they are applicable, and [shall] *must* be at their places of registration to receive applications for registration from 9 a.m. until 9 p.m. on each of three Wednesdays next preceding the date of election.

Sec. 78.7 NRS 539.140 is hereby amended to read as follows:

539.140 1. The registration oath may be taken before the registrar or [deputy] *field* registrars, any member of an election board, or any person authorized by law to administer oaths.

2. All oaths taken before the election board must be preserved by the election board and returned with the ballots.".

Amend the bill as whole by adding a new section designated sec. 82, following sec. 81, to read as follows:

"Sec. 82. In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall change any reference to "deputy registrar" to refer to "field registrar" in any section which is not amended by this act or is further amended by another act.".

Amend the title of the bill to read as follows:

"An Act relating to elections; prohibiting certain methods of compensating a person who registers persons to vote; providing procedures for voting early in counties; requiring the county clerk to register a person at his home if he requires such assistance; requiring a person who engages in the business of receiving and distributing mail for customers to provide the county clerk with the address of the business; prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another



person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the penalty for certain violations; making various other changes to the provisions governing elections; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblymen Myrna Williams and Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### Consideration of Senate Amendments

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 1019.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting:

"639.009 "Manufacturer" means a person who [derives,] *:*

*1. Derives,* produces, prepares, compounds, mixes, cultivates, grows or processes any drug or medicine [or who repackages] *;*

*2. Repackages* any drug or medicine for the purposes of resale [.] *; or*

*3. Produces or makes any devices or appliances*".

Amend sec. 8, page 4, by deleting lines 43 through 47 and inserting:

"454.0092 "Manufacturer" means a person who [derives,] *:*

*1. Derives,* produces, prepares, compounds, mixes, cultivates, grows or processes any drug [or who repackages] *;*

*2. Repackages* any drug for the purpose of resale [.] *; or*

*3. Makes, produces or prepares any devices or appliances that are*".

Amend the bill as a whole, by adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. Sections 1 and 8 of this act become effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 262.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 300.

The following Senate amendment was read:

Amendment No. 1069.

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

"Sec. 17.5 NRS 637A.030 is hereby amended to read as follows:

637A.030 The board of hearing aid specialists, consisting of [three] *five* members appointed by the governor, is hereby created.".

(REPRINTED WITH ADOPTED AMENDMENTS)
THIRD REPRINT

# S.B. 250

SENATE BILL NO. 250—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 2, 1993

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing elections. (BDR 24-542)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to elections; prohibiting certain methods of compensating a person who registers persons to vote; providing procedures for voting early in counties; requiring the county clerk to register a person at his home if he requires such assistance; requiring a person who engages in the business of receiving and distributing mail for customers to provide the county clerk with the address of the business; prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the penalty for certain violations; making various other changes to the provisions governing elections; providing penalties; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

**Sec. 2.** *"Deputy clerk" means a deputy clerk for early voting who is appointed pursuant to section 20.3 of this act to serve as the election officer in charge of the polling place for early voting.*

**Sec. 3.** *"State officer" means:*

*1. The governor;*
*2. The lieutenant governor;*
*3. The secretary of state;*
*4. The state treasurer;*
*5. The state controller;*
*6. The attorney general;*
*7. A justice of the supreme court;*
*8. A state senator;*
*9. A state assemblyman;*
*10. A regent of the University of Nevada;*
*11. A member of the state board of education; or*
*12. A district judge.*

THIS BILL IS 38 PAGES LONG.
CONTACT THE RESEARCH LIBRARY
FOR A COPY OF THE COMPLETE BILL.

Remarks by Assemblyman Sader.
Motion carried.

Assemblyman Arberry moved that Senate Bill No. 334 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Arberry.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 723.
Bill read third time.
Remarks by Assemblymen Anderson and Ernaut.
Roll call on Assembly Bill No. 723:
YEAS—42.
NAYS—None.

Assembly Bill No. 723 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Senate Bill No. 250 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 250.
Bill read third time.
Remarks by Assemblymen Myrna Williams, Segerblom, Giunchigliani, Collins and Bache.
Roll call on Senate Bill No. 250:
YEAS—42.
NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 287.
Bill read third time.
Remarks by Assemblyman Ernaut.
Roll call on Assembly Bill No. 287:
YEAS—42.
NAYS—None.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 457.
Bill read third time.

Senator Raggio told Ms. Wilcox he understood what she was saying, but he asked her if she thought dealing with the homeless problem in Reno is something of value to the state as a whole and that this particular case is warranted.

Ms. Wilcox stated it is the committee's decision and not hers, but according to all rules that bind her she must tell them that land is an asset of the state which has value. She told the committee her organization has tried very hard to help the city in providing land for the homeless shelter, but not to the point of giving it away for free.

THE MOTION CARRIED. (SENATOR CALLISTER WAS ABSENT FOR THE VOTE.)

* * * * *

Chairman O'Connell closed the hearing on S.B. 573 and opened the hearing on Senate Bill (S.B.) 250.

SENATE BILL 250: Makes various changes to provisions governing elections.

Senator Lowden stated she chaired the subcommittee on this bill and she had asked the secretary of state to give the committee some assurances from the counties that this mandate for Washoe County is something with which the counties could live. She turned the meeting over to the secretary of state.

Cheryl Lau, Secretary of State, State of Nevada, spoke on S.B. 250. She told the committee their concerns were very well taken the day before on section 67 of S.B. 250 which is the publication of the registered voters list. She explained she spoke to the county manager of Clark County and Washoe County. She told the committee they are not excited about the publication costs, however, they do accept them and they told her to deliver that message to the committee. She explained the reason they accept this is, because there are other parts of S.B. 250 which are important to them and the cost of publication will help defray the costs of some of the other provisions in this bill. She told the committee if there is a concurrence with S.B. 250 she vowed she will work with the papers to reduce the costs for this publication.

Senator Hickey asked about the timeliness of the names. He stated the lists should be current and timely and not 1 or 2 months old. He requested the lists not be more than 1 month old.

Secretary Lau stated he could have that stipulation.

SENATOR RAGGIO MOVED TO DO CONCUR ON ASSEMBLY AMENDMENTS ON S.B. 250.

SENATOR LOWDEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chairman O'Connell closed the hearing on S.B. 250 and opened the hearing on Assembly Bill (A.B.) 552 and Assembly Joint Resolution (A.J.R.) 6.

ASSEMBLY BILL 552: Makes various changes relating to recall of public officers.

ASSEMBLY JOINT RESOLUTION 6: Proposes to amend Nevada constitution to require that petition for recall of public officer contain signatures of certain number of registered voters.

Nancy Howard, Lobbyist, Nevada League of Cities, spoke on A.B. 552 and A.J.R. 6. She stated they are two companion bills dealing with recall of public officials.

Michelle Buro, Lobbyist, Nevada Association of Counties (NACO), told the committee A.B. 552 was brought about when the counties, cities and secretary of state decided they needed to look at the recall/election procedure and help clarify it. She stated there has been a lot of confusion as to what exactly needs to take place. She told the committee they originally started A.B. 552 with taking out some of the provisions about having a petition, which does not have a valid number of signatures, having to go to district court. She explained when NACO began that process the secretary of state got some good input from the citizens of the State of Nevada as to how they felt the recall procedure could be streamlined. She pointed out in section 3 and 4 of the bill a section was added which states, "the secretary of state shall prepare an informational pamphlet describing the requirements of the recall procedure." She stated this will help assist individuals on what the rules and regulations are when they go to initiate a recall. She explained by setting up that provision the rest of the recall procedure was looked at and currently every recall petition has to be heard in district court which is a very time-consuming and very costly procedure. Ms. Buro stated the individuals

Senate Bill No. 262—Senator Coffin

## CHAPTER 522

AN ACT relating to the licensing of motor vehicles; reducing the additional fee charged for a special license plate issued to the holder of a license for an amateur radio station; reducing and allowing a waiver of the annual renewal fee for such a license plate; and providing other matters properly relating thereto.

[Approved July 12, 1993]

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

**Section 1. NRS 482.375** is hereby amended to read as follows:

482.375 1. An owner of a motor vehicle who is a resident of the State of Nevada and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application accompanied by proof of ownership of that license, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for plates as prescribed by law, and the payment of an additional fee of **[**$35,**]** *$25,* must be issued a license plate or plates, upon which in lieu of the numbers as prescribed by law must be inscribed the words "RADIO AMATEUR" and the official amateur radio call letters of the applicant as assigned by the Federal Communications Commission. The annual fee for a renewal sticker is **[**$20.**]** *$15 unless waived by the department pursuant to subsection 2.* The plate or plates may be used only on a private passenger car, trailer or travel trailer or on a noncommercial truck.

