

ASSEMBLY BILL NO. 431—ASSEMBLYMAN HANSEN

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises certain provisions governing voter identification. (BDR 24-606)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 3) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to elections; requiring registered voters to provide proof of identity to vote in person; requiring county clerks to issue proof of identity under certain circumstances; requiring registered voters to provide identification to vote by absent ballot or mail; revising provisions concerning provisional ballots; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a registered voter to provide satisfactory identification to  
2 vote in person. (NRS 293.2725, 293.277, 293.303, 293.3085, 293.353, 293.3585,  
3 293.541, 293C.270, 293C.292, 293C.3585) **Sections 8-10, 13, 18, 19, 21-23 and 28**  
4 of this bill require a registered voter who wishes to vote in person to provide proof  
5 of identity as that term is defined in **section 2** of this bill. That definition includes  
6 various forms of photographic identification that may be issued by an agency of  
7 this State, the United States or a federally recognized Indian tribe. The definition  
8 also includes a photographic voter identification card issued by a county clerk  
9 pursuant to **section 3** of this bill and a document given by the administrator of a  
10 licensed medical facility or licensed facility for the dependent to a resident of the  
11 facility attesting to the person’s identity and that he or she is a resident of the  
12 facility. The provisions of this bill that require proof of identity, as that term is  
13 defined in **section 2**, in order to vote in person are similar to the provisions of the  
14 Indiana law upheld by the United States Supreme Court. (*Crawford v. Marion Cty.*  
15 *Election Bd.*, 128 S. Ct. 1610 (2008)) The Court held that the Indiana law requiring  
16 a person to provide photographic identification to vote in person did not  
17 unconstitutionally burden the person’s right to vote, in part because Indiana  
18 provided one of the forms of required photographic identification free of charge.  
19 **Section 3** requires county clerks to issue, free of charge, a photographic voter



20 identification card to any registered voter who does not possess one of the other  
21 forms of proof of identity. **Sections 4 and 5** of this bill set forth the requirements  
22 for the issuance and the form of the voter identification card. **Section 6** of this bill  
23 requires the Secretary of State to adopt regulations concerning the voter  
24 identification cards.

25 Under existing law, a person who is not eligible to cast a regular ballot because  
26 he or she fails to produce identification at the polling place may vote a provisional  
27 ballot for federal offices if he or she fulfills certain requirements. (NRS 293.3081,  
28 293.3082) However, the provisional ballot will not be counted unless the person  
29 provides identification to the county or city clerk by 5 p.m. on the Friday following  
30 the election. (NRS 293.3085) **Section 13** extends that period until 12 p.m. on the  
31 Monday following the election and further provides that the person's provisional  
32 ballot will be counted if the person provides proof of identity or executes an  
33 affidavit stating that he or she is unable to provide the proof of identity because he  
34 or she is indigent or has a religious objection to being photographed.  
35 (NRS 293.3085)

36 **Sections 8, 14-18 and 24-27** of this bill require a registered voter to provide a  
37 copy of his or her identification to cast an absent ballot or a mailing ballot. (NRS  
38 293.2725, 293.3517, 293.316, 293.330, 293.353, 293C.315, 293C.317, 293C.330)  
39 **Sections 16 and 26** further provide that the forms of identification which may be  
40 used for that purpose are: (1) the voter's proof of identity; (2) any other current and  
41 valid photo identification of the voter; or (3) a current utility bill, bank statement,  
42 paycheck, or document issued by a governmental entity, including a check, which  
43 indicates the name and address of the voter, but not including a voter registration  
44 card.

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

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

4 **Sec. 2. 1. "Proof of identity" means:**

5 **(a) A document or identity card that:**

6 **(1) Is issued by an agency of this State, the United States or**  
7 **a federally recognized Indian tribe;**

8 **(2) Shows a recognizable photograph of the person to**  
9 **whom the document or identity card is issued;**

10 **(3) Shows the name and signature of the person to whom**  
11 **the document or identity card is issued; and**

12 **(4) Bears an expiration date that is not earlier than 4 years**  
13 **before the date of the election for which the document or identity**  
14 **card is offered as proof of identity;**

15 **(b) A voter identification card issued by a county clerk**  
16 **pursuant to section 3 of this act; or**

17 **(c) A document provided by the administrator of a licensed**  
18 **medical facility or licensed facility for the dependent to a resident**  
19 **of the facility attesting to the person's identity and that he or she is**  
20 **a resident of the facility.**



1       2. *As used in this section:*

2       (a) *“Facility for the dependent” has the meaning ascribed to it*  
3 *in NRS 449.0045.*

4       (b) *“Medical facility” has the meaning ascribed to it in*  
5 *NRS 449.0151.*

6       **Sec. 3.** *1. A county clerk shall, in accordance with*  
7 *regulations adopted by the Secretary of State:*

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

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

10       (2) *Does not possess proof of identity as set forth in*  
11 *paragraph (a) of subsection 1 of section 2 of this act; and*

12       (3) *Complies with the provisions of section 4 of this act.*

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

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

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

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

21       2. *Proof of the applicant’s date of birth;*

22       3. *The voter registration card issued to the applicant pursuant*  
23 *to NRS 293.517 or other evidence that the applicant is registered*  
24 *to vote in this State; and*

25       4. *A copy of a current utility bill, bank statement, paycheck or*  
26 *document issued by a governmental entity, including a check,*  
27 *which indicates the name and address of the applicant, but not*  
28 *including a voter registration card issued pursuant to*  
29 *NRS 293.517.*

30       **Sec. 5.** *A voter identification card issued to a person*  
31 *pursuant to section 3 of this act:*

32       1. *Must include, without limitation:*

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

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

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

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

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

41       **Sec. 6.** *The Secretary of State shall adopt regulations to*  
42 *carry out the provisions of sections 3 to 6, inclusive, of this act.*

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

44       293.010 *As used in this title, unless the context otherwise*  
45 *requires, the words and terms defined in NRS 293.013 to 293.121,*



1 inclusive, *and section 2 of this act* have the meanings ascribed to  
2 them in those sections.

