

AB 614 - 1999

Introduced on Mar 18, 1999

By Elections, Procedures, and Ethics,

Fiscal Note

Effect On Local Government: *Yes*

Effect on the State or on Industrial Insurance: *Yes*

Makes various changes to provisions regarding elections. (BDR 24-281)

18-Mar-99 Read first time. Referred to Committee on Elections, Procedures, and Ethics. To printer.

19-Mar-99 From printer. To committee: 3/31; 4/7

✓13-Apr-99 From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. (Amend. No. 509). To printer.

14-Apr-99 From printer. To engrossment. Engrossed. First reprint. ✓ Taken from General File. Placed on Chief Clerk's desk.

✓15-Apr-99 Taken from Chief Clerk's desk. Placed on General File. Read third time. Passed, as amended. Title approved, as amended. (Yeas: 41, Nays: 1). To Senate

16-Apr-99 In Senate. Read first time. Referred to Committee on Government Affairs. To committee: 4/26; 4/29; 5/10; 5/13

19-May-99 From committee: Amend, and do pass as amended.

✓20-May-99 Read second time. Amended. (Amend. No. 965). To printer.

✓21-May-99 From printer. To re-engrossment. Re-engrossed. Second reprint. ✓ Read third time. Passed, as amended. Title approved. (Yeas: 21, Nays: None). To Assembly.

22-May-99 In Assembly.

25-May-99 Senate Amendment No. 965 concurred in. To enrollment.

26-May-99 Enrolled and delivered to Governor.

07-Jun-99 Approved by the Governor. Chapter 460.
Effective October 1, 1999.



BILL SUMMARY
70th REGULAR SESSION
OF THE NEVADA STATE LEGISLATURE

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

ASSEMBLY BILL 614
(Enrolled)

Assembly Bill 614 makes various changes to Nevada's election laws. The measure creates new provisions permitting registered voters who are disabled, elderly, or unable to go to a polling place to obtain an absent ballot and designate a person to assist the voter in marking and signing the ballot. The measure also clarifies that a written request for an absent ballot may be made by a person who is confined in a hospital, nursing home, or dwelling on election day and states that the request may designate a person to assist the voter in completing his or her ballot and returning the ballot to the county clerk's office. Assembly Bill 614 also directs the county clerk to make reasonable accommodations at the polling place for a voter with a physical disability who wishes to vote in person.

Further, the bill stipulates that a person who conducts a mailing of absent ballot request forms to more than 500 registered voters during the six months prior to an election must first notify the county clerk of the mailing. Moreover, the bill requires that requests for absentee ballots must, in 14-point type or font, identify the person who is mailing the form; include a notice stating, "This is a request for an absent ballot"; and state that the form will be submitted to the county clerk. The measure clarifies throughout Title 24 of the *Nevada Revised Statutes* that all petitions relating to recall elections and vacancies occurring in nonpartisan nominations are subject to the same signature verification and content requirements as other petitions. In addition, A.B. 614 changes the period for filling a vacancy occurring in a nonpartisan nomination and moves the related nominating petition deadline to the fourth Tuesday in August.

Assembly Bill 614 clarifies that the residency requirement for all candidates must include actual, as opposed to constructive, residency in the state, district, county, or city to which the office pertains. The measure addresses the use of more advanced ballot boxes by removing statutory references made to "locks" on the boxes and inserting language pertaining to "numbered seals" for the purpose of securing and transporting ballots. Finally, the bill changes the time frame during which a written challenge against a registered voter may be filed and clarifies when a hand count must take place after a recount is demanded in a county using a mechanical voting system.

ASSEMBLY BILL NO. 614—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

MARCH 18, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes to provisions regarding elections. (BDR 24-281)

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

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to elections; making various provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places; increasing the residency requirement for a candidate from 30 to 90 days in his district; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; creating a task force to review and recommend revisions and consolidations of the statutes of this state regarding elections; making various changes to election procedures; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1.** *A registered voter who, because of a physical disability,*
4 *is unable to mark or sign a ballot or use a voting device without*
5 *assistance may submit a written statement to the appropriate county clerk*
6 *requesting that he receive an absent ballot for each primary election and*
7 *general election conducted during the period specified in subsection 3.*
8 **2.** *A written statement submitted pursuant to subsection 1 must:*
9 **(a)** *Include a statement from a physician licensed in this state*
10 *certifying that the registered voter is a person with a physical disability*
11 *and, because of the physical disability, he is unable to mark or sign a*
12 *ballot or use a voting device without assistance;*

1 ***(b) Designate the person who will assist the registered voter in***
2 ***marking and signing the absent ballot on behalf of the registered voter;***
3 ***and***

4 ***(c) Include the name, address and signature of the person designated***
5 ***pursuant to paragraph (b).***

6 ***3. Upon receipt of a written statement submitted by a registered voter***
7 ***pursuant to subsection 1, the county clerk shall, if the statement includes***
8 ***the information required pursuant to subsection 2, issue an absent ballot***
9 ***to the registered voter for each primary and general election that is***
10 ***conducted within 2 years after the date the written statement is submitted***
11 ***to the county clerk.***

12 ***4. To determine whether a registered voter is entitled to receive an***
13 ***absent ballot pursuant to this section, the county clerk may, every second***
14 ***year after an absent ballot is issued to a registered voter pursuant to***
15 ***subsection 3, require the registered voter to submit a statement from a***
16 ***licensed physician as specified in paragraph (a) of subsection 2. If a***
17 ***statement from a physician licensed in this state submitted pursuant to***
18 ***this subsection indicates that the registered voter is no longer physically***
19 ***disabled, the county clerk shall not issue an absent ballot to the***
20 ***registered voter pursuant to this section.***

21 ***5. A person designated pursuant to paragraph (b) of subsection 2***
22 ***may, on behalf of and at the direction of the registered voter, mark and***
23 ***sign an absent ballot issued to the registered voter pursuant to the***
24 ***provisions of this section. If the person marks and signs the ballot, the***
25 ***person shall indicate next to his signature that the ballot has been***
26 ***marked and signed on behalf of the registered voter.***

27 ***6. The procedure authorized pursuant to this section is subject to all***
28 ***other provisions of this chapter relating to voting by absent ballot to the***
29 ***extent that those provisions are not inconsistent with the provisions of***
30 ***this section.***

31 ***Sec. 3. 1. A person who, during the 6 months immediately***
32 ***preceding an election, mails to more than a total of 500 registered voters***
33 ***a form to request an absent ballot for the election shall:***

34 ***(a) Mail the form prescribed by the secretary of state;***

35 ***(b) Not later than 14 days before mailing such a form, notify the***
36 ***county clerk of each county to which a form will be mailed of the number***
37 ***of forms to be mailed to voters in the county and the date of the mailing***
38 ***of the forms; and***

39 ***(c) Not mail such a form later than 21 days before the election.***

40 ***2. A person who violates this section is guilty of a category E felony***
41 ***and shall be punished as provided in NRS 193.130.***

1 **Sec. 4.** NRS 293.1276 is hereby amended to read as follows:

2 293.1276 1. Within 4 days excluding Saturdays, Sundays and
3 holidays, after the submission of a petition containing signatures which are
4 required to be verified pursuant to NRS 293.128, **293.165**, 293.172,
5 293.200, 295.056, 298.109 ~~for 306.035,~~ **306.035 or 306.110**, the county
6 clerk shall determine the total number of signatures affixed to the
7 documents and forward that information to the secretary of state.

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

15 3. After the petition is submitted to the county clerk it must not be
16 handled by any other person except by an employee of the county clerk's
17 office until it is filed with the secretary of state.

18 **Sec. 5.** NRS 293.1277 is hereby amended to read as follows:

19 293.1277 1. If the secretary of state finds that the total number of
20 signatures submitted to all the county clerks is 100 percent or more of the
21 number of registered voters needed to declare the petition sufficient, he
22 shall immediately so notify the county clerks. Within 9 days excluding
23 Saturdays, Sundays and holidays after notification, each of the county
24 clerks shall determine the number of registered voters who have signed the
25 documents submitted in his county.

26 2. If more than 500 names have been signed on the documents
27 submitted to him, a county clerk shall examine the signatures by sampling
28 them at random for verification. The random sample of signatures to be
29 verified must be drawn in such a manner that every signature which has
30 been submitted to the county clerk is given an equal opportunity to be
31 included in the sample. The sample must include an examination of at least
32 500 or 5 percent of the signatures, whichever is greater.

33 3. In determining from the records of registration the number of
34 registered voters who signed the documents, the county clerk may use the
35 signatures contained in the file of applications to register to vote. If the
36 county clerk uses that file, he shall ensure that every application in the file
37 is examined, including any application in his possession which may not yet
38 be entered into his records. The county clerk shall rely only on the
39 appearance of the signature and the address and date included with each
40 signature in making his determination.

41 4. Except as otherwise provided in subsection 6, upon completing the
42 examination, the county clerk shall immediately attach to the documents a
43 certificate properly dated, showing the result of his examination and

1 transmit the documents with the certificate to the secretary of state. A copy
2 of this certificate must be filed in the clerk's office.

3 5. A person who submits a petition to the county clerk which is
4 required to be verified pursuant to NRS 293.128, ~~293.165~~, 293.172,
5 293.200, 295.056, 298.109, ~~{or}~~ 306.035 *or 306.110* must be allowed to
6 witness the verification of the signatures. A public officer who is the
7 subject of a recall petition must also be allowed to witness the verification
8 of the signatures on the petition.

9 6. For any petition containing signatures which are required to be
10 verified pursuant to the provisions of NRS ~~293.165~~, 293.200, ~~{or}~~ 306.035
11 *or 306.110* for any county, district or municipal office within one county,
12 the county clerk shall not transmit to the secretary of state the documents
13 containing the signatures of the registered voters.

14 7. The secretary of state may by regulation establish further
15 procedures for carrying out the provisions of this section.

16 **Sec. 6.** NRS 293.1279 is hereby amended to read as follows:

17 293.1279 1. If the statistical sampling shows that the number of valid
18 signatures filed is 90 percent or more but less than 100 percent of the
19 number of signatures of registered voters needed to declare the petition
20 sufficient, the secretary of state shall order the county clerks to examine
21 the signatures for verification. The county clerks ~~{must}~~ *shall* examine the
22 signatures for verification until they determine that 100 percent of the
23 number of signatures of registered voters needed to declare the petition
24 sufficient are valid.

25 2. If the statistical sampling shows that the number of valid signatures
26 filed in any county is 90 percent or more but less than 100 percent of the
27 number of signatures of registered voters needed to constitute 10 percent
28 of the number of voters who voted at the last preceding general election in
29 that county, the secretary of state may order the county clerk in that county
30 to examine every signature for verification.

31 3. Within 12 days excluding Saturdays, Sundays and holidays after
32 receipt of such an order, the clerk shall determine from the records of
33 registration what number of registered voters have signed the petition. If
34 necessary, the board of county commissioners shall allow the county clerk
35 additional assistants for examining the signatures and provide for their
36 compensation. In determining from the records of registration what
37 number of registered voters have signed the petition, the clerk may use any
38 file or list of registered voters maintained by his office or facsimiles of
39 voters' signatures. The county clerk may rely on the appearance of the
40 signature and the address and date included with each signature in
41 determining the number of registered voters that signed the petition.

42 4. Except as otherwise provided in subsection 5, upon completing the
43 examination, the county clerk shall immediately attach to the documents of

1 the petition an amended certificate properly dated, showing the result of
2 the examination and shall immediately forward the documents with the
3 amended certificate to the secretary of state. A copy of the amended
4 certificate must be filed in the county clerk's office.

5 5. For any petition containing signatures which are required to be
6 verified pursuant to the provisions of NRS ~~293.165~~, 293.200 , ~~306.035~~
7 **or 306.110** for any county, district or municipal office within one county,
8 the county clerk shall not forward to the secretary of state the documents
9 containing the signatures of the registered voters.

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

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

19 **Sec. 7.** NRS 293.165 is hereby amended to read as follows:

20 293.165 1. Except as otherwise provided in NRS 293.166, a vacancy
21 occurring in a major or minor political party nomination for office may be
22 filled by a candidate designated by the party central committee of the
23 county or state, as the case may be, subject to the provisions of subsections
24 4 and 5.

25 2. A vacancy occurring in a nonpartisan nomination after the close of
26 filing and *on or* before the ~~first~~ **fourth** Tuesday in ~~September~~ **August**
27 must be filled by filing a nominating petition that is signed by ~~at least~~
28 **registered voters of the state, county, district or municipality who may**
29 **vote for the office in question. The number of registered voters who sign**
30 **the petition must not be less than** 1 percent of the **number of persons** ~~who~~
31 ~~are registered to vote and~~ who voted for the office in question in the state,
32 county, district or municipality at the last preceding general election. The
33 petition must be filed not earlier than the first Tuesday in June and not later
34 than the ~~third~~ **first** Tuesday in September. **The petition may consist of**
35 **more than one document. Each document must bear the name of one**
36 **county and must not be signed by a person who is not a registered voter**
37 **of that county. Each document of the petition must be submitted for**
38 **verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the**
39 **county clerk of the county named on the document.** A candidate
40 nominated pursuant to the provisions of this subsection may be elected
41 only at a general election and his name must not appear on the ballot for a
42 primary election.

1 3. A vacancy occurring in a nonpartisan nomination *on or* after ~~{a~~
2 ~~primary election}~~ *the fourth Tuesday in August* and before the second
3 Tuesday in September must be filled by the person who ~~{received}~~ *receives*
4 the next highest vote for the nomination in the primary.

5 4. ~~{Except to place a candidate nominated pursuant to subsection 2 on~~
6 ~~the ballot, no}~~ *No* change may be made on the ballot after the second
7 Tuesday in September of the year in which the general election is held. If a
8 nominee dies after that date, his name must remain on the ballot and, if
9 elected, a vacancy exists.

10 5. All designations provided for in this section must be filed before 5
11 p.m. on the second Tuesday in September. In each case, the statutory filing
12 fee must be paid and an acceptance of the designation must be filed before
13 5 p.m. on that date.

14 **Sec. 8.** NRS 293.166 is hereby amended to read as follows:

15 293.166 1. A vacancy occurring in a party nomination for the office
16 of state senator or assemblyman from a legislative district comprising more
17 than one county may be filled as follows, subject to the provisions of
18 subsections 2 and 3. The county commissioners of each county, all or part
19 of which is included within the legislative district, shall meet to appoint a
20 person *who is* of the same political party as the former nominee *and who*
21 *actually, as opposed to constructively, resides in the district* to fill the
22 vacancy, under the chairmanship of the chairman of the board of county
23 commissioners of the county whose population residing within the district
24 is the greatest. Each board of county commissioners shall first meet
25 separately and determine the single candidate it will nominate to fill the
26 vacancy. Then, the boards shall meet jointly and the chairmen on behalf of
27 the boards shall cast a proportionate number of votes according to the
28 percent, rounded to the nearest whole percent, which the population of its
29 county is of the population of the entire district. Populations must be
30 determined by the last decennial census or special census conducted by the
31 Bureau of the Census of the United States Department of Commerce. The
32 person who receives a plurality of these votes is appointed to fill the
33 vacancy. If no person receives a plurality of the votes, the boards of county
34 commissioners of the respective counties shall each as a group select one
35 candidate, and the nominee must be chosen by drawing lots among the
36 persons so selected.

37 2. No change may be made on the ballot after the second Tuesday in
38 September of the year in which the general election is held. If a nominee
39 dies after that date, his name must remain on the ballot and, if elected, a
40 vacancy exists.

41 3. The designation of a nominee pursuant to this section must be filed
42 with the secretary of state before 5 p.m. of the second Tuesday in
43 September, and the statutory filing fee must be paid with the designation.

1 **Sec. 9.** NRS 293.1755 is hereby amended to read as follows:
 2 293.1755 1. In addition to any other requirement provided by law,
 3 no person may be a candidate for any office unless, for at least ~~30 days~~
 4 ~~before~~ ***the 90 days immediately preceding the date of*** the close of filing
 5 of declarations of candidacy or acceptances of candidacy for the office
 6 which he seeks, he has ~~been a legal resident of~~ , ***in accordance with NRS***
 7 ***281.050, actually, as opposed to constructively, resided in*** the state,
 8 district, county, township or other area prescribed by law to which the
 9 office pertains and, if elected, over which he will have jurisdiction or
 10 which he will represent.

11 2. Any person who knowingly and willfully files an acceptance of
 12 candidacy or declaration of candidacy which contains a false statement in
 13 this respect is guilty of a gross misdemeanor.

14 3. Any person convicted pursuant to the provisions of this section is
 15 disqualified from entering upon the duties of the office for which he was a
 16 candidate.

17 4. The provisions of this section do not apply to candidates for the
 18 office of district attorney.

19 **Sec. 10.** NRS 293.177 is hereby amended to read as follows:

20 293.177 1. Except as otherwise provided in NRS 293.165, a name
 21 may not be printed on a ballot to be used at a primary election unless the
 22 person named has filed a declaration of candidacy or an acceptance of
 23 candidacy, and paid the fee required by NRS 293.193 not earlier than the
 24 first Monday in May of the year in which the election is to be held nor later
 25 than 5 p.m. on the third Monday in May.

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

28 (a) For partisan office:

29
 30 DECLARATION OF CANDIDACY OF FOR THE
 31 OFFICE OF

32
 33 State of Nevada

34
 35 County of

36
 37 For the purpose of having my name placed on the official ballot as a
 38 candidate for the Party nomination for the office of, I,
 39 the undersigned, do swear or affirm under penalty of perjury that I
 40 ***actually, as opposed to constructively,*** reside at, in the City or
 41 Town of, County of, State of Nevada; that my actual , ***as***
 42 ***opposed to constructive,*** residence in the state, district, county, township,
 43 city or other area prescribed by law to which the office pertains began on a

1 date ~~{30 days or more before}~~ **at least 90 days immediately preceding** the
 2 date of the close of filing of declarations of candidacy for this office; that I
 3 am registered as a member of the Party; that I have not, in
 4 violation of the provisions of NRS 293.176, changed the designation of my
 5 political party or political party affiliation on an official application to
 6 register to vote in any state since September 1 before the closing filing date
 7 for this election; that I generally believe in and intend to support the
 8 concepts found in the principles and policies of that political party in the
 9 coming election; that if nominated as a candidate of the Party at
 10 the ensuing election I will accept that nomination and not withdraw; that I
 11 will not knowingly violate any election law or any law defining and
 12 prohibiting corrupt and fraudulent practices in campaigns and elections in
 13 this state; that I will qualify for the office if elected thereto, including, but
 14 not limited to, complying with any limitation prescribed by the constitution
 15 and laws of this state concerning the number of years or terms for which a
 16 person may hold the office; and that I understand that my name will appear
 17 on all ballots as designated in this declaration.

18
19

20 (Designation of name)

21
22

(Signature of candidate for
23 office)

24
25

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

27
28

29 Notary Public or other person
30 authorized to administer an oath

31
32

(b) For nonpartisan office:

33
34

DECLARATION OF CANDIDACY OF FOR THE
35 OFFICE OF

36
37

State of Nevada

38
39

County of

40
41

42 For the purpose of having my name placed on the official ballot as a
43 candidate for the office of, I, the undersigned, do
swear or affirm under penalty of perjury that I **actually, as opposed to**

1 **constructively**, reside at, in the City or Town of, County of
 2, State of Nevada; that my actual , **as opposed to constructive**,
 3 residence in the state, district, county, township, city or other area
 4 prescribed by law to which the office pertains began on a date ~~{30 days or~~
 5 ~~more before}~~ **at least 90 days immediately preceding** the date of the close
 6 of filing of declarations of candidacy for this office; that if nominated as a
 7 nonpartisan candidate at the ensuing election I will accept the nomination
 8 and not withdraw; that I will not knowingly violate any election law or any
 9 law defining and prohibiting corrupt and fraudulent practices in campaigns
 10 and elections in this state; that I will qualify for the office if elected
 11 thereto, including, but not limited to, complying with any limitation
 12 prescribed by the constitution and laws of this state concerning the number
 13 of years or terms for which a person may hold the office; and my name
 14 will appear on all ballots as designated in this declaration.

15

16

17 (Designation of name)

18

19 (Signature of candidate for
20 office)

21

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

24

25

26 Notary Public or other person
27 authorized to administer an oath

28

29 3. A person may be a candidate under his given name and surname, a
 30 contraction or familiar form of his given name followed by his surname or
 31 the initial of his given name followed by his surname. A nickname of not
 32 more than 10 letters may be incorporated into a candidate's name. The
 33 nickname must be in quotation marks and appear immediately before the
 34 candidate's surname. A nickname must not indicate any political,
 35 economic, social or religious view or affiliation and must not be the name
 36 of any person, living or dead, whose reputation is known on a statewide,
 37 nationwide or worldwide basis, or in any other manner deceive a voter
 38 regarding the person or principles for which he is voting.

39 4. The address of a candidate which must be included in the
 40 declaration of candidacy or acceptance of candidacy pursuant to subsection
 41 2 must be the street address of the residence where he actually , **as opposed**
 42 **to constructively**, resides ~~+~~ **in accordance with NRS 281.050**, if one has
 43 been assigned. The declaration or acceptance of candidacy must not be

1 accepted for filing if the candidate's address is listed as a post office box
2 unless a street address has not been assigned to his residence.

3 **Sec. 11.** NRS 293.181 is hereby amended to read as follows:

4 293.181 1. A candidate for the office of state senator or
5 assemblyman must execute and file with his declaration of candidacy or
6 acceptance of candidacy a declaration of residency which must be in
7 substantially the following form:

8
9 I, the undersigned , do swear or affirm under penalty of perjury that
10 I have been a citizen resident of this state as required by NRS
11 218.010 and have **actually, as opposed to constructively**, resided
12 ~~for intend to reside~~ at the following residence or residences ~~during~~
13 ~~the 12 months immediately preceding the date of the general~~
14 ~~election for the office for which I have filed.~~ **since November 1 of**
15 **the preceding year:**

16	
17	Street Address	Street Address
18	
19	City or Town	City or Town
20	
21	State	State
22	From.....To.....	FromTo.....
23	Dates of Residency	Dates of Residency
24	
25	Street Address	Street Address
26	
27	City or Town	City or Town
28	
29	State	State
30	From.....To.....	FromTo.....
31	Dates of Residency	Dates of Residency
32	(Attach additional sheet or sheets of residences as necessary)	

33
34
35 2. Each address of a candidate which must be included in the
36 declaration of residency pursuant to subsection 1 must be the street address
37 of the residence where he actually , **as opposed to constructively**, resided
38 or resides ~~[.]~~ **in accordance with NRS 281.050**, if one has been assigned.
39 The declaration of residency must not be accepted for filing if any of the
40 candidate's addresses are listed as a post office box, unless a street address
41 has not been assigned to the residence.

42 **Sec. 12.** NRS 293.200 is hereby amended to read as follows:

1 293.200 1. An independent candidate for partisan office must file
2 with the proper filing officer:

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

5 (b) ~~{A}~~ ***If the office is a statewide office, a*** petition of candidacy signed
6 by a number of registered voters equal to at least 1 percent of the total
7 number of ballots cast in the state ~~for in the county or district electing that~~
8 ~~officer~~ ***for that office*** at the last preceding general election in which a
9 person was elected to that office.

10 (c) ***If the office is a county office, a petition of candidacy signed by a***
11 ***number of registered voters equal to at least 1 percent of the total number***
12 ***of ballots cast in the county for that office at the last preceding general***
13 ***election in which a person was elected to that office.***

14 (d) ***If the office is a district office, a petition of candidacy signed by a***
15 ***number of registered voters equal to at least 1 percent of the total number***
16 ***of ballots cast in the district for that office at the last preceding general***
17 ***election in which a person was elected to that office.***

18 2. The petition may consist of more than one document. Each
19 document must bear the name of the county in which it was circulated and
20 only registered voters of that county may sign the document. The person
21 who circulates the document must be a registered voter of that county. If
22 the office is a district office, only the registered voters of that district may
23 sign the document. The documents which are circulated for signature in a
24 county must be submitted to that county clerk for verification in the
25 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than
26 40 days before filing the petition of candidacy with the proper filing
27 officer. Each signer shall add to his signature the address of the place at
28 which he actually resides, the date that he signs the petition and the name
29 of the county where he is registered to vote for the purpose of determining
30 whether he is a registered voter. The person who circulates each document
31 of the petition shall sign an affidavit attesting that the signatures on the
32 document are genuine to the best of his knowledge and belief and were
33 signed in his presence by persons registered to vote in that county.

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

36 4. Petitions of candidacy must be filed not earlier than the first
37 Monday in May preceding the general election and not later than 5 p.m. on
38 the third Tuesday in August.

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

41 6. A person may not file as an independent candidate if he is
42 proposing to run as the candidate of a political party.