*2. The department may waive the annual fee for a renewal sticker if the applicant for renewal:*

*(a) Submits with his application for renewal a statement under penalty of perjury that he will assist in communications during local, state and federal emergencies; and*

*(b) Satisfies any other requirements established by the department by regulation for such a waiver.*

*3.* The cost of die and modifications necessary for the issuance of a license plate pursuant to this section must be paid from private sources without any expense to the State of Nevada.

**[**3.**]** *4.* The department may adopt regulations **[**to**]** *:*

*(a) To* ensure compliance with all state license laws relating to the use and operation of a motor vehicle before issuance of the plates in lieu of the regular Nevada license plate or plates . **[**, and all**]**

*(b) Setting forth the requirements and procedure for obtaining a waiver of the annual fee for a renewal sticker.*

*5. All* applications for the plates *authorized by this section* must be made to the department.

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Senate Bill No. 250—Committee on Government Affairs

## CHAPTER 523

AN ACT relating to elections; prohibiting certain methods of compensating a person who registers persons to vote; providing procedures for voting early in counties; requiring the county clerk to register a person at his home if he requires such assistance; requiring a person who engages in the business of receiving and distributing mail for customers to provide the county clerk with the address of the business; prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the penalty for certain violations; making various other changes to the provisions governing elections; providing penalties; and providing other matters properly relating thereto.

[Approved July 12, 1993]

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

**Section 1. Chapter 293 of NRS** is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

**Sec. 2.** *"Deputy clerk" means a deputy clerk for early voting who is appointed pursuant to section 20.3 of this act to serve as the election officer in charge of the polling place for early voting.*

**Sec. 3.** *"State officer" means:*

*1. The governor;*
*2. The lieutenant governor;*
*3. The secretary of state;*
*4. The state treasurer;*
*5. The state controller;*
*6. The attorney general;*
*7. A justice of the supreme court;*
*8. A state senator;*
*9. A state assemblyman;*
*10. A regent of the University of Nevada;*
*11. A member of the state board of education; or*
*12. A district judge.*

**Sec. 4.** *1. It is unlawful for a person to provide compensation for registering voters that is based upon:*

*(a) The total number of voters a person registers; or*

*(b) The total number of voters a person registers in a particular political party.*

*2. A person who violates any provision of this section is guilty of a felony.*

**Secs. 5-10.** (Deleted by amendment.)

**Sec. 11.** *1. At the time an elector registers to vote he must indicate:*

*(a) His political party affiliation; or*

*(b) That he is not affiliated with a political party.*

*2. If an elector indicates that he is not affiliated with a political party, the county clerk or deputy registrar of voters shall list the elector's political party as nonpartisan.*

*3. If an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the secretary of state, the county clerk or deputy registrar of voters shall list the elector's political party as indicated by the elector.*

*4. If an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the secretary of state, the county clerk or deputy registrar of voters shall:*

*(a) List the elector's political party as the party indicated in the affidavit of registration.*

*(b) When compiling data related to voter registration for the county, report the elector's political party as "other party."*

**Sec. 12.** *A ballot prepared for use in an election in this state must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election.*

**Sec. 13.** *The secretary of state shall:*

*1. Prescribe the color of ballots for each election in this state not later than February 1 of the year in which the election is to be held; and*

*2. Alternate the color of ballots each year in such a manner as to ensure that no color is used for ballots more than once during any 4-year period.*

**Sec. 14.** *No political subdivision of this state may create, divide, change the boundaries of, abolish or consolidate an election district during any year in which a general election is held. This section does not prohibit a political subdivision from annexing territory in a year in which a general election is held.*

**Sec. 15.** *In any county where registrations are performed and records are kept by computer, a facsimile of a voter's signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this Title.*

**Sec. 16.** *1. An elector who:*

*(a) Complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973;*

*(b) Is discharged from the Armed Forces of the United States not more than 60 days before an election;*

*(c) Presents evidence of his discharge to the county clerk; and*

*(d) Is not registered to vote at the close of registration for that election, must be allowed to register to vote in the election.*

*2. Such an elector must:*

*(a) Register in person; and*

*(b) Vote in the office of the county clerk unless he is otherwise entitled to vote an absent ballot pursuant to federal law.*

*3. The secretary of state shall adopt regulations to carry out a program of registration for such electors.*

**Sec. 17.** *If a special election is held pursuant to the provisions of this Title, the secretary of state shall prescribe the time during which a candidate must file a declaration or acceptance of candidacy.*



**Sec. 18.** *A person who does not maintain a residence in this state may register to vote for the office of President and Vice President of the United States if he files a sworn statement with the county clerk or deputy registrar of voters that he is not registered to vote in any other state and provides evidence:*

*1. Of his domicile in this state in accordance with the provisions of NRS 41.191;*

*2. That he maintains an account at a financial institution located in this state; or*

*3. That his motor vehicle is registered in this state.*

**Sec. 19.** *If an election board register is kept by computer, the register must include all the information contained in the original affidavits of registration.*

**Sec. 20.** *1. If a request is made to vote early by a registered voter in person, the county clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.*

*2. From the third Saturday preceding an election through the Friday before the election, Sundays excepted, each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.*

**Sec. 20.1.** *1. The county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.*

*2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:*

*(a) Provide appropriate forms of ballots for all offices within a county commissioner election district; and*

*(b) Limit voting at that polling place to registered voters in that district.*

**Sec. 20.15.** *1. The period for early voting by personal appearance begins on the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays excepted.*

*2. A permanent polling place for early voting must remain open:*

*(a) On Monday through Friday:*

*(1) During the first week of early voting, from 8 a.m. until 6 p.m.*

*(2) During the second week of early voting, from 8.a.m. until 8 p.m.*

*(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.*

**Sec. 20.2.** *1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.*

*2. The provisions of subsection 2 of section 20.15 of this act do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.*

*3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.*

**Sec. 20.25.** *1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:*

*(a) The location of each permanent and temporary polling place for early voting and the election precincts served by each location.*

*(b) The dates and hours that early voting will be conducted at each location.*

*2. A copy of the schedule must also be posted on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.*

*3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.*

*4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.*

**Sec. 20.3.** *1. The county clerk shall appoint for each polling place for early voting a deputy clerk for early voting who must serve as the election officer in charge of the polling place.*

*2. The county clerk may also appoint as many additional deputy clerks as he deems necessary for the proper conduct of the election.*

**Sec. 20.35.** *1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:*

*(a) Determine that the person is a registered voter in the county;*

*(b) Instruct the voter to sign the roster for early voting; and*

*(c) Verify the signature of the voter against that contained on the original affidavit of registration, or the card issued to the voter at the time of registration, or other piece of official identification.*

*2. The county clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.*

*3. The roster for early voting must contain:*

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

*(b) The voter's precinct number; and*

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

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

*5. The deputy clerk for early voting shall:*

*(a) Mark the voter's precinct on the bottom left-hand side of the card and the form of ballot on the bottom right-hand side of the card;*

*(b) Direct the voter to the appropriate voting machine for his form of ballot; and*

*(c) Allow the voter to place his voted ballot in the ballot box.*



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

**Sec. 20.4.** *1. The ballot box for early voting in which voted ballots are deposited must have two locks, each with a different key and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.*

*2. During the period for early voting by personal appearance, the county clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the county clerk, shall keep the key to the second lock.*

*3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.*

**Sec. 20.45.** *1. A plan for the security of unvoted ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.*

*2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.*

*3. All materials for early voting must be delivered to the county clerk's office at the close of voting on the last day for voting at the polling place for early voting.*

**Sec. 20.5.** *1. A ballot board for early voting must be appointed by the county clerk to handle early voting ballots for that county.*

*2. The board must consist of two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.*

**Sec. 20.55.** *1. During the period for early voting by personal appearance, the ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.*

*2. When the ballot box is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box locked in the manner prescribed in section 20.4 of this act.*