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

4 293.2725 1. Except as otherwise provided in subsection 2, in  
5 NRS 293.3081 and 293.3083 and in federal law, a person who  
6 registers by mail to vote in this State and who has not previously  
7 voted in an election for federal office in this State:

8 (a) May vote at a polling place only if the person presents *proof*  
9 *of identity* to the election board officer at the polling place ; ~~;~~

10 ~~— (1) A current and valid photo identification of the person; or~~  
11 ~~— (2) A copy of a current utility bill, bank statement, paycheck,~~  
12 ~~or document issued by a governmental entity, including a check~~  
13 ~~which indicates the name and address of the person, but not~~  
14 ~~including a voter registration card issued pursuant to NRS 293.517;]~~  
15 and

16 (b) May vote by mail only if the person provides to the county  
17 or city clerk:

18 (1) A copy of a current and valid photo identification of the  
19 person; or

20 (2) A copy of a current utility bill, bank statement, paycheck,  
21 or document issued by a governmental entity, including a check  
22 which indicates the name and address of the person, but not  
23 including a voter registration card issued pursuant to NRS 293.517.

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

25 (a) Registers to vote by mail and submits *a copy of his or her*  
26 *proof of identity* with an application to register to vote ; ~~;~~

27 ~~— (1) A copy of a current and valid photo identification ; or~~  
28 ~~— (2) A copy of a current utility bill, bank statement, paycheck,~~  
29 ~~or document issued by a governmental entity, including a check~~  
30 ~~which indicates the name and address of the person, but not~~  
31 ~~including a voter registration card issued pursuant to NRS 293.517;]~~

32 (b) Registers to vote by mail and submits with an application to  
33 register to vote a driver's license number or at least the last four  
34 digits of his or her social security number, if a state or local election  
35 official has matched that information with an existing identification  
36 record bearing the same number, name and date of birth as provided  
37 by the person in the application;

38 (c) Is entitled to vote an absent ballot pursuant to the Uniformed  
39 and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et  
40 seq.;

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

44 (e) Is entitled to vote otherwise than in person under any other  
45 federal law.



1       **Sec. 9.** NRS 293.277 is hereby amended to read as follows:  
2       293.277 ~~[+]~~ Except as otherwise provided in NRS 293.541,  
3 if a person's name appears in the election board register or if the  
4 person provides an affirmation pursuant to NRS 293.525, the person  
5 is entitled to vote and must :

6       1. *Present proof of identity; and*

7       2. *Except as otherwise provided in NRS 293.283,* sign his or  
8 her name in the election board register when he or she applies to  
9 vote. The signature must be compared by an election board officer  
10 with the signature or a facsimile thereof on the person's original  
11 application to register to vote or ~~[one of the forms of identification~~  
12 ~~listed in subsection 2.~~

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

16 ~~—(a) The card issued to the voter at the time he or she registered~~  
17 ~~to vote;~~

18 ~~—(b) A driver's license;~~

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

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

22 ~~—(e) Any other form of identification issued by a governmental~~  
23 ~~agency which contains the voter's signature and physical description~~  
24 ~~or picture.] on the person's proof of identity.~~

25       **Sec. 10.** NRS 293.303 is hereby amended to read as follows:

26       293.303 1. A person applying to vote may be challenged:

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

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

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

38       (a) If the challenge is on the ground that the challenged person  
39 does not belong to the political party designated upon the register, "I  
40 swear or affirm under penalty of perjury that I belong to the political  
41 party designated upon the register";

42       (b) If the challenge is on the ground that the register does not  
43 show that the challenged person designated the political party to  
44 which he or she claims to belong, "I swear or affirm under penalty



1 of perjury that I designated on the application to register to vote the  
2 political party to which I claim to belong”;

3 (c) If the challenge is on the ground that the challenged person  
4 does not reside at the residence for which the address is listed in the  
5 election board register, “I swear or affirm under penalty of perjury  
6 that I reside at the residence for which the address is listed in the  
7 election board register”;

8 (d) If the challenge is on the ground that the challenged person  
9 previously voted a ballot for the election, “I swear or affirm under  
10 penalty of perjury that I have not voted for any of the candidates or  
11 questions included on this ballot for this election”; or

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

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

19 3. Except as otherwise provided in subsection 4, if the  
20 challenged person refuses to execute the oath or affirmation so  
21 tendered, he or she must not be issued a ballot, and the officer in  
22 charge of the election board register shall write the words  
23 “Challenged .....” opposite his or her name in the election  
24 board register.

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

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

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

36 7. If the challenge is based on the ground set forth in paragraph  
37 (c) of subsection 2, and the challenged person executes the oath or  
38 affirmation, the election board shall not issue the person a ballot  
39 until he or she furnishes satisfactory identification which contains  
40 proof of the address at which the person actually resides. For the  
41 purposes of this subsection, a voter registration card issued pursuant  
42 to NRS 293.517 does not provide proof of the address at which a  
43 person resides.

44 8. If the challenge is based on the ground set forth in paragraph  
45 (e) of subsection 2 and the challenged person executes the oath or



1 affirmation, the election board shall not issue the person a ballot  
2 unless the person:

3 (a) Furnishes ~~official identification which contains a~~  
4 ~~photograph of the person, such as a driver's license or other official~~  
5 ~~document;~~ *proof of identity*; or

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

8 (1) Furnishes ~~official identification which contains a~~  
9 ~~photograph of that person, such as a driver's license or other official~~  
10 ~~document;~~ *proof of identity*; and

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

13 9. The election board officers shall:

14 (a) Record on the challenge list:

15 (1) The name of the challenged person;

16 (2) The name of the registered voter who initiated the  
17 challenge; and

18 (3) The result of the challenge; and

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

21 **Sec. 11.** NRS 293.3081 is hereby amended to read as follows:

22 293.3081 A person at a polling place may cast a provisional  
23 ballot in an election to vote for a candidate for federal office if the  
24 person complies with the applicable provisions of NRS 293.3082  
25 and:

26 1. Declares that he or she has registered to vote and is eligible  
27 to vote at that election in that jurisdiction, but ~~his or her~~ :