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

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

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

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

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

13 10. An independent candidate for partisan office must file a
14 declaration of candidacy with the proper filing officer and pay the fee
15 required by NRS 293.193 not earlier than the first Monday in May of the
16 year in which the election is held nor later than 5 p.m. of the first
17 Wednesday in July.

18 **Sec. 13.** NRS 293.272 is hereby amended to read as follows:

19 293.272 1. Except as otherwise provided in subsection 2, a person
20 who registered to vote pursuant to the provisions of NRS 293.5235, shall,
21 for the first election in which he votes at which that registration is valid,
22 vote in person unless he has previously voted in the county in which he is
23 registered to vote.

24 2. The provisions of subsection 1 do not apply to a person who:

25 (a) Is entitled to vote in the manner prescribed in NRS 293.343 to
26 293.355, inclusive;

27 (b) Is entitled to vote an absent ballot pursuant to federal law or *section*
28 *2 of this act* or NRS 293.316;

29 (c) Submits or has previously submitted a written request for an absent
30 ballot that is signed by the registered voter before a notary public or other
31 person authorized to administer an oath; or

32 (d) Requests an absent ballot in person at the office of the county clerk.

33 **Sec. 14.** NRS 293.296 is hereby amended to read as follows:

34 293.296 1. Any registered voter who by reason of a physical
35 disability or an inability to read or write English is unable to mark a ballot
36 or use any voting device without assistance is entitled to assistance from a
37 consenting person of his own choice, except:

38 (a) The voter's employer or his agent; or

39 (b) An officer or agent of the voter's labor organization.

40 2. A person providing assistance *pursuant to this section* to a
41 ~~disabled~~ voter in casting his vote shall not disclose any information with
42 respect to the casting of that ballot.

1 3. The right to assistance in casting a ballot may not be denied or
2 impaired when the need for assistance is apparent or is known to the
3 election board or any member thereof, but the election board may require a
4 registered voter to sign a statement that he requires assistance in casting his
5 vote by reason of a physical disability or an inability to read or write
6 English when the need for assistance is not apparent or no member of the
7 election board has knowledge thereof. The statement must be executed
8 under penalty of perjury.

9 **4. In addition to complying with the requirements of this section, the**
10 **county clerk and election board officer shall, upon the request of a**
11 **registered voter with a physical disability, make reasonable**
12 **accommodations to allow the voter to vote at his polling place.**

13 **Sec. 15.** NRS 293.309 is hereby amended to read as follows:

14 293.309 1. The county clerk of each county shall prepare an absent
15 ballot for the use of registered voters who have requested absent ballots.
16 **The absent ballot must be printed in at least 14-point bold type. The**
17 **county clerk shall make reasonable accommodations for the use of the**
18 **absent ballot by an elderly or disabled person.**

19 2. The ballot must be prepared and ready for distribution to a
20 registered voter who:

21 (a) Resides within the state, not later than 20 days before the election in
22 which it is to be used; or

23 (b) Resides outside the state, not later than 40 days before a primary or
24 general election, if possible.

25 3. Any legal action which would prevent the ballot from being issued
26 pursuant to subsection 2 is moot and of no effect.

27 **Sec. 16.** NRS 293.316 is hereby amended to read as follows:

28 293.316 1. Any registered voter **who is** unable to go to the polls
29 ~~{because}~~ :

30 **(a) Because of an** illness or disability resulting in his confinement in a
31 hospital, sanatorium, dwelling or nursing home ~~{may request in a written~~
32 ~~statement, signed by him, that the county clerk send him an absent ballot.~~
33 ~~The clerk shall deliver the ballot, at the office of the county clerk, to any~~
34 ~~authorized representative of the voter possessing a written statement signed~~
35 ~~by the voter stating that he is confined to a dwelling or is a patient in a~~
36 ~~hospital, sanatorium or nursing home, and that he will be confined therein~~
37 ~~on election day. If any registered voter is} ; **or**~~

38 **(b) Because he is** suddenly hospitalized , ~~{or}~~ becomes seriously ill or is
39 called away from home after the time has elapsed for requesting an absent
40 ballot as provided in NRS 293.315, ~~{and is unable to vote at the polling~~
41 ~~place,~~ _____ he _____ may _____ apply}

1 *may submit a written request* to the county clerk for an absent ballot . *The*
2 *request may be submitted* at any time before 5 p.m. on the day of the
3 election. ~~{The}~~

4 **2.** *If the county clerk determines that a request submitted pursuant to*
5 *subsection 1 includes the information required pursuant to subsection 3,*
6 *the county clerk shall ~~issue~~, at the office of the county clerk, deliver an*
7 *absent ballot ~~upon satisfactory proof of the emergency.~~*

8 ~~2.~~ *After* *to the person designated in the request to obtain the ballot*
9 *for the registered voter.*

10 **3.** *A written request submitted pursuant to subsection 1 must include:*

11 (a) *The name, address and signature of the registered voter requesting*
12 *the absent ballot;*

13 (b) *The name, address and signature of the person designated by the*
14 *registered voter to obtain, deliver and return the ballot for the registered*
15 *voter;*

16 (c) *A brief statement of the illness or disability of the registered voter*
17 *or of facts sufficient to establish that the registered voter was called away*
18 *from home after the time had elapsed for requesting an absent ballot;*

19 (d) *If the voter is confined in a hospital, sanatorium, dwelling or*
20 *nursing home, a statement that he will be confined therein on the day of*
21 *the election; and*

22 (e) *Unless the person designated pursuant to paragraph (b) will mark*
23 *and sign an absent ballot on behalf of the registered voter pursuant to*
24 *subsection 5, a statement signed under penalty of perjury that only the*
25 *registered voter will mark and sign the ballot.*

26 **4.** *Except as otherwise provided in subsection 5, after marking his*
27 *ballot the voter must ~~place~~ :*

28 (a) *Place it in the identification envelope ~~. He must affix~~ ;*

29 (b) *Affix his signature on the back of the envelope ; and ~~return~~*

30 (c) *Return it to the office of the county clerk.*

31 ~~3.~~ **5.** *A person designated in a request submitted pursuant to*
32 *subsection 1 may, on behalf of and at the direction of the registered*
33 *voter, mark and sign the absent ballot. If the person marks and signs the*
34 *ballot, the person shall indicate next to his signature that the ballot has*
35 *been marked and signed on behalf of the registered voter.*

36 **6.** *A request for ~~a~~ an absent ballot submitted pursuant to this section*
37 *must be made, and the ballot delivered to the voter and returned to the*
38 *county clerk, not later than the time the polls close on election day.*

39 ~~4.~~ **7.** *The procedure authorized by this section is subject to all other*
40 *provisions of this chapter relating to **voting by** absent ballot ~~voting insofar~~*
41 *as* *to the extent that* those provisions are not inconsistent with the
42 provisions of this section.

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

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

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

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

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

15 3. Except as otherwise provided in NRS 293.316, it is unlawful for any
16 person *to return an absent ballot* other than the voter who requested ~~{an}~~
17 *the absent ballot* ~~{to return it.}~~ *or, at the request of the voter, a member of*
18 *his family. A person who returns an absent ballot and who is a member*
19 *of the family of the voter who requested the absent ballot shall, under*
20 *penalty of perjury, indicate on a form prescribed by the county clerk that*
21 *he is a member of the family of the voter who requested the absent ballot*
22 *and that the voter requested that he return the absent ballot.* A person
23 who violates the provisions of this subsection is guilty of a category E
24 felony and shall be punished as provided in NRS 193.130.

25 **Sec. 18.** NRS 293.359 is hereby amended to read as follows:

26 293.359 ~~{1.}~~ The ballot box for early voting in which voted ballots
27 which are paper ballots or ballots which are voted by punching a card are
28 deposited must have two ~~{locks, each with a different key}~~ **numbered**
29 **seals**, and must be designed and constructed so that the box can be sealed
30 to detect any unauthorized opening of the box and that the ballot slot can
31 be sealed to prevent any unauthorized deposit in the box. The seals for the
32 boxes must be serially numbered for each election.

33 ~~{2.—During the period for early voting by personal appearance, the~~
34 ~~county clerk shall keep the key to one of the locks to the ballot box for~~
35 ~~early voting and a designated custodian, not under the authority of the~~
36 ~~county clerk, shall keep the key to the second lock.~~

37 ~~—3.—Each custodian shall retain possession of the key entrusted to him~~
38 ~~until it is delivered to the ballot board for early voting.]~~

39 **Sec. 19.** NRS 293.3602 is hereby amended to read as follows:

40 293.3602 If paper ballots or ballots which are voted by punching a
41 card are used during the period for early voting by personal appearance:

42 1. The ballots voted at the permanent or temporary polling place must
43 be delivered by an election board officer to the county clerk's office at the

1 close of each voting day. The seal on the ballot box must indicate the
2 number of voted ballots contained in that box for that day.

3 2. When the ballot box is delivered pursuant to subsection 1, the
4 county clerk shall provide a new ballot box ~~hooked~~ *sealed* in the manner
5 prescribed in NRS 293.359.

6 3. At the close of the fourth voting day before the last day to vote early
7 and at the close of each of the 3 days thereafter, the county clerk shall
8 deliver all ballots voted to the ballot board for early voting. At the close of
9 the last voting day, the county clerk shall deliver to the ballot board for
10 early voting:

11 (a) Each remaining ballot box containing the ballots voted early by
12 personal appearance ; ~~and his key to each box;~~

13 (b) A voting roster of all persons who voted early by personal
14 appearance; and

15 (c) Any list of registered voters used in conducting early voting.

16 4. ~~Upon the call of the chairmen of the board, the custodian of the key~~
17 ~~to the second lock on the ballot boxes shall deliver his key for each box to~~
18 ~~the presiding officer.~~

19 ~~5.~~ Upon the receipt of ballots, the board shall:

20 (a) Remove all ballots from the ballot boxes and sort the ballots by
21 precinct or voting district;

22 (b) Count the number of ballots by precinct or voting district;

23 (c) Account for all ballots on an official statement of ballots; and

24 (d) Place all official ballots in the container provided to transport those
25 items to a central counting place and seal the container with a numbered
26 seal. The official statement of ballots must accompany the voted ballots to
27 the central counting place.

28 ~~6.~~ 5. The county clerk shall allow members of the general public to
29 observe the handling of the ballots pursuant to subsection ~~5~~ 4 if those
30 members do not interfere with the handling of the ballots.

31 **Sec. 20.** NRS 293.507 is hereby amended to read as follows:

32 293.507 1. The secretary of state shall prescribe:

33 (a) A standard form for applications to register to vote; and

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

37 2. The county clerks shall provide forms for applications to register to
38 vote to field registrars in the form and number prescribed by the secretary
39 of state.

40 3. A form for an application to register to vote must include a
41 duplicate copy marked as the receipt to be retained by the applicant upon
42 completion of the form.

43 4. The form for an application to register to vote must include:

1 (a) A line on which to enter ~~{the number on}~~ :

2 *(1) The first two letters of the last name of the voter;*

3 *(2) The year, month and day of the birth of the voter; and*

4 *(3) The last four digits of the voter's social security ~~{card, driver's~~*
5 *license or identification card issued by the department of motor vehicles*
6 *and public safety.} number, if any. If the last four digits of a social*
7 *security number are not provided, the county clerk shall assign a four-*
8 *digit number.*

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

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

15 *(d) A line on which must be printed the words "Disabled Voter" and a*
16 *box near those words for the purpose of indicating that the voter is*
17 *disabled.*

18 **Sec. 21.** Chapter 293C of NRS is hereby amended by adding thereto
19 the provisions set forth as sections 22 and 23 of this act.

20 **Sec. 22. 1.** *A registered voter who, because of a physical disability,*
21 *is unable to mark or sign a ballot or use a voting device without*
22 *assistance may submit a written statement to the appropriate city clerk*
23 *requesting that he receive an absent ballot for each primary city election*
24 *and general city election conducted during the period specified in*
25 *subsection 3.*

26 **2.** *A written statement submitted pursuant to subsection 1 must:*

27 *(a) Include a statement from a physician licensed in this state*
28 *certifying that the registered voter is a person with a physical disability*
29 *and, because of the physical disability, he is unable to mark or sign a*
30 *ballot or use a voting device without assistance;*

31 *(b) Designate the person who will assist the registered voter in*
32 *marking and signing the absent ballot on behalf of the registered voter;*
33 *and*

34 *(c) Include the name, address and signature of the person designated*
35 *pursuant to paragraph (b).*

36 **3.** *Upon receipt of a written statement submitted by a registered voter*
37 *pursuant to subsection 1, the city clerk shall, if the statement includes the*
38 *information required pursuant to subsection 2, issue an absent ballot to*
39 *the registered voter for each primary and general election that is*
40 *conducted within 2 years after the date the written statement is submitted*
41 *to the city clerk.*

42 **4.** *To determine whether a registered voter is entitled to receive an*
43 *absent ballot pursuant to this section, the city clerk may, every second*

1 *year after an absent ballot is issued to a registered voter pursuant to*
2 *subsection 3, require the registered voter to submit a statement from a*
3 *licensed physician as specified in paragraph (a) of subsection 2. If a*
4 *statement from a physician licensed in this state submitted pursuant to*
5 *this subsection indicates that the registered voter is no longer physically*
6 *disabled, the city clerk shall not issue an absent ballot to the registered*
7 *voter pursuant to this section.*

8 *5. A person designated pursuant to paragraph (b) of subsection 2*
9 *may, on behalf of and at the direction of the registered voter, mark and*
10 *sign an absent ballot issued to the registered voter pursuant to the*
11 *provisions of this section. If the person marks and signs the ballot, the*
12 *person shall indicate next to his signature that the ballot has been*
13 *marked and signed on behalf of the registered voter.*

14 *6. The procedure authorized pursuant to this section is subject to all*
15 *other provisions of this chapter relating to voting by absent ballot to the*
16 *extent that those provisions are not inconsistent with the provisions of*
17 *this section.*

18 **Sec. 23. 1.** *A person who, during the 6 months immediately*
19 *preceding an election, mails to more than a total of 500 registered voters*
20 *a form to request an absent ballot for the election shall:*

21 *(a) Mail the form prescribed by the secretary of state;*

22 *(b) Not later than 14 days before mailing such a form, notify the city*
23 *clerk of each city to which a form will be mailed of the number of forms*
24 *to be mailed to voters in the city and the date of the mailing of the forms;*
25 *and*

26 *(c) Not mail such a form later than 21 days before the election.*

27 **2.** *A person who violates this section is guilty of a category E felony*
28 *and shall be punished as provided in NRS 193.130.*

29 **Sec. 24.** NRS 293C.185 is hereby amended to read as follows:

30 293C.185 1. Except as otherwise provided in NRS 293C.190, a
31 name may not be printed on a ballot to be used at a primary city election,
32 unless the person named has filed a declaration of candidacy or an
33 acceptance of candidacy and paid the fee established by the governing
34 body of the city not earlier than 40 days before the primary city election
35 and not later than 5 p.m. on the 30th day before the primary city election.

36 2. A declaration of candidacy required to be filed by this section must
37 be in substantially the following form:

38
39 DECLARATION OF CANDIDACY OF FOR THE
40 OFFICE OF

41
42 State of Nevada

43

1 City of
 2
 3 For the purpose of having my name placed on the official ballot as a
 4 candidate for the office of, I, the undersigned, do
 5 swear or affirm under penalty of perjury that I **actually, as opposed to**
 6 **constructively**, reside at, in the City or Town of,
 7 County of, State of Nevada; that my actual , **as opposed to**
 8 **constructive**, residence in the city, township or other area prescribed by
 9 law to which the office pertains began on a date [~~30 days or more before~~]
 10 **at least 90 days immediately preceding** the date of the close of filing of
 11 declarations of candidacy for this office; that if nominated as a candidate at
 12 the ensuing election I will accept the nomination and not withdraw; that I
 13 will not knowingly violate any election law or any law defining and
 14 prohibiting corrupt and fraudulent practices in campaigns and elections in
 15 this state; that I will qualify for the office if elected thereto, including, but
 16 not limited to, complying with any limitation prescribed by the constitution
 17 and laws of this state concerning the number of years or terms for which a
 18 person may hold the office; and my name will appear on all ballots as
 19 designated in this declaration.

20
 21

22 (Designation of name)

23

24 (Signature of candidate for
 25 office)

26

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

29

30

31 Notary Public or other person
 32 authorized to administer an oath

33

34 3. A person may be a candidate under his given name and surname, a
 35 contraction or familiar form of his given name followed by his surname or
 36 the initial of his given name followed by his surname. A nickname of not
 37 more than 10 letters may be incorporated into a candidate's name. The
 38 nickname must be in quotation marks and appear immediately before the
 39 candidate's surname. A nickname must not indicate any political,
 40 economic, social or religious view or affiliation and must not be the name
 41 of any person, living or dead, whose reputation is known on a statewide,
 42 nationwide or worldwide basis, or in any other manner deceive a voter
 43 concerning the person or principles for which he is voting.

1 4. The address of a candidate that must be included in the declaration
2 or acceptance of candidacy pursuant to subsection 2 must be the street
3 address of the residence where he actually, *as opposed to constructively*,
4 resides ~~in accordance with NRS 281.050~~, if one has been assigned. The
5 declaration or acceptance of candidacy must not be accepted for filing if
6 the candidate's address is listed as a post office box unless a street address
7 has not been assigned to his residence.

8 **Sec. 25.** NRS 293C.200 is hereby amended to read as follows:

9 293C.200 1. In addition to any other requirement provided by law,
10 no person may be a candidate for a city office unless, for at least ~~30 days~~
11 ~~before~~ *the 90 days immediately preceding the date of* the close of filing
12 of declarations or acceptances of candidacy for the office that he seeks, he
13 has ~~been a legal resident of~~ *in accordance with NRS 281.050, actually,*
14 *as opposed to constructively, resided in* the city or other area prescribed by
15 law to which the office pertains and, if elected, over which he will have
16 jurisdiction or which he will represent.

17 2. Any person who knowingly and willfully files a declaration of
18 candidacy or an acceptance of candidacy that contains a false statement in
19 this respect is guilty of a gross misdemeanor.

20 3. Any person convicted pursuant to the provisions of this section is
21 disqualified from entering upon the duties of the office for which he was a
22 candidate.

23 **Sec. 26.** NRS 293C.265 is hereby amended to read as follows:

24 293C.265 1. Except as otherwise provided in subsection 2, a person
25 who registered to vote pursuant to the provisions of NRS 293.5235, shall,
26 for the first city election in which he votes at which that registration is
27 valid, vote in person unless he has previously voted in the county in which
28 he is registered to vote.

29 2. The provisions of subsection 1 do not apply to a person who:

30 (a) Is entitled to vote in the manner prescribed in NRS 293C.342 to
31 293C.352, inclusive;

32 (b) Is entitled to vote an absent ballot pursuant to federal law or *section*
33 *22 of this act or* NRS 293C.317;

34 (c) Submits or has previously submitted a written request for an absent
35 ballot that is signed by the registered voter before a notary public or other
36 person authorized to administer an oath; or

37 (d) Requests an absent ballot in person at the office of the city clerk.

38 **Sec. 27.** NRS 293C.282 is hereby amended to read as follows:

39 293C.282 1. Any registered voter who, because of a physical
40 disability or an inability to read or write English, is unable to mark a ballot
41 or use any voting device without assistance is entitled to assistance from a
42 consenting person of his own choice, except:

43 (a) The voter's employer or his agent; or

1 (b) An officer or agent of the voter’s labor organization.

2 2. A person providing assistance *pursuant to this section* to a
3 ~~{disabled}~~ voter in casting his vote shall not disclose any information with
4 respect to the casting of that ballot.

5 3. The right to assistance in casting a ballot may not be denied or
6 impaired when the need for assistance is apparent or is known to the
7 election board or any member thereof, but the election board may require a
8 registered voter to sign a statement that he requires assistance in casting his
9 vote because of a physical disability or an inability to read or write English
10 when the need for assistance is not apparent or no member of the election
11 board has knowledge thereof. The statement must be executed under
12 penalty of perjury.

13 **4. In addition to complying with the requirements of this section, the**
14 **city clerk and election board officer shall, upon the request of a**
15 **registered voter with a physical disability, make reasonable**
16 **accommodations to allow the voter to vote at his polling place.**

17 **Sec. 28.** NRS 293C.305 is hereby amended to read as follows:

18 293C.305 1. The city clerk shall prepare an absent ballot for the use
19 of registered voters who have requested absent ballots. **The absent ballot**
20 **must be printed in at least 14-point bold type. The city clerk shall make**
21 **reasonable accommodations for the use of the absent ballot by an elderly**
22 **or disabled person.**

23 2. The ballot must be prepared and ready for distribution to a
24 registered voter who resides within or outside this state, not later than 20
25 days before the election in which it will be used.

26 3. Any legal action that would prevent the ballot from being issued
27 pursuant to subsection 2 is moot and of no effect.

28 **Sec. 29.** NRS 293C.317 is hereby amended to read as follows:

29 293C.317 1. Any registered voter **who is** unable to go to the polls
30 ~~{because}~~ :

31 **(a) Because of an** illness or disability resulting in his confinement in a
32 hospital, sanatorium, dwelling or nursing home ~~{may request in a written~~
33 ~~statement, signed by him, that the city clerk send him an absent ballot. The~~
34 ~~city clerk shall deliver the ballot, at the office of the city clerk, to any~~
35 ~~authorized representative of the voter possessing a written statement signed~~
36 ~~by the voter stating that he is confined to a dwelling or is a patient in a~~
37 ~~hospital, sanatorium or nursing home and that he will be confined therein~~
38 ~~on election day. If any registered voter is}~~ ; **or**

39 **(b) Because he is** suddenly hospitalized , ~~{or}~~ becomes seriously ill or is
40 called away from home after the time has elapsed for requesting an absent
41 ballot as provided in NRS 293C.312 ~~{and is unable to vote at the polling~~
42 ~~place,~~ he ~~may~~ apply} ,

1 *may submit a written request* to the city clerk for an absent ballot . *The*
2 *request may be submitted* at any time before 5 p.m. on the day of the
3 election. ~~{The}~~

4 **2.** *If the city clerk determines that a request submitted pursuant to*
5 *subsection 1 includes the information required pursuant to subsection 3,*
6 *the city clerk shall ~~issue~~, at the office of the city clerk, deliver* an absent
7 ballot ~~{upon satisfactory proof of the emergency.~~

8 ~~2. After~~ *to the person designated in the request to obtain the ballot*
9 *for the registered voter.*

10 **3.** *A written request submitted pursuant to subsection 1 must include:*

11 *(a) The name, address and signature of the registered voter requesting*
12 *the absent ballot;*

13 *(b) The name, address and signature of the person designated by the*
14 *registered voter to obtain, deliver and return the ballot for the registered*
15 *voter;*

16 *(c) A brief statement of the illness or disability of the registered voter*
17 *or of facts sufficient to establish that the registered voter was called away*
18 *from home after the time had elapsed for requesting an absent ballot;*

19 *(d) If the voter is confined in a hospital, sanatorium, dwelling or*
20 *nursing home, a statement that he will be confined therein on the day of*
21 *the election; and*

22 *(e) Unless the person designated pursuant to paragraph (b) will mark*
23 *and sign an absent ballot on behalf of the registered voter pursuant to*
24 *subsection 5, a statement signed under penalty of perjury that only the*
25 *registered voter will mark and sign the ballot.*

26 **4.** *Except as otherwise provided in subsection 5, after marking his*
27 *ballot the voter must ~~place~~ :*

28 *(a) Place* it in the identification envelope ~~{. The voter must affix} ;~~

29 *(b) Affix* his signature on the back of the envelope ; and ~~{return}~~

30 *(c) Return* it to the office of the city clerk.

31 ~~{3.}~~ **5.** *A person designated in a request submitted pursuant to*
32 *subsection 1 may, on behalf of and at the direction of the registered*
33 *voter, mark and sign the absent ballot. If the person marks and signs the*
34 *ballot, the person shall indicate next to his signature that the ballot has*
35 *been marked and signed on behalf of the registered voter.*

36 **6.** *A request for ~~{a}~~ an absent ballot submitted* pursuant to this section
37 *must be made, and the ballot delivered to the voter and returned to the city*
38 *clerk, not later than the time the polls close on election day.*

39 ~~{4.}~~ **7.** *The procedure authorized by this section is subject to all other*
40 *provisions of this chapter relating to **voting by** absent ballot ~~{voting insofar~~*
41 *as} to the extent that* those provisions are not inconsistent with the
42 *provisions of this section.*

43 **Sec. 30.** *NRS 293C.330 is hereby amended to read as follows:*

1 293C.330 1. When an absent voter receives his ballot, he must mark
2 and fold it, if it is a paper ballot, or punch it, if the ballot is voted by
3 punching a card, in accordance with the instructions, deposit it in the return
4 envelope, seal the envelope, affix his signature on the back of the envelope
5 in the space provided therefor and mail the return envelope.