*3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:*

*(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;*

*(b) A voting roster of all persons who voted early by personal appearance; and*

*(c) Any list of registered voters used in conducting early voting.*

*4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.*

*5. Upon the receipt of ballots, the board shall:*

*(a) Remove all ballots from the ballot boxes and sort the ballots by precinct;*

*(b) Count the number of ballots by precinct;*

*(c) Account for all ballots on an official statement of ballots; and*

*(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.*

**Sec. 20.6.** *1. The returns for early voting must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot.*

*2. The county clerk shall develop a procedure to ensure that each ballot is kept secret.*

**Sec. 20.65.** *1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 30 feet from the entrance to the voting area.*

*2. During the period of early voting, the county clerk shall keep continuously posted:*

*(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and*

*(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker. No electioneering between this point and the entrance to the polling place."*

*3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.*

*4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.*

**Sec. 20.7.** *1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after he receives notice of the court's decision:*

*(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and*

*(b) Transmit a notice of the extended deadline to each registered voter who requested an absent voter's ballot for the election and has not returned the ballot before the date on which the notice will be transmitted.*

*2. The notice required pursuant to paragraph (a) of subsection 1 must be published:*

*(a) In a county whose population is 30,000 or more, on at least 3 successive days.*

*(b) In a county whose population is less than 30,000, at least twice in successive issues of the newspaper.*

**Sec. 20.75.** *1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed $20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the attorney general or by any district attorney in a court of competent jurisdiction.*

*2. Any civil penalty collected pursuant to this section must be deposited with the state treasurer for credit to the state general fund.*

**Sec. 20.8.** *Any time before the close of registration a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in writing or by telephone to register him at his residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register him to vote.*

**Sec. 20.9.** *Any person who engages in the business of receiving and distributing mail for customers shall provide the county clerk of the county in which the business is located with the street address of the business.*

**Sec. 21. NRS 293.010** is hereby amended to read as follows:

293.010 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 3 of this act,* have the meanings ascribed to them in those sections.

**Secs. 22-25.** (Deleted by amendment.)

**Sec. 26. NRS 293.130** is hereby amended to read as follows:

293.130 1. On the dates set by the respective state central committees in each year in which a general election is to be held, a county convention of each major political party must be held at the county seat of each county or at such other place in the county as the county central committee designates.

2. The county central committee of each major political party shall cause notice of the holding of the county convention of its party to be published in one or more newspapers, if any, published in the county . **[**, which**]** *The* notice must be in substantially the following form:

NOTICE OF.....(NAME OF PARTY).....CONVENTION

Notice is hereby given that the county Convention of the ..... Party for ..... County will be held at ..... in ....., on ....., the ..... day of ....., 19...; that at the convention delegates to the ..... State Convention will be elected, a county central committee to serve for the ensuing 2 years will be chosen, and other party affairs may be considered; that delegates to such county convention **[**shall**]** *will* be chosen at .....(name of party)..... precinct meetings to be held in each voting precinct in the county on or before the ..... day of ....., 19...; and that **[**each of the voting precincts**]** *a voting precinct* is entitled to **[**the**]** *a* number of delegates **[**specified below after the name of such precinct, as follows:

| Name of precinct | Number of delegates |
|---|---|
| ..... | to ..... |
| ..... | to ..... |
| ..... | (Name of party).....**]** |

*in proportion to the number of registered voters of the ..... Party residing in the precinct as set forth in NRS 293.133.*

County Central Committee of ..... County, Nevada

By .....(Its Chairman)

And .....(Its Secretary)

**Sec. 27. NRS 293.165** is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a party nomination for office may be filled by a candidate designated by the party central committee of the county or state, as the case may be, subject to the provisions of subsections [3 and 4.] *4 and 5.*

2. *A vacancy occurring in a nonpartisan nomination after the close of filing and before the first Tuesday in September must be filled by filing a nominating petition that is signed by at least 1 percent of the registered voters who voted for the office in question in the state, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in June and not later than the third Tuesday in September. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general election and his name must not appear on the ballot for a primary election.*

*3.* A vacancy occurring in a nonpartisan nomination after a primary election and before the second Tuesday in September must be filled by the person who received the next highest vote for the nomination in the primary.

[3. No]

*4. Except to place a candidate nominated pursuant to subsection 2 on the ballot, no* change may be made on the ballot after the second Tuesday in September of the year in which the general election is held. If a nominee dies after that date, his name must remain on the ballot and, if elected, a vacancy exists.

[4.] *5.* All designations provided for in this section must be filed before 5 p.m. [of] *on* the second Tuesday in September. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed before 5 p.m. [of] *on* that date.

**Sec. 28. NRS 293.1715** is hereby amended to read as follows:

293.1715 1. The names of the candidates of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates of a minor *political* party must be placed on the ballot for the general election if the party has filed a certificate of existence and a list of its candidates pursuant to *the provisions of* NRS 293.1725 with the secretary of state and:

(a) At the last preceding general election, the minor political party polled for any of its candidates a number of votes equal to or more than [3] *1* percent of the total number of votes cast for *the offices of* Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party has been designated as a political party on the affidavits of registration of at least [3] *1* percent of the total number of registered voters in the state; or

(c) Not later than the second Friday in August preceding the general election, files a petition with the secretary of state which is signed by *a number of registered voters equal to* at least [3] *1* percent of the total number of votes cast at the last preceding general election for *the offices of* Representative in Congress.

3. The name of only one candidate of each minor political party for each office may appear on the ballot for a general election.



*4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the secretary of state before the petition may be circulated for signatures.*

**Sec. 29.** (Deleted by amendment.)

**Sec. 30. NRS 293.1725** is hereby amended to read as follows:

293.1725 1. [A] *Except as otherwise provided in subsection 4, a* minor political party which desires to place its candidates on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

must file with the secretary of state a list of its candidates not earlier than January 1 preceding the election nor later than the last Friday in June. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. *The list must not be amended after it is filed.*

2. The secretary of state shall immediately [transmit] *forward* a certified copy of the list of candidates of each minor political party to the filing officer with whom each candidate must file his declaration of candidacy.

3. Each candidate on the list must file his declaration of candidacy with the proper filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates of his minor political party is filed with the secretary of state nor later than the first Wednesday in July.

*4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has otherwise qualified to place the names of its candidates on the ballot for the general election pursuant to the provisions of this chapter must file with the secretary of state a certificate of nomination for these offices not later than the first Tuesday in September.*

**Sec. 31.** (Deleted by amendment.)

**Sec. 32. NRS 293.177** is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, no name may be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of a candidacy, and paid the fee required by NRS 293.193 not earlier than [January 1] *the first Tuesday in March* of the year in which the election is to be held nor later than 5 p.m. [of the second Tuesday in May.] *on the first Tuesday in June.*

2. A declaration of candidacy or an acceptance of a candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of ..... for the Office of .....

State of Nevada }
}ss.
County of..... }

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the

undersigned ....., do swear [(] or affirm [)] that I reside at No. ....., ..... Street, in the City [(] or Town [)] of ....., County of ....., State of Nevada; that my actual residence therein began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that I am registered as a member of the ..... Party; that I have not changed the designation of my political party affiliation on an official affidavit of registration in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before
me this ..... day of ....., 19...

.....
Notary Public [(] or other person
authorized to administer an oath [)]

(b) For nonpartisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada }
}ss.
County of..... }

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear [(] or affirm [)] that I reside at No. ....., ..... Street, in the City [(] or Town [)] of ....., County of ....., State of Nevada; that my actual residence therein began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that if nominated as a nonpartisan candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; and that I will qualify for the office if elected thereto; and my name will appear on all ballots as designated in this declaration.



.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before
me this ..... day of ....., 19...

.....
Notary Public [(] or other person
authorized to administer an oath [)]

3. A person may be a candidate under [the name by which he is a voter, or under any other name which he has borne and by which he is known in the community where he resides.] *his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economical, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he is voting.*

4. An affidavit of candidacy must be in substantially the same form as the form set forth in paragraph (b) of subsection 2.

5. The address of a candidate which must be included in the declaration of candidacy or acceptance of a candidacy pursuant to subsection 2 must be the street address of the residence where he actually resides, if one has been assigned. The declaration or acceptance must not be accepted for filing if the candidate's address is [described as a box in] *listed as* a post office *box* unless a street address has not been assigned to his residence.