28 (a) *The person's* name does not appear on a voter registration  
29 list as a voter eligible to vote in that election in that jurisdiction ; or  
30 ~~an~~

31 (b) *An* election official asserts that the person is not eligible to  
32 vote in that election in that jurisdiction ~~is~~ *for any reason,*  
33 *including, without limitation, that the person has failed to present*  
34 *proof of identity;*

35 2. Applies by mail, on or after January 1, 2003, to register to  
36 vote and has not previously voted in an election for federal office in  
37 this State and fails to provide the ~~identification~~ *proof of identity*  
38 required ~~pursuant to~~ *by* paragraph (a) of subsection 1 of NRS  
39 293.2725 to the election board officer at the polling place; or

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



1       **Sec. 12.** NRS 293.3082 is hereby amended to read as follows:  
2       293.3082 1. Before a person may cast a provisional ballot  
3 pursuant to NRS 293.3081, the person must complete a written  
4 affirmation on a form provided by an election board officer, as  
5 prescribed by the Secretary of State, at the polling place which  
6 includes:

- 7       (a) The name of the person casting the provisional ballot;
- 8       (b) The reason for casting the provisional ballot;
- 9       (c) A statement in which the person casting the provisional  
10 ballot affirms under penalty of perjury that he or she is a registered  
11 voter in the jurisdiction and is eligible to vote in the election;
- 12       (d) The date and type of election;
- 13       (e) The signature of the person casting the provisional ballot;
- 14       (f) The signature of the election board officer;
- 15       (g) A unique affirmation identification number assigned to the  
16 person casting the provisional ballot;

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

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

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

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

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

28           (5) A statement informing the voter that if the voter does not  
29 provide ~~[identification]~~ *proof of identity* at the time the voter casts  
30 the provisional ballot ~~[, the]~~ :

31                (I) *The required ~~[identification]~~ proof of identity; or*

32                (II) *An affidavit stating that the voter is unable to*  
33 *provide proof of identity because he or she is indigent or has a*  
34 *religious objection to being photographed,*

35                ↪ *must be provided to the county or city clerk not later than ~~[5]~~*  
36 *12 p.m. on the ~~[Friday]~~ Monday following election day and that*  
37 *failure to do so will result in the provisional ballot not being*  
38 *counted;*

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

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

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

45                (3) A statement informing the voter that ~~[the]~~ :





- 1           (I) The required ~~identification~~ proof of identity; or
- 2           (II) An affidavit stating that the voter is unable to
- 3 *provide proof of identity because he or she is indigent or has a*
- 4 *religious objection to being photographed,*

5       ↳ must be provided to the county or city clerk not later than ~~[5]~~  
6 **12** p.m. on the ~~Friday~~ **Monday** following election day and that  
7 failure to do so will result in the provisional ballot not being  
8 counted; and

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

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

14       (a) The election board officer shall provide the person with a  
15 receipt that includes the unique affirmation identification number  
16 described in subsection 1 and that explains how the person may use  
17 the free access system established pursuant to NRS 293.3086 to  
18 ascertain whether the person's vote was counted, and, if the vote  
19 was not counted, the reason why the vote was not counted;

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

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

25       **Sec. 13.** NRS 293.3085 is hereby amended to read as follows:

26       293.3085 1. Following each election, a canvass of the  
27 provisional ballots cast in the election must be conducted pursuant  
28 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

29       2. The county and city clerk shall not:

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

32       (b) Open any envelope containing a provisional ballot before  
33 8 a.m. on the Wednesday following election day.

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

36       (a) The county or city clerk determines that the person who cast  
37 the provisional ballot was registered to vote in the election, eligible  
38 to vote in the election and issued the appropriate ballot for the  
39 address at which the person resides;

40       (b) A voter who failed to provide required identification at the  
41 polling place or with his or her mailed ballot provides ~~the required~~  
42 ~~identification~~ to the county or city clerk not later than ~~[5]~~ **12** p.m.  
43 on the ~~Friday~~ **Monday** following election day ~~;~~ :

44       **(1) If the voter cast his or her ballot at the polling place:**

45           **(I) His or her proof of identity; or**



1           ***(II) An affidavit stating that the voter cannot provide***  
2 ***proof of identity because he or she is indigent or has a religious***  
3 ***objection to being photographed; or***

4           ***(2) If the voter cast his or her ballot by mail pursuant to***  
5 ***NRS 293.3083, the identification required pursuant to paragraph***  
6 ***(b) of subsection 1 of NRS 293.2725; or***

7           (c) A court order has not been issued by 5 p.m. on the Friday  
8 following election day directing that provisional ballots cast  
9 pursuant to subsection 3 of NRS 293.3081 not be counted, and the  
10 provisional ballot was cast pursuant to subsection 3 of  
11 NRS 293.3081.

12           4. A provisional ballot must not be counted if the county or  
13 city clerk determines that the person who cast the provisional ballot  
14 cast the wrong ballot for the address at which the person resides.

15           **Sec. 14.** NRS 293.3157 is hereby amended to read as follows:

16           293.3157 1. Any registered voter of this State who resides  
17 outside the continental United States may use approved electronic  
18 transmission to request an absent ballot. Such a request must be  
19 received by the county clerk not later than 5 p.m. on the seventh day  
20 before the primary, general or special election. The registered voter  
21 shall state on the request whether the registered voter:

22           (a) Requests the county clerk to send the absent ballot by mail or  
23 approved electronic transmission; and

24           (b) Will return the absent ballot to the county clerk by mail or  
25 approved electronic transmission.

26           2. If the registered voter indicates pursuant to subsection 1 that  
27 he or she will submit the absent ballot by mail, the registered voter  
28 shall include with the completed absent ballot ***a copy of a form of***  
29 ***identification listed in subsection 5 of NRS 293.330*** and the  
30 identification envelope provided by the county clerk. The  
31 identification envelope must be in the form prescribed by the  
32 Secretary of State and include, without limitation:

33           (a) A declaration, under penalty of perjury, stating that the  
34 registered voter resides within the precinct in which he or she is  
35 voting and is the person whose name appears on the envelope;

36           (b) The signature of the registered voter;

37           (c) The address that the registered voter provided on the  
38 application for voter registration; and

39           (d) A statement that the registered voter has not applied and will  
40 not apply to any other county clerk for an absent ballot.