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

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

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

15 3. Except as otherwise provided in NRS 293C.317, it is unlawful for
16 any person ***to return an absent ballot*** other than the voter who requested
17 ~~{an}~~ ***the absent ballot {to return it.}*** ***or, at the request of the voter, a***
18 ***member of his family. A person who returns an absent ballot and who is***
19 ***a member of the family of the voter who requested the absent ballot shall,***
20 ***under penalty of perjury, indicate on a form prescribed by the city clerk***
21 ***that he is a member of the family of the voter who requested the absent***
22 ***ballot and that the voter requested that he return the absent ballot. A***
23 ***person who violates the provisions of this subsection is guilty of a category***
24 ***E felony and shall be punished as provided in NRS 193.130.***

25 **Sec. 31.** NRS 293C.359 is hereby amended to read as follows:

26 293C.359 ~~{-}~~ The ballot box for early voting in which voted ballots
27 which are paper ballots or ballots which are voted by punching a card are
28 deposited must have two ~~{locks, each with a different key}~~ ***numbered***
29 ***seals***, and must be designed and constructed so that the box can be sealed
30 to detect any unauthorized opening of the box and that the ballot slot can
31 be sealed to prevent any unauthorized deposit in the box. The seals for the
32 boxes must be serially numbered for each election.

33 ~~{2. During the period for early voting by personal appearance, the city~~
34 ~~clerk shall keep the key to one of the locks to the ballot box for early~~
35 ~~voting and a designated custodian, not under the authority of the city clerk,~~
36 ~~shall keep the key to the second lock.~~

37 ~~{3. Each custodian shall retain possession of the key entrusted to him~~
38 ~~until it is delivered to the ballot board for early voting.}~~

39 **Sec. 32.** NRS 293C.3602 is hereby amended to read as follows:

40 293C.3602 If paper ballots or ballots which are voted by punching a
41 card are used during the period for early voting by personal appearance:

42 1. The ballots voted at the permanent or temporary polling place must
43 be delivered by an election board officer to the city clerk's office at the

1 close of each voting day. The seal on the ballot box must indicate the
2 number of voted ballots contained in that box for that day.

3 2. When the ballot box is delivered pursuant to subsection 1, the city
4 clerk shall provide a new ballot box ~~{locked}~~ **sealed** in the manner
5 prescribed in NRS 293C.359.

6 3. At the close of the fourth voting day before the last day to vote early
7 and at the close of each of the 3 days thereafter, the city clerk shall deliver
8 all ballots voted to the ballot board for early voting. At the close of the last
9 voting day, the city clerk shall deliver to the ballot board for early voting:

10 (a) Each remaining ballot box containing the ballots voted early by
11 personal appearance ; ~~{and his key to each box;}~~

12 (b) A voting roster of all persons who voted early by personal
13 appearance; and

14 (c) Any list of registered voters used in conducting early voting.

15 4. ~~{Upon the call of the chairmen of the board, the custodian of the key
16 to the second lock on the ballot boxes shall deliver his key for each box to
17 the presiding officer.~~

18 ~~5.~~ Upon the receipt of ballots, the board shall:

19 (a) Remove all ballots from the ballot boxes and sort the ballots by
20 precinct or voting district;

21 (b) Count the number of ballots by precinct or voting district;

22 (c) Account for all ballots on an official statement of ballots; and

23 (d) Place all official ballots in the container provided to transport those
24 items to a central counting place and seal the container with a numbered
25 seal. The official statement of ballots must accompany the voted ballots to
26 the central counting place.

27 ~~6.~~ 5. The city clerk shall allow members of the general public to
28 observe the handling of the ballots pursuant to subsection ~~{5}~~ 4 if those
29 members do not interfere with the handling of the ballots.

30 **Sec. 33.** NRS 306.110 is hereby amended to read as follows:

31 306.110 1. A petition to nominate other candidates for the office
32 must be signed by registered voters of the state, or of the county, district or
33 municipality holding the election, equal in number to 25 percent of the
34 number of registered voters who voted in the state, or in the county, district
35 or municipality holding the election at the general election at which the
36 public officer was elected. ***Each petition may consist of more than one
37 document. Each document must bear the name of one county and must
38 not be signed by a person who is not a registered voter of that county.***

39 2. The nominating petition must be filed, at least ~~{15}~~ 20 days before
40 the date of the special election, with the officer with whom the recall
41 petition is filed. ***Each document of the petition must be submitted for
42 verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the
43 county clerk of the county named on the document.***

1 3. Each candidate who is nominated for office must file an acceptance
2 of candidacy with the appropriate filing officer and pay the fee required by
3 NRS 293.193 or by the governing body of a city at least ~~{15}~~ 20 days
4 before the date of the special election.

1 **Sec. 34.** NRS 218.010 is hereby amended to read as follows:

2 218.010 No person ~~{shall be}~~ *is* eligible to the office of state senator or
3 assemblyman who:

4 1. Is not a qualified elector and who has not been ~~{a}~~ *an actual, as*
5 *opposed to constructive*, citizen resident of this state for 1 year next
6 preceding his election.

7 2. At the time of election has not attained the age of 21 years.

8 **Sec. 35.** NRS 218.043 is hereby amended to read as follows:

9 218.043 Where a vacancy occurs in the office of state senator or
10 assemblyman during a regular or special session of the legislature or at a
11 time when no biennial election or regular election at which county officers
12 are to be elected will take place between the occurrence of the vacancy and
13 the next regular or special session, the procedure for filling the vacancy is
14 as follows:

15 1. Where the senator or assemblyman was elected from a district
16 wholly within one county, the board of county commissioners of the
17 county from which the former incumbent was elected shall appoint a
18 person of the same political party as the former incumbent *and who*
19 *actually, as opposed to constructively, resides in the district* to fill the
20 vacancy.

21 2. Where the former incumbent was elected from a district comprising
22 more than one county, the county commissioners of each county within or
23 partly within the district shall meet to appoint a person of the same
24 political party as the former incumbent *and who actually, as opposed to*
25 *constructively, resides in the district* to fill the vacancy, under the
26 chairmanship of the chairman of the board of county commissioners of the
27 county whose population residing within the district is the greatest. Each
28 board of county commissioners shall first meet separately and determine
29 the single candidate it will nominate to fill the vacancy. Then , the boards
30 shall meet jointly and the chairmen on behalf of the boards shall cast a
31 proportionate number of votes according to the percent, rounded to the
32 nearest whole percent, which the population of its county is of the
33 population of the entire district. Populations must be determined by the last
34 decennial census or special census conducted by the Bureau of the Census
35 of the United States Department of Commerce. The person who receives a
36 plurality of these votes is appointed to fill the vacancy. If no person
37 receives a plurality of the votes, the boards of county commissioners of the
38 respective counties shall each select a candidate, and the appointee ~~{shall}~~
39 *must* be chosen by drawing lots among the candidates so selected.

40 3. The board of county commissioners or the board of the county
41 which has the largest population within the district, as the case may be,
42 shall issue a certificate of appointment naming the appointee. The county
43 clerk or the clerk of the county which has the largest population within the

1 district, as the case may be, shall give the certificate to the appointee and
2 send a copy of the certificate to the secretary of state.

3 **Sec. 36.** NRS 281.050 is hereby amended to read as follows:

4 281.050 1. The ~~legal~~ residence of a person with reference to his
5 eligibility to office is ~~{that place where he has been actually, physically and~~
6 ~~corporeally present}~~ **his actual residence** within the state or county or
7 district, as the case may be, during all the period for which residence is
8 claimed by him. ~~{Should}~~ **If** any person ~~{absent}~~ **absents** himself from the
9 jurisdiction of his residence ~~{such absence shall}~~ **with the intention in good**
10 **faith to return without delay and continue his residence, the period of**
11 **absence must not** be considered in determining the question of ~~legal~~
12 residence.

13 2. If a candidate who has filed for elective office moves his residence
14 out of the state, county, district, ward, subdistrict or any other unit
15 prescribed by law for which he is a candidate and in which he is required
16 **actually, as opposed to constructively**, to reside, a vacancy is created
17 thereby and the appropriate action for filling ~~{such vacancy shall}~~ **the**
18 **vacancy must** be taken. **A person shall be deemed to have moved his**
19 **residence for the purposes of this section if:**

20 (a) **He has acted affirmatively to remove himself from one place; and**

21 (b) **He has an intention to remain in another place.**

22 3. The district court has jurisdiction to determine the question of
23 ~~legal~~ residence in an action for declaratory judgment.

24 4. **As used in this section, "actual residence" means the place where**
25 **a person is legally domiciled and maintains a permanent habitation. If**
26 **the person maintains more than one such habitation, the place he**
27 **declares to be his principal permanent habitation when filing a**
28 **declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be**
29 **deemed to be his actual residence.**

30 **Sec. 37.** NRS 283.040 is hereby amended to read as follows:

31 283.040 1. Every office becomes vacant upon the occurring of any
32 of the following events before the expiration of the term:

33 (a) The death or resignation of the incumbent.

34 (b) The removal of the incumbent from office.

35 (c) The confirmed insanity of the incumbent, found by a court of
36 competent jurisdiction.

37 (d) A conviction of the incumbent of any felony or offense involving a
38 violation of his official oath or bond or a violation of NRS 241.040,
39 293.1755 or 293C.200.

40 (e) A refusal or neglect of the person elected or appointed to take the
41 oath of office, as prescribed in NRS 282.010, or, when a bond is required
42 by law, his refusal or neglect to give the bond within the time prescribed
43 by

law.

1 (f) Except as otherwise provided in NRS 266.400, the ceasing of the
2 incumbent to be ~~fa~~ *an actual, as opposed to constructive*, resident of the
3 state, district, county, city, ward or other unit prescribed by law in which
4 the duties of his office are to be exercised, or from which he was elected or
5 appointed, or in which he was required to reside to be a candidate for
6 office or appointed to office.

7 (g) The neglect or refusal of the incumbent to discharge the duties of his
8 office for a period of 30 days, except when prevented by sickness or
9 absence from the state or county, as provided by law. In a county whose
10 population is less than 10,000, after an incumbent, other than a state
11 officer, has been prevented by sickness from discharging the duties of his
12 office for at least 6 months, the district attorney, either on his own volition
13 or at the request of another person, may petition the district court to declare
14 the office vacant. If the incumbent holds the office of district attorney, the
15 attorney general, either on his own volition or at the request of another
16 person, may petition the district court to declare the office vacant. The
17 district court shall hold a hearing to determine whether to declare the office
18 vacant and, in making its determination, shall consider evidence relating
19 to:

20 (1) The medical condition of the incumbent;

21 (2) The extent to which illness, disease or physical weakness has
22 rendered the incumbent unable to manage independently and perform the
23 duties of his office; and

24 (3) The extent to which the absence of the incumbent has had a
25 detrimental effect on the applicable governmental entity.

26 (h) The decision of a competent tribunal declaring the election or
27 appointment void or the office vacant.

28 2. Upon the happening of any of the events described in subsection 1,
29 if the incumbent fails or refuses to relinquish his office, the attorney
30 general shall, if the office is a state office or concerns more than one
31 county, or the district attorney shall, if the office is a county office or
32 concerns territory within one county, commence and prosecute, in a court
33 of competent jurisdiction, any proceedings for judgment and decree
34 declaring that office vacant.

35 **Sec. 38.** 1. The secretary of state shall establish and coordinate a
36 task force to review the election laws of this state to recommend how:

37 (a) The laws may be consolidated;

38 (b) Antiquated language may be replaced; and

39 (c) Duplicative language may be eliminated.

40 2. The task force established pursuant to subsection 1 must include:

41 (a) The secretary of state or his designee;

42 (b) One representative of a county whose population is 400,000 or
43 more;

1 (c) One representative of a county whose population is 100,000 or more
2 but less than 400,000; and

3 (d) Five representatives of five counties whose population is less than
4 100,000.

5 3. The task force established pursuant to subsection 1 shall submit a
6 report of its findings and recommendations, on or before September 1,
7 2000, to the director of the legislative counsel bureau for distribution to the
8 next regular session of the legislature. The task force shall provide a copy
9 of the report to the office of the attorney general for its review to ensure
10 compliance with federal law not less than 30 days before the task force
11 submits the report to the director of the legislative counsel bureau.

12 4. The members appointed to the task force serve without
13 compensation except that a local government that employs a member of
14 the task force shall pay the regular salary, per diem allowance and travel
15 expenses of that member for each day or portion of a day during which he
16 attends a meeting of the task force or is otherwise engaged in the business
17 of the task force.

18 **Sec. 39.** The provisions of subsection 1 of NRS 354.599 do not apply
19 to any additional expenses of a local government that are related to the
20 provisions of this act.

21 **Sec. 40.** The amendatory provisions of this act do not apply to
22 conduct that occurred before October 1, 1999.

~

**MINUTES OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS**

**Seventieth Session
March 31, 1999**

The Committee on Elections, Procedures, and Ethics was called to order at 6:33 p.m., on Wednesday, March 31, 1999. Chairwoman Chris Giunchigliani presided in Room 3138 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All Exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Chris Giunchigliani, Chairwoman
Mr. Bob Price, Vice Chairman
Mr. Bob Beers
Ms. Sheila Leslie
Ms. Kathy McClain
Ms. Kathy Von Tobel

COMMITTEE MEMBERS EXCUSED:

Mr. Joseph Dini
Mr. Richard Perkins
Ms. Sandra Tiffany

STAFF MEMBERS PRESENT:

Scott G. Wasserman, Chief Committee Counsel
Michael Stewart, Committee Policy Analyst
Jodie Van Wyhe, Committee Secretary

OTHERS PRESENT:

Pamela Crowell, Deputy Secretary for Elections, Office of the Secretary of State
James Dan, member, Libertarian Party of Nevada
Brian Doran, Deputy Director, Administrative Office of the Courts
Yolanda Garcia, Acting Chair for the Nevada State Democratic Party, Vice President of the Carson City Democratic Party

Assemblyman Price stated he was interested in the section that pertained to reports of disclosure for a person on more than one committee. He stated he had talked to the Ethics Commission, and the commission was aware of more than one report having to be filed and the possible changes due to A.B. 611.

Chairwoman Giunchigliani stated the bill had good factors, and some of the issues that had come up during testimony had been considered in the amendment. Assemblyman Beers asked if children in the household could be over age 18 before being considered as part of income reporting for the household. She asked Scott Wasserman about the legal aspects of children. He replied the amendment could be done for children 18 and over for the purpose of tracking revenue. Assemblyman Beers suggested that an amount of \$10,000 be considered for a minor child. Chairwoman Giunchigliani stated drafting of the language could be done.

Assemblywoman Von Tobel felt the amount of \$50 was acceptable and would eliminate some of the expenditure disclosures of gifts given to legislators, such as free plane tickets and meals. Assemblywoman Leslie was not in agreement as there had been no public testimony on the bill, and she felt the amount of \$200 was acceptable as stated in current law.

Assemblyman Beers requested to make a motion on A.B. 611 and suggested the change for the age to over 18 on page 3.

ASSEMBLYMAN BEERS MADE THE MOTION TO AMEND AND DO
PASS AS AMENDED A.B. 611.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

THE MOTION CARRIED. ASSEMBLYMAN DINI, ASSEMBLYMAN
PERKINS, AND ASSEMBLYWOMAN TIFFANY WERE NOT PRESENT
FOR THE VOTE.

Chairwoman Giunchigliani opened the hearing on A.B. 614 and handed the chair to Vice Chairman Price. She had sponsored A.B. 614.

**Assembly Bill 614: Makes various changes to provisions regarding elections.
(BDR 24-281)**

Chairwoman Giunchigliani distributed a handout of the proposed amendments (Exhibit F). The proposed amendments were:

- Section 9: Page 7, line 4, delete 90 insert 30
- Section 10: Page 9, line 4, delete 90 insert 30
Page 8, line 1, delete 90 insert 30
- Section 20: Delete
- Section 24: Delete references to 90 insert 30 days
- Section 25: Delete references to 90 insert 30 days

Chairwoman Giunchigliani explained many disabled voters were not able to vote. She gave as an example a person, who was not able to punch the card to vote. He took his wife and the registrar turned his back to her and she voted in place of her husband. She gave an example of people not being able to see the punchholes. She explained in the past there was no definite procedure, and the bill gave a procedure to the ballot process when someone was ill. In the past the person voting handed a statement to the voter registrar to enable the person's vote to count. The bill would create a form to be used for such a procedure and would leave no guesswork.

Assemblyman Beers wanted clarification about the procedures and application to early voting. Chairwoman Giunchigliani stated those procedures only applied to the official election day, not the rest of the time. The procedure would be applied on an emergency basis. If a voter was in the hospital or unable to attend the actual voting process, she had delivered the ballot herself.

Vice Chairman Price asked if there were further questions for Chairwoman Giunchigliani. None were asked. Vice Chairman Price called on Alan Glover, Carson City Clerk Recorder, Association of Election Officials, and Larry Lomax, Registrar of Voters, Clark County.

Mr. Glover stated there were a number of items in the bill that had been recommended by clerks. He suggested page 2, line 10, be changed from 2 years to 1 year. Mr. Lomax stated the tracking for disabled people for 2 years could be expensive as well as time consuming. Mr. Glover stated Carson City had the same problem with mass mailings. During the last election the elections department had to order extra ballots as the department ran out of ballots. He noted the price for several thousand ballots was less than just ordering a thousand ballots. The election ballot basis for ordering ballots was estimated on the previous 2 years election turnout plus 10 percent, and the elections department still ran out of ballots. He requested the Office of the Secretary of State to describe a standard form for voters with the ballots. When a specific date was noted by the secretary of state, then that office needed to place instructions on paper for early voters and absentee ballots. He suggested an amendment on line 40, subsection 2, about the class E felony, as that needed

to be a misdemeanor rather than a felony. He felt the purpose of the elections department was to obtain voter participation, not have it eliminated due to felonies.

Mr. Lomax distributed a handout (Exhibit G) explaining the fiscal impact A.B. 614 could have upon counties. He explained those impacts section by section. He noted if ballots were increased in print to 14 points, it would increase the ballots by 8 pages and the cost would increase by \$89,000. Chairwoman Giunchigliani stated she would remove line 12 of the bill.

Discussion began between the committee about the language included in A.B. 614. Information included for the record was a letter (Exhibit H) from John Mason, chairman, Nevada State Republican Party and Paul Henry, chairman, Nevada State Democratic Party about the concerns for the consideration of absentee ballots and mass mailings. Yolanda Garcia, acting chairwoman for the Nevada State Democratic Party, read the letter. They stated in the letter the parties were concerned about the severity of penalties associated with violating the provisions for mass mailings of absentee ballots. Both parties were concerned at what appeared to be an attempt to limit a form of voting which had been successful in past elections. They felt voter turnout would be decreased with the passage of A.B. 614.

James Dan, member, Libertarian Party, wanted to know the official law on residency pertaining to A.B. 614. Mr. Wasserman stated the law read the intent of where home actually was located, regardless of how many homes a person might own within the state.

Lucille Lusk, member, Nevada Concerned Citizens, stated her concern was that not everyone would know about the provisions for the felony or misdemeanor, and a person, according to the bill, could then break the law.

Chairwoman Giunchigliani stated A.B. 614 would be discussed during a work session with more of the language to be clarified. Vice Chairman Price asked if there were any further questions. Hearing none, the hearing closed on A.B. 614 with no action taken by the committee.

Chairwoman Giunchigliani opened the hearing on A.B. 615, and called on Pamela Crowell, Deputy Secretary of Elections, Office of the Secretary of State, and Larry Lomax, Registrar of Voters, Clark County.

Assembly Bill 615: Makes various changes to provisions relating to elections.
(BDR 24-629)

CHRIS GIUNCHIGLIANI
ASSEMBLYWOMAN
District No. 9



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COMMITTEES:
Chairwoman
Elections, Procedures, and Ethics

Member
Commerce and Labor
Ways and Means

State of Nevada
Assembly
Seventieth Session

LEGISLATIVE BUILDING:
401 S. Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-8549
Fax No.: (775) 684-8887

March 27, 1999

From: Chris Giunchigliani

To: Mr. Beers
Speaker Dini
Ms. Leslie
Mrs. McClain
Mr. Perkins
Mr. Price
Ms. Tiffany
Ms. Von Tobel

Suggested Amendments to AB614

- Sec. 9 page 7 line 4, delete [90] insert 30
- Sec. 10 page 8 line 1, delete [90] insert 30
page 9 line 4, delete [90] insert 30
- Sec. 20 delete
- Sec. 24 delete references to [90] insert 30 days
- Sec. 25 delete references to [90] insert 30 days

CLARK COUNTY, NEVADA
Harvard L. Lomax, Registrar of Voters

AB 614

Makes various changes to provisions governing elections

Committee on Elections, Procedures, and Ethics
3/31/99

**Fiscal Impact of
AB614 (BDR 24-281)**

Section 1 and 2 (*mail ballot voter with physical disability, unable to mark or sign ballot*)

This will require 120 hours of programming to add tracking of the written notice for a two year period. If the written notice was based on an annual renewal then there would be no impact as our current system accommodates an annual renewal.

Section 4, 5 and 6 (*petition adding new references to laws*)

No fiscal impact

Section 7 through 14 (*filling of a vacancy and residency requirements of a candidate*)

No fiscal impact

Section 15 (*increasing font size of mail ballot*)

Increasing the font size on mail ballot will only impact our printing and postage, this will cause a addition 8 pages per sample ballot increase in cost:

Cost per page:	\$.096
8 pages	\$.76
45,000 Ballots	\$34,200 (per election)

Postage:	\$.15 per ballot
45,000 ballots	\$6,750

Section 16 (*emergency voting, and allowing a designated person to mark and sign ballot*)

No fiscal impact

Section 17 (*returning a mail ballot by someone other than the registered voter*)

No fiscal impact

Section 18 and 19 (*using a numbered seal*)

No fiscal impact

Clark County Election Department
P:\ADMIN\ab614.wpd

EXHIBIT G

Submitted to the Elections, Procedures, and Ethics Committee
on 3/31/99 by Larry

Section 20 (Change to application)

Depending on the effective date, the requirement to use a new application form would cost us \$20,000.00 if we were not able to use existing stock.

The change to our system to flag the voter as disabled is included in the 120 hours identified in Section 1 and 2. If the requirement to allow the written notice to be valid for two years is reduced to one year, then the programming changes are reduced to 40 hours.

Our current computer software can accept an identification number with a maximum of 12 characters. Although our preference would be to require a social security number as the identification number, the proposed change would be manageable with our system. A conversion program would need to be created to convert existing identification numbers which will require approximately 60 hours of program coding and testing.



March 31, 1999

Assemblywoman Chris Giunchigliani
Committee on Elections, Procedures, & Ethics
401 S Carson Street
Carson City, NV 89710

Dear Madam Chairwoman,

On behalf of the Nevada State Democratic and the Nevada State Republican Parties we would like to express our deep concerns about the provisions of AB614 dealing with mass mailings of absentee ballots.

Not only are we concerned about the severity of the penalties associated with violating these rules, we are concerned at what appears to be an attempt to limit a form of voting which was extremely successful in the last round of elections across Nevada.

The right to vote is the cornerstone on which our country rests. From the federal level to the local school board, our nation is strengthened through participatory democracy.

Unfortunately, over the course of the last few decades, we have seen a significant decline in voter registration and voter turnout. This apathy weakens our democracy.

Government should be doing more not less to encourage voter turnout. Mass mailings of absentee ballots was an extremely effective tool to increase voter participation and turnout in the last election here in Nevada. It allowed people to vote who hadn't voted in years. It is difficult to comprehend why the State Assembly is now considering limiting such a successful process.

We urge you to reconsider this provision of AB614. It sends a deeply disturbing message that Nevada favors process over participation in elections. If our government is to truly be a government for the people and by the people, let us not let the people's voice be silenced and their right to vote be hampered by overburdensome regulations.

Sincerely,

Paul Henry
Chair
Nevada State Democratic Party

John Mason
Chair
Nevada State Republican Party

**MINUTES OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS**

**Seventieth Session
April 7, 1999**

The Committee on Elections, Procedures, and Ethics was called to order at 7:18 p.m., on Wednesday, April 7, 1999. Chairwoman Chris Giunchigliani presided in Room 3138 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All Exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Chris Giunchigliani, Chairwoman
Mr. Bob Price, Vice Chairman
Mr. Bob Beers
Mr. Joseph Dini, Jr.
Ms. Sheila Leslie
Ms. Kathy McClain
Mr. Richard Perkins
Ms. Sandra Tiffany
Ms. Kathy Von Tobel

GUEST LEGISLATORS PRESENT:

Assemblyman Lynn Hettrick, District 39

STAFF MEMBERS PRESENT:

Scott G. Wasserman, Chief Committee Counsel
Michael Stewart, Committee Policy Analyst
Jodie Van Wyhe, Committee Secretary

OTHERS PRESENT:

Bill Bradley, member, Trial Lawyers' Association
Anne Cathcart, Special Assistant Attorney General
Chris Ferrari, Legislative Liaison, Office of the Governor
Alan Glover, Carson City Clerk Recorder; Association of Election Officials
Michelle Gamble, member, Nevada Association of Counties

THE MOTION CARRIED UNANIMOUSLY.