**Sec. 33. NRS 293.181** is hereby amended to read as follows:

293.181 1. A candidate for the office of state senator or assemblyman [shall] *must* execute and file with his declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned do swear [(] or affirm [)] that I have been a citizen resident of this state as required by NRS 218.010 and have resided *or intend to reside* at the following residence or residences during the 12 months immediately preceding the [filing of my declaration or acceptance of candidacy.] *date of the general election for the office for which I have filed.*

| | |
|---|---|
| ..... | ..... |
| Street Address | Street Address |
| ..... | ..... |
| City or Town | City or Town |
| ..... | ..... |
| State | State |

| | |
|---|---|
| From ..... To ..... | From ..... To..... |
| Dates of Residency | Dates of Residency |
| ..... | ..... |
| Street Address | Street Address |
| ..... | ..... |
| City or Town | City or Town |
| ..... | ..... |
| State | State |
| From ..... To ..... | From ..... To..... |
| Dates of Residency | Dates of Residency |

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where he actually resided or resides, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are [described as a box in] *listed as* a post office [,] *box,* unless a street address has not been assigned to the residence.

**Sec. 34. NRS 293.187** is hereby amended to read as follows:

293.187 1. On or before the third [Monday in May,] *Tuesday in June,* the secretary of state shall [transmit] *forward* to each county clerk a certified list containing the name and mailing address of each person for whom candidacy papers have been filed in the office of the secretary of state, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he represents.

2. There must be a party designation only for candidates for partisan offices.

**Sec. 35.** (Deleted by amendment.)

**Sec. 36. NRS 293.213** is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish such precinct as a mailing precinct, and shall forthwith mail notification to the [deputy] *field* registrar for such precinct.

2. Except as otherwise provided by NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts and those precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

**Sec. 37. NRS 293.247** is hereby amended to read as follows:

293.247 1. The secretary of state shall adopt regulations, not inconsistent with the election laws of this state, for the conduct of primary, general, special and district elections in all cities and counties. The secretary of state shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy, affidavit of candidacy and any petition which is filed pursuant to the general election laws of this state.

2. The regulations must prescribe:

(a) The duties of election boards;

(b) The type and amount of election supplies;

(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

(f) The form and placement of instructions to voters;

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests;

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to *the provisions of* NRS 293.391;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections; [and]

(n) *The procedures to be used for the disposition of absent ballots in case of an emergency; and*

*(o)* Such other matters as determined necessary by the secretary of state.

3. The secretary of state may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this state.

4. The secretary of state shall prepare and distribute to each county and city clerk [the election officer's digest and instructions for election boards, and copies of any] *copies of:*

*(a) Laws and regulations concerning elections in this state;*

*(b) Interpretations issued by the secretary of state's office; and*

*(c) Any* attorney general's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the secretary of state.

**Sec. 38. NRS 293.255** is hereby amended to read as follows:

293.255 Each county clerk, as registrar of voters, or his authorized representative shall issue a certificate of error to any registered voter whose affidavit of registration has been misplaced or for some other reason does not appear or who is not listed in the election board register at the polling place on election day. [The] *If the certificate of error is issued before the day of the election, the* county clerk or his authorized representative shall seal the certificate in an envelope addressed to the appropriate precinct or district election board. *A certificate may, upon approval by the county clerk, be issued at the polling place on election day.*

**Sec. 39.** (Deleted by amendment.)

**Sec. 40. NRS 293.268** is hereby amended to read as follows:

293.268 The offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, lieutenant governor, secretary of state, treasurer, controller and attorney general, in that sequence.
4. State senators and assemblymen.
5. County and township partisan offices.
6. Statewide nonpartisan offices.
7. District nonpartisan offices.
8. *County nonpartisan offices.*
9. City offices:

(a) Mayor;

(b) Councilmen according to ward in numerical order, if no wards, in alphabetical order; and

(c) Municipal judges.

[9.] *10.* Township nonpartisan offices.

[10.] *11.* Questions presented to the voters of the state.

[11.] *12.* Questions presented only to the voters of a special district or political subdivision of the state.

**Sec. 41.** (Deleted by amendment.)

**Sec. 42. NRS 293.272** is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2, a person who registered to vote pursuant to *the provisions of* NRS 293.5235, shall, for the first election in which he votes at which that registration is valid, vote in person unless he has previously voted in the [precinct] *county* in which he is registered to vote.

2. The provisions of subsection 1 do not apply to a person who [is entitled to vote:

(a) In] *:*

*(a) Is entitled to vote in* the manner prescribed in NRS 293.343 to 293.355, inclusive; [or

(b) An]

*(b) Is entitled to vote an* absent ballot pursuant to federal law or [any other state law.] *NRS 293.316;*

*(c) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or*

*(d) Requests an absent ballot in person at the office of the county clerk.*

**Sec. 42.5. NRS 293.273** is hereby amended to read as follows:

293.273 1. Except as *otherwise* provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this Title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the precinct or district, as shown on the checklist and roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.



3. Upon opening the polls one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except [to examine a pollbook pursuant to NRS 293.301 or] by authority of the election board as necessary to keep order and carry out the provisions of this Title.

**Sec. 43. NRS 293.277** is hereby amended to read as follows:

293.277 1. No person may vote at any election unless his name, on the day of election, appears on the election board register furnished by the county clerk to the precinct or district election board, or unless he presents a certificate of error issued by the county clerk.

2. If a person's name appears in the election board register or on a certificate of error, he is entitled to vote, and he shall sign his name in the [precinct or district roster] *election board register* when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original affidavit of registration, the certificate of error or one of the forms of identification listed in subsection 3.

3. The forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time of his registration;

(b) A driver's license;

(c) An identification card issued by the department of motor vehicles and public safety;

(d) A military identification card; [and] *or*

(e) Any other form of identification *issued by a governmental agency* which contains the voter's signature and physical description or picture.

**Sec. 44. NRS 293.280** is hereby amended to read as follows:

293.280 [When] *If* a certificate of error stating the precinct or district in which a person is entitled to vote, and containing the signature of [such] *the* person, is presented to the election board in [such] *that* precinct or district and the person votes, the certificate [shall] *must* be marked "Voted" by the election board and returned with the [precinct or district] election board register to the county clerk.

**Sec. 44.5. NRS 293.301** is hereby amended to read as follows:

293.301 1. The county clerk of each county shall [allow not more than one representative from each political party for each precinct at a polling place to examine the pollbook four times during an election to determine the registered voters in that precinct who have not voted in the election. The examination of the pollbook must not interfere with the conduct of the election.

2. Each person who is authorized by a political party to examine the pollbooks shall provide proof of identity and a written statement from the county central committee which authorizes him to represent that political party at the polling place.] *require an election board officer or officers to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. The alphabetical listing must include the name, address and political affiliation of each voter. At the end of each*

*hour that the polling place is open, up to and including 6 p.m., an election board officer shall identify the name of each voter that voted during the previous hour.*

*2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:*

> *It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.*

*3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.*

**Sec. 45. NRS 293.303** is hereby amended to read as follows:

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

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed, or has voted before on the same day, or on any other ground provided for in this Title; or

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

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

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear **[**(**]** or affirm **[**)**]** that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear **[**(**]** or affirm **[**)**]** that I designated on the affidavit of registration the political party to which I claim to belong";

(c) If the challenge is on the ground that he does not reside at the residence whose address is listed in the **[**precinct**]** *election board* register, "I swear **[**(**]** or affirm **[**)**]** that I reside at the residence whose address is listed in the **[**precinct**]** *election board* register" or "I swear **[**(**]** or affirm **[**)**]** that I reside in this precinct";

(d) If the challenge is on the ground that he previously voted a ballot for the election, "I swear **[**(**]** or affirm **[**)**]** that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that he is not the person he claims to be, "I swear **[**(**]** or affirm **[**)**]** that I am the person whose name is in this **[**precinct**]** *election board* register."

The oath or affirmation must be set forth on a form prepared by the secretary of state and signed by the challenged person under penalty of perjury.

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



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

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

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

7. *If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.*

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

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years old who:

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

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

**[**8.**]** *9.* The election board officers shall record the result of the challenge on the challenge list, and the election board officer in charge of the checklist shall indicate next to the name of the challenged person the result of the challenge.

**Sec. 46. NRS 293.304** is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303, the election board shall issue a **[**statement**]** *prepared envelope* to the person **[**on**]** *in* a form provided by the secretary of state which contains **[**:**]** *on the outside of the envelope:*

(a) The name of the voter;

(b) The address which appears on the record of voter registration;

(c) The address at which the voter actually resides;

(d) The signatures of the members of the election board who issued the **[**statement;**]** *prepared envelope;* and

(e) Other information which the secretary of state deems necessary to carry out the provisions of this section.