41           3. If the registered voter indicates pursuant to subsection 1 that  
42 he or she will submit the absent ballot by approved electronic  
43 transmission, the registered voter shall include with the completed  
44 absent ballot ***a copy of a form of identification listed in subsection***  
45 ***5 of NRS 293.330*** and the following:



OATH OF VOTER

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I, \_\_\_\_\_, acknowledge that by returning my voted ballot by approved electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

\_\_\_\_\_  
(Street Address) (City) (ZIP Code)

My current mailing address is

\_\_\_\_\_.

My e-mail address is \_\_\_\_\_.

My facsimile transmission number is (if applicable)

\_\_\_\_\_.

I am a resident of \_\_\_\_\_ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Signed)

\_\_\_\_\_  
Voter (power of attorney cannot be accepted)

**YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY APPROVED ELECTRONIC TRANSMISSION.**

4. The county clerk, if so requested pursuant to subsection 1, shall use approved electronic transmission to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.



1 5. Each county clerk shall, insofar as is practicable, ensure the  
2 secrecy of absent ballots that are submitted by approved electronic  
3 transmission.

4 6. The Secretary of State shall adopt regulations to carry out  
5 the provisions of this section.

6 **Sec. 15.** NRS 293.316 is hereby amended to read as follows:

7 293.316 1. Any registered voter who is unable to go to the  
8 polls:

9 (a) Because of an illness or disability resulting in confinement in  
10 a hospital, sanatorium, dwelling or nursing home; or

11 (b) Because the registered voter is suddenly hospitalized,  
12 becomes seriously ill or is called away from home after the time has  
13 elapsed for requesting an absent ballot as provided in NRS 293.315,  
14 ↪ may submit a written request to the county clerk for an absent  
15 ballot. The request may be submitted at any time before 5 p.m. on  
16 the day of the election.

17 2. If the county clerk determines that a request submitted  
18 pursuant to subsection 1 includes the information required pursuant  
19 to subsection 3, the county clerk shall, at the office of the county  
20 clerk, deliver an absent ballot to the person designated in the request  
21 to obtain the ballot for the registered voter.

22 3. A written request submitted pursuant to subsection 1 must  
23 include:

24 (a) The name, address and signature of the registered voter  
25 requesting the absent ballot;

26 (b) The name, address and signature of the person designated by  
27 the registered voter to obtain, deliver and return the ballot for the  
28 registered voter;

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

33 (d) If the voter is confined in a hospital, sanatorium, dwelling or  
34 nursing home, a statement that he or she will be confined therein on  
35 the day of the election; and

36 (e) Unless the person designated pursuant to paragraph (b) will  
37 mark and sign an absent ballot on behalf of the registered voter  
38 pursuant to subsection 5, a statement signed under penalty of perjury  
39 that only the registered voter will mark and sign the ballot.

40 4. Except as otherwise provided in subsection 5, after marking  
41 the ballot, the voter must:

42 (a) Place ~~it~~ *the ballot and a copy of a form of identification*  
43 *listed in subsection 5 of NRS 293.330* in the identification  
44 envelope;

45 (b) Affix his or her signature on the back of the envelope; and



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

2 5. A person designated in a request submitted pursuant to  
3 subsection 1 may, on behalf of and at the direction of the registered  
4 voter, mark and sign the absent ballot. If the person marks and signs  
5 the ballot, the person shall indicate next to his or her signature that  
6 the ballot has been marked and signed on behalf of the registered  
7 voter.

8 6. A request for an absent ballot submitted pursuant to this  
9 section must be made, and the ballot delivered to the voter and  
10 returned to the county clerk, not later than the time the polls close  
11 on election day.

12 7. The procedure authorized by this section is subject to all  
13 other provisions of this chapter relating to voting by absent ballot to  
14 the extent that those provisions are not inconsistent with the  
15 provisions of this section.

16 **Sec. 16.** NRS 293.330 is hereby amended to read as follows:

17 293.330 1. Except as otherwise provided in NRS 293.3157  
18 and subsection 2 of NRS 293.323 and any regulations adopted  
19 pursuant thereto, when an absent voter receives an absent ballot, the  
20 absent voter must mark and fold it in accordance with the  
21 instructions, deposit ~~it~~ *the ballot and a copy of a form of*  
22 *identification listed in subsection 5* in the return envelope, seal the  
23 envelope, affix his or her signature on the back of the envelope in  
24 the space provided therefor and mail the return envelope.

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

28 (a) The office of the county clerk, the absent voter must mark  
29 the ballot, seal ~~it~~ *the ballot and a copy of a form of identification*  
30 *listed in subsection 5* in the return envelope and affix his or her  
31 signature in the same manner as provided in subsection 1, and  
32 deliver the envelope to the clerk.

33 (b) A polling place, including, without limitation, a polling place  
34 for early voting, the absent voter must surrender the absent ballot  
35 and provide ~~[satisfactory identification]~~ *proof of identity*  
36 before being issued a ballot to vote at the polling place. A person who  
37 receives a surrendered absent ballot shall mark it "Cancelled."

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

43 (a) Provides ~~[satisfactory identification;]~~ *proof of identity;*

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



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

4 4. Except as otherwise provided in NRS 293.316, it is unlawful  
5 for any person to return an absent ballot other than the voter who  
6 requested the absent ballot or, at the request of the voter, a member  
7 of the voter's family. A person who returns an absent ballot and who  
8 is a member of the family of the voter who requested the absent  
9 ballot shall, under penalty of perjury, indicate on a form prescribed  
10 by the county clerk that the person is a member of the family of the  
11 voter who requested the absent ballot and that the voter requested  
12 that the person return the absent ballot. A person who violates the  
13 provisions of this subsection is guilty of a category E felony and  
14 shall be punished as provided in NRS 193.130.