Assemblyman Beers suggested making a formal request for a letter to be sent from the legal department to all committee chairs making it clear the committee could use videoconferencing. Chairwoman Giunchigliani stated she would entertain a motion on A.C.R. 20 for a letter of request.

ASSEMBLYMAN BEERS MADE A FORMAL REQUEST WITHOUT OBJECTION FROM THE COMMITTEE ON ELECTIONS, PROCEDURES AND ETHICS A LETTER WAS TO BE SENT FROM THE LEGISLATIVE COUNSEL BUREAU TO ALL COMMITTEE CHAIRMEN CLARIFYING THEY COULD HOLD VIDEOCONFERENCING WITHIN THE STATE.

Chairwoman Giunchigliani stated Mr. Wasserman would have the letter written. She opened the work session on A.J.R. 12 and called on Mr. Stewart for explanation and discussion. He referred to Exhibit G.

Assembly Joint Resolution 12: Urges Federal Government to invest all surplus money in Federal Insurance Contributions Act to benefit Social Security system. (BDR R-1212)

Mr. Stewart stated there were no amendments for A.J.R. 12. Chairwoman Giunchigliani asked for discussion and stated she would entertain a motion.

ASSEMBLYMAN PERKINS MOVED TO DO PASS A.J.R. 12.

ASSEMBLYMAN PRICE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Giunchigliani opened the work session on A.B. 613, A.B. 614, A.B. 615, A.B. 671 and A.B. 479 and referred to Mr. Stewart for clarification and discussion about the proposed amendments. He referred to Exhibit G.

Assembly Bill 613: Makes various changes relating to elections. (BDR 24-575)

Assembly Bill 614: Makes various changes to provisions regarding elections. (BDR 24-281)

**Assembly Bill 615: Makes various changes to provisions relating to elections.
(BDR 24-629)**

Assembly Bill 671: Makes various changes relating to elections. (BDR 24-287)

**Assembly Bill 479: Revises various provisions concerning elections.
(BDR 24-1355)**

Chairwoman Giunchigliani stated all of the bills listed were being heard together as some of the language would be lifted from one bill and placed into another bill, some language would be deleted from the bill, and then some of the bills would be indefinitely postponed. She stated the motions would be held until all amendments had been heard.

Discussion began among committee members, Mr. Glover and Mr. Lomax talked about how each district would be changed, how each district would be affected by voter turnout, and how each district would be counted as far as absentee ballots and early voting.

Mr. Lomax distributed a handout (Exhibit H) with the estimated number of people who would be voting in 2000.

Mr. Stewart stated there was duplication within the bills, A.B. 613, A.B. 615, and A.B.671 and referred to handout Exhibit G. The language in A.B. 613 was deleted and placed into A.B. 614 and A.B. 615.

Mr. Stewart stated the proposed amendments for A.B. 614 were:

1. To lift the following sections from A.B. 613 and to be placed into A.B. 614:
 - a. Section 6: Permitted a voter to vote in old precinct if he moved from one congressional district to another;
 - b. Section 7: Changed the filing dates for written challenges;
and
 - c. Section 18: Stated if a public officer was the subject of a recall petition and he resigned before the call for the election was issued, the recall proceedings shall be halted and a vacancy occurred.

2. To lift the following amended section from A.B. 671 and place into A.B. 614:

a. Section 7: Stated all of the unused ballots shall be preserved in the vaults of county clerks for at least the period during which an election may be adjudicated.

Amendment to the section:

Added language stipulating all unused ballots may be destroyed after the preservation period.

Clerks noted existing law required stored items to be destroyed after a specific holding period. The clerks had requested to have permissive language placed within the bill so they could destroy the unused ballots at a time when they were not having to deal with other significant election matters.

Section 1: No changes.

Section 2: Two amendments:

1. Deleted lines 9 through 11 and insert language similar to that found in subsection 2 of Nevada Revised Statutes 293.313 ("for all elections held during the year he requests an absent ballot").

The idea behind the proposed amendment was the clerks would be able to supply the voter not only absentee ballots for the primary and general but for every election that may come up during the year, including recall or other special election.

2. Deleted "second" on page 2, line 13

Section 3: Completely remove the penalty provisions, page 2, lines 40 through 41.

The amendment answered many of the concerns of the people who testified on the bill. If someone were to really push the issue, the person could pursue a civil penalty under the Nevada Revised Statutes 293.840. The clerks understood the civil penalty available. If there was abuse with the mailing of absentee ballot requests, the Nevada Revised Statutes 293.840 could be used.

Sections 4 through 6: No changes.

Section 7: Three amendments:

1. Page 5, line 26, deleted "fourth" and replaced with "second."
2. Page 5, line 34, deleted "first Tuesday in September" and replaced with "fourth Tuesday in August"

Clerks wanted time to deal with vacancies that occurred in the nonpartisan nominations.

Current law called for a petition filing deadline on the third Tuesday in September. The Overseas Voting Act required clerks to have mailed the ballots out approximately 4 weeks prior to the election, thereby leaving 1 week for the clerks to change ballots of a successful petition filed on the last day. The movement of the date gave more time on the front end of the nominating petition process.

3. Clerks felt the existing language in subsection 5 of Nevada Revised Statutes 293.165 was outdated.

The reference to "all designation," as to the clerks and the secretary of state, meant the filing of the declaration of candidacy and the payment of the filing fee. Clerks and the secretary of state felt the language was easier to understand with the A.B. 615 amendment to the Nevada Revised Statute 293.165.

Sections 8 and 9: No changes.

Section 10: Changed the residency requirement on page 8, line 1, and page 9, line 4, back to 30 days.

Sections 11 through 19: No changes

Section 20: Deleted section 20 from the bill.

Section 21: No changes.

Section 22: Two amendments:

1. Deleted lines 34 through 36 on page 17, and inserted language similar to that found in subsection 2 of Nevada Revised Statutes 293.313 ("for all elections held during the year he requests an absent ballot").
2. Deleted "second" on page 17, line 38.

Section 23: Removed penalty provisions on page 18 lines 22 and 23.

Section 24: Changed the residency requirement on page 19, line 5, back to 30 days.

Section 25: Changed the residency requirement on page 20, line 6, back to 30 days.

Sections 26 and 27: No changes

Section 28: Deleted the requirement that absentee ballots must be printed in at least 14-point bold type.

Sections 29 through 37: No changes.

Section 38: Deleted the entire section from the bill.

Mr. Stewart suggested an additional proposed amendment to A.B. 614 taken from section 12 of A.B. 479, subsection 2 of Nevada Revised Statutes 293.165, and subsection 3 of Nevada Revised Statutes 293.404.

Section 12 had the proposed language amendment of "5" votes instead of 10. In subsection 2 the language dealt with the nonpartisan nomination after the close of filing and before the first Tuesday in September. It must be filled by filing a nominating petition that was signed by at least 1 percent of the persons who registered for the office in question in the state, county, district or municipality at the last preceding general election. The petition must be filed no earlier than the first Tuesday in June and not later than the second Tuesday in September. A candidate nominated pursuant to the provisions of the subsection could be elected only at a general election and his name would not appear on the ballot for a primary election.

Continuing Mr. Stewart explained subsection 3 pertained to a recount when demanded in a county or city by using a mechanical voting system. The person who demanded the recount would select ballots for the office or ballot question affected from 5 percent of the precincts. In no case would precincts consist of fewer than three precincts. The recount board would examine selected ballots, including duplicate or rejected ballots. They would determine whether the ballots had been done in accordance with statute and would count the ballots by hand.

Mr. Stewart stated the proposed amendments to A.B. 615 were:

1. The proposed conceptual amendments:
 - a. Lift the following sections from A.B. 613 and place into A.B. 615: sections 5, 8, 9, 10, 11, 12, 14, 15, 20, 21, 22, 23, and 24.
 - b. Nothing was moved from A.B. 671 into A.B. 615.

Sections 1 through 3: No changes.

Sections 4 through 6: Deleted from the bill as duplicated in A.B. 614.

Sections 7 and 8: No changes.

Sections 9: Deleted from the bill as duplicated in A.B. 614.

Sections 10 through 20: No changes.

Sections 21 and 22: Deleted from the bill as duplicated in A.B. 614.

Section 23 through 27: No changes.

Section 28: Deleted from the bill.

Sections 29 through 38: No changes.

Chairwoman Giunchigliani asked if there were questions or comments for Mr. Stewart and stated she would entertain a motion on all of the bills.

ASSEMBLYMAN DINI MOVED TO INDEFINITELY POSTPONE
A.B. 613.

ASSEMBLYMAN PERKINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLYWOMAN VON TOBEL MOVED TO AMEND A.B. 614
AND DO PASS AS AMENDED.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLYMAN DINI MOVED TO AMEND A.B. 615 AND DO
PASS AS AMENDED.

ASSEMBLYMAN PERKINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLYWOMAN MCCLAIN MOVED TO INDEFINITELY
POSTPONE A.B. 671.

ASSEMBLYMAN PERKINS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ASSEMBLYMAN PRICE MOVED TO INDEFINITELY POSTPONE
A.B. 479.

ASSEMBLYMAN DINI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Giunchigliani stated the committee would be recessed at the call of the Chair for meetings until April 19, 1999. She noted for the record the committee would be recessed rather than adjourned. She asked if there were

WORK SESSION

Assembly Committee on Elections, Procedures, and Ethics

April 7, 1999

Assembly Bill 170

Provides for supplemental allowance to certain legislators who maintain temporary quarters in Carson City during legislative session. (BDR 17-60)

Sponsored by: Assemblyman Nolan

Proposed Amendments:

Page 1, line 6: Delete **75** and replace with **50**
(proposed by Assemblyman Nolan and several other legislators and individuals at February 22, 1999, hearing)

Assembly Bill 631

Makes various changes regarding administration of State Legislature and Legislative Counsel Bureau. (BDR 17-820)

Sponsored by: Assembly Committee on Elections, Procedures, and Ethics on behalf of the Legislative Commission

Proposed Amendments:

SEE ATTACHMENT A FOR DETAILS REGARDING THE FOLLOWING AMENDMENTS:

- 1) Section 6, page 4, line 15;
- 2) Section 7, page 4, after line 40;
- 3) NRS 218.130 and NRS 218.160 (creates new sections 9.3 and 9.7 in the bill);
- 4) Subsection 4 of NRS 218.245 (creates new section 16.5 in the bill); and
- 5) Require that bill or resolution not be acted upon by a Senate or Assembly committee until the fiscal note is prepared. (creates new sections 17.2, 17.5, and 17.8 to the bill).

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THE RESEARCH LIBRARY~~

1

EXHIBIT G

46

Submitted to the Elections, Procedures, and Ethics Committee
on 4/7/99 by Michael
25 pages Stewart

Assembly Concurrent Resolution No. 20

Amends Joint Standing Rules of Senate and Assembly for 70th Legislative Session to authorize holding of committee meetings through the use of audio or video equipment. (BDR R-62)

Sponsored by: Assemblyman Nolan

Proposed Amendments:

No amendments offered.

Assembly Joint Resolution No. 12

Urges Federal Government to invest all surplus money in Federal Insurance Contributions Act to benefit Social Security System. (BDR R-1212)

Sponsored by: Assemblyman Beers and Senator Amodei

Proposed Amendments:

No amendments offered.

Assembly Bills 613, 614, 615, and 671

A.B. 613 Makes various changes relating to elections. (BDR 24-575)
Sponsored by: Assembly Committee on Elections, Procedures, and Ethics on behalf of Clark County

(SEE ATTACHMENT B)

A.B. 614 Makes various changes to provisions relating to elections. (BDR 24-281)
Sponsored by: Assembly Committee on Elections, Procedures, and Ethics [County Clerk's Bill]

(SEE ATTACHMENT B)

A.B. 615 Makes various changes to provisions relating to elections. (BDR 24-629)
Sponsored by: Assembly Committee on Elections, Procedures, and Ethics on behalf of the Secretary of State

(SEE ATTACHMENT B)

A.B. 671 Makes various changes relating to elections. (BDR 24-287)
Sponsored by: Assembly Committee on Elections, Procedures, and Ethics on behalf of the County Fiscal Officers Association

(SEE ATTACHMENT B)

ASSEMBLY BILL NO. 631

PROPOSED AMENDMENT

1. Clarify that only the listed constitutional officers in subsection 2 of section 6 are entitled to request bill drafts:

Suggested language: Amend sec. 6, page 4, line 15, after "*The*" by inserting "*following*".

2. Specify that the Speaker of the Assembly chairs the special committee to receive the Governor's State-of-the-State address.

Suggested language: Amend sec. 7, page 4, after line 40, by inserting:

"3. Must be chaired by the speaker designate of the assembly."

3. Amend NRS 218.130 and NRS 218.160 to change statutory references from standing committees "on legislative functions" to references to standing committees "which has jurisdiction of issues relating to legislative functions."

Suggested language: Amend the bill as a whole by adding new sections, designated sections 9.3 and 9.7, following sec. 9, to read as follows:

"Sec. 9.3. NRS 218.130 is hereby amended to read as follows:

218.130 The number of officers and employees of the senate shall be determined by each session of the senate as recommended by the senate committee [en] *which has jurisdiction of issues relating to* legislative functions.

Sec. 9.7. NRS 218.160 is hereby amended to read as follows:

218.160 The number of officers and employees of the assembly shall be determined by each session of the assembly as recommended by the assembly committee [en] *which has jurisdiction of issues relating to* legislative functions."

4. Amend subsection 4 of NRS 218.245 to clarify that the authority of Legislators and the Governor to request bill drafts during session is subject to limitations prescribed by the Legislature in the Joint Rules.

Suggested language: Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 218.245 is hereby amended to read as follows:

218.245 1. Except as otherwise provided in subsections 2 and 5, the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the executive branch of the state government or for a county, school district or city before a regular session of the legislature unless the request is

approved by the governor or a designated member of his staff, or the governing body of the county, school district or city, and transmitted to the legislative counsel before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the legislative counsel by the board of regents of the University of Nevada, lieutenant governor, secretary of state, attorney general, state controller or state treasurer without the approval of the governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the legislative counsel and the legal division of the legislative counsel bureau shall give full priority to the preparation of proposed legislation requested by members of the legislature.

4. The legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the legislature except upon the request of a member of the legislature or the personal written request of the governor ~~{}~~, *within limitations established by the legislature by joint rule.*

5. An agency or officer of the executive branch of the state government or a county, school district or city, shall not request a legislator to have legislation drafted on its behalf. The legislative commission, when the legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1.

5. Require that a bill or resolution not be acted upon by a Senate or Assembly committee until the fiscal note is prepared. Current law prohibits hearing a bill before the fiscal note is prepared.

Suggested language: Amend the bill as a whole by adding new sections, designated sections 17.2, 17.5 and 17.8, following sec. 17, to read as follows:

“Sec. 17.2. NRS 218.272 is hereby amended to read as follows:

218.272 1. ~~{The}~~ *Before any vote is taken on the bill or joint resolution by a committee of the assembly or senate, the* fiscal analysis division shall obtain a fiscal note on:

(a) Any bill which makes an appropriation or increases any existing appropriation;

(b) Any bill or joint resolution which creates or increases any fiscal liability or decreases any revenue which appears to be in excess of \$2,000; and

(c) Any bill or joint resolution which increases or newly provides for a term of imprisonment in the state prison or makes release on parole or probation from the state prison less likely. ~~{ before the bill or joint resolution is considered at a public hearing of a committee of the assembly or the senate or before any vote is taken on it by the committee. }~~

2. The fiscal note must contain a reliable estimate of the anticipated change in appropriation authority, fiscal liability or state revenue under the bill or joint resolution, including, to the extent possible, a projection of such changes in future biennia.

~~{2.}~~ 3. Except as otherwise provided in NRS 218.272 to 218.2758, inclusive, or in the joint rules of the senate and assembly, the estimates must be made by the agency receiving the appropriation or collecting the revenue.

~~{3-}~~ 4. The fiscal note is not required on any bill or joint resolution relating exclusively to the proposed executive budget.

Sec. 17.5. NRS 218.2723 is hereby amended to read as follows:

218.2723 Before any *vote is taken on a* bill or joint resolution which reduces the revenues or increases the expenditures of a local government or any bill which increases or newly provides for a term of imprisonment in a county or city jail or detention facility, or makes release on probation therefrom less likely, ~~[is considered at a public hearing of a committee of the assembly or the senate or before a vote is taken thereon by the committee,]~~ the fiscal analysis division shall prepare a fiscal note after consultation with the appropriate local governments or their representatives.

Sec. 17.8. NRS 218.2725 is hereby amended to read as follows:

218.2725 1. Before any *vote is taken on a* bill or joint resolution which affects the premiums charged to employers as provided in chapters 616A, 616B, 616C, 616D or 617 of NRS or the state insurance fund established by chapters 616A to 616D, inclusive, of NRS, ~~[is considered at a public hearing of a committee of the assembly or the senate or before a vote is taken thereon by the committee,]~~ the fiscal analysis division shall obtain a fiscal note in the manner and form, to the extent applicable, provided for in NRS 218.272 to 218.2758, inclusive, showing the financial effect on the premiums charged employers by the state industrial insurance system or on the state insurance fund.

2. The state industrial insurance system shall provide such information upon request of the fiscal analysis division.

3. The department of administration is not required to review such a fiscal note, but upon request of any legislator, the fiscal analysis division shall review the note and submit its findings to the requester.”.

**Comparison Chart and Amendment Proposals for
Assembly Bills 613, 614, 615, and 671**
Assembly Committee on Elections, Procedures, and Ethics
April 7, 1999

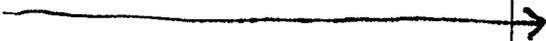
NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
<p align="center">New Language for Chapter 293</p>	<p><i>Section 1:</i> New language stipulating that a person deemed to be a registered voter may, on or after the date on which he is deemed to be registered, sign any petition pursuant to a provision in Title 24 of NRS. [Same as A.B. 615, sec. 3]</p> <p align="center">DELETE: SEE A.B. 615</p>	<p><i>Section 2:</i> Provides new provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places on election day or during early voting. Proposed Amendment: Delete lines 9-11 and insert "to the registered voter for all elections held during the year he requests an absent ballot." Delete "second" on page 2, line 13. [proposed by various County Clerks]</p> <p><i>Section 3:</i> Stipulates that a person who conducts a mailing of absent ballot request forms to more than 500 registered voters during the 6 months prior to an election must notify the clerks and not mail the forms later than 21 days before the election. Proposed Amendment: 1) Remove penalty provision by deleting lines 40 and 41 on page 2. [proposed by various County Clerks and Lucille Lusk, NV Concerned Citizens, State Democratic and Republican parties]; 2) Add language declaring that for the purposes of this section, "person" has the meaning ascribed to it in NRS 294A.009. [Clerks]</p>	<p><i>Section 2:</i> Language stating that a county may conduct a special election by mail and that the Secretary of State shall adopt regulations to carry out the provisions regarding mail-in special elections.</p> <p><i>Section 3:</i> New language stipulating that a person deemed to be a registered voter may, on or after the date on which he is deemed to be registered, sign any petition pursuant to a provision in Title 24 of NRS. [Same as A.B. 613, sec. 1]</p>	
<p align="center">293.1276</p>		<p><i>Section 4:</i> Adds 293.165 and 306.110 to list of petitions on which the total signatures must be counted by the county clerk within 4 days after submission, excluding Saturdays, Sundays, and holidays. [293.165 addition same as A.B. 615; 306.110 addition same as A.B. 671]</p>	<p><i>Section 4:</i> Adds 293.165 to list of petitions on which the total signatures must be counted by the county clerk within 4 days after submission, excluding Saturdays, Sundays, and holidays. [293.165 addition same as A.B. 614]</p> <p align="center">DELETE: SEE A.B. 614</p>	<p><i>Section 1:</i> Adds 306.110 to list of petitions on which the total signatures must be counted by the county clerk within 4 days after submission, excluding Saturdays, Sundays, and holidays. [306.110 addition same as A.B. 614]</p> <p align="center">DELETE: SEE A.B. 614</p>

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.1277		<p><i>Section 5:</i> Adds those who filed petitions pursuant to 293.165 and 306.110 to the list of people who can witness signature verification. Also adds petitions filed pursuant to 293.165 and 306.110 to the list of those petitions not required to be filed with the Secretary of State if the petitions pertain to an office within one county. [293.165 addition same as A.B. 615; 306.110 addition same as A.B. 671]</p>	<p><i>Section 5:</i> Adds those who filed petitions pursuant to 293.165 to the list of people who can witness signature verification. Also adds petitions filed pursuant to 293.165 to the list of those petitions not required to be filed with the Secretary of State if the petitions pertain to an office within one county. [293.165 addition same as A.B. 614]</p> <p style="text-align: center;">DELETE: SEE A.B. 614</p>	<p><i>Section 2:</i> Adds those who filed petitions pursuant to 306.110 to the list of people who can witness signature verification. Also adds petitions filed pursuant to 306.110 to the list of those petitions not required to be filed with the Secretary of State if the petitions pertain to an office within one county. [306.110 addition same as A.B. 614]</p> <p style="text-align: center;">DELETE: SEE A.B. 614</p>
293.1279		<p><i>Section 6:</i> Adds petitions filed pursuant to 293.165 and 306.110 to the list of petitions not required to be filed with the Secretary of State if the petitions pertain to an office within one county. [293.165 addition same as A.B. 615; 306.110 addition same as A.B. 671]</p>	<p><i>Section 6:</i> Adds petitions filed pursuant to 293.165 to the list of petitions not required to be filed with the Secretary of State if the petitions pertain to an office within one county. [293.165 addition same as A.B. 614]</p> <p style="text-align: center;">DELETE: SEE A.B. 614</p>	<p><i>Section 3:</i> Adds petitions filed pursuant to 306.110 to the list of petitions not required to be filed with the Secretary of State if the petitions pertain to an office within one county. [306.110 addition same as A.B. 614]</p> <p style="text-align: center;">DELETE: SEE A.B. 614</p>
293.12793			<p><i>Section 7:</i> Makes technical correction by changing "votes" to "signatures" on page 4, line 26, and also adds language requiring the Secretary of State to notify the public officer who is the subject of a recall if the filer of the petition appeals the determination of insufficiency.</p>	
293.128			<p><i>Section 8:</i> Makes technical corrections on page 4, line 43, and page 5, lines 4 and 5. Changes from 65 to 25 days before the last Friday in April the date on which petitions for major party ballot access must be submitted for signature verification. (Establishes conformity with other signature verification timetables.)</p>	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.165		<p><i>Section 7:</i> (2) Changes the period for filling vacancy to after the close of filing and on or before the 4th Tuesday in August. [Different from A.B. 615]</p> <p>(2) Clarifies that the number of signatures obtained must be based on 1% of those who voted in the last election. Clarifies additional details regarding who may sign the petition. [Similar to A.B. 615]</p> <p>(2) Contains petition information requirements similar to that required for all petitions. [Similar to A.B. 615]</p> <p>Proposed Amendments:</p> <p>1) Page 5, line 26- Delete "fourth" and replace with "second"</p> <p>2) Page 5, line 34- Delete "first Tuesday in September" and replace with "fourth Tuesday in August"</p> <p>3) Delete page 6, lines 10 - 13 and replace with language stipulating that the declaration of candidacy or acceptance of candidacy and statutory filing fee must be filed on or before the date on which the nominating petition is filed. [all amendments proposed by County Clerks]</p>	<p><i>Section 9:</i> (1) Inserts "a partisan" to clarify that major or minor party candidates are only to fill nomination vacancies in partisan offices. Clarifies that the number of signatures obtained on nominating petitions must be based on 1% of those who "actually" voted in the last election. [Clarification of 1% who "actually" voted is similar to A.B. 614]</p> <p>DELETE: SEE A.B. 614</p> <p>(2) Contains petition information requirements similar to that required for all petitions. [Similar to A.B. 614]</p> <p>Proposed Amendment:</p> <p>Delete page 5, lines 41-43, and page 6, lines 1-2 and lines 6-12 (beginning at "not later" and ending after "that county"). [proposed by Secretary of State; format already referenced in NRS and NAC]</p> <p>DELETE: SEE A.B. 614</p> <p>(5) Rewords subsection 5 of 293.165 to clarify that candidate declaration and filing fee must be filed by 5 p.m. on the 2nd Tuesday in September. DELETE: SEE A.B. 614</p>	
293.166		<p><i>Section 8:</i> Clarifies that person to fill vacancy in a party nomination for a multi-county legislative office must "actually, as opposed to constructively," reside in the district.</p>		
293.171			<p><i>Section 10:</i> Clarifies that the list of minor political party candidates for nomination are for partisan offices.</p>	
293.1715			<p><i>Section 11:</i> Clarifies that minor political party candidates are candidates for partisan office.</p>	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.172	<p><i>Section 2:</i> Makes technical correction to establish conformity of date by which minor party ballot access petition must be filed with the county clerk. [Same as A.B. 615] DELETE: SEE A.B. 615</p>		<p><i>Section 12:</i> Makes technical correction to establish conformity of date by which minor party ballot access petition must be filed with the county clerk. [Same as A.B. 613]</p>	
293.1725			<p><i>Section 13:</i> Clarifies that minor political party candidates are candidates for partisan office. Makes "housekeeping" amendment.</p>	
293.175			<p><i>Section 14:</i> Clarifies that minor and major political party candidates are candidates for partisan office.</p>	
293.1755		<p><i>Section 9:</i> States that a candidate for any office must "actually, as opposed to constructively" reside in the state, county, or district, etc. to which the office pertains for a period of 90 days prior to the election. Proposed Amendment: Change the residency requirement back to 30 days as the committee already considered this issue in A.B. 242 (page 7, line 4). [proposed by Ms. Giunchigliani]</p>		
293.176	<p><i>Section 3:</i> Clarifies that September 1 deadline for last day to change party affiliation and still run for office applies only to partisan offices. [Same as A.B. 615 and A.B. 671] DELETE: SEE A.B. 615</p>		<p><i>Section 15:</i> Clarifies that the September 1 deadline to change party affiliation and still run for office applies only to partisan offices. Adds additional clarifying language regarding this time line. [Partisan office reference same as A.B. 613 and A.B. 671; additional clarifying language is new]</p>	<p><i>Section 4:</i> Clarifies that the September 1 deadline to change party affiliation and still run for office applies only to partisan offices. [Same as A.B. 613 and A.B. 615] DELETE: SEE A.B. 615</p>