2. The **[**county clerk of each county shall maintain a special polling place in his office and in each polling location during each primary or general election. The ballots for the special polling place must contain provisions for voting for any of the following offices and questions if an election is being held for the offices and questions, and no others:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the state may vote;

(d) All county officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all of the voters of the county or state.

3. If a person comes to the special polling place and presents a properly prepared statement issued pursuant to subsection 1, the county clerk shall permit him to vote at the special polling place, using the special ballot prepared pursuant to subsection 2.] *election board officers shall issue to the challenged voter a ballot to vote. The ballot must be voted at that polling place. The voted ballot must be placed in an envelope and that envelope must be placed and sealed in the prepared envelope issued pursuant to subsection 1. The ballot must be kept separate from the ballots of voters who have not been so challenged in a special ballot box for such ballots.*

*3. The votes contained on ballots that have been placed in the special ballot box must be counted for the following offices and questions in the same manner as the ballots of voters who have not been challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303:*

*(a) President and Vice President of the United States;*

*(b) United States Senator;*

*(c) All state officers for whom all voters in the state may vote;*

*(d) All officers for whom all voters in the county may vote; and*

*(e) Questions which have been submitted to all voters of the county or state.*

*The remaining votes on the ballot must not be counted until the county clerk determines that the address at which the voter actually resides, as indicated on the outside of the prepared envelope, is the address listed for the voter in the election board register. Such a determination must be made within 3 days after the election.*

4. The secretary of state shall provide by regulation for:

(a) [Forms for statements;] *The form of prepared envelopes;* and

(b) The counting and security of ballots voted [at a special polling place.] *pursuant to this section.*

**Sec. 47. NRS 293.310** is hereby amended to read as follows:

293.310 1. [A] *Except as otherwise provided in NRS 293.330, a* registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. [When any] *If a* registered voter has requested an absent ballot and the ballot has been mailed or issued, the appropriate county or city clerk shall notify the precinct or district election board that the registered voter has requested an absent ballot.

**Sec. 48. NRS 293.313** is hereby amended to read as follows:

293.313 1. [Any] *Except as otherwise provided in NRS 293.272 and section 16 of this act, any* registered voter who provides sufficient written notice to the appropriate county or city clerk, may vote an absent ballot as provided in this chapter.

2. Any registered voter who:

(a) Is at least 65 years old; or

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



may request an absent ballot for all elections held during the year he requests an absent ballot. The registered voter shall include in his request a description of his physical disability or condition.

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

(a) Written request for an absent ballot which is signed by the registered voter and [received by the county clerk; or] *returned to the county clerk in person or by mail;*

(b) Form prescribed by the secretary of state which is completed and signed by the registered voter and [received by] *returned to* the county clerk [.] *in person or by mail; or*

*(c) Form provided by the Federal Government.*

*4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for both the primary and general elections unless otherwise specified in the request.*

*5. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a felony.*

**Sec. 49. NRS 293.315** is hereby amended to read as follows:

293.315 1. A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the Tuesday preceding any election, make an application to that clerk for an absent voter's ballot. The application [is not] *must be made* available for public inspection . [except by:

(a) The voter named in the application;

(b) A candidate whose name appears on the ballot for that election; or

(c) The candidate's official designee who possesses a letter signed under penalty of perjury which states that the person is the representative of the candidate.

When the voter, candidate or candidate's official designee, as the case may be, has identified himself to the satisfaction of the clerk, he is entitled to inspect the application.]

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

*3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.*

**Sec. 50. NRS 293.3155** is hereby amended to read as follows:

293.3155 Notwithstanding any other provisions of this Title:

1. Any registered voter of this state who resides outside [this state] *the continental United States* may use the form provided by the Federal Government as a special absent ballot for a [primary or] general election if the voter:

(a) Requests an absent ballot and the request is received by the county clerk not later than 30 days before the [primary or] general election; and

(b) Does not receive the absent ballot.

2. The special absent ballot must be used only for the offices of President and Vice President of the United States, United States Senator and Representative in Congress. The ballot must allow the registered voter to vote by writing in his choice of a political party for each office [,] *or* the name of a candidate [for each office, or the name of the person whom the voter prefers] *whose name appears on the ballot* for each office.

3. The special absent ballot must not be counted if:

(a) It is submitted from any location within [this state;] *the continental United States;*

(b) The county clerk receives the request for an absent ballot less than 30 days before the [primary or] general election; or

(c) The county clerk receives the absent ballot on or before the date of the [primary or] general election.

[4. A county clerk who receives a request from a voter for an absent ballot for a primary election pursuant to this section shall also consider such a request as a request for an absent ballot for the general election unless otherwise specified in the request.

5. A voter who requests an absent ballot for a primary election pursuant to this section must be allowed to vote in person in the general election if he signs a statement, under penalty of perjury, that he did not:

(a) Intend that his request for an absent ballot for the primary election be considered a request for an absent ballot for the general election; and

(b) Receive an absent ballot for the general election.]

**Sec. 51. NRS 293.320** is hereby amended to read as follows:

293.320 1. The county or city clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper county or city.

2. Armed Forces personnel *who are not registered to vote and are* applying for absent ballots [shall complete the] *must complete:*

*(a) The* form of affidavit required *by NRS 293.517* for registration *; or*

*(b) The form provided by the Federal Government for registration and request of an absent ballot,*

before receiving an absent ballot.

**Sec. 51.5. NRS 293.327** is hereby amended to read as follows:

293.327 1. If a request for an absent ballot is made by a registered voter in person, [the county or] *a* city clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. At least 25 days before [an] *a primary or general city* election until 5:00 p.m. the day before the election, each [county clerk and] city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.

**Sec. 52. NRS 293.330** is hereby amended to read as follows:

293.330 1. When an absent voter receives his ballot, he must stamp and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.



2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at [the] *:*

*(a) The* county or city clerk's office, he must stamp or punch the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

*(b) A polling place, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Spoiled."*

*3. Except as otherwise provided in NRS 293.316, it is unlawful for any person other than the voter who requested an absent ballot to return it. A person who violates the provisions of this subsection is guilty of a felony.*

**Sec. 52.5. NRS 293.385** is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots received the previous day from absent voters' ballot boxes and ascertain that each box has the required number of ballots according to the county or city clerk's absent voters' ballot record.

2. If any absent ballots are received by the county or city clerk on election day, pursuant to NRS 293.316, the county or city clerk shall hold the ballots until ballots received before election day have been withdrawn pursuant to subsection 1. Thereafter, the county or city clerk shall deposit the absent ballots in the appropriate ballot boxes.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county or city clerk [, who shall] *who must* have the results added to the regular votes of the precinct. If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct. The [results of the absent ballot vote must not be identified separately from the regular votes of the precinct on any abstract or printout produced by a computer of the results of the election.] *returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county and city clerks shall develop a procedure to ensure that each ballot is kept secret.*

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

**Sec. 53. NRS 293.391** is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, unused ballots, tally lists, pollbooks, challenge lists and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk, and preserved for at least 22 months. All sealed materials must be destroyed immediately after the preservation period. *A notice of the destruction must be published by*

*the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

3. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the *voted* ballots.

4. The *voted* ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

**Sec. 54. NRS 293.440** is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the registered voters in any precinct, district or county and who provides an assurance that the list will be used only for purposes relating to elections, may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to one cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided to the state and county central committee of any major political party, upon request, without charge.

2. The copy of the list provided pursuant to this section must indicate each voter's address, date of birth, telephone number and the serial number of his affidavit of registration. If the county maintains this information in a computer data base, the date of [each addition and] *the most recent addition or* revision *to an entry, if* made on or after July 1, 1989, [to an entry] must be included in the data base and on any resulting list of the information. The date must be expressed numerically in the order of [year, month and date.] *month, day and year.*

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape *or diskette* shall, upon request of the state or county central committee of any major political party [,] *or minor political party which has filed a certificate of existence with the secretary of state,* record for that central committee on magnetic tape *or diskette* supplied by it:

(a) The list of registered voters and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the committee:

(1) A complete list of the registered voters with a notation for [each such] *the most recent* entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of registered voters after a date specified by the central committee.