15 ***5. The forms of identification which may be used to identify***  
16 ***an absent voter are:***

17 ***(a) The proof of identity of the voter;***

18 ***(b) Any other current and valid photo identification of the***  
19 ***voter; or***

20 ***(c) A current utility bill, bank statement, paycheck or***  
21 ***document issued by a governmental entity, including a check,***  
22 ***which indicates the name and address of the voter, but not***  
23 ***including a voter registration card issued pursuant to***  
24 ***NRS 293.517.***

25 **Sec. 17.** NRS 293.333 is hereby amended to read as follows:

26 293.333 On the day of an election, the precinct or district  
27 election boards receiving the absent voters' ballots from the county  
28 clerk shall, in the presence of a majority of the election board  
29 officers, remove the ballots from the ballot box and the containers in  
30 which the ballots were transported pursuant to NRS 293.325 and  
31 deposit the ballots in the regular ballot box in the following manner:

32 1. The name of the voter, as shown on the return envelope or  
33 facsimile, must be called and checked as if the voter were voting in  
34 person;

35 2. The signature on the back of the return envelope or on the  
36 facsimile must be compared with that on the original application to  
37 register to vote;

38 3. If the board determines that the absent voter is entitled to  
39 cast a ballot, the envelope must be opened, ***the identification***  
40 ***provided by the voter inspected,*** the numbers on the ballot and  
41 envelope compared, the number strip or stub detached from the  
42 ballot and, if the numbers are the same ***☒ and the identification is***  
43 ***deemed valid,*** the ballot deposited in the regular ballot box; and

44 4. The election board officers shall mark in the roster opposite  
45 the name of the voter the word "Voted."



1     **Sec. 18.** NRS 293.353 is hereby amended to read as follows:  
2     293.353 1. Except as otherwise provided in subsection 2 or 3,  
3 upon receipt of a mailing ballot from the county clerk, the registered  
4 voter must, in accordance with the instructions, mark and fold the  
5 ballot, deposit and seal the ballot *and a copy of a form of*  
6 *identification listed in subsection 5 of NRS 293.330* in the return  
7 envelope, affix his or her signature on the back of the envelope and  
8 mail the envelope to the county clerk.  
9     2. Except as otherwise provided in subsection 3, if a registered  
10 voter who has received a mailing ballot applies to vote in person at:  
11 (a) The office of the county clerk, the registered voter must  
12 mark the ballot, place and seal ~~fit~~ *the ballot and a copy of a form*  
13 *of identification listed in subsection 5 of NRS 293.330* in the return  
14 envelope and affix his or her signature in the same manner as  
15 provided in subsection 1, and deliver the envelope to the clerk.  
16 (b) One of the polling places on election day or a polling place  
17 for early voting in the county designated pursuant to subsection 3 or  
18 4 of NRS 293.343, the registered voter must surrender the mailing  
19 ballot and provide ~~[satisfactory identification]~~ *proof of identity*  
20 before being issued a ballot to vote at the polling place. A person  
21 who receives a surrendered mailing ballot shall mark it "Cancelled."  
22 3. If a registered voter who has received a mailing ballot  
23 wishes to vote in person at the office of the county clerk or at one of  
24 the polling places on election day or a polling place for early voting  
25 in the county designated pursuant to subsection 3 or 4 of NRS  
26 293.343, and the voter does not have the mailing ballot to deliver or  
27 surrender, the voter must be issued a ballot to vote if the voter:  
28 (a) Provides ~~[satisfactory identification;]~~ *proof of identity;*  
29 (b) Is a registered voter who is otherwise entitled to vote; and  
30 (c) Signs an affirmation under penalty of perjury on a form  
31 prepared by the Secretary of State declaring that the voter has not  
32 voted during the election.  
33 4. It is unlawful for any person to return a mailing ballot other  
34 than the registered voter to whom the ballot was sent or, at the  
35 request of the voter, a member of the family of that voter. A person  
36 who returns a mailing ballot and who is a member of the family of  
37 the voter who received the mailing ballot shall, under penalty of  
38 perjury, indicate on a form prescribed by the county clerk that the  
39 person is a member of the family of the voter who received  
40 the mailing ballot and that the voter requested that he or she return  
41 the mailing ballot. A person who violates the provisions of this  
42 subsection is guilty of a category E felony and shall be punished as  
43 provided in NRS 193.130.



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

2       293.3585 1. Upon the appearance of a person to cast a ballot  
3 for early voting, the deputy clerk for early voting shall ~~};~~

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

6 ~~—(b)}~~ *and, if so:*

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

8       (b) *Require the voter to present proof of identity;* and

9       (c) Verify the signature of the voter against that contained on the  
10 original application to register to vote or a facsimile thereof ~~}; the~~  
11 ~~card issued to the voter at the time of registration or some other~~  
12 ~~piece of official identification.}~~ *or on the voter's proof of identity.*

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

16       3. The roster for early voting must contain:

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

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

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

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

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

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

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

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

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

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

38       293.5235 1. Except as otherwise provided in NRS 293.502, a  
39 person may register to vote by mailing an application to register to  
40 vote to the county clerk of the county in which the person resides.  
41 The county clerk shall, upon request, mail an application to register  
42 to vote to an applicant. The county clerk shall make the applications  
43 available at various public places in the county. An application to  
44 register to vote may be used to correct information in the registrar of  
45 voters' register.





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

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

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

12 5. If the county clerk determines that the application is  
13 complete, he or she shall, within 10 days after receiving the  
14 application, mail to the applicant:

15 (a) A notice that the applicant is registered to vote and a voter  
16 registration card as required by subsection 6 of NRS 293.517; or

17 (b) A notice that the registrar of voters' register has been  
18 corrected to reflect any changes indicated on the application.

19 6. Except as otherwise provided in subsection 5 of NRS  
20 293.518, if the county clerk determines that the application is not  
21 complete, the county clerk shall, as soon as possible, mail a notice to  
22 the applicant that additional information is required to complete the  
23 application. If the applicant provides the information requested by  
24 the county clerk within 15 days after the county clerk mails the  
25 notice, the county clerk shall, within 10 days after receiving the  
26 information, mail to the applicant:

27 (a) A notice that the applicant is registered to vote and a voter  
28 registration card as required by subsection 6 of NRS 293.517; or

29 (b) A notice that the registrar of voters' register has been  
30 corrected to reflect any changes indicated on the application.