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.177		<p><i>Section 10:</i> Adds language to declaration of candidacy to affirm that the candidate for partisan and nonpartisan office has “actually, as opposed to constructively,” resided at his physical address named in the declaration. Increases the residency requirement on the declaration from 30 to 90 days.</p> <p>Proposed Amendment: Change residency requirement back to 30 days. Committee already considered this issue in A.B. 242 (page 8, line 1, and page 9, line 4). [proposed by Ms. Giunchigliani]</p>		
293.181		<p><i>Section 11:</i> Adds “actually, as opposed to constructively” language to the declaration of residency for legislative candidates and decreases the length of residency required of legislative candidates from 12 months prior to the election to November 1 of the preceding year.</p>		
293.187			<p><i>Section 16:</i> Changes the date on which the Secretary of State must forward to the County Clerks a certified list of candidates. This amendment reflects the change in the candidate filing deadline (S.B. 215 of 1997 Session) and allows the list to accommodate any withdrawn candidates.</p>	
293.197			<p><i>Section 17:</i> Accommodates change in family court seats of the district court by eliminating the sequential listing of such seats/offices on the ballot and requiring a separate designation on the ballot for each department. [Deletion of sequential listing same as A.B. 671; Separate designation not addressed in 671]</p>	<p><i>Section 5:</i> Accommodates change in family court seats of the district court by eliminating the sequential listing of such seats/offices on the ballot. [Deletion of sequential listing same as A.B. 615]</p> <p>DELETE: SEE A.B. 615</p>

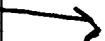
NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.200	<p><i>Section 4:</i> Makes technical correction to establish conformity of date by which independent candidate petition must be filed with the county clerk. [25 day reference same as A.B. 615] DELETE: SEE A.B. 614 & A.B. 615</p>	<p><i>Section 12:</i> Rewords 293.200 to clarify that the total number of signatures required on an independent candidate petition equal 1 percent of the total number of votes cast in the statewide, county, or district office, as the case may be.</p>	<p><i>Section 18:</i> Makes various technical wording changes ("appropriate") and stipulates the time frame during which a petition may be circulated and then filed. Deletes language requiring that the circulator be a registered voter. [25 day reference same as A.B. 613]</p>	
293.202	<p><i>Section 5:</i> Excludes Saturdays, Sundays, and holidays from the 7 day time frame after the last day of filing during which a candidate may withdraw his or her candidacy. MOVE SECTION 5 TO A.B. 615</p>			
293.208				<p><i>Section 6:</i> Stipulates that limitations on times during which precincts may be altered do not apply to the modification of city wards or the modification of county commission districts under certain circumstances. Proposed Amendment: Delete this section from bill. [proposed by Alan Glover] DELETE FROM BILL</p>
293.272		<p><i>Section 13:</i> Makes "housekeeping" reference back to Section 2 of this measure regarding disabled voters.</p>		
293.296		<p><i>Section 14:</i> Makes "housekeeping" changes to accommodate disabled voter provisions in Section 2 and requires that accommodations be made for disabled voters.</p>		

11

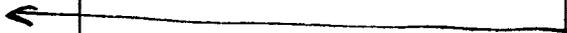
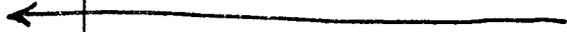
NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.309		<p><i>Section 15:</i> Instructs county clerk to prepare an absent ballot in 14-point bold type and make reasonable accommodations for the use of absent ballots by the elderly and disabled.</p> <p>Proposed Amendment: Delete on page 13, line 12: <i>"The absent ballot must be printed in at least 14-point bold type."</i> [proposed by Ms. Giunchigliani and Larry Lomax, Clark County Registrar]</p>		
293.316		<p><i>Section 16:</i> Clarifies that a request for an absent ballot can be made by a person who is confined in a hospital, nursing home, or dwelling on election day. States that the written request may designate a person to assist the voter (requester) in completing his or her ballot if the voter is unable to do so. Provides instructions for marking and submitting absent ballot.</p>		
293.330		<p><i>Section 17:</i> Permits a family member to return an absent ballot on behalf of another family member, provided that he or she sign a form affirming that he or she is a family member.</p>		
293.359		<p><i>Section 18:</i> Deletes references made to "locks" on the ballot box and inserts language pertaining to "numbered seals" for the purpose of securing and transporting ballots.</p>		
293.3602		<p><i>Section 19:</i> Deletes references made to "locks" on the ballot box and inserts language pertaining to "seals."</p>		
293.3606			<p><i>Section 19:</i> Stipulates that returns for early voting "must" be reported separately from the regular votes of the precinct.</p>	
293.387			<p><i>Section 20:</i> Makes "housekeeping" changes to language to clarify when the county clerk must forward a copy of the certified abstract and the mechanized report of the abstract.</p>	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.391				<p><i>Section 7:</i> States that all unused ballots shall be preserved in the vaults of the county clerk for at least the period during which the election may be contested and adjudicated.</p> <p>Proposed Amendment: Add language stipulating that all unused ballots may be destroyed after the preservation period. [proposed by County Clerks]</p> <p>MOVE SECTION 7 TO A.B. 614</p>
293.505				<p><i>Section 8:</i> Adds to the duties of the county clerk a provision stating that the clerks, field registrar, or employees shall not register to vote a person who fails to provide satisfactory proof of identification and the address at which he actually resides.</p> <p>DELETE FROM BILL</p>
293.507		<p><i>Section 20:</i> Changes the application to register to vote to allow the clerk to establish a unique number with which to identify the voter and makes submission of the voter's Social Security number (SSN) optional. Also adds a box on the application form where the voter can indicate that he or she is disabled. [Unique identifier and optional SSN similar in concept to A.B. 615 and A.B. 671]</p> <p>Proposed Amendment: Delete Section 20 from the bill as the committee addressed the SSN issue in A.B. 169. Box on application for disabled voter to mark may also be questionable. [proposed by Ms. Giunchigliani, Mr. Glover, and Mr. Lomax]</p> <p>DELETE FROM BILL</p>	<p><i>Section 21:</i> Permits the use of another type of identification card by the voter for the purposes of registering to vote that includes a unique number and a photograph or physical description of the voter. [Similar in concept to A.B. 614 and A.B. 671]</p> <p>Proposed Amendment: Delete Section 21 from the bill as the committee addressed the SSN issue in A.B. 169. [proposed by Ms. Giunchigliani]</p> <p>DELETE FROM BILL</p>	<p><i>Section 9:</i> Deletes reference to driver's license or identification card issued by the DMV&PS and permits the clerk to use an assigned four-digit number for the purposes of internal identification. [Similar in concept to A.B. 614 and A.B. 615]</p> <p>Proposed Amendment: Delete Section 9 from the bill as the committee addressed the SSN issue in A.B. 169 [proposed by Mr. Glover]</p> <p>DELETE FROM BILL</p>



NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293.517				<p><i>Section 10:</i> States that the clerk shall assign a four-digit number to an applicant to register to vote if he or she does not have a social security card or refuses to provide a SSN. Provides direction for the creation of a unique identification number on the application to register to vote for each voter. [Similar in concept to A.B. 614 and A.B. 615]</p> <p>Proposed Amendment: Delete Section 10 from the bill as the committee addressed the SSN issue in A.B. 169 [proposed by Mr. Glover]</p> <p>DELETE FROM BILL</p>
293.525	<p><i>Section 6:</i> Stipulates that a voter who moves from one congressional district to another within the same county must be allowed to vote in the precinct where he previously resided provided he provides oral or written affirmation of his new address.</p> <p>MOVE SECTION 6 TO A.B. 614</p>			
293.547	<p><i>Section 7:</i> Changes the last day on which a written challenge may be filed from the 15th to the 25th day before any election. [Note: This provision was amended in A.B. 520]</p> <p>MOVE SECTION 7 TO A.B. 614</p>		<p><i>Section 22:</i> Changes the last day on which a written challenge may be filed from the 15th to the 20th day before any election. [Note: This provision was amended in A.B. 520]</p> <p>DELETE FROM BILL</p>	
293.820			<p><i>Section 23:</i> Changes reference of "money" to "contribution" with regard to what may or may not be solicited by a person in the name of political party and stipulates that "contribution" has the same definition ascribed to it in Chapter 294A of the NRS.</p>	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293B.130				<p><i>Section 11:</i> Adds "or voting district" to the requirement that a mechanical voting system's program must allow for the accumulation of the total votes.</p> <p>MOVE SEC. 11 TO A.B. 614</p>
293B.150			<p><i>Section 24:</i> Reorders language in this section to clarify who must test voting equipment. This amendment is "housekeeping" in nature.</p>	
293B.155			<p><i>Section 25:</i> Adds "mechanical recording device" to the voting equipment that must be tested pursuant to NRS 293B.155.</p>	
293B.170			<p><i>Section 26:</i> Clarifies that the programs, if any, and the ballots used in logic and accuracy tests must be sealed, retained, and disposed of in the manner provided by law.</p>	
293B.300				<p><i>Section 12:</i> Adds language requiring a member of an election board for a voting district to issue each partisan voter a ballot.</p> <p>MOVE SEC. 12 TO A.B. 614</p>



12

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
<p>New Language for Chapter 293C</p>		<p><i>Section 22:</i> Provides new provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places on election day or during early voting. Proposed Amendment: Delete on page 17, lines 34 - 36, and replace with "the registered voter for all elections held during the year he requests an absent ballot." Delete "second" on page 17, line 38 [proposed by various County Clerks]</p> <p><i>Section 23:</i> Stipulates that a person who conducts a mailing of absent ballot requests to more than 500 registered voters during the 6 months prior to an election must notify the clerks and not mail the forms later than 21 days before the election. Proposed Amendment: 1) Remove penalty provision by deleting lines 22 and 23 on page 18. [proposed by various County Clerks and Lucille Lusk, NV Concerned Citizens, State Democratic and Republican parties]; 2) Add language declaring that for the purposes of this section, "person" has the meaning ascribed to it in NRS 294A.009. [Clerks]</p>	<p><i>Section 27:</i> Inserts language authorizing a city to conduct a special election by mail and requiring the Secretary of State to adopt regulations to carry out the provisions regarding mail elections.</p>	
<p>293C.175</p>	<p><i>Section 8:</i> Moves the date of the primary city election for cities of the first and second class from the first Monday in May to the first Monday in April. MOVE SECTION 8 TO A.B. 615</p>			

17

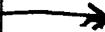
NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293C.185		<p><i>Section 24:</i> Adds language to declaration of candidacy to affirm that the candidate for city office has "actually, as opposed to constructively," resided at his physical address named in the declaration. Increases the residency requirement on the declaration from 30 to 90 days.</p> <p>Proposed Amendment: Change residency requirement back to 30 days. Committee already considered this issue in A.B. 242 (page 19, line 5). [proposed by Ms. Giunchigliani]</p>		
293C.190	<p><i>Section 9:</i> Makes changes to dates for filling vacancy in a nomination for a city office to accommodate the proposal to move the primary election to April.</p> <p>MOVE SECTION 9 TO A.B. 615</p>			
293C.195	<p><i>Section 10:</i> Excludes Saturdays, Sundays, and holidays from the 2 day time frame after the last day of filing during which a candidate may withdraw his or her candidacy.</p> <p>MOVE SECTION 10 TO A.B. 615</p>			
293C.200		<p><i>Section 25:</i> States that a candidate for any city office must "actually, as opposed to constructively" reside in the city or other area to which the office pertains for a period of 90 days prior to the election.</p> <p>Proposed Amendment: Change the residency requirement back to 30 days as the committee already considered this issue in A.B. 242 (page 20, line 6). [proposed by Ms. Giunchigliani]</p>		
293C.265		<p><i>Section 26:</i> Makes "housekeeping" reference back to Section 22 of this measure regarding disabled voters.</p>		

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293C.282		<i>Section 27:</i> Makes "housekeeping" changes to accommodate disabled voter provisions in Section 22 and requires that accommodations be made for disabled voters.		
293C.305		<i>Section 28:</i> Instructs city clerk to prepare an absent ballot in 14-point bold type and make reasonable accommodations for the use of absent ballots by the elderly and disabled. Proposed Amendment: Delete on page 21, lines 15-16: <i>"The absent ballot must be printed in at least 14-point bold type."</i> [proposed by Ms. Giunchigliani and Larry Lomax, Clark County Registrar]		
293C.317		<i>Section 29:</i> Clarifies that a request for an absent ballot in a city election can be made by a person who is confined in a hospital, nursing home, or dwelling on election day. States that the written request may designate a person to assist the voter (requester) in completing his or her ballot if the voter is unable to do so. Provides instructions for marking and submitting absent ballot.		
293C.330		<i>Section 30:</i> Permits a family member to return an absent ballot on behalf of another family member, provided that he or she sign a form affirming that he or she is a family member.		
293C.345	<i>Section 11:</i> Moves from the 3 rd Thursday in April to the 3 rd Thursday in March the date by which an official mailing ballot is mailed to each registered voter (this accommodates the proposed change to the primary election date). MOVE SECTION 11 TO A.B. 615		→	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
293C.359		<i>Section 31:</i> Deletes references made to "locks" on the ballot box and inserts language pertaining to "numbered seals" for the purpose of securing and transporting ballots.		
293C.3602		<i>Section 32:</i> Deletes references made to "locks" on the ballot box and inserts language pertaining to "seals."		
293C.370	<i>Section 12:</i> Makes "housekeeping" change to date by which a vacancy occurs following the death of a candidate who is to appear on the general city election (this accommodates the proposed change to the primary election date). MOVE SECTION 12 TO A.B. 615			
New Language for Chapter 294A	<i>Section 13:</i> Adds a new section in Chapter 294A which provides for the submission of an "amended" report of campaign contributions and expenditures. [Same as A.B. 615] Proposed Amendments: Amend the section to stipulate that an amended report must be filed within 14 days after the candidate, person, or representative of the group that is required to file the original report has personal knowledge of an additional contribution or expenditure that must appear in the report. [proposed by Assemblyman Beers] and Add language requiring the Secretary of State to adopt regulations to carry out the provisions for amending contribution and expenditure reports. [proposed by Ms. Giunchigliani] DELETE: SEE A.B. 615		<i>Section 28:</i> Adds a new section in Chapter 294A which provides for the submission of an "amended" report of campaign contributions and expenditures. [Same as A.B. 615] Proposed Amendments: Amend the section to stipulate that an amended report must be filed within 14 days after the candidate, person, or representative of the group that is required to file the original report has personal knowledge of an additional contribution or expenditure that must appear in the report. [proposed by Assembly-man Beers] and Add language requiring the Secretary of State to adopt regulations to carry out the provisions for amending contribution and expenditure reports. [proposed by Ms. Giunchigliani]	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
294A.120	<p><i>Section 14:</i> Requires that a report of contributions be filed by a recall election candidate even if a district court determines that the petition for recall is legally insufficient.</p> <p>MOVE SECTION 14 TO A.B. 615</p>			
294A.125			<p><i>Section 29:</i> Adds language clarifying that the end-of-the year report of contributions in excess of \$10,000 must also include expenditures made in that year. Additional language stipulates that the report is to be filed with the appropriate filing officer on or before January 15; certified mail filing is acceptable; and that legislative and most judicial office reports are to be copied and forwarded to the Secretary of State.</p>	
294A.180			<p><i>Section 30:</i> Stipulates that the "disposition of unspent contributions" form must be filed with the filing officer and that a certified mail filing is acceptable. [Same as A.B. 671]</p>	<p><i>Section 13:</i> Stipulates that the "disposition of unspent contributions" form must be filed with the filing officer and that a certified mail filing is acceptable. [Same as A.B. 615]</p> <p>DELETE: SEE A.B. 615</p>
294A.200	<p><i>Section 15:</i> Requires that a report of expenditures be filed by a recall election candidate even if a district court determines that the petition for recall is legally insufficient.</p> <p>MOVE SECTION 15 TO A.B. 615</p>			
New Language for Chapter 295			<p><i>Section 32:</i> Sets forth/codifies procedure for challenging the legal sufficiency of a statewide initiative or referendum. This language is lifted from the challenge provisions for recall petitions in NRS 306.040.</p>	
295.056			<p><i>Section 33:</i> Clarifies and ensures that signature verification is conducted for statewide initiative and referendum in the manner prescribed in NRS 293.1276 through 293.1279.</p>	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
295.095	<p><i>Section 16:</i> Changes, from 100 days before the election to the first Monday in March for the primary election and the first Monday in May for the general election, the date by which a county initiative or referendum petition must be filed with the county clerk.</p> <p>Proposed Amendment: Delete section 16 of the measure. [proposed by Larry Lomax, Clark County Registrar] DELETE FROM BILL</p>			
295.115	<p><i>Section 17:</i> Establishes deadlines in July and May the date by which a copy of a proposed or referred ordinance (originating from an initiative or referendum) must be submitted to the county clerk.</p> <p>Proposed Amendment: Delete section 17 of the measure. [proposed by Larry Lomax, Clark County Registrar] DELETE FROM BILL</p>			
298.020			<p><i>Section 34:</i> Clarifies major and minor political party processes for the placement of major and minor party candidates on the ballot for President and Vice President of the United States.</p>	
298.109			<p><i>Section 35:</i> Makes technical correction to establish conformity of date by which independent candidate petition for President must be filed with the county clerk.</p>	

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
New Language for Chapter 306	<p><i>Section 18:</i> Stipulates that if a public officer who is the subject of a recall petition resigns before the call for a special election is issued, the recall proceedings shall be halted and a vacancy occurs that must be filled. If the resignation occurs after the call, the election proceeds.</p> <p>MOVE SECTION 18 TO A.B. 614</p>			
306.015			<p><i>Section 36:</i> Adds clarifying language regarding petition requirements and with whom the recall petition must be filed.</p>	
306.035			<p><i>Section 37:</i> Adds additional clarifying language regarding the verification of signatures on certain recall petitions.</p>	
306.040	<p><i>Section 19:</i> Provides additional provisions for the removal of a name from a recall petition by permitting such removal before the call of the special election or before the date a complaint is filed regarding the legal sufficiency of the petition. Stipulates that the voter must demonstrate good cause for such removal. [Similar to A.B. 615]</p> <p>DELETE: SEE A.B. 615</p>		<p><i>Section 38:</i> Provides additional provisions for the removal of a name from a recall petition by permitting such removal before the call of the special election or before the date a complaint is filed regarding the legal sufficiency of the petition. Stipulates that the voter must demonstrate good cause for such removal. Includes additional clarifying language. [Similar as A.B. 613]</p>	
306.110		<p><i>Section 33:</i> Adds language clarifying petition requirements and stipulating that verification of signatures must be conducted pursuant to NRS 293.1276 through 293.1279. Stipulates that the nominating petition must be filed at least 20 days before the special election. [Similar to A.B. 671]</p>		<p><i>Section 14:</i> Adds language clarifying petition requirements and stipulates that not less than 25 days before the nominating petition is filed, each document of the petition must be submitted to the county clerk for verification pursuant to NRS 293.1276 through 293.1279 [Similar to A.B. 614]</p> <p>DELETE: SEE A.B. 614</p>

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
218.010		<i>Section 34:</i> Declares that no person is eligible to be a senator or assmblyman if he or she has not been "an actual, as opposed to constructive" citizen resident of this state.		
218.043		<i>Section 35:</i> States that an appointee to fill a vacancy in a legislative office during a regular or special session of the Legislature must actually, as opposed to constructively, reside in that legislative district.		
281.050		<i>Section 36:</i> Adds language to the office eligibility statute pertaining to the actual, as opposed to constructive, residence of the person who wishes to run. The question of "intention" of residency is discussed in new language and an explanation of "moved his residence" is also provided. Finally, "actual residence" is defined.		
283.040		<i>Section 37:</i> Adds "an actual, as opposed to constructive" language to the residency requirement needed to maintain political office. Without such residency, a vacancy in the office will occur.		
Boulder City Charter	<i>Section 20:</i> Amends city charter to reflect proposed date change for the primary city election and provides "housekeeping" amendments. MOVE SECTION 20 TO A.B. 615			
Henderson City Charter	<i>Section 21:</i> Amends city charter to reflect proposed date change for the primary city election. MOVE SECTION 21 TO A.B. 615			
Las Vegas City Charter	<i>Section 22:</i> Amends city charter to reflect proposed date change for the primary city election. MOVE SECTION 22 TO A.B. 615			

NRS Section	Assembly Bill 613	Assembly Bill 614	Assembly Bill 615	Assembly Bill 671
North Las Vegas City Charter	<p><i>Section 23:</i> Amends city charter to reflect proposed date change for the primary city election.</p> <p>MOVE SECTION 23 TO A.B. 615</p>			
Sparks City Charter	<p><i>Section 24:</i> Amends city charter to reflect proposed date change for the primary city election.</p> <p>MOVE SECTION 24 TO A.B. 615</p>			
Special Language		<p><i>Section 38:</i> States that the secretary of state shall establish and coordinate a task force to review the election laws.</p> <p>Proposed Amendment: Delete Section 38 from the measure [proposed by Secretary of State and Ms. Giunchigliani]</p>		

POSSIBLE ADDITIONAL CONCEPTUAL AMENDMENTS TO BE INCLUDED IN A.B. 614:

- 1) Add the following amendment to NRS 293.165 (originally proposed in Section 1 of A.B. 479; without the September to August date changes):
[proposed by Barbara Reed, Douglas County Clerk]

Subsection 2 of NRS 293.165 (pertaining to vacancies occurring in a nonpartisan nomination)

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 persons who are registered to vote and 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~~ **second** 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.

(SEE SECTION 7 IN A.B. 614- AMENDMENT PREVIOUSLY CONSIDERED IN THIS WORK SESSION DOCUMENT)

- 2) Add the following amendment to NRS 293.404 (originally proposed in Section 12 of A.B. 479; with proposed amendment in A.B. 479 of "5" votes instead of "10"):
[proposed by Barbara Reed, Douglas County Clerk]

Subsection 3 of NRS 293.404 (pertaining to recount using a mechanical voting system)

If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after consultation with each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in

accordance with this Title and shall count the valid ballots by hand. ~~{A}~~ *In addition, a* recount by computer must be made of all the selected ballots. If the count *by hand or the recount by computer* of the selected ballots ~~{or the recount}~~ shows a discrepancy ~~{of}~~ *equal to or greater than 1 percent or* ~~{more for either candidate,}~~ *at least 5 votes, whichever is greater, for any candidate for the office,* or in favor of or against a ballot question, from the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office. ~~{If there is not a discrepancy of 1 percent or more,}~~ *Otherwise,* the county or city clerk ~~{shall not order such a count, but}~~ shall order a recount by computer of all the ballots for the office.

25

CLARK COUNTY, NEVADA
Harvard L. Lomax, Registrar of Voters

**Impact on Clark County of Reducing
2-Week Early Voting Period By 4 Days**

How Many People Will Be Registered To Vote In 2000?