*5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.*



**Sec. 55. NRS 293.443** is hereby amended to read as follows:

293.443 1. [The] *Except as otherwise provided in subsection 4, the* expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or state, as the case may be.

2. The cost of printing ballots must not exceed the sum of $100 per thousand or fraction thereof for the first two thousand ballots printed and $50 for each additional thousand printed.

3. The county or city clerk may submit such printing for competitive bidding.

*4. If a political party or other entity requests more than 50 applications to register to vote by mail, the clerk may assess a charge, not to exceed the actual cost of printing the applications, for each application requested in excess of 50.*

**Sec. 56. NRS 293.481** is hereby amended to read as follows:

293.481 1. Except as *otherwise* provided in subsection 2, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to each county clerk within the designated territory on or before the third Monday in July preceding the election.

(b) At a primary election, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to each county clerk within the designated territory on or before the first Friday in [May] *February* preceding the election.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to each county clerk at least 60 days before the election.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide a copy of the question , *including an explanation of and arguments for and against the question,* to the city clerk at least 35 days before the election.

2. The requirements of subsection 1 do not apply to any question expressly privileged or required [under] *pursuant to the provisions of* article 19 of the constitution of the State of Nevada or [under] *pursuant to the provisions of* chapter 295 of NRS or any other statute to be submitted if proposed after the dates specified.

*3. A county or city clerk may charge any political subdivision, public or quasi-public corporation or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation and arguments on the ballot.*

**Sec. 57. NRS 293.482** is hereby amended to read as follows:

293.482 1. The governing body of any county or city may, at any general election or general city election, ask the advice of the registered voters within its jurisdiction on any question which it has under consideration by adopting a resolution which:

(a) Sets forth the advisory question , *including an explanation of and arguments for and against the question,* to be submitted to the voters; and

(b) States that the result of the voting on the question does not place any legal requirement on the governing body or any officer of the political subdivision.

2. A governing body may, at any general election, ask the advice of the registered voters of part of its territory if:

(a) The advisory question to be submitted affects only that part of its territory; and

(b) The resolution adopted pursuant to subsection 1 sets forth the boundaries of the area in which the advice of the registered voters will be asked.

**Sec. 58. NRS 293.501** is hereby amended to read as follows:

293.501 Notwithstanding any other provisions of this Title:

1. Any elector of this state who resides outside this state may use the form provided by the Federal Government *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act of 1986, 42 U.S.C. § 1973,* to register to vote in this state.

2. The county clerk shall not register a voter who submits the form [provided by the Federal Government] from any location within this state.

*3. If an elector registers to vote pursuant to the provisions of subsection 1, he shall be deemed to be registered upon receipt of the form by the county clerk.*

**Sec. 59. NRS 293.505** is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio [deputy] *field* registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a [deputy] *field* registrar *of voters* who, except as *otherwise* provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a [deputy] *field* registrar. A [deputy] *field* registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A [deputy registrar] *field registrar shall* demand of any person who applies for registration all information required by the affidavit of registration, and [may] *shall* administer all oaths required by this chapter.

4. When a [deputy] *field* registrar has in his possession five or more completed affidavits of registration, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Immediately after the close of registration, each [deputy] *field* registrar shall forward to the county clerk all completed affidavits in his possession. Within 5 days after the close of registration for a general election or general city election, a deputy registrar shall return all unused affidavits in his possession to the county clerk. If all of the unused affidavits are not returned to the



county clerk, the [deputy] *field* registrar shall account for the unreturned affidavits.

6. Each [deputy] *field* registrar shall submit to the county clerk a list of the serial numbers of the completed affidavits of registration and the names of the electors on those affidavits. The serial numbers must be listed in numerical order.

7. Each [deputy] *field* registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

8. A [deputy] *field* registrar shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a [deputy] *field* registrar unless he has been so appointed.

10. A county clerk or [deputy] *field* registrar shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any *petition or other* material concerning a candidate or question which will be on the ballot for the ensuing election,

while he is registering an elector.

*11. When the county clerk receives affidavits of registration from a field registrar he shall issue a receipt to the field registrar. The receipt must include:*

*(a) The number of persons registered; and*

*(b) The political party of the persons registered.*

*12. A county clerk or field registrar shall not:*

*(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading affidavit of registration;*

*(b) Alter or deface an affidavit of registration that has been signed by an elector except to correct information contained in the affidavit after receiving notice from the elector that a change in or addition to the information is required; or*

*(c) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.*

*13. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.*

*14.* A person who violates any of the provisions of [this section] *subsections 8 to 12, inclusive,* is guilty of a [misdemeanor.] *felony.*

**Sec. 59.5. NRS 293.5055** is hereby amended to read as follows:

293.5055 A county clerk or [deputy] *field* registrar may register, outside the boundaries of the county, any voter who is a resident of that county.

**Sec. 60. NRS 293.507** is hereby amended to read as follows:

293.507 1. The secretary of state shall prescribe:

(a) A standard form for affidavits of registration; and

(b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer.

2. [County] *The county* clerks shall provide [original and duplicate] forms for affidavits of registration to [deputy] *field* registrars in the form and number prescribed by the secretary of state.

*3. A form for an affidavit of registration must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*

*4. The form for an affidavit of registration must include:*

*(a) A line on which to enter the number on the voter's social security card, driver's license or identification card issued by the department of motor vehicles and public safety.*

*(b) A line on which to enter the address at which the voter actually resides. The affidavit must not be accepted if the address is listed as a post office box unless a street address has not been assigned to his residence.*

*(c) A notice that the voter may not list his address as a business unless he actually resides there.*

**Sec. 61. NRS 293.517** is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) By appearing before the county clerk or [deputy] *field* registrar, completing the affidavit of registration and giving true and satisfactory answers to all questions relevant to his identity and right to vote;

(b) By completing and mailing or personally delivering to the county clerk, an application to register to vote pursuant to *the provisions of* NRS 293.5235; [or]

(c) Pursuant to the provisions of NRS *293.501 or* 293.524 [.] *; or*

*(d) At his residence with the assistance of a field registrar pursuant to section 20.8 of this act.*

The county clerk [may] *shall* require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him.

2. The affidavit of registration must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name, and not under the given or first name or initials of his spouse.

4. Any elector who is registered and changes his name, must complete a new affidavit of registration by appearing before the county clerk or [deputy] *field* registrar *, submitting an application to register to vote pursuant to the provisions of NRS 293.5235* or submitting a written statement to the county clerk requesting that the county clerk mail an affidavit of registration to him. If the elector fails to register under his new name, he may be challenged pursuant to *the provisions of* NRS 293.303 and required to furnish proof of identity and subsequent change of name.

*5. An elector who registers to vote pursuant to paragraph (a) of subsection 1, shall be deemed to be registered upon the completion of his affidavit of registration.*

*6. After the county clerk determines that the affidavit of registration of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:*



*(a) The name, address, political affiliation and precinct number of the voter;*

*(b) The date of issuance; and*

*(c) The signature of the county clerk.*

**Sec. 61.5. NRS 293.520** is hereby amended to read as follows:

293.520 The registration or reregistration of electors who are unable to sign their names must be made upon personal application of those electors at the office of the county clerk where they may be identified or in the presence of a [deputy] *field* registrar. The electors may use a mark or cross in place of a signature.

**Sec. 62. NRS 293.5235** is hereby amended to read as follows:

293.5235 1. [A] *Except as otherwise provided in section 16 of this act, a* person may apply to register to vote, by mail, to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

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

3. The applicant must complete the application and sign an affidavit containing the following statement: "I do solemnly swear [(] or affirm [)] under penalty of perjury that I am a citizen of the United States and that on the date of the next ensuing election I will have attained the age of 18 years and will have continuously resided in the State of Nevada, in my county at least 30 days and in my precinct at least 10 days before the next ensuing election. I further swear [(] or affirm [)] under penalty of perjury that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence. I further swear [(] or affirm [)] that I am not now laboring under any felony conviction or other loss of civil rights which would make it unlawful for me to vote."

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

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail a notice to the applicant informing him that he is registered to vote [.] *and a voter registration card as required by subsection 6 of NRS 293.517.* The applicant shall be deemed *to be* registered as of the date [the county clerk received] the application [.] *is postmarked.*

6. If [he] *the county clerk* determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail a notice to the applicant informing him that he is registered to vote [.] *and a voter registration card as required by subsection 6 of NRS 293.517.* The applicant shall be deemed *to be* registered as of the date [the county clerk received] the application [.] *is postmarked.* If

the applicant does not provide the additional information within the prescribed period, the application is void.