31 ➤ If the applicant does not provide the additional information  
32 within the prescribed period, the application is void.

33 7. The applicant shall be deemed to be registered or to have  
34 corrected the information in the register on the date the application  
35 is postmarked or received by the county clerk, whichever is earlier.

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

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

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

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



1 NOTICE: You are urged to return your application to  
2 register to vote to the County Clerk in person or by mail. If  
3 you choose to give your completed application to another  
4 person to return to the County Clerk on your behalf, and the  
5 person fails to deliver the application to the County Clerk,  
6 you will not be registered to vote. Please retain the duplicate  
7 copy or receipt from your application to register to vote.  
8

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

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

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

19 (e) A statement informing the applicant that if the application is  
20 submitted by mail and the applicant is registering to vote for the first  
21 time, the applicant must ~~{submit the information set forth in~~  
22 ~~paragraph (a) of subsection 2 of NRS 293.2725 to avoid the~~  
23 ~~requirements of subsection 1}~~ *comply with the provisions* of NRS  
24 293.2725 upon voting for the first time.

25 11. Except as otherwise provided in subsection 5 of NRS  
26 293.518, the county clerk shall not register a person to vote pursuant  
27 to this section unless that person has provided all of the information  
28 required by the application.

29 12. The county clerk shall mail, by postcard, the notices  
30 required pursuant to subsections 5 and 6. If the postcard is returned  
31 to the county clerk by the United States Postal Service because the  
32 address is fictitious or the person does not live at that address, the  
33 county clerk shall attempt to determine whether the person's current  
34 residence is other than that indicated on the application to register to  
35 vote in the manner set forth in NRS 293.530.

36 13. A person who, by mail, registers to vote pursuant to this  
37 section may be assisted in completing the application to register to  
38 vote by any other person. The application must include the mailing  
39 address and signature of the person who assisted the applicant. The  
40 failure to provide the information required by this subsection will  
41 not result in the application being deemed incomplete.

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

44 15. An application must not be altered or otherwise defaced  
45 after the applicant has completed and signed it. An application must



1 be mailed or delivered in person to the office of the county clerk  
2 within 10 days after it is completed.

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

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

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

9 293.541 1. The county clerk shall cancel the registration of a  
10 voter if:

11 (a) After consultation with the district attorney, the district  
12 attorney determines that there is probable cause to believe that  
13 information in the registration concerning the identity or residence  
14 of the voter is fraudulent;

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

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

20 2. Except as otherwise provided in subsection 3, the county  
21 clerk shall notify the voter by registered or certified mail, return  
22 receipt requested, of a determination made pursuant to subsection 1.  
23 The notice must set forth the grounds for cancellation. Unless the  
24 voter, within 15 days after the return receipt has been filed in the  
25 office of the county clerk, presents satisfactory proof of identity and  
26 residence to the county clerk, the county clerk shall cancel the  
27 voter's registration.

28 3. If insufficient time exists before a pending election to  
29 provide the notice required by subsection 2, the county clerk shall  
30 execute an affidavit of cancellation and file the affidavit of  
31 cancellation with the registrar of voters' register and:

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

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

39 4. If a voter appears to vote at the election next following the  
40 date that an affidavit of cancellation was executed for the voter  
41 pursuant to this section, the voter must be allowed to vote only if the  
42 voter furnishes:

43 (a) ~~[Official identification which contains a photograph of the~~  
44 ~~voter, including, without limitation, a driver's license or other~~  
45 ~~official document;]~~ **Proof of identity;** and



1 (b) Satisfactory ~~identification that contains~~ proof of the  
2 address at which the voter actually resides and that address is  
3 consistent with the address listed on the election board register.

4 5. If a determination is made pursuant to subsection 1  
5 concerning information in the registration to vote of a voter and an  
6 absent ballot or a ballot voted by a voter who resides in a mailing  
7 precinct is received from the voter, the ballot must be kept separate  
8 from other ballots and must not be counted unless the voter presents  
9 satisfactory proof to the county clerk of identity and residence  
10 before such ballots are counted on election day.

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

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

14 (b) Residence ~~for identity~~ of a person.

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

16 293C.270 ~~[H.]~~ If a person's name appears in the election  
17 board register or if the person provides an affirmation pursuant to  
18 NRS 293C.525, the person is entitled to vote and must :

19 **1. Present proof of identity; and**

20 **2. Except as otherwise provided in NRS 293C.272,** sign his or  
21 her name in the election board register when he or she applies to  
22 vote. The signature must be compared by an election board officer  
23 with the signature or a facsimile thereof on the person's original  
24 application to register to vote or ~~one of the forms of identification~~  
25 ~~listed in subsection 2.~~

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

28 ~~—(a) The card issued to the voter at the time he or she registered~~  
29 ~~to vote;~~

30 ~~—(b) A driver's license;~~

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

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

34 ~~—(e) Any other form of identification issued by a governmental~~  
35 ~~agency that contains the voter's signature and physical description~~  
36 ~~or picture.] on the person's proof of identity.~~

37 **Sec. 23.** NRS 293C.292 is hereby amended to read as follows:

38 293C.292 1. A person applying to vote may be challenged:

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

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

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



1 (a) If the challenge is on the ground that the challenged person  
2 does not reside at the residence for which the address is listed in the  
3 election board register, “I swear or affirm under penalty of perjury  
4 that I reside at the residence for which the address is listed in the  
5 election board register”;

6 (b) If the challenge is on the ground that the challenged person  
7 previously voted a ballot for the election, “I swear or affirm under  
8 penalty of perjury that I have not voted for any of the candidates or  
9 questions included on this ballot for this election”; or

10 (c) If the challenge is on the ground that the challenged person is  
11 not the person he or she claims to be, “I swear or affirm under  
12 penalty of perjury that I am the person whose name is in this  
13 election board register.”

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

17 3. If the challenged person refuses to execute the oath or  
18 affirmation so tendered, he or she must not be issued a ballot, and  
19 the officer in charge of the election board register shall write the  
20 words “Challenged .....” opposite his or her name in the  
21 election board register.