- a. There are 18 months left to register for the 2000 election (April 99 - September 00)
- b. Current registration is \approx 550,000

- 1. During same 18 month period before last two presidential elections (92 & 96) registration increased by:

a. 1992	166,389	Average:	132,326
b. 1996	98,262		

- 2. During same 18 month period before last two federal elections (96 & 98) registration increased by:

a. 1996	98,262	Average:	85,661
b. 1998	73,059		

- c. Using above data to estimate total registration for 2000

- a. $550,000 + 132,326 \approx 680,000$ (high estimate)
- b. $550,000 + 85,661 \approx 635,000$ (low estimate)

What Percentage Of Voters Will Turn Out In 2000?

- a. Percentage of registered voters who voted in last two presidential elections

1. 1992 (no incumbent)	76.74%	Average:	\approx 66%
2. 1996 (incumbent)	56.28%		

- b. Using above data to estimate turnout percentage

- 1. **66% (high estimate)**
- 2. **56% (low estimate)**

How Will Voters Vote?

- a. Estimates assume same percentages as 1998:

- 1. **33 % Vote Early**

- Although percentage of early voters remains constant, total number would increase by 35,000 to 65,000 over previous high of 85,000. Estimate seems reasonable based upon increasing popularity of early voting, as indicated below:

-- 1994: 5% 1996: 17% 1998: 33%

- 2. **15% Vote by Mail**

- 3. **52% Vote on Election Day**

- b. Historically, **20% of early voters vote during first four days of early voting period, which includes a weekend**

How Many Voters Can We Process While The Polls Are Open On Election Day?

- a. Number of voting machines (AVCs) 1836
- b. Mean voting time per/voter 5.5 minutes*
 - * Based on tapes from 1998 federal election (includes 30 seconds to exit voter and configure machine for next voter)
- c. 12-hour capacity, 1 AVC 131 voters (720 minutes/5.5 minutes per voter)
- d. 12-hour capacity, all AVCs
 - 1. Assume following idle times:
 - None \approx 240,000 voters (131 x 1836)
 - 1 hour/day (5 min/hour) \approx 220,000 voters
 - 2 hours/day (10 min/hour) \approx 200,000 voters

e. Planning Factors:

- 1. **Acceptable (A): 10 or more idle minutes per/hour (200,000 voters)**
 - Accounts for peak voter turn out times and imperfect AVC distribution
 - Keeps lines at reasonable levels during peak periods
 - 1998 actual turnout allowed 25 idle minutes per/hour (no lines)
- 2. **At-Risk (AR): 5-10 idle minutes per/hour (up to 220,000 voters)**
 - Ensures lines, length dependent on AVC distribution and voter surges
- 3. **Unacceptable (U): Less than 5 idle minutes per/hour (more than 220,000 voters)**
 - In 1996, Clark County had AVC-capacity to process 148,000 voters in 12-hours (no idle time) and voter turnout was 194,000 (long lines and need for more machines)

2000 Registration and Turnout Estimates

Turnout %	Total Reg	Turnout	EV T/O* 33%	Mail T/O 15%	ED T/O	ED T/O Less 20% EV
56%	635,000	355,600	117,348	53,340	184,912 A	208,382 AR
56%	680,000	380,800	125,664	57,120	198,016 A	223,149 U
66%	635,000	419,100	138,303	62,865	217,932 AR	245,593 U
66%	680,000	448,800	148,104	67,320	233,376 U	262,997 U

* Processing number of early voters in this column during full 14-day early voting period will present Clark County with a significant challenge (previous 14-day high is 85,000). Failure to do so will increase election day turnout and number of AVCs needed to process voters.

Additionally Required AVCs Based Upon Voter Turnout and Idle Time

Turnout %	Total Reg	ED T/O	Addt AVCs 5 min idle	Addt AVCs 10 min idle	ED T/O Less 20% EV	Addt AVCs 5 min idle	Addt AVCs 10 min idle
56%	635,000	184,912	(295)	(140)	208,382	(99)	74
56%	680,000	198,016	(186)	(20)	223,149	24	211
66%	635,000	217,932	(20)	163	245,593	211	417
66%	680,000	233,376	109	305	262,997	356	577

How Much Do Machines Cost?:

1. One Automatic Voting Machine currently costs approximately \$5600
 - a. 25 = \$ 140,000
 - b. 50 = \$ 280,000
 - c. 100 = \$ 560,000
 - d. 200 = \$1,120,000
 - e. 300 = \$1,680,000
 - f. 400 = \$2,240,000
 - g. 500 = \$2,800,000
 - h. 600 = \$3,360,000

Assembly Bill No. 614.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, and Ethics:

Amendment No. 509.

Amend sec. 2, page 1, lines 6 and 7, by deleting: "*primary election and general*".

Amend sec. 2, page 2, line 9, by deleting: "*primary and general*".

Amend sec. 2, page 2, line 10, by deleting: "*within 2 years after*" and inserting: "*during the year immediately succeeding*".

Amend sec. 2, page 2, line 13, by deleting "*second*".

Amend sec. 3, page 2, by deleting lines 40 and 41 and inserting:

"2. *The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.*".

Amend sec. 7, page 5, line 26, by deleting "*fourth*" and inserting "*second*".

Amend sec. 7, page 5, line 34, by deleting: "*first Tuesday in September.*" and inserting: "*fourth Tuesday in ~~September.~~ August.*".

Amend sec. 7, page 5, by deleting line 40 and inserting: "nominated pursuant to the provisions of this subsection ~~may~~ :

(a) *Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and*

(b) *May be elected only*".

Amend sec. 7, page 6, line 1, by deleting "*on or*".

Amend sec. 7, page 6, line 2, by deleting: "*fourth Tuesday in August* and" and inserting: "*second Tuesday in August* and *on or*".

Amend sec. 7, page 6, line 13, by deleting "that date." and inserting: "~~that date.~~ *the date the designation is filed.*".

Amend sec. 9, page 7, by deleting lines 3 and 4 and inserting: "person may be a candidate for any office unless, for at least *the 30 days* ~~before~~ *immediately preceding the date of* the close of filing of".

Amend sec. 10, page 8, by deleting line 1 and inserting: "date *at least 30 days* ~~for more before~~ *immediately preceding* the".

Amend sec. 10, page 9, by deleting lines 3 and 4 and inserting: "prescribed by law to which the office pertains began on a date *at least 30 days* ~~for more before~~ *immediately preceding* the date of the close".

Amend sec. 15, page 13, line 12, by deleting: "*The absent ballot must be printed in at least 14-point bold type.*".

Amend the bill as a whole by deleting sec. 20, renumbering sections 21 through 32 as sections 24 through 35 and adding new sections designated sections 20 through 23, following sec. 19, to read as follows:

"Sec. 20. 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, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 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 *such* 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. *Unused ballots, 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 the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

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. 21. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council must be present at the recount.

Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

2. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

3. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for

the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after consultation with each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. ~~{A}~~ ***In addition, a*** recount by computer must be made of all the selected ballots. If the count ***by hand or the recount by computer*** of the selected ballots ~~for the recount~~ shows a discrepancy ~~{of}~~ ***equal to or greater than 1 percent or {more for either candidate,} 5 votes, whichever is greater, for any candidate for the office,*** or in favor of or against a ballot question, from the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office. ~~{If there is not a discrepancy of 1 percent or more,}~~ ***Otherwise,*** the county or city clerk ~~{shall not order such a count, but}~~ shall order a recount by computer of all the ballots for the office.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

Sec. 22. NRS 293.525 is hereby amended to read as follows:

293.525 . 1. Any elector who is presently registered and has changed his residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 ~~{}~~ or 293.535 who moved:

(a) From one precinct to another ***or from one congressional district to another*** within the same county must be allowed to vote in the precinct where he previously resided after he provides an oral or written affirmation before an election board officer attesting to his new address.

(b) Within the same precinct must be allowed to vote after he provides an oral or written affirmation before an election board officer attesting to his new address.

2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that he has changed his residence, he must be permitted to vote after he provides an oral or written affirmation before an election board officer attesting that he continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his address as required by this section, he may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the election board register.

Sec. 23. NRS 293.547 is hereby amended to read as follows:

293.547 . 1. After the 30th day but not later than the ~~{15th}~~ ***25th*** day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:
 - (a) He is registered to vote in the same precinct or district as the person whose right to vote is challenged; or
 - (b) The challenge is based on the personal knowledge of the registered voter.
3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.
4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.
5. The county clerk shall file the challenge in the registrar of voters' register and:
 - (a) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.
 - (b) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.
6. The county clerk shall, within 5 days after a challenge is filed, mail a notice to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. A copy of the challenge must accompany the notice."

Amend sec. 21, page 17, line 14, by deleting: "22 and 23" and inserting: "25 and 26".

Amend sec. 22, page 17, lines 18 and 19, by deleting: "*primary city election and general*".

Amend sec. 22, page 17, line 34, by deleting: "*primary and general*" and inserting "*city*".

Amend sec. 22, page 17, line 35, by deleting: "*within 2 years after*" and inserting: "*during the year immediately succeeding*".

Amend sec. 22, page 17, line 38, by deleting "*second*".

Amend sec. 23, page 18, by deleting lines 22 and 23 and inserting:

"2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot."

Amend sec. 24, page 19, by deleting lines 4 and 5 and inserting: "to which the office pertains began on a date *at least 30 days* ~~{or more before}~~ *immediately preceding* the date of the close of filing of".

Amend sec. 25, page 20, by deleting lines 5 and 6 and inserting: "no person may be a candidate for a city office unless, for at least *the 30 days* ~~{before}~~ *immediately preceding the date of* the close of filing of".

Amend sec. 26, page 20, line 28, by deleting "22" and inserting "25".

Amend sec. 28, page 21, lines 15 and 16, by deleting: "*The absent ballot must be printed in at least 14-point bold type.*".

Amend the bill as a whole by renumbering sections 33 through 37 as sections 38 through 42 and adding new sections designated sections 36 and 37, following sec. 32, to read as follows:

“Sec. 36. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, ~~unused ballots,~~ tally lists, pollbooks, challenge lists, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 and stubs of the ballots used, enclosed and sealed must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least 22 months. All *such* sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials. *Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

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

4. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in a contested election, and 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 the judge, body or board.

Sec. 37. Chapter 306 of NRS is hereby amended by adding thereto a new section to read as follows:

If a public officer who is subject to a recall petition resigns his office:

1. *Before the call for a special election is issued:*

(a) *The official with whom the petition to recall is filed shall cease any further proceedings regarding the petition;*

(b) *A vacancy occurs in that office; and*

(c) *The vacancy thereby created must be filled in the manner provided by law.*

2. *After the call for a special election is issued, the special election must be conducted.”*

Amend the bill as a whole by deleting sec. 38 and renumbering sec. 39 as sec. 43.

Amend the bill as a whole by deleting sec. 40.

Amend the title of the bill by deleting the third through eighth lines and inserting: “polling places; requiring a candidate to be an actual, as opposed

to constructive, resident of his claimed residence; changing the period that unused ballots must be held by the county clerk; revising the requirements for recounting ballots by hand; specifying the time within which a public officer who is subject to a recall may resign without a special election being conducted; making various changes to election deadlines and procedures; and providing other matters properly relating thereto.”

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 617.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 567.

Amend section 1, page 1, line 10, by deleting “*underemployed*,” and inserting: “*underemployed without good cause or to avoid payment of child support or spousal support*,”

Amend section 1, page 1, by deleting line 15 and inserting: “*obligation, unless the spending, indebtedness or other legal obligation was not within the control of the defendant*.”

Amend section 1, page 2, by deleting lines 7 and 8 and inserting

“(a) *The specific affirmative defense that the defendant is asserting; and*”.

Amend section 1, page 2, between lines 28 and 29, by inserting:

“7. *A prosecuting attorney shall provide notice of the requirements of this section to a defendant when a complaint is served upon the defendant for a violation of NRS 201.020.*”

Amend sec. 3, page 3, line 29, by deleting “*more*.” and inserting: “*more and have accrued over any period since the date that a court first ordered the defendant to provide for such support.*”

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 666.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 565.

Amend section 1, page 1, line 7, by deleting “or” and inserting “[or]”.

Amend section 1, page 1, line 9, by deleting the italicized comma and inserting: “; *or*

(d) *Provide any other incentive*,”

Amend section 1, page 1, line 11, by deleting “*or increase*.” and inserting: “, *increase or incentive*.”

ASSEMBLY BILL NO. 614—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

MARCH 18, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes to provisions regarding elections. (BDR 24-281)

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

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; making various provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; changing the period that unused ballots must be held by the county clerk; revising the requirements for recounting ballots by hand; specifying the time within which a public officer who is subject to a recall may resign without a special election being conducted; making various changes to election deadlines and procedures; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1.** *A registered voter who, because of a physical disability,*
4 *is unable to mark or sign a ballot or use a voting device without*
5 *assistance may submit a written statement to the appropriate county clerk*
6 *requesting that he receive an absent ballot for each election conducted*
7 *during the period specified in subsection 3.*
8 2. *A written statement submitted pursuant to subsection 1 must:*
9 (a) *Include a statement from a physician licensed in this state*
10 *certifying that the registered voter is a person with a physical disability*
11 *and, because of the physical disability, he is unable to mark or sign a*
12 *ballot or use a voting device without assistance;*

THIS BILL IS 31 PAGES LONG.
CONTACT THE RESEARCH LIBRARY
FOR A COPY OF THE COMPLETE BILL.

4-15-99

The question being on the passage of Assembly Bill No. 333.

Roll call on Assembly Bill No. 333:

YEAS—15.

NAYS—Angle, Arberry, Bache, Brower, Buckley, Carpenter, Chowning, de Braga, Dini, Freeman, Giunchigliani, Goldwater, Koivisto, Lee, Leslie, McClain, Mortenson, Ohrenschall, Parks, Parnell, Perkins, Price, Segerblom, Thomas—24.

NOT VOTING—Berman, Evans, Gibbons—3.

Assembly Bill No. 333 having failed to receive a constitutional majority, Madam Speaker pro Tempore declared it lost.

Bill ordered transmitted to the Senate.

Assembly Bill No. 614.

Bill read third time.

Remarks by Assemblywoman Giunchigliani.

Roll call on Assembly Bill No. 614:

YEAS—41.

NAYS—Angle.

Assembly Bill No. 614 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

The following amendment was proposed by Assemblywoman Buckley:

Amendment No. 652.

Amend the bill as a whole by deleting sections 3 through 5 and renumbering sec. 6 as sec. 3.

Amend the bill as a whole by deleting sections 7 and 8.

Amend the title of the bill, third and fourth lines, by deleting: "providing that a minor who falsely represents his age to purchase tobacco products is in need of supervision;"

Assemblywoman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley and Carpenter.

Amendment lost.

Remarks by Assemblymen Anderson, Leslie and Freeman.

Roll call on Assembly Bill No. 549:

YEAS—15.

NAYS—Arberry, Bache, Beers, Berman, Buckley, Chowning, Claborn, Collins, de Braga, Dini, Evans, Freeman, Gibbons, Giunchigliani, Goldwater, Leslie, Marvel, McClain, Neighbors, Parks, Parnell, Perkins, Price, Segerblom, Thomas, Williams—26.

NOT VOTING—Ohrenschall.

Assembly Bill No. 549 having failed to receive a constitutional majority, Madam Speaker pro Tempore declared it lost.

Assembly Bill No. 434.

Bill read third time.

The following amendment was proposed by Assemblywoman Giunchigliani:

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
April 26, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:23 p.m., on Monday, April 26, 1999, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

GUEST LEGISLATORS PRESENT:

Assemblywoman Christina R. Giunchigliani, Clark County Assembly District
No. 9
Assemblywoman Sandra J. Tiffany, Clark County Assembly District No. 21

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
Angela Culbert, Committee Secretary

OTHERS PRESENT:

Pamela Crowell, Deputy Secretary for Elections, Elections Division, Office of the
Secretary of State
David W. Turner, Lobbyist, Nevada State Board of Accountancy
Harvard Larry Lomax, Lobbyist, Clark County Government
Janine Hansen, Lobbyist, Independent American Party of Nevada

purposes of abiding by current law as set forth in section 2, subsection 3, paragraph (b), subparagraph (3) of the bill.

Senator Porter questioned whether frequently returning college students would need to be included in the disclosure statements. Assemblywoman Giunchigliani stated this was currently covered in section 2, subsection 3, paragraph (b), subparagraph (2) of the bill regarding a person who does not live in the same home but is dependent upon the public officer.

With no further testimony on A.B. 611, Chairman O'Connell closed the hearing. Next, the committee addressed A.B. 614.

ASSEMBLY BILL 614: Makes various changes to provisions regarding elections.
(BDR 24-281)

Assemblywoman Giunchigliani testified A.B. 614 creates new provisions permitting registered voters who are disabled, elderly or unable to go to a polling place to obtain an absent ballot to designate a person to assist them in marking and signing the absent ballot. It also clarifies, she noted, that a written request for an absent ballot may be made by a person who is confined in a hospital, nursing home, or dwelling on election day and states that the request may designate a person to assist them in completing his or her ballot. She explained the bill would set up the procedure for allowing the ballot to be returned to the county clerk's office. Assemblywoman Giunchigliani stated the bill would direct the county clerk to make reasonable accommodations at the polling place for the voter with a physical disability who wishes to vote in person. A person who conducts a mailing of absent ballot request forms to more than 500 registered voters during the 6 months prior to the election must first notify the county clerk of the mailing in accordance with this proposal. She pointed out this provision was amended in the Assembly, noting the penalty has been removed as the clerks wanted notice of this mailing because they ran out of ballots in several of the counties. She said if this remains a problem, it should be considered in a future session. Assemblywoman Giunchigliani explained the measure clarifies Title 24 of NRS that all petitions relating to recall on election vacancies occurring in nonpartisan nominations are subject to the same signature verification and content requirements as to other petitions. She mentioned this change was as a result of a "glitch" in the system, noting no one verified the nonpartisan signatures on the petitions were actually legitimate. She explained this language would parallel other petition requirements.

Assemblywoman Giunchigliani indicated A.B. 614 would change the period for filing a vacancy occurring in a nonpartisan nomination and moves the nominating petition deadline to the fourth Tuesday in August. She noted the bill clarifies the residency requirements for all candidates must be "actual" as opposed to "constructive" residency in a state, district, county, or city to which the office pertains. She mentioned the measure addresses the issue of advanced ballot boxes by removing statutory references to "locks" on the boxes and puts in "seals." The bill also changes the time frame during which a written challenge against a registered voter may be filed and clarifies when a hand count must take place after a recount is demanded using a mechanical voting system.

Chairman O'Connell asked for clarification regarding the issue of conducting a mailing of absentee ballot requests. Assemblywoman Giunchigliani called attention to section 3 of the bill, noting the county clerks are requesting that if a "person," as defined by statute, during the 6 months proceeding an election wishes to mail a total of 500 absentee ballot requests or mail in ballot requests to registered voters, they must first notify the clerks of the mailing so that the clerks can request additional ballots and have knowledge of the potential impact.

Chairman O'Connell questioned the procedure for requesting 500 absentee ballots and asked for related requirements.

Alan Glover, Clerk/Recorder, Carson City, and Lobbyist, Nevada Association of Election Officials, explained this provision was included because, in the previous election, both the Democratic and Republican parties did mass mailing with the absentee ballot form included. He noted the provision would provide that if a candidate or a party mailed out 500 or more of the absentee ballots, the clerk must first be notified. He indicated the form used needed to be standardized as developed by the secretary of state, noting through regulation the clerks are asking additional language be included on the form to provide early voting and election dates and times. He mentioned with the amount of absentee ballot requests received as a result of the mass mailings, the clerks had to order new ballots at a great expense.

Chairman O'Connell questioned the procedure involved in requesting absentee ballots to ensure voters only vote once. Mr. Glover indicated the ballots are

tracked by numbers. He stated they do not know who mailed out each absentee ballot request form, pointing out many absentee ballot requests are hand written. Assemblywoman Giunchigliani indicated the ballots are numbered, noting there is a system by which the request cards and the ballots are cross referenced. She stated a person cannot vote by mail unless they have the signed affidavit or have voted at least one time in an election.

Senator Raggio questioned the reason the number 500 was chosen for notification on absentee ballot requests mailings. Mr. Glover said this number was considered reasonable for necessitating planning of ordering more ballots. He suggested the number could be set at the discretion of the committee without argument from the clerks.

Senator Raggio indicated a philosophical issue was involved regarding whether to encourage absentee voting or to use absentee voting only as an alternative for someone who cannot physically go to the polls. He expressed concern for conducting a mail-in election, noting the Legislature has taken the position against encouraging this because there is not the same amount of control over verification as in a regular election.

Assemblywoman Giunchigliani stated the number 500 was chosen upon review of all counties and the printing of new ballots necessary in the case of absentee ballot requests. She expressed agreement with the concerns expressed by Senator Raggio, noting early voting has added to campaign costs. She pointed out her concern regarding early voting was compromised upon in the Assembly due to the number of machines which would need to be purchased by Clark County if early voting was eliminated. She indicated the criteria regarding absentee ballot qualifications should be carefully reviewed.

Senator Raggio questioned how early voting could take place under the existing law. Assemblywoman Giunchigliani and Mr. Glover verified early voting could take place 2 weeks prior to the election.

Mr. Glover indicated he personally believed absentee ballots should be restricted to those over 65 years of age or those out of the district during the period of early voting or on election day. He noted statute reflected anyone wanting an absentee ballot can request one, stating the previous election had been essentially turned into a mail-in election because of the number of people requesting absentee ballots. He suggested the absentee ballots be restricted

based on need with the alternative for others being early voting or election day voting. He noted it has played to the advantage of certain groups to use mail-in ballot forms.

Senator Raggio indicated the committee had discussed the issue of residency in the 1997 Legislative Session. He stated the language regarding residency in A.B. 614 does not solve the problem attempting to be alleviated. The senator pointed out it was not the intent to prevent someone from being a candidate because they do not live in a house in the district every day of their life. He questioned the interpretation of the language intended by the bill. He pointed out a person can have a number of physical residences, and he questioned whether a candidate would still have a choice of where they could run for office.

Assemblywoman Giunchigliani stated:

...Yes they do. If you go to page 29, I think drafting changed this somewhat from what we had talked about last session. First of all we did not change the length of time. That had been debated in our committee; we had one bill that changed it to 6 months that you had to reside. We said, 'No, let's [let us] leave it at 30 days because we have a very transient area and it is difficult for people to run, let alone recruit individuals.' And so that was a legitimate argument. What drafting did, I believe, differently from last session...is to put it into the affidavit, so that when you file for office, you just simply declare, 'This is my residence and this is where I plan on running for office.' So even though it tightens it up somewhat, it is up to that individual. And it didn't [did not] make it a whole statutory change, it just simply incorporated it within your declarations. And then it defines it on page 29. We talked about this last session as well; it is under Black's Law...Dictionary that it is [defined] 'where you chose to lay your head.' And that is how 'actually' verses 'constructively' seems to be defined within Black's Law [Dictionary]. But this way it seemed cleaner to incorporate it within your declarations that you do so that you just say, 'This is where I have resided. This is my home that I am running for office from.' And that is where you choose to run from. ...You [Senator Raggio] and I have had quite a bit of discussion on how do we wrestle with this

situation, so we kind of did it a little bit differently this time around. And I am not sure if we got there yet, Senator.

With no further questions from the committee, Chairman O'Connell closed the hearing on A.B. 614. She asked for testimony on A.B. 465.

ASSEMBLY BILL 465: Authorizes additional redistricting of county commissioner election districts. (BDR 20-1431)

Assemblywoman Sandra J. Tiffany, Clark County Assembly District No. 21, explained the bill was initiated by Clark County out of the desire to do a mid-decade redistricting. She noted legal opinions found there was not sufficient case law regarding data needs. She indicated the Legislative Counsel Bureau found the information needed to be decennial census data while the attorney general's office indicated it could be based on comparable population data. Assemblywoman Tiffany pointed out A.B. 465 would clarify the data needs, noting "special census" had been chosen with the statute clarifying what this is and who can provide the special census. She indicated the bill allowed mid-decade redistricting, and mentioned the enabling legislation was statewide. She mentioned redistricting could take place 4 years after receiving the data, noting the redistricting would be done in 2003 thus making it available for the 2004 election. She explained redistricting would occur if any district has, by population, greater than 10 percent difference than other districts, noting the population information would come from the state demographer.

Chairman O'Connell pointed out Washoe County had presented a bill which the committee had indefinitely postponed. She questioned whether the special census referenced by Assemblywoman Tiffany was a "head count" or an "estimated count."

James J. Spinello, Lobbyist, Clark County, said NRS 244.183 contains permissive language. He explained if a board of county commissioners determines it is advisable to have a special census taken, it may contract with the Bureau of Census of the United States Department of Commerce to have a special census conducted under federal supervision. He indicated the statute sets forth the way in which the costs of the special census are borne. He stated the statute is unclear as to whether county commissioners could conduct their own census.