7. The application must:

(a) Include the applicant's social security number, driver's license number or identification card number issued pursuant to *the provisions of* NRS 483.810 to 483.890, inclusive.

(b) Include the street address of the residence where the applicant actually resides. The application must not be accepted if the applicant's address is [described as a box in] *listed as* a post office [.] *box or is the same address as a business that receives and distributes mail for customers, unless a street address has not been assigned to the residence.*

(c) *Include a notice that the voter may not list his address as a business unless he actually resides there.*

*(d) Include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*

*(e)* Allow an applicant to furnish his telephone number if he chooses to do so.

[(d)] *(f)* Include a notice stating that an applicant is not registered to vote until all of the information required by the application has been provided to the county clerk within the period prescribed in subsection 6.

[(e)] *(g)* Include any other information prescribed by the secretary of state.

8. The county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

9. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall cancel the registration of the person whose address appeared on the postcard.

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

*11. An application for registration must be made available to all persons, regardless of political party affiliation.*

*12. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the county clerk's office within 3 working days after it is completed.*

*13. A person who willfully violates the provisions of subsection 10, 11 or 12 is guilty of a felony.*

*14.* The secretary of state shall adopt regulations to carry out the provisions of this section.

**Sec. 63. NRS 293.524** is hereby amended to read as follows:

293.524 1. The department of motor vehicles and public safety shall inquire of each qualified elector who applies in person [to register a motor vehicle,] for the issuance, renewal or correction of any type of driver's license or for an identification card whether he desires to complete an application to register to vote by use of a single form containing the necessary information required by this chapter and subsection 2.

2. If the elector desires to complete an application for registration, he shall complete and sign an affidavit containing the following statement: "I ....., do solemnly swear [(] or affirm [)] under penalty of perjury that I am a citizen of the United States and that on the date of the next ensuing election I will have attained the age of 18 years and will have continuously resided in the State of Nevada, county of ....., at least 30 days and in my precinct at least 10 days before the next ensuing election. I further swear [(] or affirm [)] under penalty of perjury that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence. I further swear [(] or affirm [)] that I am not now laboring under any felony conviction or other loss of civil rights which would make it unlawful for me to vote."

3. For the purposes of this section, each employee specifically authorized to do so by the director of the department may oversee the completion of the affidavit and application. The authorized employee shall check the application for completeness and verify the information required by the affidavit of registration. [The authorized employee shall stamp the application for registration to validate it and shall provide the applicant with a receipt verifying the submission of the application.] *Each application must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*

The department shall, except as otherwise provided in this subsection, forward each such application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. During the 2 weeks immediately preceding the close of registration for an election the applications must be forwarded daily.

4. Upon receipt of such an application, the county clerk or *deputy* registrar of voters shall determine whether the application is complete. If he determines that the application is complete, *he shall notify the applicant and* the applicant shall be deemed *to be* registered as of the date of the submission of the application. If he determines that the application is not complete, he shall notify the applicant [by mail at the mailing address stated on the application] of the additional information required. The applicant shall be deemed *to be* registered as of the date of the initial submission of the application if the additional information is provided within [30] *15* days after the notice for the additional information is mailed. If the applicant has not provided the additional information within [30] *15* days after the notice for the additional information is mailed, the incomplete application is void. *Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.*

5. The secretary of state shall, with the approval of the director of the department of motor vehicles and public safety, adopt regulations which:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Provide for the form of the application of registration to be used by the department of motor vehicles and public safety; and

(c) Provide for the transfer of the completed applications of registration from the department of motor vehicles and public safety to the appropriate county clerk [or registrar of voters] for inclusion in the election board registers and registrar of voters' register.

**Sec. 64. NRS 293.537** is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain a canceled file for canceled affidavits of registration. [Such file shall] *The file must* be kept in alphabetical order and [shall] *must* contain all affidavits of registration which are canceled. The county clerk shall mark such affidavits "Canceled," and indicate thereon the reason for cancellation. If the county clerk finds that any affidavit of registration was canceled erroneously, the county clerk shall reinstate such affidavit, reregister the elector, or, on election day, issue a certificate of error to the elector whose registration was erroneously canceled.

2. The county clerk may:

(a) Microfilm canceled affidavits of registration and destroy the originals at any time.

(b) *Record canceled affidavits of registration by computer and destroy the originals at any time.*

*(c)* Destroy any canceled affidavit of registration after the expiration of 3 years from the date of cancellation.

**Sec. 65. NRS 293.540** is hereby amended to read as follows:

293.540 The county clerk shall cancel an affidavit of registration:

1. If he has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in his office.

2. If the insanity of the person registered is legally established.

3. Upon the production of a certified copy of the judgment of conviction of a felony of the person registered.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change his affiliation, if that change is made before the end of the last day [for filing declarations of candidacy for a primary] *to register to vote in the* election.

6. Upon the request of any registered voter who has changed his name, if that voter satisfies the registrar that the change has been legally effected.

7. At the request of the person registered.

8. If any registered voter fails to vote in any presidential election.

9. Except as otherwise provided in NRS 293.531, if he has discovered an incorrect registration pursuant to *the provisions of* NRS 293.5235 or 293.530.

*10. Upon verification that the affidavit of registration is a duplicate if he has the original or another duplicate of the affidavit on file in his office.*

**Sec. 66. NRS 293.543** is hereby amended to read as follows:

293.543 1. If an affidavit of registration is canceled [under] *pursuant to the provisions of* subsection 5 or 6 of NRS 293.540, the elector may reregister immediately.



2. If an affidavit of registration is canceled [under] *pursuant to the provisions of* subsection 7 of NRS 293.540, after the close of registration, the elector may not reregister until after the primary election.

**Sec. 66.5. NRS 293.550** is hereby amended to read as follows:

293.550 Any elector of this state who has not registered to vote in this state, or who has registered but whose registration has been canceled, and who contemplates enlisting in, or has been inducted into, the Armed Forces of the United States may, at any time, appear before the county clerk of the county of his residence or the [deputy] *field* registrar thereof and register as a voter in the manner provided by law.

**Sec. 67. NRS 293.557** is hereby amended to read as follows:

293.557 1. The county clerk shall cause to be published [in counties having a population under 100,000 and may cause to be published in counties having a population of 100,000 or more,] once in each of the newspapers circulated in different parts of the county a list of all registered voters [, segregated by precincts or districts,] within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county [a segregated] *an alphabetical* listing *of all registered voters, including the precinct of each voter,* for the entire county:

(a) [At least 75 days] *Not less than 2 weeks* before *the close of registration for* any primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

2. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

3. The list of registered voters must not be printed in type smaller than six-point.

**Sec. 68. NRS 293.560** is hereby amended to read as follows:

293.560 1. [In any county which uses a computer to register voters and keep records of the registration of the county's voters, registration must close at 9 p.m. of the third Saturday preceding any primary, general, recall or special election. In every other county,] *Except as otherwise provided in section 16 of this act,* registration must close at 9 p.m. [of] *on* the fifth Saturday preceding any primary or general election and at 9 p.m. [of] *on* the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, or primary or general city election, registration must close at 9 p.m. [of] *on* the fifth Saturday preceding the day of the elections.

2. The offices of the county clerk and ex officio registrars must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, those offices must be open during the last 3 days before registration closes.

(b) In all other counties, those offices must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him to be published in a newspaper having a general circulation in the county indicating the day that registration will be closed. If no such newspaper is published in the county, [then] the publication may be made in a newspaper of general circulation published in the nearest county in this state.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

*4. The offices of the county clerk and ex officio registrars may remain open on October 31 in each even-numbered year.*

**Sec. 68.5. NRS 293.650** is hereby amended to read as follows:

293.650 *1.* The conduct of any city election [must be] *is* under the control of the city council, and it shall by ordinance provide for the holding of the election, appoint the necessary officers thereof, and do all other things required to carry the election into effect.