22 4. If the challenged person refuses to execute the oath or  
23 affirmation set forth in paragraph (a) of subsection 2, the election  
24 board officers shall inform the person that he or she is entitled to  
25 vote only in the manner prescribed in NRS 293C.295.

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

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

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

42 (a) Furnishes ~~official identification which contains a~~  
43 ~~photograph of the person, such as a driver’s license or other official~~  
44 ~~document;~~ *proof of identity;* or



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

3 (1) Furnishes ~~{official identification which contains a~~  
4 ~~photograph of the person, such as a driver's license or other official~~  
5 ~~document;}~~ *proof of identity;* and

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

8 8. The election board officers shall:

9 (a) Record on the challenge list:

10 (1) The name of the challenged person;

11 (2) The name of the registered voter who initiated the  
12 challenge; and

13 (3) The result of the challenge; and

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

16 **Sec. 24.** NRS 293C.315 is hereby amended to read as follows:

17 293C.315 1. Any registered voter of this State who resides  
18 outside the continental United States may use approved electronic  
19 transmission to request an absent ballot. Such a request must be  
20 received by the city clerk not later than 5 p.m. on the seventh day  
21 before the primary, general or special election. The registered voter  
22 shall state on the request whether the voter:

23 (a) Requests the city clerk to send the absent ballot by mail or  
24 approved electronic transmission; and

25 (b) Will return the absent ballot to the city clerk by mail or  
26 approved electronic transmission.

27 2. If the registered voter indicates pursuant to subsection 1 that  
28 he or she will submit the absent ballot by mail, the voter shall  
29 include with the completed absent ballot *a copy of a form of*  
30 *identification listed in subsection 5 of NRS 293C.330 and* the  
31 identification envelope provided by the city clerk. The identification  
32 envelope must be in the form prescribed by the Secretary of State  
33 and include, without limitation:

34 (a) A declaration, under penalty of perjury, stating that the  
35 registered voter resides within the precinct or district in which he or  
36 she is voting and is the person whose name appears on the envelope;

37 (b) The signature of the registered voter;

38 (c) The address that the registered voter provided on the  
39 application for voter registration; and

40 (d) A statement that the voter has not applied and will not apply  
41 to any other city clerk for an absent ballot.

42 3. If the registered voter indicates pursuant to subsection 1 that  
43 he or she will submit the absent ballot by approved electronic  
44 transmission, the voter shall include with the completed absent



1 ballot *a copy of a form of identification listed in subsection 5 of*  
2 *NRS 293C.330 and* the following:

3  
4 OATH OF VOTER

5  
6 I, \_\_\_\_\_, acknowledge that by returning  
7 my voted ballot by approved electronic transmission, I have  
8 waived my right to have my ballot kept secret. Nevertheless, I  
9 understand that, as with any absent voter, my signature,  
10 whether on this oath of voter form or my identification  
11 envelope, will be permanently separated from my voted ballot  
12 to maintain its secrecy at the outset of the tabulation process  
13 and thereafter.

14  
15 My residential address is

16 \_\_\_\_\_  
17 (Street Address) (City) (ZIP Code)

18  
19 My current mailing address is

20 \_\_\_\_\_

21  
22 My e-mail address is \_\_\_\_\_.

23 My facsimile transmission number is (if applicable)

24 \_\_\_\_\_

25  
26 I am a resident of \_\_\_\_\_ County, State of Nevada, and I  
27 have not applied, nor do I intend to apply, for an absentee  
28 ballot from any other jurisdiction for the same election.

29  
30 I declare under penalty of perjury under the laws of the State  
31 of Nevada that the foregoing is true and correct.

32  
33 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

34  
35 (Signed)

36 \_\_\_\_\_  
37 Voter (power of attorney cannot be accepted)

38  
39 YOUR BALLOT CANNOT BE COUNTED UNLESS YOU  
40 SIGN THE ABOVE OATH AND INCLUDE IT WITH  
41 YOUR BALLOT, ALL OF WHICH ARE RETURNED BY  
42 APPROVED ELECTRONIC TRANSMISSION.

43  
44 4. The city clerk, if so requested pursuant to subsection 1, shall  
45 use approved electronic transmission to send an absent ballot and



1 the oath, as required pursuant to subsection 3, to the registered  
2 voter.

3 5. Each city clerk shall, insofar as is practicable, ensure the  
4 secrecy of absent ballots that are submitted by approved electronic  
5 transmission.

6 6. The Secretary of State shall adopt regulations to carry out  
7 the provisions of this section.

8 **Sec. 25.** NRS 293C.317 is hereby amended to read as follows:

9 293C.317 1. Any registered voter who is unable to go to the  
10 polls:

11 (a) Because of an illness or disability resulting in confinement in  
12 a hospital, sanatorium, dwelling or nursing home; or

13 (b) Because the registered voter is suddenly hospitalized,  
14 becomes seriously ill or is called away from home after the time has  
15 elapsed for requesting an absent ballot as provided in  
16 NRS 293C.312,

17 ➤ may submit a written request to the city clerk for an absent ballot.  
18 The request may be submitted at any time before 5 p.m. on the day  
19 of the election.

20 2. If the city clerk determines that a request submitted pursuant  
21 to subsection 1 includes the information required pursuant to  
22 subsection 3, the city clerk shall, at the office of the city clerk,  
23 deliver an absent ballot to the person designated in the request to  
24 obtain the ballot for the registered voter.

25 3. A written request submitted pursuant to subsection 1 must  
26 include:

27 (a) The name, address and signature of the registered voter  
28 requesting the absent ballot;

29 (b) The name, address and signature of the person designated by  
30 the registered voter to obtain, deliver and return the ballot for the  
31 registered voter;

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

36 (d) If the voter is confined in a hospital, sanatorium, dwelling or  
37 nursing home, a statement that he or she will be confined therein on  
38 the day of the election; and

39 (e) Unless the person designated pursuant to paragraph (b) will  
40 mark and sign an absent ballot on behalf of the registered voter  
41 pursuant to subsection 5, a statement signed under penalty of perjury  
42 that only the registered voter will mark and sign the ballot.