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
April 29, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 5:18 p.m., on Thursday, April 29, 1999, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

GUEST LEGISLATORS PRESENT:

Assemblyman Bob Beers, Clark County Assembly District No. 4
Assemblyman Harry Mortenson, Clark County Assembly District No. 42

STAFF MEMBERS PRESENT:

Robert E. Erickson, Research Director
Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
Angela Culbert, Committee Secretary

OTHERS PRESENT:

Janine Hansen, Lobbyist, Nevada Eagle Forum
Kristine K. Jensen, Lobbyist, Nevada Concerned Citizens
Lucille Lusk, Lobbyist, Nevada Concerned Citizens
Richard R. Ziser, Lobbyist, Nevada Concerned Citizens
John E. Jeffrey, Lobbyist, Southern Nevada Building and Construction Trades Council

Senate Committee on Government Affairs
April 29, 1999
Page 37

Chairman O'Connell agreed to Senator Porter's request and referred the committee to A.B. 465.

ASSEMBLY BILL 465: Authorizes additional redistricting of county commissioner election districts. (BDR 20-1431)

Chairman O'Connell indicated the bill would authorize redistricting, though noted it had not been decided as to whether it would be done by a head count or by an estimate.

SENATOR NEAL MOVED TO INDEFINITELY POSTPONE A.B. 465.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Next, the committee reviewed A.B. 520.

ASSEMBLY BILL 520: Makes various changes to provisions governing elections. (BDR 24-280)

Chairman O'Connell indicated the bill changed filing dates thereby requiring all candidates to file at the same time.

Senator Titus indicated she agreed with filing date proposal, but she expressed concerns regarding lowering the requirements for minor parties to be included on the ballot. She recognized the problem regarding an influx of people gaining ballot access because of reduced requirements.

Senator Raggio recommended the committee hold the proposal for further discussion.

Chairman O'Connell concurred with this recommendation. The chairman called attention to A.B. 614.

ASSEMBLY BILL 614: Makes various changes to provisions regarding elections. (BDR 24-281)

Senate Committee on Government Affairs
April 29, 1999
Page 38

Senator Raggio stated he had some concerns regarding mailing of absent ballot request forms to 500 voters.

Senator Titus stated candidates mail a form to registered voters in which they would be able to obtain absentee ballots. She suggested notifying the county clerk of such a mailing was necessary because if all of the requests are returned, it would greatly affect the election departments.

Senator Raggio indicated he also had a concern regarding the definition of residence. He suggested the committee hold the bill.

Chairman O'Connell agreed to delay action on the measure. The committee considered A.B. 615.

ASSEMBLY BILL 615: Makes various changes to provisions relating to elections.
(BDR 24-629)

Senator Raggio expressed concerns regarding conducting special elections by mail. It was agreed that this measure would be held until a later work session.

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 10, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:55 p.m., on Monday, May 10, 1999, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

GUEST LEGISLATORS PRESENT:

Assemblyman P. M. "Roy" Neighbors, Esmeralda, Lincoln, Mineral and Nye counties Assembly District No. 36
Senator Mike McGinness, Central Nevada Senatorial District
Assemblyman Tom Collins, Clark County Assembly District No. 1
Assemblywoman Kathy A. Von Tobel, Clark County Assembly District No. 20

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
Angela Culbert, Committee Secretary

OTHERS PRESENT:

Barbara A. McKenzie, Lobbyist, City of Reno
Patricia Lynch, City Attorney, City of Reno
Donald J. Cook, City Clerk, City of Reno
Guy B. Zewadski, Lobbyist, Arlington Towers Home Owners Association

Senate Committee on Government Affairs
May 10, 1999
Page 41

THE MOTION CARRIED. (SENATORS O'CONNELL AND TITUS VOTED NO. SENATOR NEAL WAS ABSENT FOR THE VOTE.)

Next, the committee discussed A.B. 614.

ASSEMBLY BILL 614: Makes various changes to provisions regarding elections.
(BDR 24-281)

Senator Raggio suggested the bill be held as there was a problem with the mail-in ballot language.

Senator Titus clarified absent-ballot request forms can currently be sent to constituents by candidates. She pointed out the bill would only allow that if the requests forms were to be sent to more than 500 people, the county clerk must be given prior notification of the mailing. She indicated this notification was necessary so the clerk would be able to print extra ballots.

Senator Raggio stated he had a concern regarding people mailing in more than 500 registered voter forms. He drew attention to section 9 of the bill which deals with residency, and expressed concern regarding the additional language.

Juliann K. Jenson, Committee Policy Analyst, Research Division, Legislative Counsel Bureau, indicated the sponsor had requested to amend out the provisions concerning residency.

Senator Titus questioned if the residency requirement was being changed from 30 days to 90 days, as set forth in section 9. It was found this extended requirement had been removed in the amended version of the bill. Senators Titus and O'Donnell suggested the provision be retained.

The committee agreed to hold A.B. 614 for further discussion.

Chairman O'Connell called attention to A.B. 615.

ASSEMBLY BILL 615: Makes various changes to provisions relating to elections.
(BDR 24-629)

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 13, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:50 p.m., on Thursday, May 13, 1999, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

GUEST LEGISLATORS PRESENT:

Assemblyman Kelly Thomas, Clark County Assembly District No. 16
Assemblywoman Christina R. Giunchigliani, Clark County Assembly District
No. 9
Assemblywoman Vivian L. Freeman, Washoe County Assembly District No. 24
Assemblywoman Sandra J. Tiffany, Clark County Assembly District No. 21
Assemblywoman Gene Wines Segerblom, Clark County Assembly District
No. 22
Assemblyman Harry Mortenson, Clark County Assembly District No. 42

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
David Ziegler, Committee Policy Analyst
Angela Culbert, Committee Secretary

OTHERS PRESENT:

keeping pace with the development in the community and a 5-year capital improvement program which tracks funding. He stated the county does not object to the provisions, but views them as unnecessary. Mr. Harp said, "The board of county commissioners has gone on record as committing to working through these issues at the regional planning level. They are a strong participant in that process. We would like to have the opportunity to do that, I represent that to you as a position of the entire five-member board of county commissioners in Washoe County."

Mr. Dietrich indicated the bill draft (Exhibit G) duplicates material in the Truckee Meadows regional plan. He noted the regional plan includes five goals which relate to dispute resolution, and indicated a process is currently in place that identifies how disputes related to the interpretation to the regional plan can be resolved through the regional planning process. Mr. Dietrich commented the regional plan is a wonderful tool which has brought the local entities, Reno, Sparks and Washoe County, together to work on land use, and noted the plan is a document jointly recommended based on workshops held by the planning commissions. He noted there has been extensive public involvement through the local and regional planning adoption process, mentioning property owners receive notice of the hearings.

Senator Raggio questioned whether the neighborhood advisory boards participate in the meetings and receive notice of the hearings. Mr. Dietrich indicated the advisory boards are involved in the process, noting state law requires the first step is to notify the citizen boards. He stated there is currently an extensive public involvement process crafted through both state law and the regional plan. He pointed out someone who did not participate and was dissatisfied with the outcome could use the dispute resolution process. He stated the current process is sufficient.

With no further testimony before the committee, Chairman O'Connell closed the hearing on A.B. 424. Commencing the work session, the committee first addressed A.B. 614.

ASSEMBLY BILL 614: Makes various changes to provisions regarding elections.
(BDR 24-281)

Senate Committee on Government Affairs
May 13, 1999
Page 30

Alan Glover, Clerk/Recorder, Carson City, reminded the committee the bill had been extensively amended in the Assembly, and noted the measure contains necessary provisions.

Prompted by Chairman O'Connell, Assemblywoman Giunchigliani summarized the changes made by the Assembly Committee on Elections, Procedures and Ethics.

Senator Raggio drew attention to section 3 of the bill and questioned the situation which would occur if the provision was not passed. Mr. Glover explained the requirement to inform the county clerks if more than 500 requests for absentee ballots are sent out. He indicated both major parties mailed the requests during the last election which resulted in a lack of available ballots so that more had to be ordered. He suggested the process would be more fair if the clerks were notified and if the request forms for ballots contained correct language.

Senator Raggio clarified political parties attempted to recruit voters by giving the requests to absentee voters. He questioned whether the parties also assisted in marking and turning in the ballots. He asked if this practice was currently allowed. Mr. Glover indicated that it was, noting the bill would require notice of bulk recruitment of absentee voters. Senator Raggio pointed out notification does not change the situation. Mr. Glover stated if the clerks were made aware of this practice, they could base their ballot orders on the readjusted numbers. He commented during the last election, the clerks had ordered the traditional number of absentee ballots, but the numbers increased due to mailings containing the request forms. He contended this caused many problems and noted the requests were not properly created.

Senator Raggio asked why people were allowed to distribute absentee ballot requests if the goal was to keep the sanctity of secure voting. He questioned the reason voters were being encouraged not to come to the polls to vote. Pointing out the committee was against mail-in voting, the senator remarked on the potential mischief involved in voting away from the polls as it cannot be ensured the person is actually voting for his or herself.

Mr. Glover said under the present situation, the parties and the candidates are attempting to turn the election into mail-in elections. He pointed out absentee voting cannot be outlawed because of its necessity to those in need.

Senator Raggio questioned the reason the practice of sending out absentee ballot request forms was being encouraged. Mr. Glover stated this is currently being done by political parties. Senator Raggio suggested tightening up this process. Mr. Glover indicated the Legislature could prohibit groups, by law, from sending out ballot request forms, but questioned the constitutionality of such a provision. He indicated the intent of the proposal was to "get a handle" on the number of mass mailings.

Mr. Glover expressed concern regarding the misleading nature of request forms mailed out by the political parties, pointing out one form did not explain that it was an absentee ballot request but indicated it was a ballot for voting by mail. He pointed out there was a lot of confusion, noting one mailing stated the ballot would be sent by a certain date although the clerk's office did not receive the ballots until after that date. He stressed the tactic did not increase the number of voters but changed the patterns on the way in which they voted.

Senator Raggio questioned the procedure for receiving ballot request forms. Mr. Glover indicated the voters send the request forms to the clerk's office. Prompted by Senator Raggio, Mr. Glover explained the clerks compare the signatures for verification. He pointed out there is currently no restriction on the number of ballot request forms parties can send out.

Senator Neal questioned whether there was any law to prevent a party from obtaining a registration list and sending a letter out to the voters explaining their ability to request an absentee ballot. Mr. Glover stated this is what happened in the last election. Senator Neal questioned whether the clerks could stop this from happening. Mr. Glover indicated there was nothing they could do. He reiterated the request that the clerks be notified if one was sending out more than 500 forms. Their intent, he noted, is not to restrict absentee voting, but to assist the clerks in their administrative function.

Chairman O'Connell questioned whether a disclaimer should be required to identify those sending the form as well as clarifying it is an absentee ballot request. Mr. Glover indicated there had been a misunderstanding in the last election from people who thought the county clerks had sent the forms and were angry the election would be held by mail.

Barbara Reed, Clerk/Treasurer, Douglas County, indicated the forms sent out in the previous election created much confusion with the voters as both parties

used the terms "vote by mail," or, "I voted by mail." She pointed out many voters did not realize they were requesting an absentee ballot, but believed they had to vote by mail. She noted these same voters would show up at the polls and say they did not request an absentee ballot. By the standards of A.B. 614, she commented, the secretary of state would design a form with the correct language so as to avoid confusion. She restated the problem caused because the clerks were unaware of the form mailings, were inundated with the requests 2 weeks prior to the election, and ran out of ballots. The intent, she contended, was to avoid voter confusion by misleading language.

Senator Raggio stated if the measure were to be passed, the disclosure suggested by the chairman should be required. He noted it should be made clear that those requesting absentee ballots would be precluded from voting at the polls. Mr. Glover drew attention to section 3, subsection 1, paragraph (a) of the bill which would require the form prescribed by the secretary of state be sent out. Through the hearings process, he noted, they plan to request that information regarding the availability of early voting, the election dates, and the term "absentee ballot" be included on the form. He stated the intent was to provide the accurate information by regulation.

Senator Titus stated a person could not be prohibited from voting on election day if they request an absentee ballot. She cited a situation in which someone had requested an absentee ballot and made a mistake. She indicated the procedure was to turn in the absentee ballot when voting at the elections office.

Further explaining a concern voiced by Senator Raggio, Ms. Reed indicated voters requested absentee ballots through a form containing the clerk's name and address. The voter would then receive an absentee ballot. Some voters, she noted, showed up at the polls not realizing they had requested an absentee ballot.

Senator Raggio asked what had happened when those who previously requested an absentee ballot showed up at the polls to vote. Ms. Reed explained:

What we do is we check; when they come into vote early, we ... put the name in, and it immediately brings it up on the screen with a signature and everything, and it shows, whether or not, we have received that absentee ballot back. If we have received

it back, we explain to them, 'We have your ballot back, and you cannot vote because you already voted.' If the ballot is not returned to us, we can void that ballot, because it has not been voted, and we will allow them to vote The clerks all keep that record. And then on the roster books that go out to the election workers, it actually shows, next to the name, if the ballot has come back, it shows the person has voted absentee. So we certainly allow them to vote, unless we have gotten that ballot back.

Ms. Reed restated the confusion that had been involved, and indicated thousands of the absentee ballot request forms were mailed.

Assemblywoman Giunchigliani expressed support for a form, from the secretary of state's office, to be prescribed through public hearing, noting the necessity of evaluating all of the problems experienced in the different counties. She noted this form would be standardized and required for those choosing to mail absentee ballot requests.

Chairman O'Connell suggested the form be prescribed by the secretary of state with critical items listed for inclusion. The items, she pointed out, would include language identifying the form as an absentee ballot, the procedure by which one would follow if they have requested an absentee ballot, and the person or group who has sent the form.

Assemblywoman Giunchigliani suggested the language state, "This is an absentee ballot request to your clerk." She indicated this would help voters understand the request is a more involved process. Senator Neal suggested the language state, "This is an absentee ballot request to your election official." Assemblywoman Giunchigliani agreed this language would be more appropriate.

Senator Raggio stated his concern with regards to the residency requirement changes set forth in sections 8 and 11 of A.B. 614. He questioned the intent of the amendment to current law.

Assemblywoman Giunchigliani indicated the attempt was to clarify residence in provisions regarding candidacy declarations. She indicated she would not object to deleting the changes regarding residency if they do not meet definition

concerns. Prompted by Senator Raggio, the assemblywoman reiterated the intent to more closely define residence for the purposes of filing for office.

Senator Raggio proposed a situation in which a person has two houses in two districts, and he questioned the actual residence of such an individual. Assemblywoman Giunchigliani indicated the residence would be the address one claims when filing for office. Senator Raggio asked about the meaning of the language, "actually as opposed to constructively." Assemblywoman Giunchigliani drew attention to the language in section 41 of A.B. 614. Senator Raggio pointed out there is a definition for "actual residence" which indicates it is "the place where a person is legally domiciled and maintains a permanent habitation." Assemblywoman Giunchigliani stated this definition was drafted last session based upon Senator Raggio's concerns, noting persons could have 3 or 4 residences. When filing out the declaration of candidacy, the address was the confirmed residence. Senator Raggio expressed concern that a person could declare an address that may or may not be his or her residence. Assemblywoman Giunchigliani indicated the residence would be a place where a person "lays their head."

Senator Raggio pointed out the language set forth in section 14 of A.B. 614, which states, "If a person maintains more than one such habitation." He stated residency to be different than a domicile as a habitation indicates one only has to live there 1 day, though the language would indicate the habitation could be deemed one's residence. The senator expressed concern that one would be able to rent a room at a hotel for a week, regardless of another residence, and declare the habitation as his or her residence for purposes of candidacy.

Assemblywoman Giunchigliani stated the situation expressed by Senator Raggio currently occurs. The intent, she noted, would tighten the language while taking into consideration concerns voiced in the previous session.

Chairman O'Connell requested Kim Marsh Guinasso, Committee Counsel, Legal Division, Legislative Counsel Bureau, comment on the language at hand. Ms. Guinasso pointed out there is a legal distinction between the concepts of domicile and residence. She indicated one may have many residences but only have one domicile. In distinguishing domicile and residence, Ms. Guinasso read from Black's Law Dictionary stating:

Domicile and residence are usually in the same place, but they are frequently used as if they had the same meaning; but they are not identical terms for a person may have two places of residence, as in the city and country, but only one domicile. Residence means living in a particular locality, but domicile means living in that locality with intent to make it a fixed and permanent home.

Ms. Guinasso pointed out the legal distinction turns on intent, as do other concepts that are, in practice, difficult to ascertain. If one's intent is to remain permanently in a place, then that would be his or her domicile.

Chairman O'Connell questioned whether the declaration for candidacy is signed under penalty of perjury. Assemblywoman Giunchigliani confirmed this to be true, stating, "We thought that was cleaner ... the thought was you already have to fill out that form. That is what you declare anyway. That ... becomes a public record. So at least, then, if your opponent wants to make that allegation, they have a little something more to go on rather than just a definition."

Chairman O'Connell asked if the issue of residency continues to be a problem. Assemblywoman Giunchigliani indicated that there have been several cases of fraud concerning residency as recently as the last election.

SENATOR TITUS MOVED TO AMEND AND DO PASS A.B. 614.

Senator Titus indicated the amendment would add the language suggested in the discussion regarding itemizing elements for inclusion on the secretary of state's form for absentee ballot requests. She indicated the language should identify the person or group sending the request form, state it is an absentee ballot request, and clarify the form is being returned to the appropriate election official. It was agreed this amendment would indicate the type size of the disclaimer on the absentee ballot request form to be in large print.

Chairman O'Connell indicated there was a conflict amendment. She asked a question regarding the necessity of the "actual, as opposed to constructively" language. Assemblywoman Giunchigliani stated this language would parallel the "actual" definition and would affect the way in which it was interpreted in statute. She said if the language was going to preclude passage of the

legislation, she would agree to its deletion. The assemblywoman stressed her preference would be to retain the language referencing residency.

Senator Neal pointed out the Department of Motor Vehicles and Public Safety gives licenses based on one's domicile. He questioned whether the address on one's driver's license could be used to determine a residency versus a domicile. It was found one no longer has to use his or her domicile address to receive a driver's license as a business address could be given instead. Senator Porter suggested the requirement could be tied to the address given on one's tax return.

Senator Titus indicated her motion would not include amending the language concerning residency.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR RAGGIO WAS ABSENT FOR THE VOTE.)

ASSEMBLY BILL 62: Makes various changes concerning residential facilities for groups. (BDR 22-12)

Assemblywoman Sandra J. Tiffany, Clark County Assembly District No. 21, indicated there were residences in Green Valley that had blocked, rather than gated, communities, and she noted she had received much protest regarding this issue from her constituents. The Fair Housing Act, she explained, does not provide the authority necessary to allow people to reside in these areas. She pointed out the bill would assist in setting a distance from which one home could be from another so as not to create a clustering effect. When researching the locations of the various homes, she noted, the information was not found in a central location; thus, the genesis of the registry provision. The assemblywoman noted if there was a concern regarding the location of a group home, it could be looked up in one particular register. She noted the measure had been reviewed by an Assembly subcommittee, and she expressed support for the amendments proposed by Assemblywoman Giunchigliani. Prompted by Senator Neal, she indicated the attempt had been made to consolidate the housing information in three different locations including the Internet.

5-20-99

11. During the pendency of a criminal or quasi-criminal charge of a crime excluded from the original jurisdiction of the juvenile court pursuant to NRS 62.040, a child may petition the juvenile court for temporary placement in a facility for the detention of juveniles.

12. In determining whether to release a child pursuant to this section to a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child.

Sec. 7. Assembly Bill No. 262 of this session is hereby amended by adding thereto a new section designated sec. 3, following sec. 2, to read as follows:

Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1999.”

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 5, to read as follows:

“Sec. 9. Sections 1, 2, 5, 6 and 7 of this act become effective at 12:03 a.m. on October 1, 1999.”

Senator McGinness moved the adoption of the amendment.

Remarks by Senator McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 530.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Facilities:

Amendment No. 822.

Amend section 1, page 1, by deleting lines 9 through 13 and inserting:

“3. Meetings of the veterans’ services commission must ~~alternate between the city in which the office of the executive director is located and~~ be held:

(a) In Las Vegas ~~[-]~~ ;

(b) In Reno; or

(c) At any other location if conducted by teleconference.”

Senator Rawson moved the adoption of the amendment.

Remarks by Senator Rawson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 614.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 965.

Amend sec. 3, page 2, line 34, by deleting “state;” and inserting: “state, which must, in 14-point type or larger:

- (1) Identify the person who is mailing the form;
 - (2) Include a notice stating, "This is a request for an absent ballot.";
- and
- (3) State that by returning the form the form will be submitted to the county clerk;"

Amend sec. 26, page 20, line 31, by deleting "state;" and inserting: "state, which must, in 14-point type or larger:

- (1) Identify the person who is mailing the form;
 - (2) Include a notice stating, "This is a request for an absent ballot.";
- and
- (3) State that by returning the form the form will be submitted to the city clerk;"

Amend sec. 27, page 21, line 1, by deleting "40" and inserting "70".

Amend sec. 27, page 21, line 2, by deleting "30th" and inserting "60th".

Senator O'Connell moved the adoption of the amendment.

Remarks by Senator O'Connell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 628.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 993.

Amend section 1, page 1, by deleting line 9 and inserting:

"(a) Regular routes and fixed schedules [~~Under such an agreement,~~];"

Amend section 1, page 2, by deleting lines 2 through 8 and inserting: "schedules;

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares . [~~and provide for any required safety inspections.~~

~~3.~~ (b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

ASSEMBLY BILL NO. 614—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

MARCH 18, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes to provisions regarding elections. (BDR 24-281)

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

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to elections; making various provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; changing the period that unused ballots must be held by the county clerk; revising the requirements for recounting ballots by hand; specifying the time within which a public officer who is subject to a recall may resign without a special election being conducted; making various changes to election deadlines and procedures; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1.** *A registered voter who, because of a physical disability,*
4 *is unable to mark or sign a ballot or use a voting device without*
5 *assistance may submit a written statement to the appropriate county clerk*
6 *requesting that he receive an absent ballot for each election conducted*
7 *during the period specified in subsection 3.*
8 **2.** *A written statement submitted pursuant to subsection 1 must:*
9 *(a) Include a statement from a physician licensed in this state*
10 *certifying that the registered voter is a person with a physical disability*
11 *and, because of the physical disability, he is unable to mark or sign a*
12 *ballot or use a voting device without assistance;*

THIS BILL IS 31 PAGES LONG.
CONTACT THE RESEARCH LIBRARY
FOR A COPY OF THE COMPLETE BILL.

5-21-99

Assembly Bill No. 604.
 Bill read third time.
 Remarks by Senator Care.
 Roll call on Assembly Bill No. 604:
 YEAS—18.
 NAYS—Care, Coffin, Wiener—3.

Assembly Bill No. 604 having received a two-thirds majority, Madam President declared it passed, as amended.
 Bill ordered transmitted to the Assembly.

Assembly Bill No. 614.
 Bill read third time.
 Roll call on Assembly Bill No. 614:
 YEAS—21.
 NAYS—None.

Assembly Bill No. 614 having received a constitutional majority, Madam President declared it passed, as amended.
 Bill ordered transmitted to the Assembly.

Assembly Bill No. 621.
 Bill read third time.
 Roll call on Assembly Bill No. 621:
 YEAS—21.
 NAYS—None.

Assembly Bill No. 621 having received a two-thirds majority, Madam President declared it passed, as amended.
 Bill ordered transmitted to the Assembly.

Assembly Bill No. 628.
 Bill read third time.
 Roll call on Assembly Bill No. 628:
 YEAS—21.
 NAYS—None.

Assembly Bill No. 628 having received a constitutional majority, Madam President declared it passed, as amended.
 Bill ordered transmitted to the Assembly.

Assembly Bill No. 631.
 Bill read third time.
 Remarks by Senators Raggio and Coffin.
 Roll call on Assembly Bill No. 631:
 YEAS—21.
 NAYS—None.

Assembly Bill No. 631 having received a constitutional majority, Madam President declared it passed, as amended.
 Bill ordered transmitted to the Assembly.

Assembly Bill No. 614—Committee on Elections,
Procedures, and Ethics

CHAPTER 460

AN ACT relating to elections; making various provisions for access to and use of polling places and absent ballots by voters who are disabled, elderly or unable to go to polling places; requiring a candidate to be an actual, as opposed to constructive, resident of his claimed residence; changing the period that unused ballots must be held by the county clerk; revising the requirements for recounting ballots by hand; specifying the time within which a public officer who is subject to a recall may resign without a special election being conducted; making various changes to election deadlines and procedures; and providing other matters properly relating thereto.

[Approved June 7, 1999]

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 and 3 of this act.