*2. Early voting must not be permitted in a city election.*

**Sec. 69. NRS 293.800** is hereby amended to read as follows:

293.800 1. Any person who, either for himself or another, willfully gives a false answer or answers to questions propounded to him by the registrar or [deputy] *field* registrar *of voters* relating to the information called for by the affidavit of registration, or who willfully falsifies his [registration] affidavit *of registration* in any particular, or who violates any of the provisions of the election laws of this state, or knowingly encourages another to violate such laws is guilty of a [gross misdemeanor.] *felony.*

2. Any public officer or other person, upon whom any duty is imposed by this Title, who willfully neglects such duty, or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this state, is, except where some other penalty is provided, guilty of a [gross misdemeanor.] *felony.*

3. If such person is a public officer, his office is forfeited upon conviction of any offense provided for in subsection 2.

4. Any person who causes or endeavors to cause his name to be registered, knowing that he is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he causes or endeavors to cause such registration to be made, and any other person who induces, aids, or abets any such person in the commission of either of such acts is guilty of a [gross misdemeanor.] *felony.*

*5. Any field registrar or other person who:*

*(a) Knowingly falsifies a registration form, or knowingly causes such a form to be falsified; or*

*(b) Knowingly provides money or other compensation to another for a falsified registration form,*

*is guilty of a felony.*

**Sec. 70. Chapter 293B of NRS** is hereby amended by adding thereto the provisions set forth as sections 71 and 72 of this act.

**Sec. 71.** *The secretary of state shall not approve any mechanical voting system which does not meet or exceed the standards for voting systems established by the Federal Election Commission.*



**Sec. 72.** *1. Except as otherwise provided in subsection 2, no mechanical voting system may be used in this state unless it meets or exceeds the standards for voting systems established by the Federal Election Commission.*

*2. A mechanical voting system that does not comply with the standards established by the Federal Election Commission for computers or software for computers may be used if it is demonstrated to the secretary of state that the system performs all functions required by the commission.*

**Sec. 73. NRS 293B.130** is hereby amended to read as follows:

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

[1.] *(a)* All lawful votes cast by each voter must be counted.

[2.] *(b)* All unlawful votes, including but not limited to overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the voter's registration, must not be counted.

[3.] *(c)* If the election is:

[(a)] *(1)* A primary election held in an even-numbered year, other than a presidential preference primary; or

[(b)] *(2)* A general election,

the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct.

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

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

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

**Sec. 74. NRS 293B.140** is hereby amended to read as follows:

293B.140 Before conducting the test required [under] *pursuant to the provisions of* NRS 293B.150, the county or city clerk shall appoint [two persons who are not] *three persons, not more than two of whom are* of the same political party , to serve as an accuracy certification board. *Not more than two of the persons appointed to the board may be employees of the county or city.*

**Sec. 75.** (Deleted by amendment.)

**Sec. 76. NRS 236.015** is hereby amended to read as follows:

236.015 1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)
Third Monday in January (Martin Luther King, Jr.'s Birthday)
Third Monday in February (Washington's Birthday)
Last Monday in May (Memorial Day)
July 4 (Independence Day)

First Monday in September (Labor Day)
October 31 (Nevada Day)
November 11 (Veterans' Day)
Fourth Thursday in November (Thanksgiving Day)
Friday following the fourth Thursday in November (Family Day)
December 25 (Christmas Day)
Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day.

2. [All] *Except as otherwise provided by NRS 293.557, all* state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on the legal holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.

3. If January 1, July 4, October 31, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following must be observed as a legal holiday.

(b) Saturday, the Friday preceding must be observed as a legal holiday.

4. To celebrate the 500th anniversary of the arrival of Cristoforo Columbo in the New World, October 12, 1992, is hereby declared to be a legal holiday for state, county and city governmental offices. All state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on this day.

**Sec. 77. NRS 482.215** is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the department.

3. Each application must be made upon the appropriate form furnished by the department and contain:

(a) The signature of the owner.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The department shall use this declaration to determine the county to which the privilege tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this state for the make to be registered to the person first purchasing or operating the vehicle.

(e) Proof satisfactory to the department that the applicant has provided the security required by NRS 485.185 and his signed declaration that he will maintain the security during the period of registration.

(f) If the security is provided by a contract of insurance, evidence of that insurance provided by the insurer on a form approved by the commissioner of insurance, which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185. The department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the department, and must be accompanied by proof of ownership satisfactory to the department.

5. For purposes of the proof, declaration and evidence required by paragraphs (e) and (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this state, may be declared as a fleet by the registered owner thereof, on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this state or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to *the provisions of* NRS 485.380 may file a copy of his certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to *the provisions of* NRS 485.186 and 485.3091 may file evidence of that insurance.

[6. At the time of applying for registration of a vehicle, an applicant may, if eligible, register to vote pursuant to NRS 293.524.]

**Sec. 78. NRS 482.280** is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The department shall mail to each holder of a valid certificate of registration an application for renewal of registration for the following period of registration. The applications must be mailed by the department in sufficient time to allow all applicants to mail the applications to the department and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present the application to any agent or office of the department.

2. An application mailed or presented to the department or to a county assessor pursuant to the provisions of this section, or presented to an authorized station pursuant to the provisions of NRS 482.281 must include:

(a) A signed declaration by the applicant that he has and will maintain, during the period of registration, security as required by NRS 485.185. Security may be provided by an operator's policy of liability insurance if the applicant and the policy meet the requirements of NRS 485.186 and 485.3091.

(b) If required, evidence of compliance with standards for control of emissions.

3. The department shall insert in each application mailed pursuant to subsection 1 the amount of privilege tax to be collected for the county **[**under**]** *pursuant to* the provisions of NRS 482.260.

4. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the department as it may find necessary for the issuance of the new plate or plates or card of registration.

**[**5. At the time of applying for renewal of registration of a vehicle, an applicant may, if eligible, register to vote pursuant to NRS 293.524.**]**

**Sec. 78.4. NRS 539.130** is hereby amended to read as follows:

539.130 1. The secretary **[**shall be**]** *is* ex officio district registrar of the district, and may, at least 4 weeks before any election, appoint a **[**deputy**]** *field* registrar in each election precinct. Each **[**deputy**]** *field* registrar shall register all electors within his precinct applying for registration, and for this purpose he **[**shall have**]** *has the* authority to demand of the elector all information and to administer all oaths required by this chapter.

2. The registrar and **[**deputy registrars shall be**]** *field registrars are* governed in the performance of their duties by the general election laws of this state as far as they are applicable, and **[**shall**]** *must* be at their places of registration to receive applications for registration from 9 a.m. until 9 p.m. on each of three Wednesdays next preceding the date of election.

**Sec. 78.7. NRS 539.140** is hereby amended to read as follows:

539.140 1. The registration oath may be taken before the registrar or **[**deputy**]** *field* registrars, any member of an election board, or any person authorized by law to administer oaths.

2. All oaths taken before the election board must be preserved by the election board and returned with the ballots.

**Sec. 79. NRS 293.457** is hereby repealed.

**Sec. 80.** A minor political party that qualified to place the names of its candidates on the ballot for the general election of 1992 shall be deemed to have qualified pursuant to the provisions of subsection 2 of NRS 293.1715 for the general election of 1994.

**Sec. 81.** 1. This section and sections 1 to 70, inclusive, and 73 to 80, inclusive, of this act become effective on October 1, 1993.

2. Section 71 of this act becomes effective on January 1, 1995.

3. Section 72 of this act becomes effective on January 1, 1997.



**Sec. 82.** In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall change any reference to "deputy registrar" to refer to "field registrar" in any section which is not amended by this act or is further amended by another act.

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Senate Bill No. 218—Committee on Commerce and Labor

## CHAPTER 524

AN ACT relating to school districts; authorizing agreements with certain postsecondary educational institutions to assign students of such institutions to certain training positions in the public schools; and providing other matters properly relating thereto.

[Approved July 12, 1993]

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

**Section 1. NRS 391.095** is hereby amended to read as follows:

391.095 *1.* A school district may enter into an agreement with a branch of the University and Community College System of Nevada *or an accredited postsecondary educational institution which provides a program for the education of teachers and is licensed by the commission on postsecondary education,* for the assignment of **[**its**]** students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

*2. As used in this section:*

*(a) "Accredited" has the meaning ascribed to it in NRS 394.006.*

*(b) "Postsecondary educational institutional" has the meaning ascribed to it in NRS 394.099.*

**Sec. 2.** A school district shall not enter into an agreement pursuant to NRS 391.095, as amended by this act, with any institution other than the University and Community College System of Nevada that continues beyond June 30, 1997.

**Sec. 3.** This act becomes effective at 12:01 a.m. on July 1, 1993, and expires by limitation on June 30, 1997.

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