43 4. Except as otherwise provided in subsection 5, after marking  
44 the ballot the voter must:





1 (a) Place ~~it~~ *the ballot and a copy of a form of identification*  
2 *listed in subsection 5 of NRS 293C.330* in the identification  
3 envelope;

4 (b) Affix his or her signature on the back of the envelope; and

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

6 5. A person designated in a request submitted pursuant to  
7 subsection 1 may, on behalf of and at the direction of the registered  
8 voter, mark and sign the absent ballot. If the person marks and signs  
9 the ballot, the person shall indicate next to his or her signature that  
10 the ballot has been marked and signed on behalf of the registered  
11 voter.

12 6. A request for an absent ballot submitted pursuant to this  
13 section must be made, and the ballot delivered to the voter and  
14 returned to the city clerk, not later than the time the polls close on  
15 election day.

16 7. The procedure authorized by this section is subject to all  
17 other provisions of this chapter relating to voting by absent ballot to  
18 the extent that those provisions are not inconsistent with the  
19 provisions of this section.

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

21 293C.330 1. Except as otherwise provided in NRS 293C.315  
22 and subsection 2 of NRS 293C.322 and any regulations adopted  
23 pursuant thereto, when an absent voter receives an absent ballot, the  
24 absent voter must mark and fold it in accordance with the  
25 instructions, deposit ~~it~~ *the ballot and a copy of a form of*  
26 *identification listed in subsection 5* in the return envelope, seal the  
27 envelope, affix his or her signature on the back of the envelope in  
28 the space provided therefor and mail the return envelope.

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

32 (a) The office of the city clerk, the absent voter must mark the  
33 ballot, seal ~~it~~ *the ballot and a copy of a form of identification*  
34 *listed in subsection 5* in the return envelope and affix his or her  
35 signature in the same manner as provided in subsection 1, and  
36 deliver the envelope to the city clerk.

37 (b) A polling place, including, without limitation, a polling place  
38 for early voting, the absent voter must surrender the absent ballot  
39 and provide ~~[satisfactory identification]~~ *proof of identity* before  
40 being issued a ballot to vote at the polling place. A person who  
41 receives a surrendered absent ballot shall mark it "Cancelled."

42 3. If an absent voter who has requested a ballot by mail applies  
43 to vote in person at the office of the city clerk or a polling place,  
44 including, without limitation, a polling place for early voting, and



1 the voter does not have the absent ballot to deliver or surrender, the  
2 voter must be issued a ballot to vote if the voter:

- 3 (a) Provides ~~[satisfactory identification;]~~ *proof of identity;*
- 4 (b) Is a registered voter who is otherwise entitled to vote; and
- 5 (c) Signs an affirmation under penalty of perjury on a form  
6 prepared by the Secretary of State declaring that the voter has not  
7 voted during the election.

8 4. Except as otherwise provided in NRS 293C.317, it is  
9 unlawful for any person to return an absent ballot other than the  
10 voter who requested the absent ballot or, at the request of the voter,  
11 a member of the voter's family. A person who returns an absent  
12 ballot and who is a member of the family of the voter who requested  
13 the absent ballot shall, under penalty of perjury, indicate on a form  
14 prescribed by the city clerk that the person is a member of the  
15 family of the voter who requested the absent ballot and that the  
16 voter requested that the person return the absent ballot. A person  
17 who violates the provisions of this subsection is guilty of a category  
18 E felony and shall be punished as provided in NRS 193.130.

19 *5. The forms of identification which may be used to identify  
20 an absent voter are:*

- 21 (a) *The proof of identity of the voter;*
- 22 (b) *Any other current and valid photo identification of the  
23 voter; or*
- 24 (c) *A current utility bill, bank statement, paycheck or  
25 document issued by a governmental entity, including a check,  
26 which indicates the name and address of the voter, but not  
27 including a voter registration card issued pursuant to  
28 NRS 293.517.*

29 **Sec. 27.** NRS 293C.332 is hereby amended to read as follows:

30 293C.332 On the day of an election, the precinct or district  
31 election boards receiving the absent voters' ballots from the city  
32 clerk shall, in the presence of a majority of the election board  
33 officers, remove the ballots from the ballot box and the containers in  
34 which the ballots were transported pursuant to NRS 293C.325 and  
35 deposit the ballots in the regular ballot box in the following manner:

- 36 1. The name of the voter, as shown on the return envelope or  
37 facsimile, must be called and checked as if the voter were voting in  
38 person;
- 39 2. The signature on the back of the return envelope or on the  
40 facsimile must be compared with that on the original application to  
41 register to vote;
- 42 3. If the board determines that the absent voter is entitled to  
43 cast a ballot, the envelope must be opened, *the identification  
44 provided by the voter inspected,* the numbers on the ballot and  
45 envelope compared, the number strip or stub detached from the



1 ballot and, if the numbers are the same ~~[ ]~~ *and the identification is*  
2 *deemed valid*, the ballot deposited in the regular ballot box; and

3 4. The election board officers shall mark in the roster opposite  
4 the name of the voter the word "Voted."

5 **Sec. 28.** NRS 293C.3585 is hereby amended to read as  
6 follows:

7 293C.3585 1. Upon the appearance of a person to cast a  
8 ballot for early voting, the deputy clerk for early voting shall ~~[ ]~~

9 ~~—(a) Determine that~~ *determine whether* the person is a registered  
10 voter in the county ~~[ ]~~

11 ~~—(b) ]~~ *and, if so:*

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

13 (b) *Require the voter to provide proof of identity;* and

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

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

21 3. The roster for early voting must contain:

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

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

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

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

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

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

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

39 (c) Allow the voter to cast a vote.

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

42 **Sec. 29.** The provisions of NRS 354.599 do not apply to any  
43 additional expenses of a local government that are related to the  
44 provisions of this act.



- 1     **Sec. 30.** This act becomes effective on:  
2     1. October 1, 2011, for the purpose of adopting regulations and  
3 performing other preparatory administrative tasks that are necessary  
4 to carry out the provisions of this act; and  
5     2. October 1, 2012, for all other purposes.

③



\* A B 4 3 1 \*