Sec. 2. 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate county clerk requesting that he receive an absent ballot for each election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this state certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the county clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each election that is conducted during the year immediately succeeding the date the written statement is submitted to the county clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the county clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this state submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the county clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 3. 1. A person who, during the 6 months immediately preceding an election, mails to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Mail the form prescribed by the secretary of state, which must, in 14-point type or larger:

(1) Identify the person who is mailing the form;

(2) Include a notice stating, "This is a request for an absent ballot."; and

(3) State that by returning the form the form will be submitted to the county clerk;

(b) Not later than 14 days before mailing such a form, notify the county clerk of each county to which a form will be mailed of the number of forms to be mailed to voters in the county and the date of the mailing of the forms; and

(c) Not mail such a form later than 21 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.

Sec. 4. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within 4 days excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109 ~~for 306.035,~~ 306.035 or 306.110, the county clerk shall determine the total number of signatures affixed to the documents and 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.

3. After the petition is submitted to the county clerk it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the secretary of state.

Sec. 5. 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 9 days excluding Saturdays,

Sundays and holidays after 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 the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. The county clerk shall 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 6, 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 the documents with the certificate to the secretary of state. A copy of this certificate must be filed in the clerk's office.

5. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, **293.165**, 293.172, 293.200, 295.056, 298.109, ~~306.035~~ **or 306.110** must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS **293.165**, 293.200, ~~306.035~~ **or 306.110** for any county, district or municipal office within one county, the county clerk shall not transmit to the secretary of state the documents containing the signatures of the registered voters.

7. The secretary of state may by regulation establish further procedures for carrying out the provisions of this section.

Sec. 6. 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 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 the signatures for verification. The county clerks ~~must~~ **shall** examine the signatures for verification until they determine 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 100 percent of the number of signatures of registered voters needed to constitute 10 percent of 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 12 days excluding Saturdays, Sundays and holidays after receipt of such an order, the 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 clerk may use any file or list of registered voters maintained by his office or facsimiles of voters' signatures. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that 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 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 containing signatures which are required to be verified pursuant to the provisions of NRS **293.165**, 293.200, ~~306.035~~ **or 306.110** for any county, district or municipal office within one county, the county clerk shall not 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. 7. 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 major or minor political 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 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and *on or before* the ~~first~~ **second** Tuesday in ~~September~~ **August** must be filled by filing a nominating petition that is signed by ~~at least~~ **registered voters of the state, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who are registered to vote and** 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~~ **fourth** Tuesday in ~~September~~ **August. The petition may consist of more than one document. Each document must bear the name of**

one county and must not be signed by a person who is not a registered voter of that county. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection ~~may~~ :

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) 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 ~~the primary election~~ the second Tuesday in August and on or before the second Tuesday in September must be filled by the person who ~~received~~ receives the next highest vote for the nomination in the primary.

4. ~~Except to place a candidate nominated pursuant to subsection 2 on the ballot, no~~ 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.

5. All designations provided for in this section must be filed before 5 p.m. 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. on ~~that date~~ the date the designation is filed.

Sec. 8. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of state senator or assemblyman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, under the chairmanship of the chairman of the board of county commissioners of the county whose population residing within the district is the greatest. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairmen on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. 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.

3. The designation of a nominee pursuant to this section must be filed with the secretary of state before 5 p.m. of the second Tuesday in September, and the statutory filing fee must be paid with the designation.

Sec. 9. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days ~~before~~ immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which he seeks, he has ~~been a legal resident of~~, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the state, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. Any person convicted pursuant to the provisions of this section is disqualified from entering upon the duties of the office for which he was a candidate.

4. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 10. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not 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 candidacy, and paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the third Monday in May.

2. A declaration of candidacy or an acceptance of 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

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 under penalty of perjury that I actually, as opposed to constructively, reside at in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days ~~for more before~~ immediately preceding 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, in violation of the provisions

of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote 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, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; 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

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 under penalty of perjury that I **actually, as opposed to constructively**, reside at, in the City or Town of, County of, State of Nevada; that my actual, **as opposed to constructive**, residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date **at least 30 days** ~~for more before~~ **immediately preceding** 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; that

I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; 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 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, economic, 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. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, **as opposed to constructively**, resides ~~in accordance with NRS 281.050~~, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

Sec. 11. NRS 293.181 is hereby amended to read as follows:

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

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this state as required by NRS 218.010 and have **actually, as opposed to constructively**, resided ~~for intend to reside~~ at the following residence or residences ~~during the 12 months immediately preceding the date of the general election for the office for which I have filed~~ **since November 1 of the preceding year:**

100

.....
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, *as opposed to constructively*, resided or resides ~~†~~ *in accordance with NRS 281.050*, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box, unless a street address has not been assigned to the residence.

Sec. 12. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the proper filing officer:

(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~~ *If the office is a statewide office, a petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in the state ~~for in the county or district electing that officer~~ for that office* at the last preceding general election in which a person was elected to that office.

(c) If the office is a county office, a petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in the county for that office at the last preceding general election in which a person was elected to that office.

(d) If the office is a district office, a petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in the district for that office at the last preceding general election in which a person was elected to that office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated and only registered voters of that county may sign the document. The person who circulates the document must be a registered voter of that county. If the office is a district office, only 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 40 days before filing the petition of candidacy with the proper filing officer. Each signer shall add to his signature the address of the place at which he actually resides, the date that 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. 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 the first Monday in May preceding the general election and not later than 5 p.m. on the third Tuesday 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.

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 fourth Tuesday in August. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Tuesday 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 the first Monday in May of the year in which the election is held nor later than 5 p.m. of the first Wednesday in July.

Sec. 13. 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 county in which he is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or *section 2 of this act* or 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. 14. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his own choice, except:

- (a) The voter's employer or his agent; or
- (b) An officer or agent of the voter's labor organization.

2. A person providing assistance *pursuant to this section* to a ~~{disabled}~~ voter in casting his vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof, but the election board may require a registered voter to sign a statement that he requires assistance in casting his vote by reason of a physical disability or an inability to read or write English when the need for assistance is not apparent or no member of the election board has knowledge thereof. The statement must be executed under penalty of perjury.

4. *In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at his polling place.*

Sec. 15. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots. *The county clerk shall make reasonable accommodations for the use of the absent ballot by an elderly or disabled person.*

2. The ballot must be prepared and ready for distribution to a registered voter who:

- (a) Resides within the state, not later than 20 days before the election in which it is to be used; or
- (b) Resides outside the state, not later than 40 days before a primary or general election, if possible.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 16. NRS 293.316 is hereby amended to read as follows:

293.316 1. Any registered voter *who is* unable to go to the polls ~~{because}~~:

(a) *Because of an illness or disability resulting in his confinement in a hospital, sanatorium, dwelling or nursing home {may request in a written statement, signed by him, that the county clerk send him an absent ballot. The clerk shall deliver the ballot, at the office of the county clerk, to any authorized representative of the voter possessing a written statement signed by the voter stating that he is confined to a dwelling or is a patient in a hospital, sanatorium or nursing home, and that he will be confined therein on election day. If any registered voter is}*; or

(b) *Because he is suddenly hospitalized, {or} becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 293.315, {and is unable to vote at the polling place, he may apply}*

may submit a written request to the county clerk for an absent ballot. *The request may be submitted* at any time before 5 p.m. on the day of the election. ~~{The}~~

2. *If the county clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 3, the county clerk shall {issue}, at the office of the county clerk, deliver an absent ballot {upon satisfactory proof of the emergency.*

~~2. After~~ *to the person designated in the request to obtain the ballot for the registered voter.*

3. *A written request submitted pursuant to subsection 1 must include:*

(a) *The name, address and signature of the registered voter requesting the absent ballot;*

(b) *The name, address and signature of the person designated by the registered voter to obtain, deliver and return the ballot for the registered voter;*

(c) *A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home after the time had elapsed for requesting an absent ballot;*

(d) *If the voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he will be confined therein on the day of the election; and*

(e) *Unless the person designated pursuant to paragraph (b) will mark and sign an absent ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the ballot.*

4. *Except as otherwise provided in subsection 5, after marking his ballot the voter must {place}:*

(a) *Place* it in the identification envelope ~~{He must affix}~~;

(b) *Affix* his signature on the back of the envelope; and ~~{return}~~

(c) *Return* it to the office of the county clerk.

~~3. 5.~~ *A person designated in a request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.*

6. A request for ~~{a}~~ *an absent ballot submitted pursuant to this section must be made, and the ballot delivered to the voter and returned to the county clerk, not later than the time the polls close on election day.*

~~4. 7.~~ The procedure authorized by this section is subject to all other provisions of this chapter relating to *voting by* absent ballot ~~{voting insofar as}~~ *to the extent that* those provisions are not inconsistent with the provisions of this section.

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

293.330 1. When an absent voter receives his ballot, he must mark 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:

(a) The county clerk's office, he must mark 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 "Canceled."

3. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested ~~for~~ the absent ballot ~~to return it~~ or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 18. NRS 293.359 is hereby amended to read as follows:

293.359 ~~1.~~ The ballot box for early voting in which voted ballots which are paper ballots or ballots which are voted by punching a card are deposited must have two ~~locks, each with a different key~~ numbered seals, 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. 19. NRS 293.3602 is hereby amended to read as follows:

293.3602 If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. 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~~ sealed in the manner prescribed in NRS 293.359.

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 or voting district;

(b) Count the number of ballots by precinct or voting district;

(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.

~~6.~~ 5. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection ~~5~~ 4 if those members do not interfere with the handling of the ballots.

Sec. 20. 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, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 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 *such* 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. *Unused ballots, 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 the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

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. 21. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council must be present at the recount.

Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

2. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

3. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after consultation with each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. ~~{A}~~ **In addition, a** recount by computer must be made of all the selected ballots. If the count **by hand or the recount by computer** of the selected ballots ~~for the recount~~ shows a discrepancy ~~{of}~~ **equal to or greater than** 1 percent or ~~{more for either candidate,}~~ **5 votes, whichever is greater, for any candidate for the office,** or in favor of or against a ballot question, from the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office. ~~{If there is not a discrepancy of 1 percent or more,}~~ **Otherwise,** the county or city clerk ~~{shall not order such a count, but}~~ shall order a recount by computer of all the ballots for the office.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

Sec. 22. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed his residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 ~~{}~~ or 293.535 who moved:

(a) From one precinct to another **or from one congressional district to another** within the same county must be allowed to vote in the precinct where he previously resided after he provides an oral or written affirmation before an election board officer attesting to his new address.

(b) Within the same precinct must be allowed to vote after he provides an oral or written affirmation before an election board officer attesting to his new address.

2. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that he has changed his residence, he must be permitted to vote after he provides an oral or written affirmation before an election board officer attesting that he continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his address as required by this section, he may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the election board register.

Sec. 23. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the ~~{15th}~~ **25th** day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He is registered to vote in the same precinct or district as the person whose right to vote is challenged; or

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall file the challenge in the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

(b) In counties where records of registration are kept by computer, he shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

6. The county clerk shall, within 5 days after a challenge is filed, mail a notice to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. A copy of the challenge must accompany the notice.

Sec. 24. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. 1. A registered voter who, because of a physical disability, is unable to mark or sign a ballot or use a voting device without assistance may submit a written statement to the appropriate city clerk requesting that he receive an absent ballot for each city election conducted during the period specified in subsection 3.

2. A written statement submitted pursuant to subsection 1 must:

(a) Include a statement from a physician licensed in this state certifying that the registered voter is a person with a physical disability and, because of the physical disability, he is unable to mark or sign a ballot or use a voting device without assistance;

(b) Designate the person who will assist the registered voter in marking and signing the absent ballot on behalf of the registered voter; and

(c) Include the name, address and signature of the person designated pursuant to paragraph (b).

3. Upon receipt of a written statement submitted by a registered voter pursuant to subsection 1, the city clerk shall, if the statement includes the information required pursuant to subsection 2, issue an absent ballot to the registered voter for each city election that is conducted during the year immediately succeeding the date the written statement is submitted to the city clerk.

4. To determine whether a registered voter is entitled to receive an absent ballot pursuant to this section, the city clerk may, every year after an absent ballot is issued to a registered voter pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this state submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.

5. A person designated pursuant to paragraph (b) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 26. 1. A person who, during the 6 months immediately preceding an election, mails to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Mail the form prescribed by the secretary of state, which must, in 14-point type or larger:

(1) Identify the person who is mailing the form;

(2) Include a notice stating, "This is a request for an absent ballot."; and

(3) State that by returning the form the form will be submitted to the city clerk;

(b) Not later than 14 days before mailing such a form, notify the city clerk of each city to which a form will be mailed of the number of forms to be mailed to voters in the city and the date of the mailing of the forms; and

(c) Not mail such a form later than 21 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.

Sec. 27. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

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

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City 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 under penalty of perjury that I *actually, as opposed to constructively*, reside at, in the City or Town of, County of, State of Nevada; that my actual, *as opposed to constructive*, residence in the city, township or other area prescribed by law to which the office pertains began on a date *at least 30 days* ~~for more before~~ *immediately preceding* the date of the close of filing of declarations of candidacy for this office; that if nominated as a 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; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; 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 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, economic, 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 concerning the person or principles for which he is voting.

4. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, *as opposed to constructively*, resides ~~if~~ *in accordance with NRS 281.050*, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

Sec. 28. NRS 293C.200 is hereby amended to read as follows:
 293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least *the* 30 days ~~before~~ *immediately preceding the date of* the close of filing of declarations or acceptances of candidacy for the office that he seeks, he has ~~been a legal resident of~~ *in accordance with NRS 281.050, actually, as opposed to constructively, resided in* the city or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.

3. Any person convicted pursuant to the provisions of this section is disqualified from entering upon the duties of the office for which he was a candidate.

Sec. 29. NRS 293C.265 is hereby amended to read as follows:
 293C.265 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 city election in which he votes at which that registration is valid, vote in person unless he has previously voted in the county in which he is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:
 (a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;
 (b) Is entitled to vote an absent ballot pursuant to federal law or *section 25 of this act or* NRS 293C.317;
 (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 city clerk.

Sec. 30. NRS 293C.282 is hereby amended to read as follows:
 293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his own choice, except:

- (a) The voter's employer or his agent; or
 - (b) An officer or agent of the voter's labor organization.
2. A person providing assistance *pursuant to this section* to a ~~disabled~~ voter in casting his vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof, but the election board may require a registered voter to sign a statement that he requires assistance in casting his vote because of a physical disability or an inability to read or write English when the need for assistance is not apparent or no member of the election board has knowledge thereof. The statement must be executed under penalty of perjury.

4. *In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at his polling place.*

Sec. 31. NRS 293C.305 is hereby amended to read as follows:
 293C.305 1. The city clerk shall prepare an absent ballot for the use of registered voters who have requested absent ballots. *The city clerk shall make reasonable accommodations for the use of the absent ballot by an elderly or disabled person.*

2. The ballot must be prepared and ready for distribution to a registered voter who resides within or outside this state, not later than 20 days before the election in which it will be used.

3. Any legal action that would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 32. NRS 293C.317 is hereby amended to read as follows:
 293C.317 1. Any registered voter *who is* unable to go to the polls ~~because~~ :

(a) *Because of an illness or disability resulting in his confinement in a hospital, sanatorium, dwelling or nursing home* ~~may request in a written statement, signed by him, that the city clerk send him an absent ballot. The city clerk shall deliver the ballot, at the office of the city clerk, to any authorized representative of the voter possessing a written statement signed by the voter stating that he is confined to a dwelling or is a patient in a~~

hospital, sanatorium or nursing home and that he will be confined therein on election day. If any registered voter is; ~~or~~

(b) ~~Because he is~~ suddenly hospitalized, ~~for~~ becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 293C.312 ~~and is unable to vote at the polling place, he may apply~~,

may submit a written request to the city clerk for an absent ballot. The request may be submitted at any time before 5 p.m. on the day of the election. ~~The~~

2. ~~If the city clerk determines that a request submitted pursuant to subsection 1 includes the information required pursuant to subsection 3, the city clerk shall issue~~, at the office of the city clerk, deliver an absent ballot ~~upon satisfactory proof of the emergency.~~

~~2. After~~ to the person designated in the request to obtain the ballot for the registered voter.

3. A written request submitted pursuant to subsection 1 must include:

(a) The name, address and signature of the registered voter requesting the absent ballot;

(b) The name, address and signature of the person designated by the registered voter to obtain, deliver and return the ballot for the registered voter;

(c) A brief statement of the illness or disability of the registered voter or of facts sufficient to establish that the registered voter was called away from home after the time had elapsed for requesting an absent ballot;

(d) If the voter is confined in a hospital, sanatorium, dwelling or nursing home, a statement that he will be confined therein on the day of the election; and

(e) Unless the person designated pursuant to paragraph (b) will mark and sign an absent ballot on behalf of the registered voter pursuant to subsection 5, a statement signed under penalty of perjury that only the registered voter will mark and sign the ballot.

4. Except as otherwise provided in subsection 5, after marking his ballot the voter must ~~place~~:

(a) Place it in the identification envelope ~~The voter must affix~~;

(b) Affix his signature on the back of the envelope; and ~~return~~

(c) Return it to the office of the city clerk.

~~3.~~ 5. A person designated in a request submitted pursuant to subsection 1 may, on behalf of and at the direction of the registered voter, mark and sign the absent ballot. If the person marks and signs the ballot, the person shall indicate next to his signature that the ballot has been marked and signed on behalf of the registered voter.

6. A request for ~~an~~ an absent ballot submitted pursuant to this section must be made, and the ballot delivered to the voter and returned to the city clerk, not later than the time the polls close on election day.

~~4.~~ 7. The procedure authorized by this section is subject to all other provisions of this chapter relating to voting by absent ballot ~~voting insofar as~~ to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 33. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. When an absent voter receives his ballot, he must mark 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:

(a) The city clerk's office, he must mark 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 city 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 "Canceled."

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

Sec. 34. NRS 293C.359 is hereby amended to read as follows:

293C.359 ~~4.~~ The ballot box for early voting in which voted ballots which are paper ballots or ballots which are voted by punching a card are deposited must have two ~~locks, each with a different key~~ numbered seals, 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 city 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 city 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. 35. NRS 293C.3602 is hereby amended to read as follows:

293C.3602 If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the city 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 city clerk shall provide a new ballot box ~~locked~~ sealed in the manner prescribed in NRS 293C.359.

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 city clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the city 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 or voting district;

(b) Count the number of ballots by precinct or voting district;

(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.

~~6.~~ 5. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection ~~4~~ if those members do not interfere with the handling of the ballots.

Sec. 36. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, ~~unused ballots,~~ tally lists, pollbooks, challenge lists, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 and stubs of the ballots used, enclosed and sealed must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least 22 months. All *such* sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city, or if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials. *Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

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

4. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in a contested election, and 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 the judge, body or board.

Sec. 37. Chapter 306 of NRS is hereby amended by adding thereto a new section to read as follows:

If a public officer who is subject to a recall petition resigns his office:

1. *Before the call for a special election is issued:*

(a) *The official with whom the petition to recall is filed shall cease any further proceedings regarding the petition;*

(b) *A vacancy occurs in that office; and*

(c) *The vacancy thereby created must be filled in the manner provided by law.*

2. *After the call for a special election is issued, the special election must be conducted.*

Sec. 38. NRS 306.110 is hereby amended to read as follows:

306.110 1. A petition to nominate other candidates for the office must be signed by registered voters of the state, or of the county, district or municipality holding the election, equal in number to 25 percent of the number of registered voters who voted in the state, or in the county, district or municipality holding the election at the general election at which the public officer was elected. *Each petition may consist of more than one document. Each document must bear the name of one county and must not be signed by a person who is not a registered voter of that county.*

2. The nominating petition must be filed, at least ~~15~~ 20 days before the date of the special election, with the officer with whom the recall petition is filed. *Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document.*

3. Each candidate who is nominated for office must file an acceptance of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 or by the governing body of a city at least ~~15~~ 20 days before the date of the special election.

Sec. 39. NRS 218.010 is hereby amended to read as follows:

218.010 No person ~~shall be~~ is eligible to the office of state senator or assemblyman who:

1. Is not a qualified elector and who has not been ~~an~~ *an actual, as opposed to constructive*, citizen resident of this state for 1 year next preceding his election.

2. At the time of election has not attained the age of 21 years.

Sec. 40. NRS 218.043 is hereby amended to read as follows:

218.043 Where a vacancy occurs in the office of state senator or assemblyman during a regular or special session of the legislature or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the procedure for filling the vacancy is as follows:

1. Where the senator or assemblyman was elected from a district wholly within one county, the board of county commissioners of the county from which the former incumbent was elected shall appoint a person of the same political party as the former incumbent *and who actually, as opposed to constructively, resides in the district* to fill the vacancy.

2. Where the former incumbent was elected from a district comprising more than one county, the county commissioners of each county within or partly within the district shall meet to appoint a person of the same political party as the former incumbent *and who actually, as opposed to constructively, resides in the district* to fill the vacancy, under the chairmanship of the chairman of the board of county commissioners of the county whose population residing within the district is the greatest. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairmen on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each select a candidate, and the appointee ~~shall~~ *must* be chosen by drawing lots among the candidates so selected.

3. The board of county commissioners or the board of the county which has the largest population within the district, as the case may be, shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county which has the largest population within the district, as the case may be, shall give the certificate to the appointee and send a copy of the certificate to the secretary of state.

Sec. 41. NRS 281.050 is hereby amended to read as follows:

281.050 1. The ~~legal~~ residence of a person with reference to his eligibility to office is ~~{that place where he has been actually, physically and corporeally present}~~ *his actual residence* within the state or county or district, as the case may be, during all the period for which residence is claimed by him. ~~{Should}~~ *If any person {absent} absents himself from the jurisdiction of his residence {such absence shall} with the intention in good faith to return without delay and continue his residence, the period of absence must not* be considered in determining the question of ~~legal~~ residence.

2. If a candidate who has filed for elective office moves his residence out of the state, county, district, ward, subdistrict or any other unit prescribed by law for which he is a candidate and in which he is required *actually, as opposed to constructively*, to reside, a vacancy is created thereby and the appropriate action for filling ~~{such vacancy shall}~~ *the vacancy must* be taken. *A person shall be deemed to have moved his residence for the purposes of this section if:*

- (a) *He has acted affirmatively to remove himself from one place; and*
- (b) *He has an intention to remain in another place.*

3. The district court has jurisdiction to determine the question of ~~legal~~ residence in an action for declaratory judgment.

4. *As used in this section, "actual residence" means the place where a person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place he declares to be his principal permanent habitation when filing a declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to be his actual residence.*

Sec. 42. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

- (a) The death or resignation of the incumbent.
- (b) The removal of the incumbent from office.
- (c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of his official oath or bond or a violation of NRS 241.040, 293.1755 or 293C.200.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010, or, when a bond is required by law, his refusal or neglect to give the bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be ~~{a}~~ *an actual, as opposed to constructive*, resident of the state, district, county, city, ward or other unit prescribed by law in which the duties of his office are to be exercised, or from which he was elected or appointed, or in which he was required to reside to be a candidate for office or appointed to office.

(g) The neglect or refusal of the incumbent to discharge the duties of his office for a period of 30 days, except when prevented by sickness or absence from the state or county, as provided by law. In a county whose population is less than 10,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of his office for at least 6 months, the district attorney, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the attorney general, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

- (1) The medical condition of the incumbent;
- (2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of his office; and

(3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

2. Upon the happening of any of the events described in subsection 1, if the incumbent fails or refuses to relinquish his office, the attorney general shall, if the office is a state office or concerns more than one county, or the district attorney shall, if the office is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring that office vacant.

Sec. 43. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assembly Bill No. 628—Committee on Transportation

CHAPTER 461

AN ACT relating to public transit; exempting a common motor carrier that operates a public transit system which provides certain transportation services from the requirement of obtaining a certificate of public convenience and necessity under certain circumstances; expanding the authorized purposes of interlocal contracts to include the joint use or operation of a system of public transportation; authorizing a regional transportation commission, certain less populous counties and incorporated cities within such counties to establish or operate a public transit system that provides certain services to serve certain specified persons and the public; and providing other matters properly relating thereto.

[Approved June 7, 1999]

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

Section 1. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to ambulances or hearses.

2. A common motor carrier ~~who~~ that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of ~~regular~~ :

(a) Regular routes and fixed schedules ~~[- Under such an agreement,];~~

(b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares. ~~and provide for any required safety inspections.~~

~~3-~~ (b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. A nonprofit carrier of elderly or ~~physically or mentally handicapped~~ disabled persons is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the authority to determine whether its vehicles and their operation are safe.

~~4-~~ 6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 2. NRS 277.180 is hereby amended to read as follows:

277.180 1. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform. Such a contract ~~shall~~ must be ratified by appropriate official action of the governing body of each party to the contract as a condition precedent to its entry into force. Such a contract ~~shall~~ must set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.

2. The authorized purposes of agreements made pursuant to subsection 1 include, but are not limited to:

(a) The joint use of hospitals, road construction and repair equipment, and such other facilities or services as may and can be reasonably used for the promotion and protection of the health and welfare of the inhabitants of this state.